



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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### **Kittitas County Eastern Washington Growth Hearings Board Order Compliance (Case No. 07-1-0004c)**

On August 20, 2007, the Eastern Washington Growth Hearings Board (EWGHB) issued its Final Decision and Order (Case No. 07-1-0004c) finding that Kittitas County's Comprehensive Plan as amended and updated through Ordinance 2006-63 do not comply with the Washington State Growth Management Act (GMA). The following addresses the issues raised in the EWGHB Order and Kittitas County staff's response and recommendations to come into compliance with the order.

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#### **Issue 1**

A stay has been issued by the Superior Court. (Case No. 07-2-00549-1)

#### **Issue 2**

Designate the subject area, including the Snoqualmie Pass subarea and Gold Creek area, Rural and reflect changes in both its land use and zoning maps to be consistent with the rural area elements.

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes, to determine whether the area is better designated as Rural or a Limited Areas of More Intense Rural Development (LAMIRDs).

#### **Issue 3**

Through the work of two citizen's advisory committees, the Forest Lands and the Agriculture Lands Advisory Committees, mandatory designation and de-designation criteria for agricultural lands of long-term commercial significance and forest lands of long-term commercial significance have been established. In addition, the work of the committees continues as they work on recommendations regarding Commercial Forest and Agriculture Lands in Kittitas County.

#### **Agriculture Lands**

##### **Designation Criteria**

- The availability of an adequate and dependable water supply
- The soil types (prime, unique, local and statewide) of the area
- Designation Criteria found in WAC 365-190-050

##### **De-designation Criteria**

- Designation Criteria found in WAC 365-190-050

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COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

## Forest Lands

### Designation Criteria

Designation Criteria found in WAC 365-190-060

### De-designation Criteria

Long Term Economic Conditions  
Compatibility Land Use Alternatives  
Ownership Goals and Objectives  
Availability of Public Services  
Site Productivity  
Change in Circumstance

In addition, it has been recognized, through the addition of GPOs 2.129C and 2.142B, that designation and de-designation of agricultural and forest lands of long-term significance shall only occur as part of the 7 year update cycle of the Kittitas County Comprehensive Plan in order to be able to evaluate and compare as a whole designation and de-designation requests as it affects the future land use plan of the County.

On July 19, 2007, the Kittitas County Board of Commissioners signed Ordinance 2007-22 for the 2007 Kittitas County Development Code Update. As part of this update, Kittitas County Code 17.57.140 was updated to reflect the increase to 500 feet for noticing requirement for natural resources lands in the Commercial Forest Zone. In addition, Kittitas County Code Chapter 17.74: Right to Farm for the Protection of Agricultural Activities, requires that all plats, short plats, development permits, and building permits issued for development activities on or within one thousand feet of land zoned Agriculture-3, Agriculture-20, Commercial Agriculture, or Forest and Range shall contain the following notice: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305). (KCC 17.74.060) Noticing requirements are also contained in GPO 8.15 for Rural Uses adjacent to designated Resource Lands.

To further address noticing requirements GPOs 2.129B, 2.142C, and 2.145 have been added requirements per RCW 36.70A.060. In addition, Kittitas County Code 17.04.060 addresses noticing requirements for natural resource land activity.

### **Issue 4**

Staff recommends de-designating the de-designations as proposed in land applications 06-01 (Thomas and Lynne Mahre), 06-05(Art Sinclair), 06-06(Basil Sinclair), and 06-13(Teanaway Ridge LLC.,et al). These properties will be designated Commercial Agriculture.

Land applications 06-03 (Kevin Gibb) and 06-04 (Ronald and Douglas Gibb) are addressed in Issue 6, which also includes further discussion on application 06-13 (Teaway Ridge LLC., et al).

Land application 06-16 (Teaway Ridge LLC, et al.) was denied through Ordinance 2006-63.

**Issue 5**

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes (Easton, Ronald, Snoqualmie Pass, Thorp and Vantage), to determine whether the area is better designated as an Rural or a Limited Areas of More Intense Rural Development (LAMIRDs). Until such time that such designation is warranted, designate previously designated Urban Growth Nodes to Rural land use designations.

As part of the November 28, 2007 Council of Governments (COG) meeting, population allocations were adjusted from Urban Growth Nodes to unincorporated areas, and reference to Urban Growth Nodes were removed.

As part of Issue 4, staff recommends de-designating the de-designations of 06-13 (Teaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, staff recommends adopting the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion. This analysis provides sufficient justification for the expansion of the Urban Growth Area as requested by the City of Kittitas. The city comprehensive plan provides analysis to support expanded land area for residential, commercial and industrial zoning consistent with the city plan. The comprehensive plan also addresses adequately capital facility needs and methods of providing urban levels of service. The City Comprehensive Plan has been reviewed and approved by CTED and CTED now indicated support of this request.

**Issue 6**

As part of Issue 4, de-designate the de-designations of Docket 06-13 (Teaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, staff recommends adopting the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion. (See discussion in Issue 5)

**Issue 7**

Update both the Future Land Use Map and Zoning Map to be consistent and has established criteria for each land use designation as contained in Chapters 2 and 8 of the County Comprehensive Plan.

**Issue 10**

Staff makes the following recommendations to address the issue:

Removal of the ability to incur density bonuses through the use of the Planned Unit Development through the revision of County Development Regulations (KCC 17.36.025)

It is also anticipated that revisions will be made to the County Wide Planning Policies. (Planned Unit Development Policy D, page 14)

- Addition of 17.36.025: density requirements for PUDs limiting density to not exceed the density of the underlying zone in non urban areas

Adjustment of Performance Based Cluster Platting provisions that removes the ability to incur density bonuses that increases density to more than 1 unit per 3 acres in non urban areas

- Revision to Chapter 16.09

Addition of the requirement that accessory dwelling units (ADUs) must comply with the density limits of the zones in which they are proposed to be located. ADUs must be located on parcels that have adequate acreage in such that density limits are not increased as allowed in that zone. This applies to all non urban areas

- Addition of KCC 17.08.022(c) requiring the ADUs must comply with the density limits of the zones in which they are proposed to be located, and that ADUs must be located on parcels that have adequate acreage in such that density limits are not increased as allowed in that zone. This applies to all non urban zones

Removal of 17.30.030(6), conditional use in the Commercial Agriculture zone for sand and gravel excavation.

- Delete 17.30.030(6)

### **Issue 11**

Review local circumstances and establish a variety of rural densities that provides guidance for development of the rural element of the Kittitas County Comprehensive Plan. Rural lands for rural development and protection of rural character are identified on the Land Use Map with the following designations: Rural Residential, Rural Working Land, and Rural Conservation.

Additionally, through the work of the Land Use Advisory Committee, a citizen's advisory committee, it is anticipated that recommendations from the committee will also address a variety of rural densities. In addition to goals, policies and objectives guiding rural development, it is also anticipated that the committee will address goals, policies and objectives related to lands that are currently designated rural, but may be potentially included in the UGA as future growth occurs, which is generally beyond the current planning period.

### **Issue 12**

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes (Easton, Ronald, Snoqualmie Pass, Thorp and Vantage), to determine whether the area is better designated as Rural or a Limited Areas of More Intense Rural Development (LAMIRDs). Until such time that such designation is warranted, designate previously designated Urban Growth Nodes to Rural land use designations.

### **Issue 13**

De-designate the de-designations as proposed in land applications 06-01 (Thomas and Lynne Mahre), 06-05(Art Sinclair), 06-06(Basil Sinclair), and 06-13(Teanaway Ridge LLC., et al).

**Issue 14**

As part of Issue 4, de-designate the de-designations of Docket 06-13 (Teaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, adopt the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion.