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8 BEFORE THE BOARD OF COUNTY COMMISSIONERS
9 KITTITAS COUNTY, WASHINGTON

10 In re the Matter of:

11 Gibson Rezone

FILE NO. RZ-24-00001
(DOCKET NO. 2024-13)

12 DECLARATION OF JOSEPH A.
13 REHBERGER

14 I, Joseph A. Rehberger, hereby declare and state as follows:

15 1. I am one of the attorneys for Appellant Ellensburg Cement Products, Inc. I make
16 this declaration based on my personal knowledge and review of my firm's files and records in this
17 matter. I am over the age of 18 and otherwise competent to testify herein.

18 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the Kittitas
19 County Comprehensive Plan (December 2021). A complete copy of the Kittitas County
20 Comprehensive Plan is available at [https://www.co.kittitas.wa.us/uploads/documents/cds/comp-](https://www.co.kittitas.wa.us/uploads/documents/cds/comp-plan/2021/2021%20Comprehensive%20Plan.pdf)
21 [plan/2021/2021%20Comprehensive%20Plan.pdf](https://www.co.kittitas.wa.us/uploads/documents/cds/comp-plan/2021/2021%20Comprehensive%20Plan.pdf) (last visited Dec. 16, 2024).

22 3. Attached hereto as Exhibit B is a true and correct copy of Kittitas County Code
23 17.15.060 (Allowed uses in rural non-LAMIRD lands) and KCC 17.15.060.1 (Rural Non-
24 LAMIRD Use Table). A complete copy of Kittitas County Code Chapter 17.15 is available at
25 https://www.co.kittitas.wa.us/boc/countycode/title17.aspx#Chapter_17.15 (last visited Dec. 16,
26 2024).
27

4. Attached hereto as Exhibit C is a true and correct copy of Kittitas County Code 17.60A (Conditional Uses). A complete copy of Kittitas County Code Chapter 17.60A is available at https://www.co.kittitas.wa.us/boc/countycode/title17.aspx#Chapter_17.60A (last visited Dec. 16, 2024).

5. Attached hereto as Exhibit D are true and correct copies of parcel maps obtained through Kittitas County COMPAS GIS, including parcel overview, zoning overview, typed streams, and mapped irrigation districts. Kittitas County COMPAS GIS mapping is available at <https://kitcogis.maps.arcgis.com/apps/webappviewer/index.html?id=8bcc146d9c2847acb2e9aa239187c25e> (last visited Dec. 16, 2024).

6. Attached hereto as Exhibit E is a true and correct copy of operational maps of the Kittitas Reclamation District (KRD). KRD Operational Maps are available at <https://www.kittitasreclamationdistrict.org/maps> (last visited Dec. 16, 2024).

7. Attached hereto as Exhibit F is a true and correct copy of Conditional Use Permit (CUP 10-00004 – Gibson Conditional Use Permit) (May 16, 2011).

8. Attached hereto as Exhibit G is a true and correct copy of the opinion of the Supreme Court of the State of Washington in *Ellensburg Cement Products, Inc. v. Kittitas County and Gibson*, Case No. 88165-1 (Feb. 6, 2014).

9. Attached hereto as Exhibit H is a true and correct copy of applicant Kristen and Kory Gibson's State Environmental Policy Act (SEPA) Environmental Checklist dated June 28, 2024, with highlighting added for reference.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 16th day of December 2024, at Olympia, Washington


JOSEPH A. REHBERGER

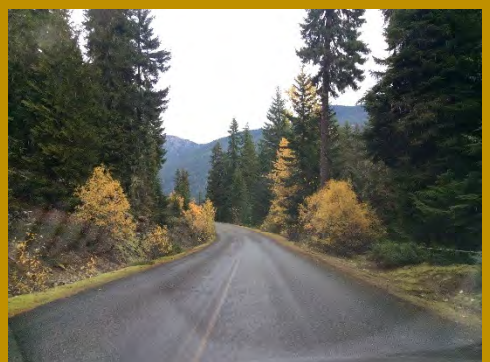
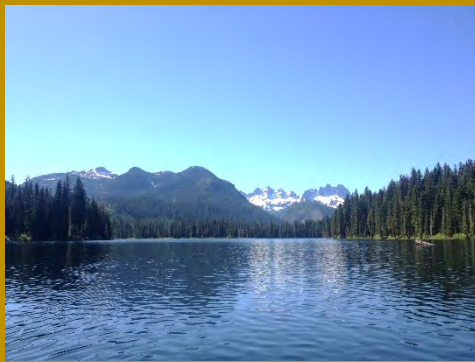
DECLARATION OF JOSEPH A. REHBERGER
PAGE 2

CASCADIA LAW GROUP PLLC
606 COLUMBIA ST. NW, SUITE 212
OLYMPIA, WA 98501
(360) 786-5057

EXHIBIT A

Kittitas County
WASHINGTON

COMPREHENSIVE PLAN



December 2021



2.5 RURAL AND RESOURCE LANDS

2.5.1 Rural and Resource Land Use Designations

Four land use designations have been identified within this Comprehensive Plan. The first, Rural Residential lands, are those which are adjacent or near identified UGAs or LAMIRDS and have an infill potential at similar residential density. They generally have a lower population density than urban areas but higher than most rural areas. A limited level of government services usually exists, and they are often inside Fire Districts and are outside flood areas and most hazard areas.



The second, Rural Working lands, generally encourages farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel size compared to Rural Residential areas. Agriculture and forestry activities are generally less in scope than in the Resource lands.

Rural Recreation is the third land use designation of the Plan. These lands often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.

The final rural lands designation is Limited Areas of More Intensive Rural Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Kittitas County has utilized the standards set forth in RCW 36.70A.170 to designate resource lands, which may not currently be characterized by urban growth and must have long term commercial significance. In using these criteria, Kittitas County relied on the definitions found in RCW 36.70A.030 relative to resource lands, and to designates these lands into three categories: commercial agriculture, commercial forest, and mineral resource lands.

A large portion of Kittitas County contains forested lands. Of these lands, 800,275 acres have been designated as forestlands of long-term commercial significance and are designated “Commercial Forest” lands within the Plan. Furthermore, 289,516 acres of the valley floor’s agricultural land has been designated as “Commercial Agriculture” since it is agricultural land of long-term commercial significance. “Mineral” resource lands of long-term commercial significance have also been designated.

Goals, policies, and objectives for Rural and Resource Lands can be found in Chapter 8 of this Plan.

8 | RURAL AND RESOURCE LANDS

8.1 INTRODUCTION

Rural lands are characterized by a lower level of services; mixed residential, agricultural and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities. Rural lands often have an established land use pattern that inhibits urban character and are generally, and anticipated to continue to be, served by septic systems and individual wells or small community water systems.

The Rural and Resource Lands chapter of the Kittitas County Comprehensive Plan addresses unincorporated portion of the County outside Urban Growth Areas (UGA). The Land Use Element in Chapter 2 and the Rural and Resource Lands chapter together form the basis for future land use patterns within the County. They also form a basis for decision makers to make land use decisions in the unincorporated areas in Kittitas County. This Chapter is in two sections. The first section discusses land use designations for the County's rural lands and is the County's Rural Element. It outlines the goals, policies and objectives related to protecting rural character with a variety of densities as required by the Washington State Growth Management Act. (RCW 36.70A.070(5)) Rural lands are outside UGAs and commercial agricultural, commercial forest, and mineral lands.

The second section provides for goals, policies and objectives for the County's resource lands. Resource lands are considered the commercial agriculture lands, the commercial forested lands and mineral lands.

8.2 GOALS

The State of Washington Growth Management Act requires that the County "include measures that apply to rural development and protect the rural character of the area as established by the County." These measures must be used to control rural development, assure visual compatibility of rural development with surrounding areas, reduce sprawl and protect against conflict with the use of agricultural, forest and mineral resource lands (RCW 36.70A.070).

The definition of "Rural Character" is defined at RCW 36.70A.030(16) and is the basis for the following broad goals in this Element.

RR-G1: Open space and visual and natural landscape should predominate over the built environment

RR-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.

RR-G3: Spaces and development should be compatible with fish & wildlife habitat

RR-G4: Undeveloped land should not be converted to development of sprawl and low density.



RR-G5: Activities generally should not require extension of urban governmental services.

RR-G6: Land use should be consistent with protection of surface and ground water flows and recharge/discharge areas.

“Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element.” (RCW 36.70A.030(17))

“Rural governmental services” include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. (RCW 36.70A.030(18))

The Resource section of this Chapter refers to the commercial agriculture, forest, and mineral resources of long-term significance that are not characterized by urban growth. (RCW 36.70A.170)

8.3 POLICIES

Kittitas County planning policies help define rural and resource lands, appropriate land uses and service levels, and unique rural features. They also identify innovative land use techniques which may be used to protect these features.

Rural policies are intended to enhance and protect the County’s rural character, and to encourage appropriate rural land use patterns and service levels. As Kittitas County is a primarily rural area, many of the goals and policies listed in this and other elements are intended to be interpreted through a broad-spectrum rural lens. Rural Lands planning policies include:

RR-P1: The County shall promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County.

RR-P2: In order to protect and preserve Resource Lands, non-resource development and activities on adjacent Rural lands shall require preservation of adjacent vegetation, existing landforms (e.g. ravines) or use of other methods that provide functional separation from the resource land use.

RR-P3: The use of cluster platting and conservation platting shall be encouraged in specific rural areas to lessen the impacts upon the environment and traditional agricultural/forestry uses and to provide services most economically. The use of other innovative land use techniques that protect rural character and resource land uses will be evaluated for future implementation.

RR-P4: A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

RR-P5: Protecting and preserving resource lands shall be given priority. Proposed development allowed and adjacent to resource lands shall be conditioned to protect resource lands from negative impacts from that development.

RR-P6: Allow for lands which offer adequate supply of rock and gravel resources located in areas compatible for such uses and conditioned so that operation does not negatively impact rural character.

RR-P7: Policies will be consistent with Kittitas County's "right to farm" ordinance, 17.74 KCC.

8.4 RURAL LANDS

8.4.1 Introduction

Kittitas County's rural land use designation consists of a balance of differing natural features, landscape types, and land uses. Rural land uses consist of dispersed and clustered residential developments, farms, ranches, wooded lots, and agricultural and recreational/commercial and industrial uses that serve local, national and international populations as customers. Rural landscapes encompass the full range of natural features including wide open agriculture and range land, forested expanses, rolling meadows, ridge lines and valley walls, distant vistas, streams and rivers, shorelines and other critical areas.

Rural lands exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character. "Rural character," as identified through scientific research over the past two decades, indicates that residents of rural communities, homebuilders, and planners see it in various ways depending upon the community and the rural area. This research demonstrates that "rural character" is not identical in all areas and must be determined by communities. Overall, the research shows that "rural character" is best determined by concepts existing within the community such as existing densities and building materials (Tilt, et. al., 2006), "nature-related areas" particularly having forest, not just trees, and open spaces related to the community (Kaplan, Austin, 2004, 2003, and 2001), and "natural amenities and perception of recreational and (individual community) residential development" (Mascouriller, 2002). Study shows that cluster development, when used not to increase density creating suburban or urban-like environments, are most marketable, and preserve "open spaces" desired by communities and potential residents most effectively of all development techniques at this time (Burney, 2006 and Lacey, 1990).

Kittitas County residents, through an extensive public involvement process in 2012, provided descriptions of "rural" that they wish to preserve. Such descriptions include many of the conclusions presented by scientific



research including, "natural open spaces and streams," "forests," "recreational opportunities and spaces," "agriculture lands and activities," "mountain views," and "development away from urban areas." These descriptions capture the essence of "rural character" in Kittitas County, and fall squarely within the broad definition in RCW 36.70A.030.

"Rural character" in Kittitas County is predominantly a visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features. It balances environmental, forest, and farm protection with a variety of rural development and recreational opportunities. Many sizes and shapes of



properties can be found in the Rural Lands as well as assorted economic activities and opportunities, small rural residential development, and recreational opportunities throughout the County. The Interstate and State Highway systems which traverse the length and width of the County introduce countless travelers and visitors to the County. The County's highways and byways provide access to opportunities and means to create and preserve agri-tourist activities. They also provide access to extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being "rural." This rich mix of uses and transportation systems allows the variety of lifestyle choice, which makes up the fabric of rural Kittitas County community life.

The most common uses in rural lands are agriculture, recreation and logging, which have been basic industries historically and remain important in terms of employment, income and tax base. Kittitas County will strive to encourage and support these activities in areas they occur and are appropriate. Some choose a private, more independent lifestyle, or space for small farm activities. Others choose the more compact arrangement found in clustering, with its accompanying open space and close neighbors designed in ways that enhance and preserve rural character.

One of the main attractions of the rural residential lifestyle is the low intensity of development and the corresponding sense of a slower pace of living. Part of what creates that attraction is the rural-level facilities and services. This Comprehensive Plan supports and preserves this rural lifestyle by limiting service levels to those historically provided in the County's rural areas. Residents should expect County services, such as road maintenance and emergency responses to be limited and to decrease as the distance from a rural activity center or urban area increases.

8.4.2 Planning for Rural and Resource Lands

Present rural land uses in Kittitas County are a mixture of diverse development patterns stemming from trends established decades ago. The County has been characterized as having an abundance of rural uses including the strong recreational opportunities throughout the entire area. The existence of mountainous topography, intense forest lands, and large lakes in the Upper Kittitas County area draws large populations to skiing, camping, hunting, and hiking opportunities. Vibrant river and stream waters invite sports fishermen from around the State to the area. Hunting is prevalent in all areas of the County, including the middle portion of the region where sage and tall grasses are abundant for game bird and mammal habitat.

The Lower Valley of Kittitas County has extensive irrigation and rich soils which have been valuable for agriculture and vital to the economy. Many farms have existed over a century and are very characteristic of the County's dominant rural character. Small, unincorporated communities exist throughout the County. These communities provide distinct, yet small scale services which rural residents depend upon. Many of these communities are located within "Limited Area of More Intensive Rural Development" or LAMIRDs as defined with the Washington State Growth Management Act. Combined, this mix of rural densities and uses has created a landscape unique to Kittitas County's rural lifestyle.

The Rural and Resource element is intended to preserve rural character through adopted goals and policies designed to encourage and protect the types of uses that are characteristic to the rural area. The goals and policies are intended to accomplish this in part by reducing conflicting land uses within the County's rural area while providing a variety of rural densities, protecting agriculture land resources and activities, guarding the County's water resources and insuring appropriate services and facilities for such environments.

A variety of rural densities characteristic to a rural environment are encouraged through the adoption of goals and policies within this Element. This Element also provides for a variety of rural uses which are compatible with the County's rural character, and decrease the need for road and utility improvements, police and fire protection, schools in rural areas and other services often found in more urban environments. Without limiting these types of urban services, their existence can often contribute to "rural sprawl," or the scattering of development throughout rural areas which can be inconsistent with an identified rural character. The proper mix of rural uses and densities permits rural growth to be accommodated in a variety of areas where it is compatible with both resource and urban activities.

The goals and policies of this Element are also intended to provide for the preservation of viable and vibrant landscapes associated with rural character. At the same time, these policies seek to capitalize on the recreational characteristics while preserving the natural resources in the County.

Nonconforming Lots

Nonconforming lots, i.e. lots that do not meet the County's current zoning standards - present a challenge to the County's plans to preserve the rural character of the County outside Urban Growth Areas. A recent count yielded approximately 5,900 nonconforming lots that fall below the minimum lot size for the rural areas. These are legally created lots that were created prior to the current zoning and subdivision rules.

Because these lots were created legally, they are theoretically capable of being developed in the future. However, in practical terms, the majority of these lots are unlikely to be able to meet existing development standards, ranging from legal access (many are landlocked) to meeting the minimum lot size necessary for the provision of septic systems and a well (since neither public water nor sewer are available).

Addressing the issue of nonconforming lots is a challenge that the County recognizes will need long-term, incentive-based approaches. Over time the County may consider inclusion of those nonconforming lots most capable of future development for inclusion in a Transfer of Development Rights program or some similar incentive program.

8.4.3 Purpose of Rural Lands

Following are goals that relate to the general intent of Rural Lands:

RR-G7: The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents.

RR-G8: The County should strive to sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.

RR-G9: The County should continue to explore ways to provide rural economic opportunity.

RR-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.

RR-G11: The County should provide for infrastructure and services necessary to rural development.



The *policies* outlined below are intended to reduce conflicting land uses within the entire County's rural area while providing a variety of rural densities, protecting open spaces, and insuring that appropriate services and facilities are provided for rural developed environments.

RR-P8: Incentive-based land use strategies will be examined and adopted to encourage land uses which are compatible to the rural environment.

RR-P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

RR-P10: Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces and recreational opportunities.

RR-P11: Only allow comprehensive plan amendments, rezones, bonus densities, and other measures that increase rural densities where adequate supplies of potable water are available that will not adversely affect surface and ground water and agriculture.

RR-P12: Set allowed densities based on the available water resources and reserve adequate resources to support the Kittitas County's economic base, including agriculture.

RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.

RP-14: Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

RP-15: Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

RR-P16: Land use development within the Rural area that is not compatible with Kittitas County rural character or agricultural activities as defined in RCW 90.58.065(2)(a) will not be allowed.

RR-P17: Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

RR-P18: Buffer standards and regulations should continue to be developed that will be used between incompatible rural uses.

RR-P17: Cottage and home occupations which are rural in nature are allowed within all rural land use designations and regulations. Impact upon surrounding environments and upon existing public services shall be considered when such industries are proposed.

RR-P18: Future "General Commercial" zones will not be allowed outside Urban Growth Areas and LAMIRDs.

RR-P19: Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

RR-P20: Residential and commercial buildings outside Type 1 LAMIRDs will be located in areas buffered by vegetation to maintain Kittitas County's historic rural character.

RR-P21: Functional separation and setbacks found necessary for the protection of water resources, rural character and/or visual compatibility with surrounding rural areas shall be required where development is proposed.

RR-P22: Provisions will be made for roadside stands, farmers' markets, "U-pick," and customer share cropping operations.



8.4.4 Rural Designations

Rural Lands are divided by function of the uses intended. The purpose of placing certain lands in these land use designations is to accommodate these various functions. The following *goals* are intended to guide the designation of rural lands:

RR-G12: Permit residential development in rural areas which enhance and protect rural character.

RR-G13: Preserve and protect non-resource forests and agriculture lands which are dominant in Kittitas County.

RR-G14: Provide opportunity for development for recreational purposes which are consistent with rural character and protect public health and safety.

RR-G15: Provide opportunity for limited development of rural community.

8.4.5 Rural Land Use Descriptions

Rural areas provide a choice in living environments through a mix of large lots and existing smaller lots in rural centers and Limited Areas of More Intensive Rural Development (LAMIRDs).

Table 8-1 identifies the Rural Land Use designations within the Kittitas County rural areas and corresponding zoning classifications. The table also displays the estimated acreages of each designation and classification determined by the Geographic Information System (GIS) of the County. The land use designations are limited in number to reflect the functions within the rural areas of the County.

Four land use designations have been identified within the Rural Land Use Plan. ***Rural Residential*** lands are those which are adjacent or near UGAs or LAMIRDs. They generally have a lower population density than urban areas but higher than most rural areas. A limited level of government services usually exists, and they are often inside Fire Districts and are outside flood areas and most hazard areas. Rural Residential lands are characterized by activities generally associated with small-scale farms, dispersed single-family homes, and some types of recreational uses and open spaces. Lands are typically too far from the urban area to enable cost-effective provision of public services, and the typical uses do not require urban services.



The second rural designation within the Plan is the *Rural Working* lands. Uses within this designation generally encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with the rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel sizes compared to Rural Residential areas. Agriculture and forestry activities are generally less in scope than in the Resource lands.

Rural Recreation is the third land use designation. These lands often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.

The final rural lands designation is *Limited Areas of More Intensive Rural Development*, or *LAMIRDs*. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions. LAMIRDs are typically areas that were developed prior to the enactment of the Growth Management Act.

Zone classifications shown in **Table 8-1** outline the zones designed to achieve the goals and policies outlined in the designations. There are relatively few classifications within the Rural Residential and Rural Working lands. Most zoning classifications exist within the LAMIRDs since they allow a broader and more intense mix of uses.

Table 8-1 Rural Land Use Designations, Corresponding Zoning Classifications and Acreages

Type of Land Use	Land Use	Use Intensity	Description	Acres	Zoning Classification	Acres ¹
Resource	Commercial Agriculture	Resource Lands	Agricultural lands of long-term commercial significance	289,515.8	Commercial Agriculture	289,515.8
	Commercial Forest	Resource Lands	Forest lands of long-term commercial significance	800,275.0	Commercial Forest	800,275.0
	Mineral Lands	Resource Lands	Mineral lands of long-term commercial significance	5,690.7	Zoning Classification Varies ²	5,690.7
Section Total:						1,095,481.5
Rural	Rural Working	Low	Supports Ag, Timber and Mineral uses not in resource lands	328,754.3	Agriculture 20	111,226.4
					Forest and Range	217,527.9
	Rural Residential	Moderate	Residential opportunities with rural character outside of UGAs and LAMIRDS	29,900.9	Agriculture 5	11,921.6
					Rural 5	17,936.5
					General Commercial	0.7
					Planned Unit Development	42.1
	Rural Recreation	Moderate	Activities to support and enhance recreational opportunities	10,461.9	General Commercial	22.0
					Master Planned Resort	6,444.5
					Planned Unit Development	363.8
					Rural Recreation	3,681.7
	LAMIRD	More Intense	Non-incorporated urban like development	1,210.4	Agriculture 20	28.3
					Agriculture 3	42.4
					Forest and Range	77.6
					General Commercial	194.2
					General Industrial	4.7
					Highway Commercial	45.2
					Light Industrial	36.3
					Limited Commercial	13.6
					Planned Unit Development	218.0
					Residential	412.3
					Residential 2	41.8
					Rural 3	42.4
					Rural 5	53.6
Section Total:						370,327.6
County Total:				1,465,809.1	1,465,809.1	

¹ Acreages are approximate.

Note: The totals in this table are subject to change based on improved accuracy of GIS shapefiles and assessor's information.



Rural Residential

Following are the goals of the Rural Residential designation:

RR-G16: Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services.

RR-G17: Generally, provide services supporting rural development and lower population densities.

RR-G18: Designate areas where lots are generally less than 10 acres in size and have a common land use pattern.

RR-G19: Permit siting in areas generally without commercial activity.

RR-G20: Protect residential activities from flooding areas and natural hazard areas.

RR-G21: Preserve views of open space while providing opportunity for variety of rural densities.

The following are policies for activities on Rural Residential lands:

RR-P23: Municipal, or public urban services should not be extended outside of urban growth areas in Rural Lands. However, municipal services may be provided to a Master Planned Resort which is approved pursuant to County Comprehensive Plan policies and development regulations so long as all costs directly attributable to the extension of such services to the resort or community, including capacity increases, are fully borne by the resort or community.

RR-P24: Residential development near water will limit impervious surfaces to the size necessary to conduct the allowed use proposed on the site.

RR-P25: New rural residential development shall provide adequate water for domestic use.

RR-P26: Capital Facilities and Utilities may be sited, constructed, and operated by outside public service providers (or sited, constructed, and/or operated jointly with a Master Planned Resort (MPR), limited area of more intensive rural development (LAMIRD)) on property located outside of an urban growth area if such facilities and utilities are located within the boundaries of such resort or community which is approved pursuant to County Comprehensive Plan policies and development regulations.

RR-P27: Electric and natural gas transmission and distribution facilities may be sited in any areas of Kittitas County including "Rural" designated areas, municipalities, UGAs, Master Planned Resorts, and LAMIRDs.

RR-P28: Public services and public facilities established under RCW 36.70A.070(5)(d) are limited to just those necessary to serve the developed area boundaries and will not be allowed to expand into adjacent Rural Lands.

RR-P29: Essential public facilities as defined in RCW 36.70A.200 shall be allowed located in rural lands when:

- The nature of the facility requires spaces for operation not commonly found in UGAs
- Can be self-supporting and not depend upon services of municipalities

- Operational needs require use of rural lands

Operation of such facilities will not affect the activity or nature of rural lands.

RR-P30: Clustering of development can only occur where it results in the protection of open space and protects against conflicts with the use of farming or other resource lands. When clustering of development is proposed on land that shares boundaries with public lands and provides existing public access to recreational uses on adjacent public lands, easements for public access connections shall be considered during development review. The open space portion of the cluster development shall be located to protect fish & wildlife habitat and migration corridors.

RR-P31: County restrictions on free-running dogs shall be developed and enforced.

RR-P32: Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

RR-P33: Residences will be located to create the least interference with the movement of farm vehicles and farmlands.

RR-P34: The benefits of cluster residential development will be explored with criteria for such to occur in rural areas. Criteria, such as limited density, open space minimums and lot size maximums, will be developed to preserve the rural character existing in the area where clustering is proposed.

RR-P35: Cluster residential development in forested areas will be sited to maintain visual compatibility with the surrounding landscape and to limit the removal of natural vegetation and trees.

RR-P36: Planned Unit Developments (PUD) in rural areas will only be established where such developments will not result in high density environments which require urban services and reduce maintenance of rural character.

RR-P37: Innovative housing developments which preserve rural character will be encouraged.

RR-P38: Future amendments should consider placing more emphasis on public benefits that can be accessed and enjoyed by the general public, such as public access trails, publicly accessible formal and informal recreation features, and contiguous open space protected in perpetuity through conservation easements.

RR-P39: Public benefits of cluster platting that are provided as Transfer Development Rights lots shall be specifically identified on recorded plats and maintained through easements, covenants, plat notes or other mechanisms.

Rural Working

Following are the goals pertaining to the designation of Rural Working lands:

RR-G22: Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.

RR-G23: Support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance.



RR-G24: Provide some buffer between rural residential lands and resource lands.

RR-G25: Provide areas of low intensity land use activities within the agriculture and forest activities.

The following are policies for activities on Rural Working lands:

RR-P40: Conveyance instruments including plats and short plats, development permits and building permits, within 500 feet of land designated as Rural Working lands or Resource Lands shall contain a notice to potential buyers and residents as directed within RCW 36.70A.060(1)(b).

RR-P41: Right to farm ordinances will continue and new ordinances achieving the objective will be researched.

RR-P42: Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands.

RR-P43: Kittitas County will continue to research new land use techniques such as Transfer Development Rights, Purchase of Development Rights and open space preservation tools to provide economic incentives to farmers to continue agriculture activities.



RR-P44: Planned Unit Developments (PUD) should be prohibited in Rural Working land zones.

RR-P45: Commercial/Industrial development in Rural Working lands shall be compatible to the rural environment, and must be developed as determined necessary to not significantly impact surface and groundwater.

RR-P46: Development standards for access, lot size and configuration, fire protection, water supply and dwelling unit location will be adopted for development within or adjacent to forest and agriculture lands.

RR-P47: Kittitas County will continue to research innovative incentive-based strategies – including tax incentives - that encourage and support farming activity.

RR-P48: Kittitas County will encourage voluntary farm conservation and agriculture preservation activities, and support activities engaged in agriculture preservation.

RR-P49: In addition to the notice requirements in RCW 36.70A.060(1)(b), non-farming residents should be informed on the practices of farming so that they are aware of the non-urban activities and impacts that occur in the agricultural environment.

RR-P50: Open ranges are a resource land not subject to nuisance complaints due to residential activity.

RR-P51: Where proposed residential development is determined in conflict with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed and cost borne by the developer.

Liberty Historic District

The Liberty Historic District is an historic mining town recognized by the National Register of Historic Places. Development in this district is subject to the Historic District Overlay Zone.

Liberty Historic Land Use Issues and Concerns:

- 1) The Liberty Historic District is a nationally designated historic district in the County.
- 2) The surrounding forested lands around Liberty are important to the natural historic character of the town site, including the four privately owned parcels.
- 3) The designation of the Liberty townsite as a special historical suburban classification would require the development of a community water system.
- 4) Liberty has a small finite number of buildable lots.

RR-P52: The Liberty Historic District is in the Rural Working land use designation. To ensure compatibility with the historic district, development in the adjacent forest lands shall conform to any standards that assure compatibility.

RR-P53: Future development in the historic district shall be primarily residential and be consistent with any existing or new design review standards.

Rural Recreation

Following are the goals pertaining to the Rural Recreation designation:

RR-G26: Maintain and enhance the extraordinary and expansive recreational opportunities in Kittitas County.

RR-G27: Provide safe opportunities to develop public and private recreational spaces while preserving rural character.

RR-G28: Increase rural tourist and rural recreational spaces while maintaining environments characteristic to rural areas.

RR-G29: Allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.

Substantial amounts of recreation lands in this County are owned by the public and private parties. These provide more than ample opportunities for water recreation, hunting, fishing, camping, hiking, trail riding, winter recreation and wildlife viewing. In addition to publicly-owned areas, many private businesses cater to the public in providing skiing, golfing, camping and trail riding on private lands.

Rural recreation in Kittitas County is also largely provided in the form of recreational residences, primarily in the upper western area of the County. These developments are often “second homes” for persons living in other parts of the State. These recreational residences are a significant contributor to the County’s economy.



This Element of the Plan addresses the policies for these existing and future seasonal and full-time residential structures.

The County and the various cities have different roles regarding public and private recreation. Rural residents, with their larger acreage home sites, do not depend upon the neighborhood parks popular in cities to the same extent as the urban population. The residents of the County, as well as others throughout the State and Nation, depend upon the massive trail systems which provide hiking, horse riding, biking, and other exclusive recreational opportunities throughout the year.

The distribution of a wide variety of recreation areas over such a large expanse impacts County roads and public safety agencies. Kittitas County is a recreation destination for many out-of-County tourists, and while this benefits local businesses, it also increases the County's recreation related expenditures. Maintaining recreational lands access and safety, and the County's existing recreation facilities should be a key focus.

Following are the policies for activities on Rural Recreation lands.

RR-P54: Convenience and motorist services, when permitted near highway, freeway and major arterial intersections, shall be designed to be compatible with surrounding rural character.

RR-P55: The County should seek financial support from State and federal agencies to assist in providing for recreational area access and safety.

RR-P56: Developments located for commercial, residential/recreational purposes, such as Master Planned Resorts or Planned Unit Developments, shall have adequate water, septic and public facilities to service such development without over-burdening the County public services.

RR-P57: Commercial service proposals in Rural Recreation areas shall have provisions within any conditional use decisions to assure compatibility with adjacent rural environments.

RR-P58: Developers should be required to approach project design which provides a visual rural environment characteristic of Kittitas County including preservation of open spaces, adequate buffering between development and natural areas, and preservation of critical areas and forested lands.

RR-P59: Rural recreation development should be promoted where there is potential for limited infill of seasonal recreation structure, in areas where seasonal structures are not uncommon, and upon soils and geologic conditions which can support structural development.

RR-P60: Consider incentive programs that create active and passive open space.

RR-P61: Commercial uses proposed for development to service recreational tourists and residents will be permitted in spaces when found to be suitable to surrounding rural areas.

RR-P62: International Wildland-Urban Interface Code should be enforced when approving a recreational residential structure for greatest protection of life and property.

RR-P63: Specific natural hazards in rural recreation areas shall be considered before creation of habitable or residential structure.

Master Planned Resorts

The Master Planned Resort (MPR) designation applies to those lands that comprise a self-contained and fully integrated planned unit development. MPRs are typically destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A MPR may also include residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort. A MPR may constitute urban growth outside of urban areas as limited by these policies.

Kittitas County has a wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. MPRs offer an opportunity to utilize these special features for enjoyment and recreational use. MPRs can bring significant economic diversification and benefits to communities, while at the same time enhancing environmental values. MPRs can address these unique opportunities while maximizing retention of environmental features, critical habitats, resource lands, and other critical features. MPRs can be located and planned in ways that do not detrimentally affect projected growth scenarios in urban growth areas and limited areas of more intense rural development (LAMIRDs). MPRs should be designed to stand alone, by not requiring adjacent areas to develop land uses to support the resort use. Recognizing these factors, policies guiding the location and development of MPRs must consider varied and unique criteria.

MPRs may be approved in the County in accordance with: (1) RCW 36.70A.360 or .362 Master planned resorts, as amended; (2) County Comprehensive Plan policies; and (3) County Development Regulations. For general guidance purposes, the County MPR policies rely upon the June 1994 "Master Planned Resorts Draft Comprehensive Plan Policy Guidance" prepared by the Washington State Department of Community, Trade and Economic Development Task Force.

Following are the policies pertaining to Master Planned Resorts in Rural Areas:

RR-P64: MPRs should have a thorough review process prior to being located or designated and such review process should be phased, consistent, specific, and timely.

RR-P65: A MPR will be planned and designed by looking at the entire site or area and adjacent lands and communities.

RR-P66: A MPR should be designed in context with its surrounding environment, natural and man-made. A MPR should not adversely affect surrounding lands in any significant way.

RR-P67: A variety of urban residential densities should be included in a MPR site design, providing efficient, compact residential land use. Residential uses may include single-family detached lots and multi-family and attached residential structures. Clustering of residential units in a manner that preserves open space is strongly encouraged. Overall MPR density shall not exceed an average of one unit per acre. Non-urban residential densities are appropriate within a MPR if they promote and are linked to the on-site recreational features and value of the resort.

RR-P68: A MPR application should include a clear and detailed mapped description of how the development phases of the MPR fit together. Estimated timelines for site development, building construction and all necessary public and private capital facilities, utilities, and services should be provided.



RR-P69: A MPR should be physically and, for the most part, visually separated from the nearest developed area.

RR-P70: A substantial physical buffer should be included in a MPR's internal site design, allowing adjacent lands to be separated from the MPR so that activities within the MPR create no significant increases in ambient noise, reductions in air quality, or visual alterations outside the MPR. To the extent possible, natural features such as water bodies, vegetation cover, slopes, or existing man-made features should be utilized as the MPR's buffer. The actual width of a MPR's buffer should be evaluated to determine the appropriate separation from adjacent lands. The term "substantial physical buffer" is intended to mean more than one-hundred feet between a MPR's perimeter and adjacent lands.

RR-P71: A MPR should maintain and enhance the physical environment. Planning for a MPR should be based on natural systems, constraints, and opportunities. Design characteristics should consider the overall context of the MPR, maintaining a common character throughout the project, which blends with natural features on-site.

RR-P72: An application for a MPR, a sub-area plan for an existing resort, should include site plans depicting the locations and describing the attributes of all on-site and surrounding natural features, critical plant and animal habitats, and potentially hazardous areas. The plan should propose opportunities to integrate the site's natural amenities with the proposed built amenities.

RR-P73: Historic and archeological features are to be preserved. Serious consideration should be given to whether such features could be appropriately integrated into a MPR's proposed features as valuable attributes.

RR-P74: A design theme for a MPR may be appropriate but is not required. However, multiple discordant themes should be avoided.

RR-P75: Natural and man-made recreational facilities and opportunities shall be the central focus of a MPR.

RR-P76: Recreational facilities will be included with initial development phases of a MPR.

RR-P77: Recreational facilities and visitor accommodations should be phased along with other types of development within a MPR.

RR-P78: A MPR will include significant recreational areas and facilities on-site so that the use of off-site recreational areas and facilities by resort visitors and associated impacts are minimized.

RR-P79: A MPR will have a primary focus on short-term visitor accommodations, including vacation and second homes. Other residential uses may be permitted within a MPR if such uses are integrated into and support the on-site recreational nature of the resort.

RR-P80: Short-term visitor accommodations should constitute more than fifty percent (50%) of all resort accommodation units.

RR-P81: Short-term visitor accommodations, such as hotel rooms, should be included with the first and initial phases of a MPR development.

RR-P82: An adequate supply of affordable employee housing within a MPR, or within a reasonable distance of a MPR, should be demonstrated. If this supply cannot be demonstrated, steps should be taken to mitigate the lack of affordable housing supply, so that an unreasonable burden is not placed on the affordable housing markets of surrounding communities. A MPR's ability to hire local residents should be taken into account in determining whether an "adequate supply" of affordable housing is available.

RR-P83: Retail and commercial services should be designed to serve only the users of the MPR and should be limited in scope and location to serve only as ancillary uses within the MPR.

RR-P84: Retail and commercial services offered on-site by a MPR should not duplicate the full range of commercial services available in adjacent communities. Retail and commercial services offered on-site by a MPR should be designed to discourage use from outside the MPR by locating such services well within the MPR site rather than on its perimeter.

RR-P85: A full-range of commercial services should only be provided within the urban growth areas of the surrounding region.

RR-P86: Adequate security, fire suppression and first aid facilities and services should be provided on-site, taking into account the emergency facilities and levels of service available from the County sheriff and local fire and emergency medical districts.

RR-P87: MPR community sewer, water and stormwater facilities (including associated treatment facilities) will be provided on-site and should be limited to meeting the needs of the MPR.

RR-P88: Public facilities, utilities, and services will be provided to the MPR so long as all costs associated with such extensions, capacity increases, and services are borne by the MPR. Such public facilities, utilities, and service providers may include the County, the cities and towns within the County, water and sewer districts, and owners of water systems.

RR-P89: MPR facilities, utilities, and services should be designed to accommodate only the projected needs of the resort users. Because a resort is fully occupied only occasionally, MPR facilities and utilities need not be designed to meet peak user occupancy demands and should rely in part on storage and other appropriate mechanisms and technology to meet peak demands.

RR-P90: Construction of a MPR and all necessary on-site and off-site capital facilities and utilities infrastructure will be concurrent, but may be provided in phases to meet the needs of development phases as constructed and utilized.

RR-P91: Impacts to public services should be fully reviewed and fair and proportionate mitigation provided by the MPR.



RR-P92: All school district facility and service impacts should be mitigated by the MPR on a fair and proportionate basis. Review and mitigation of impacts on affected school districts may take into consideration the relatively low student population typically generated by a MPR.

RR-P93: County road standards should be followed for on-site and off-site roadways and access points; provided, however that some flexibility with respect to on-site road design standards may be appropriate if the MPR's natural features and critical areas are to be maintained. Administrative variance procedures should be utilized for this purpose.

RR-P94: At all times, MPR road standards will meet the minimum safety standards adopted by the County Fire Marshal.

RR-P95: On-site roadway and access costs should be fully borne by the MPR, and off-site road impacts should be mitigated by the MPR in proportion to its demonstrated impacts, including secondary impacts.

RR-P96: Traffic impacts of the MPR, on-site and between the MPR and nearby areas of interest, should be mitigated by appropriate measures, e.g., transit/shuttle services, pedestrian and bicycle trails, etc.

RR-P97: All external road connection points with the MPR should be determined through review agreements with affected agencies and local governments in the region.

Limited Areas of More Intensive Rural Development (LAMIRDs)

Following are the goals pertaining to Limited Areas of More Intensive Rural Development:

RR-G30: Establish areas of community pattern that accommodate community activities without having to incorporate

RR-G31: Provide opportunity for residential infill which provides a variety of housing and yet maintains rural character

RR-G32: Provide for rural community settings which do not require urban level services and maintain existing rural development patterns that have existed for long periods

Many counties, including Kittitas County, contain historical rural settlements that pre-date the Growth Management Act (GMA) and that are characterized by higher density development and economic activity than the surrounding rural area. These areas may provide rural community identity, residential neighborhoods and goods and services, or provide rural employment opportunities. These are areas designated "Limited Area of More Intensive Rural Development" LAMIRD designation and is an optional tool provided by the GMA that is intended to recognize these pre-existing development patterns; provide for limited infill, development or redevelopment; and allow for necessary public services to serve the LAMIRD.

To be consistent with the requirements of the GMA, designated LAMIRDs must have clearly identifiable and logical outer boundaries delineated predominately by the built environment and/or physical boundaries, such as bodies of water, streets and highways, and land forms and contours. Although new development and redevelopment is allowed, development cannot extend beyond the established boundary and contribute to a new pattern of low density sprawl. Public facilities and services provided to LAMIRDs must not permit low density sprawl.

The “Limited Area of More Intensive Rural Development” (LAMIRD) designation has been assigned to Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage. Other un-incorporated communities presumably designated as rural areas include: Liberty, Thrall, Lauderdale, Sunlight Waters, Fairview, Denmark, Badger Pocket, Elk Heights, Teanaway, Reecer Creek, and Sky Meadows, as well as others.

Based on the LAMIRD types established in RCW 36.70A.070(5), Kittitas County establishes three categories of LAMIRD designations. These are:

- *Rural Activity Center* – Rural development consisting of infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
- *Rural Recreational Center* – Intensification of development on lots containing, or new development of, small-scale recreational or tourist uses that rely on a rural location and setting, but do not include new residential development.
- *Rural Employment Center* – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents.

The following policies provide guidance for designation and development within LAMIRDS generally, as well as more specific guidance for each type of LAMIRD.

RR-P98: The County should allow for designation of LAMIRDS in the rural area, consistent with the requirements of the GMA.

RR-P99: The following factors should be considered when designating a LAMIRD and establishing boundaries:

- a) Existing development pattern, potential for redevelopment and infill, and for Type 1 LAMIRDS the ability to establish a logical outer boundary;
- b) Rural character of the potential LAMIRD and surrounding area;
- c) Existing and potential mix of uses, densities and intensities and potential impacts to the surrounding area;
- d) Presence/location of infrastructure and other “man-made” facilities;
- e) Distance from other LAMIRD, UGA, designated resource land or other special land use designation. If in close proximity, consider the potential for sprawl, and/or land use conflicts;
- f) Feasibility, cost and need for public services;
- g) Significant natural constraints or features to be preserved; and
- h) Public input and comment.

RR-P100: Once boundaries are established, geographic expansion will not be permitted unless needed based on one or more of the following criteria:

- a) to correct for mapping errors, or
- b) to correct for other informational errors, or
- c) when otherwise consistent with the requirements of GMA.



RR-P101: Allow inclusion of undeveloped land in LAMIRDs for limited infill, development or redevelopment when consistent with rural provisions of the Growth Management Act.

RR-P102: Require that development or redevelopment harmonize with the rural character of the surrounding areas.

RR-P103: Recognize that public services will continue to be provided at a rural level of service. Public services and facilities will not be provided in a manner that allows low-density sprawl.

RR-P104: Development densities, intensities or uses that require urban level of services should not be allowed.

RR-P105: Continue to protect the long-term viability of designated forest, mineral and agricultural resource lands.

RR-P106: Strip commercial development along State and County roads will not be permitted in any LAMIRD.

8.5 RESOURCE LANDS

Kittitas County has utilized the standards set forth in RCW 36.70A.170 to designate resource lands, which may not currently be characterized by urban growth and must have long term commercial significance. In using these criteria, Kittitas County relied on the definitions found in RCW 36.70A.030 relative to resource lands, and to designates these lands into three categories: lands of commercial agriculture, lands of commercial forest and mineral resource lands.

A large portion of Kittitas County contains forested lands. Of these lands, 800,380 acres have been designated as forestlands of long-term commercial significance and are designated “Commercial Forest” lands within the Plan. Furthermore, 286,000 acres of the valley floor’s agricultural land has been designated as “Commercial Agriculture” since it is agricultural land of long-term commercial significance. “Mineral” resource lands of long-term commercial significance have also been designated.

8.5.1 Planning of Resource Lands

As provided in the GMA, a primary purpose of this Rural and Resource Lands chapter is to implement a combination of techniques to preserve resource lands. In addition to the traditional large-lot zoning categories that limit the density of development and restrict or prohibit inappropriate uses of resource lands, Kittitas County is committed to implementing innovative land use management techniques in resource lands as permitted by the Growth Management Act including, but not limited to, transfer of development rights and conservation platting.

Such innovative techniques that allow development on one portion of land while leaving the remainder in resource or open space use will be carefully created in regulations to preserve and protect resource lands. Such innovative development activity will be properly managed and designed to assure conservation of resource lands and to encourage the continuation of the predominant agricultural and resource based economy of Kittitas County.

Commercial Agriculture lands are those that have been identified as lands with soils and location characteristics that suggest that they will be used for commercial agriculture use in perpetuity and are

considered a resource to the economy. Commercial Forest lands are those that have been identified as areas where logging has been the main source of activity in the past and where such lands can or will be preserved for that resource and activities associated with forests. Mineral lands that have long-term significance for extraction of minerals allow for the extraction of mineral resources, and occur in various zones.

Following are general policies for all Resource lands in Kittitas County.

RR-P107: Conserve important natural resource lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where greater density is more appropriate, permanently conserving specified natural resource lands.

RR-P108: Development standards for lot size and configuration, fire protection, water supply and structure location will be adopted for land use activity within or adjacent to resource lands.

RR-P109: Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

RR-P110: Open ranges are a resource land not subject to nuisance complaints due to residential activity

RR-P111: The County should research tax incentives that encourage the establishment and continuance of resource land protection and preservation.

RR-P112: Where proposed development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed at expense of the developer.

RR-P113: Forest land and agricultural land located within UGAs should not be designated by a county or a city as forest land or agricultural land of long-term commercial significance, unless the city or county has enacted a program authorizing transfer or purchase of development rights.

RR-P114: Lands designated commercial agriculture or commercial forest lands should not be used to expand an urban growth area or designated as future urban growth expansion areas.

RR-P115: Ongoing agriculture and forestry activities in rural working and resource lands should not be unduly restricted by development regulations.

8.5.2 Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the GMA to guide adoption of regulations which assure that use of lands adjacent to agricultural lands of long term significance will not interfere with continued use of that land for agricultural purposes [RCW 36.70A.060]. In classifying and conserving the agriculture resource lands in Kittitas County, it has considered the minimum guidelines found in WAC 365-190 including:

- Lands not characterized by urban growth;
- Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;



- Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors.

It is the County's intent to meet these agricultural resource requirements by establishing a "Commercial Agricultural" designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone has been formally designated as "Agricultural Lands of Long-term Commercial Significance."

Comprehensive Plan Goals Regarding Designation of Agricultural Lands of Long-Term Commercial Significance

For purposes of designating Agricultural Lands of Long-Term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria:

Designation and De-designation of Agricultural Lands of Long-Term Commercial Significance

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 (RCW 36.70A.020(8)) of the GMA concerning Agricultural Lands of Long-Term Commercial Significance.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of Agricultural Lands of Long-Term Commercial Significance shall be in support of that goal.

1. Definitions.

The County adopts and shall utilize the following definitions and considerations:

"Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.⁷



⁷ RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.

“Long-term commercial significance” includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.

In determining “the combined effects of proximity to population areas and the possibility of more intense uses of the land” upon agricultural lands, the County shall consider: (a) the availability of public facilities; (b) tax status; (c) the availability of public services; (d) relationship or proximity to urban growth areas; (e) predominant parcel size; (f) land use settlement patterns and their compatibility with agricultural practices; (g) intensity of nearby land uses; (h) history of land development permits issued nearby; (i) land values under alternative uses; and (j) proximity of markets.

2. Designation Criteria.

In order to be designated Agricultural Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to agriculture, and (3) have long-term significance for agriculture.

Land shall be designated Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

- A. Land Grade Consideration. Agricultural Lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conservation Service and considered capable of agricultural use according to land capability criteria in Agriculture Handbook No. 210 or successor guide adopted by the federal agency.
- B. Other consideration. In determining whether land should be designated as Agricultural Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the agricultural industry.
- C. Designation. Upon a determination that a tract qualifies as Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Agricultural lands under Kittitas County zoning code, section KCC 17.31. The County's Commercial Agricultural zoning code, KCC 17.31, shall control uses, maintenance and enhancement of the agricultural industry and conserve productive agricultural lands consistent with the needs and best practices of the industry. Lands presently mapped as “commercial agriculture” shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

3. De-designation criteria.

- A. Definitions. De-designation is a change of land classification from Agricultural Lands of Long-Term Commercial Significance to another GMA classification.
- B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation



requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant agricultural land designation.

- C. A de-designation request shall provide a legal description of the property subject to the request and map showing the agricultural land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.

- A. Applications for the designation of Agricultural Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations of Agricultural Lands of Long-Term Commercial Significance must be accompanied, and processed along with, a specific development application.
- B. In determining a request to designate or de-designate Agricultural Land of Long-Term Commercial Significance, the County may consider the needs and nature of the agriculture industry (Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006)).
- C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II)).
- D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive agriculture industry and to encourage the conservation of productive agricultural lands and to discourage incompatible uses when making a decision on designation or de-designation of Agricultural Lands of Long-Term Commercial Significance.

Following are policies to protect and ensure continued employment of Commercial Agricultural land use.

RR-P116: The County will oppose laws and regulations which restrict agriculture and support laws and regulations which enhance agriculture.

RR-P117: The County should develop a study area where the various Rural land use designations and the Commercial Agriculture designation interface occurs which may lead to the development of a Commercial Agriculture Transition Zone overlay. The study area should consider but not be limited to:

- Strategies that site land use activities within or adjacent to Commercial Agriculture lands that minimize conflicts with agricultural activities.
- Effectiveness of Transfer of Development Rights from Commercial Agriculture to Rural lands.
- Use of Cluster Development to minimize impacts.
- Use of open space to act as a “buffer” between Rural and Commercial Agriculture designations.

RR-P118: Continue and expand support for right-to-farm ordinances.

RR-P119: The County should promote the preservation of agricultural activities through programs that encourage long-term ownership and production on agricultural lands.

RR-P120: Kittitas County recognizes that new residents may not understand the rural living differences encountered in Kittitas County; therefore, the County supports the efforts of educational opportunities and agencies to educate on rural living and agricultural activities of long term significance.

RR-P121: The County should encourage development projects whose outcome will be the significant conservation of farmlands.

RR-P122: The County should identify and designate agriculture transportation corridors that facilitate farm use.

RR-P123: The County should participate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

RR-P124: The County should look into additional tax incentives to retain productive agricultural lands.

RR-P125: The County should create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:

- a) the status of agriculture in Kittitas County,
- b) County agriculture policies and regulations,
- c) local agriculture marketing and economic planning, and
- d) review and make recommendations regarding zoning and development regulations.

RR-P126: Current agricultural uses in urban residential areas should continue to be allowed as the lands transition to urban residential uses.

RR-P127: The County should provide for flexible use of agricultural lands that are located in areas with limited or no irrigation.

RR-P128: The County will continue to support development and implementation of the Yakima Basin Integrated Management Plan to support water supply for agricultural lands.

Incentives for Commercial Agriculture Land Use

It is the policy of Kittitas County to encourage and support agricultural uses of lands within the Commercial Agricultural designation. The County will continue to explore additional incentives for conserving both rural and resource lands. These incentives may be developed through the Kittitas County Comprehensive Plan and subsequent implementation mechanisms.

RR-P129: The County should establish an agricultural advisory commission to advise the BOCC on agricultural issues.



RR-P130: The County should develop incentives for farming and ranching to continue as significant land uses, for example, innovative cluster platting, transfer of development rights, and planned unit developments, and agricultural commercial binding site plan for agriculture-supporting uses.

RR-P131: The County should work with landowners to ensure waters in naturally occurring ponds and springs (with no surface connection to a stream) are retained for stock water uses when they are on or adjacent to lands used as pasture or range for livestock.

RR-P132: Where appropriate, Kittitas County will exert its influence to help provide the delivery of water to all lands within the County.

RR-P133: Encourage all development to incorporate drought tolerant or native vegetation as a major component of their landscaping plan (i.e. xeriscaping)

RR-P134: To the extent possible the Board of County Commissioners shall promote processing facilities for the products produced upon those lands designated as Commercial Agricultural under this Chapter and WAC 365.190.050 (6).

RR-P135: All plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305)

8.5.3 Commercial Forest Land Use

Commercial forestland, approximately 800,380 acres, claims approximately half of the Kittitas County land area. A checkerboard pattern of private, State, and federal land ownerships characterizes the County forests. The primary land use activities in commercial forest areas are commercial forest management, forest recreation, agriculture, mineral extraction, sand and gravel operations and those uses that maintain and/or enhance the long-term management of designated commercial forest lands.

Traditionally forestlands in the County contributed regional economic value by providing employment and income from resource management, which includes: harvesting, fishing, hunting, mining, grazing and recreation. Even though revenue has diminished from forest products, it is recognized that forestlands provide other public benefits and values such as: watersheds, wildlife and fish habitat. It is recognized that the designation "Commercial Forest Lands" has been used to encompass all forested lands that do provide a variety of public benefits including non-productive and high elevation lands within ownerships.

It is clear that the Legislature intended that counties planning under the GMA should consider land characteristics and economic factors when designating commercial forest lands. As stated by the Washington Supreme Court, "the GMA is not intended to trap anyone in economic failure." *Lewis County v. Western Washington Growth Management Hearings Board*, 157 Wash.2d 488, 505 (2006).

For purposes of designating Forest Lands of Long-Term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria.

Designation and De-designation of Forest Lands of Long-Term Commercial Significance

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 of the GMA concerning Forest Lands of Long-Term Commercial Significance:

- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of forest resource lands shall be in support of that goal.

1. Definitions.

The County adopts and shall utilize the following definitions and considerations:

- A. "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance.⁸
- B. "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.
- C. In determining whether forest land is "primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production," the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

2. Designation Criteria.

In order to be designated Forest Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to the growing of trees for long-term commercial timber production on land that can be economically and practically managed for such production, and (3) have long-term significance for the commercial production of timber.

Land shall be designated Forest Lands of Long-Term Commercial Significance (referred to as Commercial Forest Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

- A. Land Grade Consideration. In Kittitas County, the most common tree species are ponderosa pine and dry mixed conifer, including Douglas fir. Most of the forest lands in Kittitas County are composed of

⁸ RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.



land grades 4 and 5 as mapped by the Department of Natural Resources. Forest Lands of Long-Term Commercial Significance shall include lands that have a predominance of land grades 3-6 (i.e., more than 60% of the site has requisite land grade) as defined in WAC 458-40-530.

- B. Other Mandatory Factors. In the designation of Forest Lands of Long-Term Commercial Significance, the County shall also consider and address in writing the effects of proximity to population areas and the possibility of more intense uses of the subject land as indicated by (WAC 365-190-060):
- 1) The availability of public services and facilities conducive to the conversion of forest land.
 - 2) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.
 - 3) The size of the parcels: Forest lands consist of predominantly large parcels.
 - 4) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.
 - 5) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW.
 - 6) Local economic conditions which affect the ability to manage timberlands for long-term commercial production.
 - 7) History of land development permits issued nearby.
- C. Other considerations. In determining whether land should be designated as Forest Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the timber industry.
- D. Designation. Upon a determination that a tract qualifies as Forest Lands of Long-Term Commercial Significance (denominated Commercial Forest Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Forest lands under Kittitas County zoning code, section KCC 17.57. The County's Commercial Forest zoning code, KCC 17.57, shall control uses, maintenance and enhancement of the forest products industry and conserve productive forest lands consistent with the needs and best practices of the industry. Lands presently mapped as "commercial forest" shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

3. De-designation Criteria.

- A. Definitions. De-designation is a change of land classification from Forest Lands of Long-Term Commercial Significance to another GMA classification.
- B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant forest land designation.
- C. A de-designation request shall provide a legal description of the property subject to the request and map showing the forest land grades listed above for the property. The request shall specifically

address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.

- A. Applications for the designation of Forest Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations from Forest Lands of Long-Term Commercial Significance to another GMA designation may only be sought in conjunction with a specific development proposal.
- B. In determining a request to designate or de-designate Forest Land of Long-Term Commercial Significance, the County may consider the needs and nature of the timber industry (*Lewis County v. Western Washington Growth Management Hearings Bd.*, 157 Wn.2d 488, 139 P.3d 1096 (2006)).
- C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (*City of Redmond v. Central Puget Sound Growth Management Hearings Board*, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II)).
- D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) all of the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive timber industry, to encourage the conservation of productive forest lands and to discourage incompatible uses when making a decision on designation or de-designation of Forest Lands of Long-Term Commercial Significance.

Below are the policies for activities on Commercial Forest lands.

RR-P136: The County should promote active management of lands to create and maintain healthy forests through support of related infrastructure.

RR-P137: Classification and designation of Forest Lands of Long-Term Commercial Significance shall be made to maintain and enhance natural resource-based industries, including productive timber industries.

RR-P138: Any proposal for de-designation of commercial forestlands shall be subject to a cumulative impacts analysis, including the size and ownership of the commercial forestlands remaining in the County, the needs of the local forest products industry and impacts to those needs by the proposed de-designation, and the potential benefits that may result from the proposed de-designation including higher property taxes and economic stimulus.

RR-P139: The County should encourage incentives and alternatives to keep working forests viable by considering when feasible emerging markets such as carbon sequestration, Transfer of Development Rights, Bio-fuel and bio-energy production that offset the loss of the traditional log and special forest product markets.

RR-P140: Resource activities performed in accordance with County, State and federal laws should not be subject to legal actions as public nuisances.



RR-P141: The County should support and encourage the maintenance of commercial forest lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33 and 84.34.

RR-P142: Kittitas County will support local forest landowners seeking regulatory relief in order to help them remain economically viable.

RR-P143: Land use activities within or adjacent to commercial forest land will be sited and designed to minimize conflicts with forest management and other activities on commercial forestlands.

RR-P144: Kittitas County will encourage rural developments in the Wildland Urban Interface (WUI) and the owners of adjacent commercial forest lands to develop Community Wildfire Protection Plans (CWPPs).

RR-P145: When appropriate, the County will encourage cluster developments on adjacent non-commercial forestlands so that open space buffers adjacent forestland from development.

RR-P146: Kittitas County will advocate active management of Federal and State forest lands to create and maintain healthy, fire-safe forests.

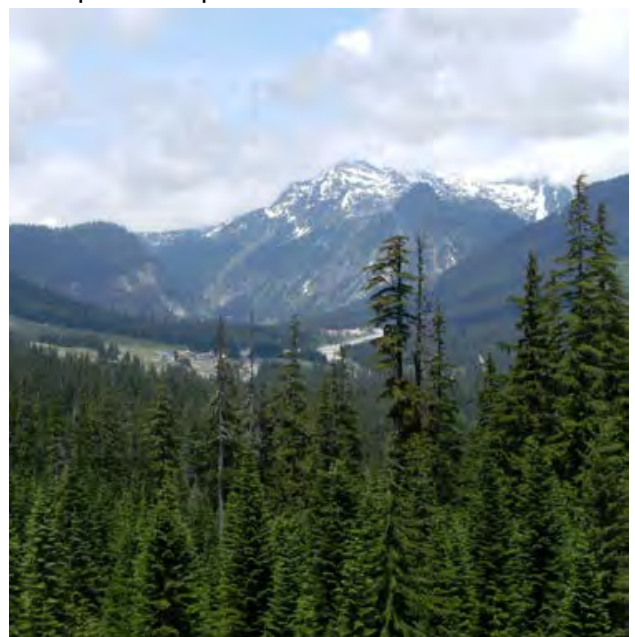
RR-P147: It is the policy of the County to encourage the continuation of commercial forest management by:

- a) supporting land trades that result in consolidated forest ownerships; and
- b) working with forest managers to identify and develop other incentives for continued forestry; and
- c) encouraging and supporting a local and regional infrastructure of manufacturing facilities that use wood products within an economically viable 100 mile circle.

RR-P148: The County shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as Commercial Forest lands contain a notice that states that: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances."

8.5.4 Commercial Mineral Resource Lands

The Growth Management title of the Revised Code of Washington states that each County shall designate, where appropriate, "mineral resource lands that are not already characterized by urban growth and that have long-term significance for extraction of minerals"(RCW 36.70A. 170). The Act defines minerals as sand, gravel and valuable metallic substances, and states that each County shall adopt development regulations to assure the conservation of mineral resource lands (RCW 36.70A.060).



In classifying mineral resource lands, Kittitas County shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated. Areas for sand, gravel and other metallic substances of long-term commercial significance shall be identified by the County. Proposed land uses within these areas designated as mineral resource lands may require special consideration to ensure future supply of aggregate and mineral resource material will be available.

Classification of mineral lands shall be based on geographic, environmental, and economic factors, existing land uses and land ownership. Kittitas County shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the lands as indicated by:

- a) General land use patterns in the area;
- b) The availability of utilities or public services;
- c) Relationship or proximity to urban growth area(s), which shall include areas of where historic growth has occurred
- d) Predominant surrounding parcel size, subdivision or zoning for urban or small lots, or land settlement patterns and their compatibility with mineral lands of long-term significance;
- e) Intensity of nearby land uses;
- f) History of land development, or permits issued nearby;
- g) Land values under alternative uses;
- h) Location of public roads, access or proximity to the point of use or markets;
- i) Availability and adequate water supplies;
- j) Physical and topographical characteristics of the mineral resource site;
- k) Depth of the resource;
- l) Depth of the overburden;
- m) Physical properties of the resource including quality and type;
- n) Life of the resource;
- o) Resource availability in the region;
- p) Long-term economic conditions which affect the ability to manage and/or maintain commercially viable mineral lands of long-term commercial significance, which should include consideration of the following market factors:
 - The location of manufacturing or processing facilities,
 - Equipment and transport costs,
 - Site productivity and production costs,
 - Taxes and administrative costs.

De-designation

Kittitas County, hereby adopts the following provision with respect to de-designation of mineral resource land:

- 1) Change in circumstances pertaining to the comprehensive plan or public policy;
- 2) A change in circumstances beyond the control of the landowner pertaining to the subject property;
- 3) An error in designation; or
- 4) New information on natural resources land or critical area status.

In considering any one of these elements, the criteria for designation should additionally be considered.



Areas meeting the criteria for Mineral Lands of Long- Term Commercial Significance and classified as such, including future discoveries, are designated on the final Comprehensive Plan map and included in the final Comprehensive Plan. The map shows the location of Mineral Lands of Long-Term Significance and will be updated and amended as new mining sites, meeting the designation criteria, are approved.

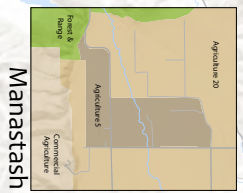
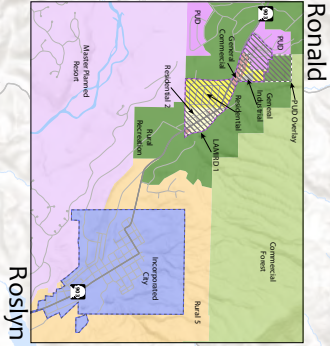
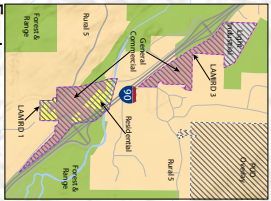
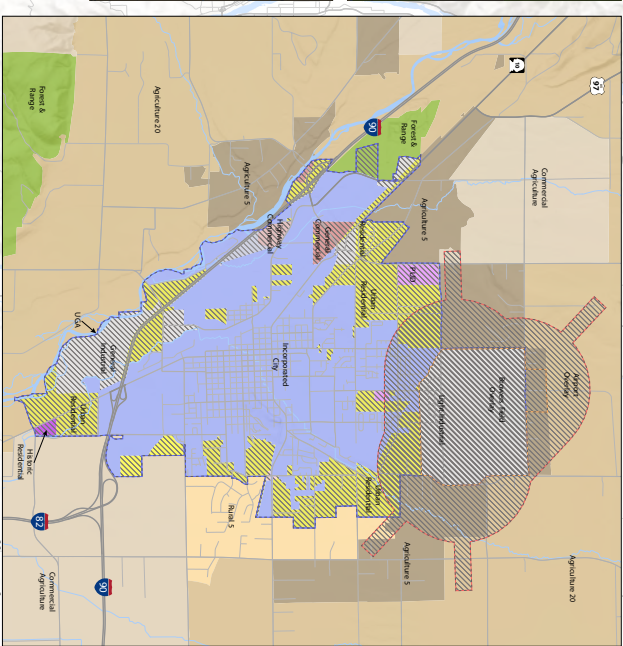
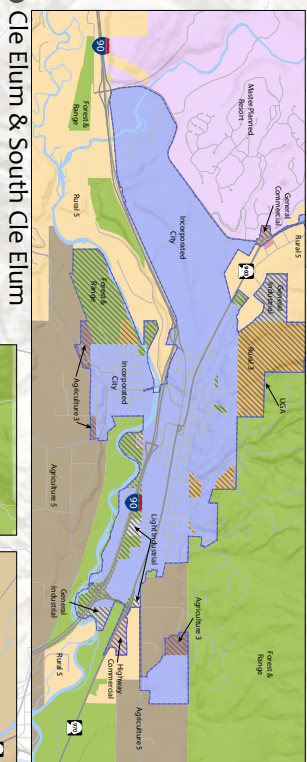
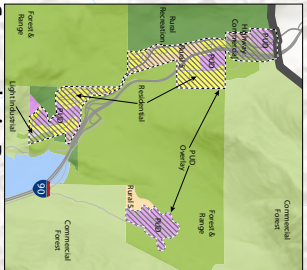
RR-P149: The County should allow for extraction of mineral resources where such extraction does not significantly impact other natural resources.

RR-P150: When the County reviews proposed new land uses that have the potential to conflict with commercial mining activities, such as residential subdivisions, consideration of both surface and mineral rights ownership should be included in the review.

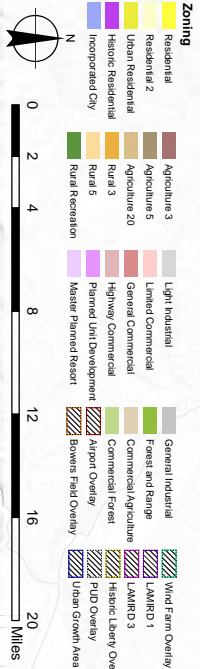
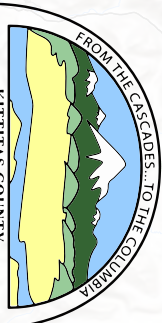
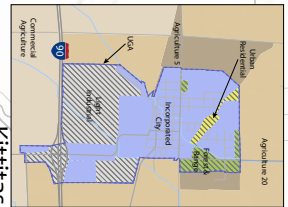
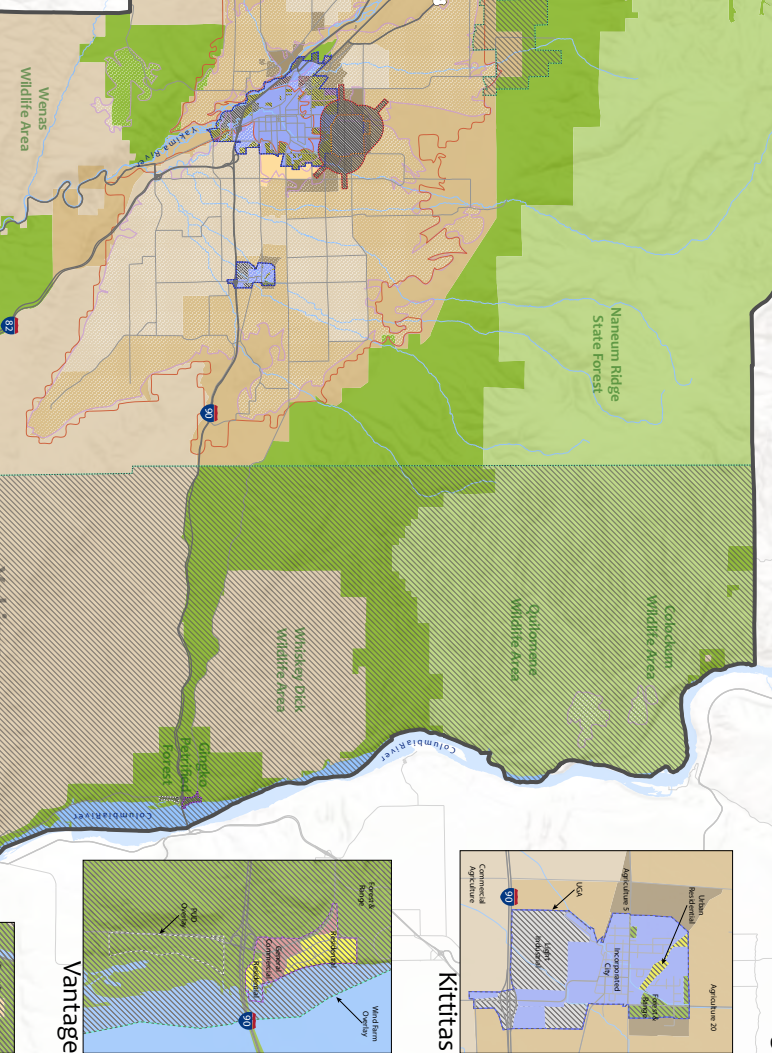
RR-P151: New uses, such as residential and commercial uses, conflicting with existing commercial mining activities in designated mineral resource areas shall be required to locate away from such mining activities.

RR-P152: The County shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances."

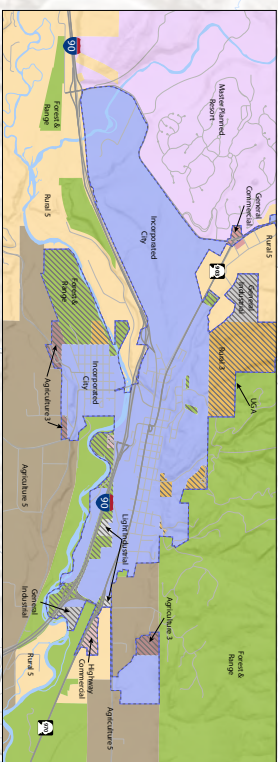
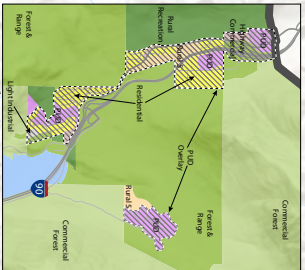
RR-P153: The impact of potential residential/commercial development upon Mineral Resource Lands of Long-term Significance shall be considered when determining the compatibility of the proposed development within the Rural area.



Kititas County Zoning & Future Land Use



Kititas County is a community of people, places, and things. We are a county of diverse landscapes, from the rugged mountains of the Cascade Range to the fertile valleys of the Columbia River. We are a county of rich history, from the early days of settlement to the present day. We are a county of opportunity, with a wide range of land use options. We are a county of pride, with a strong sense of community and a commitment to the future.

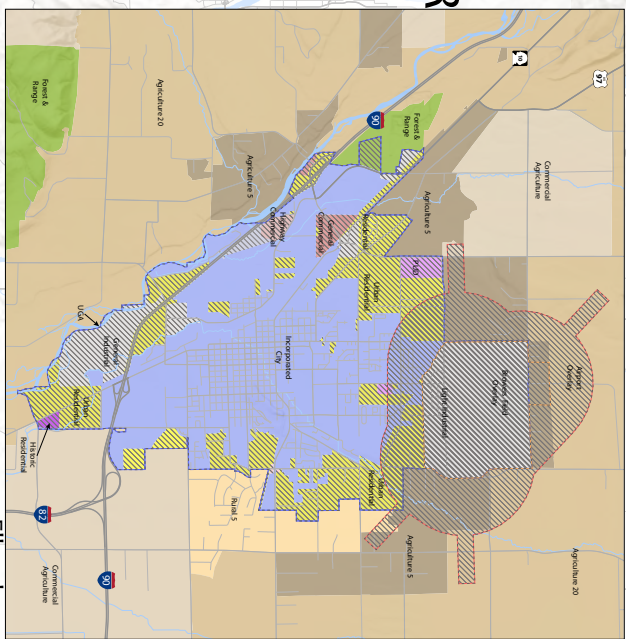


Alpine Lakes Wilderness

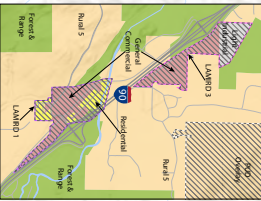
Wenatchee National Forest

Liberty

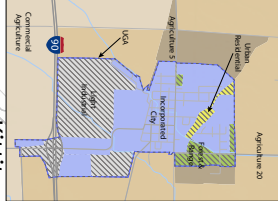
Thorp



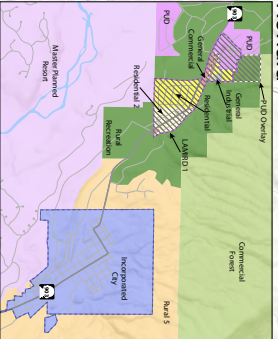
Elensburg



Easton

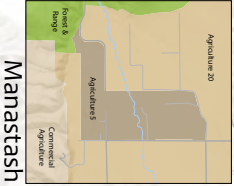


Kittitas



Ronald

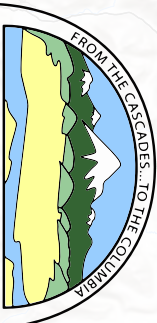
Roslyn



Manastash



Vantage



- Resource Lands**
- Urban Growth Area
 - Commercial Forest
 - Forest and Range
 - Mineral Lands
 - Wild Farm Overlay
 - Non-Resource Lands
 - Commercial Agriculture
 - Agriculture 20
 - Agriculture 5
 - Agriculture 3
 - Agriculture 1
 - Highway
 - General
 - Commercial
 - Urban
 - Forest 6 Range
 - Forest 5 Range
 - Forest 4 Range
 - Forest 3 Range
 - Forest 2 Range
 - Forest 1 Range
 - Forest 0 Range
 - Forest 6 Range
 - Forest 5 Range
 - Forest 4 Range
 - Forest 3 Range
 - Forest 2 Range
 - Forest 1 Range
 - Forest 0 Range

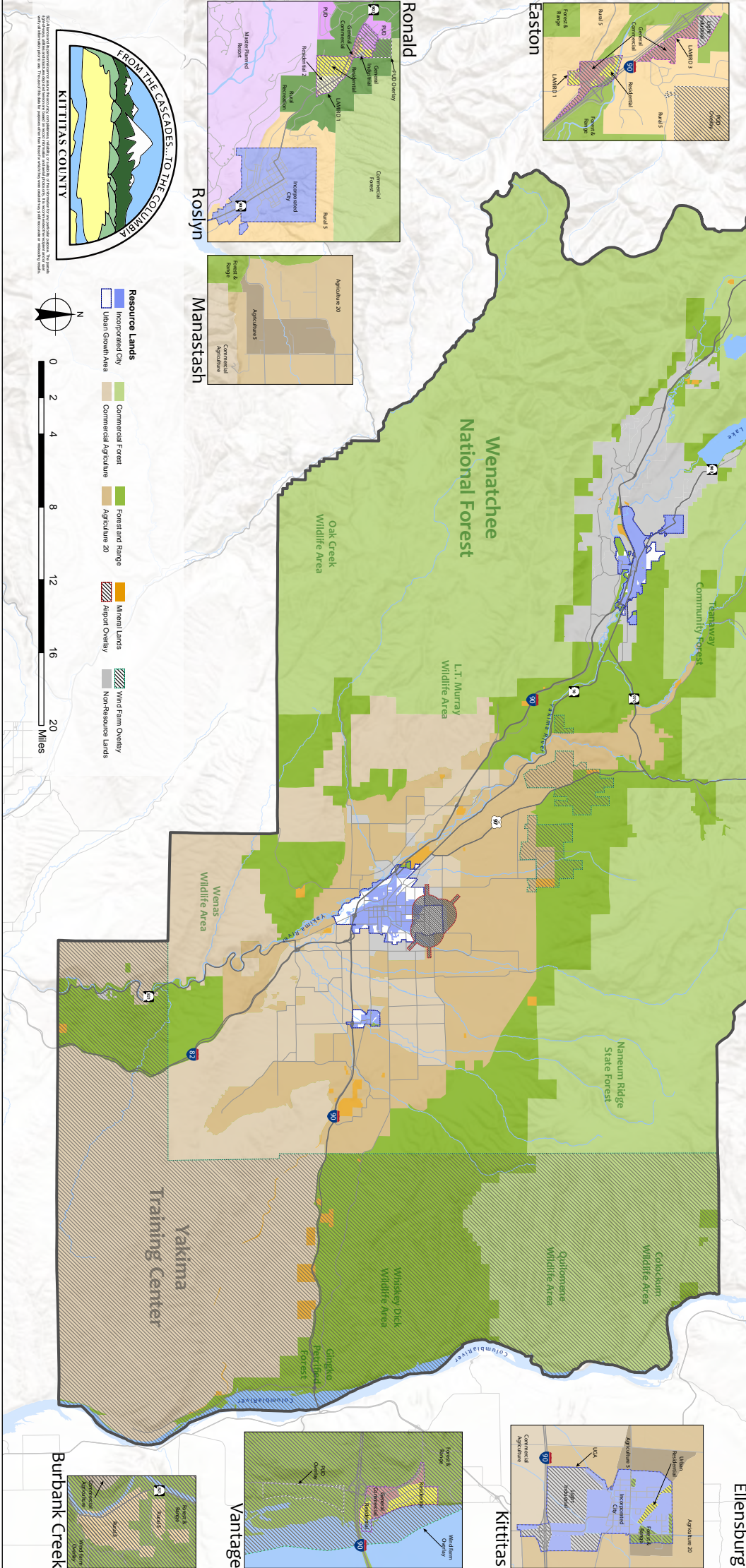


EXHIBIT B

17.15.060 Allowed uses in rural non-LAMIRD lands**17.15.060.1 Rural Non-LAMIRD Use Table**

P Permitted
PA Permitted
Administrative
CU Conditional Use
ACU Admin. Conditional
Use

Rural Non-LAMIRD

* See KCC
Chapter [17.08](#) Definitions

	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5⁴⁹	Rural 5⁴⁹	Ag 20⁴⁹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			p55	p55		p55		
Agricultural direct marketing activities*	p62	p62	p62	p62				
Agricultural seasonal harvest festivities*	p63	p63	p63	p63				
Agricultural expanded seasonal harvest festivities*	C	C	C	C				
Animal boarding*	P	P	P	P		CU	CU	
Agriculture processing*	CU 23		CU 23	CU **		P		
Agriculture production*	p24	P	P	p24	p24	p24	p24	p24
Farm Stand,*	p22 / AC 51	p22 / AC 51	p22 / AC 51	p22 / AC 51	p22 / AC 51	P	p22 / AC 51	p22 / AC 51
Agriculture Sales,*	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	
Feedlot*			CU	CU **				
Grazing*	P	P	P	P	P	P	P	P
Marijuana processing*								
Marijuana production*								
Marijuana, retail sales*								
Nurseries	P	P	P	CU **		P	CU 61	
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC 45 /CU	AC 45 /CU	AC 45 /CU	AC 45 /CU				
U-Pick/U-Cut Operations*	P / AC 51	CU	P / AC 51	P / AC 51			CU	
Farm Visit	CU	CU	AC 51	AC 51	CU	Cu	CU	p52
Commercial Activities associated with agriculture*	AC		AC					
	Ag 5⁵¹	Rural 5⁵¹	Ag 20⁵¹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
B. Civic Uses / Community Services								
Cemetery	p21	p21	p21	CU **	p21	p21	p21	p21
Clubhouses, fraternities and lodges*	AC 44	AC 44	AC 3	AC 35	AC		AC	
Cultural and education facilities					P		P	
Libraries			CU 3			CU		
Meeting facilities					P			
Museums and galleries						CU		
Religious institutions	CU		CU	CU	CU	CU	CU	
Schools, public or private*	p25		p25	CU			CU	
Interpretive Center*			AC	AC			AC	
	Ag 5⁵¹	Rural 5⁵¹	Ag 20⁵¹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
C. Commercial								
Auction sales of non-agriculture products						CU		
Bank						CU		

Bed and breakfast*	AC	AC	AC	AC **			AC	
Clinic*								
Day care facilities*								
Funeral home/mortuary								
Hospital*								
Hospital, animal or veterinary*			CU			CU		
Hotel/motel					CU 6			
Office*						P 17		
Restaurant				CU 36	P	CU	CU	
Retail sales,* general				CU 36	P	CU 18	CU 18	
Retail sales,* lumber and building materials								
Retail sales,* vehicles								
Services					P 20	CU 50		
Shooting range*			CU 31	CU ** 31			CU 31	
Tavern				CU 36	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	P 16		P 16	CU 36	P 42	P 42		
	Ag 51	Rural 51	Ag 2051	Forest & Range 41	Master Planned	General Commercial	Rural Recreation	PUD
D. Industrial								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU 37				
Explosives, storage or manufacture								
Forest product processing* (portable)	P	P	CU	CU 35				
Forest product processing* (permanent)			CU	CU **				
Freighting and trucking yard or terminal*								
Hazardous waste storage*								
Hazardous waste treatment*								
Impound/towing yard*								
Junkyard*								
Manufacturing*								
Mini-Warehouse				CU 59		CU 14		
Refuse disposal/recycle*			CU 19	CU 58				
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA 47	PA 47	PA 47 / CU 46	PA 47				
Wholesale business								
	Ag 51	Rural 51	Ag 2051	Forest & Range 41	Master Planned	General Commercial	Rural Recreation	PUD
E. Recreation								
Campground*	CU 12	CU 12	CU 12	CU 12 P 54 **	CU 13	CU 12	CU 12	CU
Golf course*	CU	CU	CU	CU **	CU		CU	
Guest ranch or guest farm*	CU	CU	CU	CU **			CU	
Parks and playgrounds*	P	P	P 2	P	P	P	P	P
Recreation, indoor*					P	CU	CU	P
Recreation , outdoor*	AC	AC	CU	CU	AC	AC	AC	P
Recreational vehicle park*	CU	CU			CU		CU	CU

Recreational vehicle/equipment service and repair*				CU 60				
Recreational vehicle storage				CU 26			CU 26	p 26
Stadiums								
Trails	PA	PA	PA	PA	PA	PA	PA	PA
	Ag 51	Rural 51	Ag 201	Forest & Range 1	Master Planned	General Commercial	Rural Recreation	PUD
F. Residential								
Accessory dwelling unit*	PA 27	PA 27	PA 27	PA 27 **			PA 27	PA 27
Accessory living quarters*	p 28	p 28	p 28	p 28 **	p 28		p 28	p 28
Adult family home*	p 41	p 41	p 41	p 41	p 41	p 41	p 41	p 41
Boarding house			CU 29	CU 29 **				
Convalescent home			CU	CU **				
Dwelling, single-family*	p 33	p 40	P	p 34	p 1	PA 2	P	P
Dwelling, two-family*	P		p 3	p 34	p 1		CU	P
Dwelling, multiple-family*					p 1			P
Farm labor shelter*	CU 4		CU 4	CU 4 **				
Group home*	CU	CU					CU	
Group Care Facility*	CU 56	CU	CU 56	CU			CU	
Home occupation*	P/CU 5	P/CU 5	P/CU 5	P/CU 5 **	P/CU 5		P/CU 5	P/CU 5
Manufactured home*	P	P	P	P **	P	PA 2	P	P
Manufactured home park								
Mobile home	p 38	p 38		p 34				
Special care dwelling*	p 30	p 30	p 30	p 30			CU 30	p 30
Temporary trailer	p 7	p 7	p 7	p 7 **	p 7	p 7	p 7	p 7
	Ag 51	Rural 51	Ag 201	Forest & Range 1	Master Planned	General Commercial	Rural Recreation	PUD
G. Resource								
Forestry*	P	P	P	p 34				
Forest product sales*				P				
Mining and excavation*	CU	CU 39	CU	p 34				
Rock crushing*		CU 39		p 34				
	Ag 51	Rural 51	Ag 201	Forest & Range 1	Master Planned	General Commercial	Rural Recreation	PUD
H. Utilities and Public Facilities								
Electric vehicle infrastructure*	p 32	p 32	p 32	p 32	p 32	p 32	p 32	p 26
Public facilities*	PA 53	PA 53	PA 53	PA 53	PA 53	PA 53	PA 53	PA 53
Solar Power Production Facilities	27	27	27	27	27	27	27	27
Utilities	p 2 /ACU 2 /CU 2	p 2 /ACU 2 /CU 2	p 10 /ACU 10 /CU 10	p 2 /ACU 2 /CU 2	p 11 /ACU 11 /CU 11	p 2 /ACU 2 /CU 2	p 2 /ACU 2 /CU 2	p 2 /ACU 2 /CU 2
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	

** Publisher's Note: Footnote 37 was erroneously referenced in this section by [Ordinance 2013-001](#)

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).
4. Provided:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.
6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.

8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
9. Utilities are defined and regulated by KCC Chapter [17.61](#), Utilities.
10. Utilities are defined and regulated by KCC Chapter [17.61](#), Utilities. Not permitted in the Agriculture Study Overlay Zone.
11. Utilities are defined and regulated by KCC Chapter [17.61](#), Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
 - d. Adequate and convenient vehicular access, circulation and parking should be provided;
 - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
14. The following standards shall apply to the approval and construction of mini-warehouses:
 - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
 - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
 - d. Lease documents shall spell out all conditions and restrictions of the use;
 - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
16. Limited to farm implement repair and maintenance.
17. Limited to offices directly related to tourism and recreation.
18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
19. Limited to composting facilities.
20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
21. No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.
22. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
23. Hay processing, and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permit.
24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter [17.59](#).
25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
26. Recreational vehicle storage may be enclosed or outdoor storage of recreational vehicles or both. Permitted where the use is only serving a residential PUD or in the Rural Recreation and Forest and Range zoning districts and subject to the following standards and conditions:
 - a. All stored vehicles must be licensed if required by law, and operational. This land use does not include vehicle sales.
 - b. Unless it is limited to serving a residential PUD and otherwise permitted or authorized, recreational vehicles shall not be stored outside when the site is contiguous to a residential zoning district.
 - c. No commercial or manufacturing activities are permitted except when recreational vehicle/equipment service and repair has been permitted subject to the requirements of KCC 17.15.060.2 [Footnote 60](#).
 - d. In the Forest and Range zoning district, and when not limited to serving a recreational planned unit development, the site shall either be:
 - i. Contiguous to a State Highway, or
 - ii. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
 - iii. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.
 - e. Recreational vehicle storage shall be designed to be compatible with the surrounding rural character, subject to the following standards:
 - i. Storage areas shall be enclosed with a minimum five-foot-high, security fence. The applicant may be required to provide additional plans for aesthetic improvements and/or site-screening.
 - ii. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
 - iii. Findings shall be made that the proposal does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
 - iv. Measures shall be taken to protect ground and surface water.
- Electric Vehicle Infrastructure subject to provisions of KCC Chapter [17.66](#).
27. Subject to the following requirements:
 - a. The parcel must be at least 3 acres in size;
 - b. Only one ADU shall be allowed per lot;
 - c. The ADU shall not exceed 1,500 square feet;
 - d. All setback requirements for the zone in which the ADU is located shall apply;
 - e. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under [RCW 19.27.097](#);
 - f. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - g. The ADU shall provide additional off-street parking;
 - h. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists;
 - i. The ADU must share the same driveway as the primary dwelling;
 - j. ADUs shall be subject to obtaining an administrative permit.
28. Subject to the following requirements:
 - a. Accessory Living Quarters shall be located within an owner-occupied primary residence;
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
 - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
 - e. Accessory Living Quarters are to provide additional off-street parking;
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
30. Subject to the following requirements:
 - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
 - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
 - c. Placement is subject to obtaining a building permit for the manufactured home;
 - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
 - e. The Special Care Dwelling unit cannot be used as a rental unit;
 - f. The Special Care Dwelling unit must be removed when the need for care ceases;
 - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
 - h. Park model trailers shall obtain the same building permit as for placement of a manufactured home.
 - i. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries.
31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
 - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with [RCW 36.70A.177\(3\)](#) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
32. Subject to the provisions of KCC Chapter [17.66](#), Electric Vehicle Infrastructure.
33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter [17.24](#), Historic Trailer Court Zone.
34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter [17.59](#).
35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).
36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter [17.59](#).

37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter [17.24](#), Historic Trailer Court Zone.
39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter [17.24](#), Historic Trailer Court Zone.
41. Pursuant to [RCW 70.128.140](#).
42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
43. Includes truck stop operations. Minor repair work permitted.
44. Limited to facilities that serve traditional rural or resource activities (such as granges).
45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products.
47. Limited to seasonal, non-structural hay storage.
48. Services limited to resource based industries
49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.
50. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
51. When enhanced agricultural sales are provided.
52. When approved as part of the PUD development plan.
53. Pursuant to KCC Chapter [17.62](#), Public Facilities Permits.
54. Limited to primitive campgrounds as defined by KCC [17.08.155A](#).
55. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.
56. Only allowed as a conditional use when primary use of land is agriculture.
57. Pursuant to KCC [17.61C.050](#) and [17.61C.060](#).
58. (Removed per [Ord. 2022-017](#), 2022)
59. The following standards shall apply to the approval and construction of mini warehouses in the Forest and Range zone:
 - a. The site shall either be contiguous to a State Highway or contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement;
 - b. Findings shall be made that the use does not require urban government services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands;
 - c. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts;
 - d. Measures shall be taken to protect ground and surface water;
 - e. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - f. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
 - g. No commercial or manufacturing activities will be permitted within any building or storage unit except for RV storage when authorized under KCC 17.15.060.2, [Footnote 60](#);
 - h. Lease documents shall spell out all conditions and restriction of the use;
 - i. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
60. Recreational vehicle/equipment service and repair is permitted by conditional use permit in the Forest and Range zoning district. The site shall either be:
 - a. Contiguous to a State Highway, or
 - b. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
 - c. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.

Vehicles under repair shall either be kept inside buildings or visually screened from surrounding areas. No on-street vehicle parking shall be allowed associated with the use. All vehicles, including recreational vehicles and customer and employee automobiles shall be stored or parked on-site at all times. Maintenance and repair activities shall not take place in RV storage enclosures or spaces, except limited maintenance and minor repairs may be performed on RV's that are already being stored at the site in order to avoid having to move them, when such maintenance and repair activities can be completed in two hours or less and only in the enclosures or spaces in which the RV's are already being kept. This use shall be designed to be compatible with the surrounding rural character, subject to the following standards:

 - a. Findings shall be made that the use does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
 - b. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
 - c. Measures shall be taken to protect ground and surface water.
61. Nurseries limited to the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting. Sale of bulk landscape materials such as rock, bark, mulch and topsoil shall not be permitted in this zone. Pre-packaged landscape materials are excluded from this restriction.
62. Agricultural direct marketing activities shall comply with all of the following standards:
 - a. The subject property shall be actively farmed by the property owner.
 - b. Retail structures shall not total more than three thousand (3,000) square feet.
 - c. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
 - d. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted.
 - e. The use shall be operated in accordance with all applicable federal, state, and local ordinances.
 - f. New structures or existing structures converted for public use shall meet current building and fire codes.
 - g. Adequate sanitary facilities shall be provided in accordance with Kittitas County Public Health Department requirements.
 - h. Adequate ingress/egress shall be provided to and from the site in accordance with Kittitas County Public Works requirements.
 - i. Sufficient land area is provided to accommodate the proposed use and related parking, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.
63. Agricultural seasonal harvest festivities shall comply with all of the following standards:
 - a. The site shall conform to the requirements for "agricultural direct marketing activities" except as provide for herein.
 - b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
 - c. Seasonal harvest festivities are prohibited on vacant property, unless the vacant land adjoins property occupied by the owner/operator of the festivities.
 - d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday, and Monday, from the second weekend of June through the December 31.
 - e. Inflatable amusement devices, such as moonwalks, slides, or other inflatable games for children, shall be limited to a maximum of five (5) per seasonal harvest festivities event.

([Ord. 2023-010](#), 2023; [Ord. 2022-017](#), 2022; [Ord. 2021-015](#), 2021; [Ord. 2019-013](#), 2019; [Ord. 2018-021](#), 2018; [Ord. 2018-018](#), 2018; [Ord. 2018-001](#), 2018; [Ord. 2016-023](#), 2016; [Ord. 2015-010](#), 2015; [Ord. 2014-015](#), 2014; [Ord. 2014-005](#), 2014; [Ord. 2014-004](#), 2014; [Ord. 2013-012](#), 2013; [Ord. 2013-008](#), 2013; [Ord. 2013-001](#), 2013)

EXHIBIT C

Chapter 17.60A

CONDITIONAL USES*

Sections

- [17.60A.010](#) Review authority.
- [17.60A.015](#) Review criteria.
- [17.60A.020](#) Conditions.
- [17.60A.030](#) Application and accompanying data.
- [17.60A.040](#) Repealed.
- [17.60A.050](#) Repealed.
- [17.60A.060](#) Hearings – Appeal.
- [17.60A.070](#) Repealed.
- [17.60A.080](#) Transfer of Ownership.
- [17.60A.090](#) Expiration.
- [17.60A.095](#) Modification.
- [17.60A.100](#) Revocation or limitation.

* Prior history: Ords. 71–5, 2.

17.60A.010 Review authority.

KCC [17.15.030](#) explains how to interpret the Zoning Use Tables. Uses identified with an "AC" (Administrative Conditional Use) on the use tabled in KCC Chapter [17.15](#) shall be reviewed administratively by the Director while uses identified with a "CU" (Conditional Use) shall require a public hearing and review by the Board. ([Ord. 2013-012](#), 2013)

17.60A.015 Review criteria.

The Director or Board, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
2. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
 - A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
 - B. The applicant shall provide such facilities; or
 - C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
5. The proposed use will ensure compatibility with existing neighboring land uses.
6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
7. For conditional uses outside of Urban Growth Areas, the proposed use:
 - A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
 - B. Preserves "rural character" as defined in the Growth Management Act (RCW [36.70A.030\(20\)](#));
 - C. Requires only rural government services; and
 - D. Does not compromise the long term viability of designated resource lands. ([Ord. 2019-013](#), 2019; [Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.020 Conditions.

In permitting such uses the Director or Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, setback or yard dimensions;
2. Limiting the height of buildings or structures;
3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
4. Requiring the dedication of additional rights-of-way for future public street improvements;
5. Requiring the designation of public use easements;
6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
7. Limiting the number, size, height, shape, location and lighting of signs;
8. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
9. Designating sites for and/or the size of open space or recreational areas;
10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
11. Limiting hours and size of operation;
12. Controlling the siting of the use and/or structures on the property;
13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads.
14. Demonstrating that the requirements of [Chapter 13.35, Kittitas County Code](#), Adequate Water Supply Determination, can be met. ([Ord. 2014-005](#), 2014; [Ord. 2013-012](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)

17.60A.030 Application and accompanying data.

Written application for the approval of the uses referred to in this chapter shall be filed in the Community Development Services department upon forms prescribed for that purpose. The application shall be accompanied by a site plan showing the dimensions and arrangement of the

proposed development or changes in an existing conditional use. The administrator, Hearing Examiner and/or Board may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties. ([Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Res. 83-10, 1983)

17.60A.040 Fees.

Repealed by [Ord. 2017-001](#). ([Ord. 2017-001](#), 2017; [Ord. 2013-001](#), 2013; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.050 Affected area of use.

Repealed by Ord. 96-19. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.060 Hearings – Appeal.

Any such hearings shall be held pursuant to Title 15A of this code, Project permit application process. (Ord. 2007-22, 2007)

17.60A.070 Appeal.

Repealed by Ord. 9619. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

17.60A.080 Transfer of ownership

The granting of a conditional use permit and the conditions set forth run with the land; compliance with the conditions of the conditional use permit is the responsibility of the current owner of the property, the applicant and successors. ([Ord. 2013-001](#), 2013; Ord. 2007-22, 2007)

17.60A.090 Expiration

A conditional use permit shall become void five (5) years after approval or such other time period as established if the use is not completely developed. Said extension shall not exceed a total of ten (10) years and said phases and timelines shall be clearly spelled out in the application. ([Ord. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; Ord. 2007-22, 2007)

17.60A.095 Modification

Any change, enlargement or alteration in such use shall require a new review and new conditions may be imposed where finding requires. ([Ord. 2013-012](#), 2013; [Ord. 2013-001](#), 2013)

17.60A.100 Revocation or limitation.

The Board may hold a hearing to revoke or additionally limit a conditional use permit granted pursuant to the provisions of this Chapter. Ten (10) days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such conditional use permit was granted. Notice shall be deemed delivered three (3) days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County.

A conditional use permit may be revoked or limited by the Board if any one (1) of the following findings can be made:

1. That circumstances have changed so that 1 or more of the Conditions of [17.60A.020](#) are no longer met;
2. That the conditional use permit was obtained by misrepresentation or fraud;
3. That one or more of the conditions of the conditional use permit have not been met;
4. That the use for which the conditional use permit was granted had ceased or was suspended for twelve or more consecutive calendar months;
5. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the conditional use permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

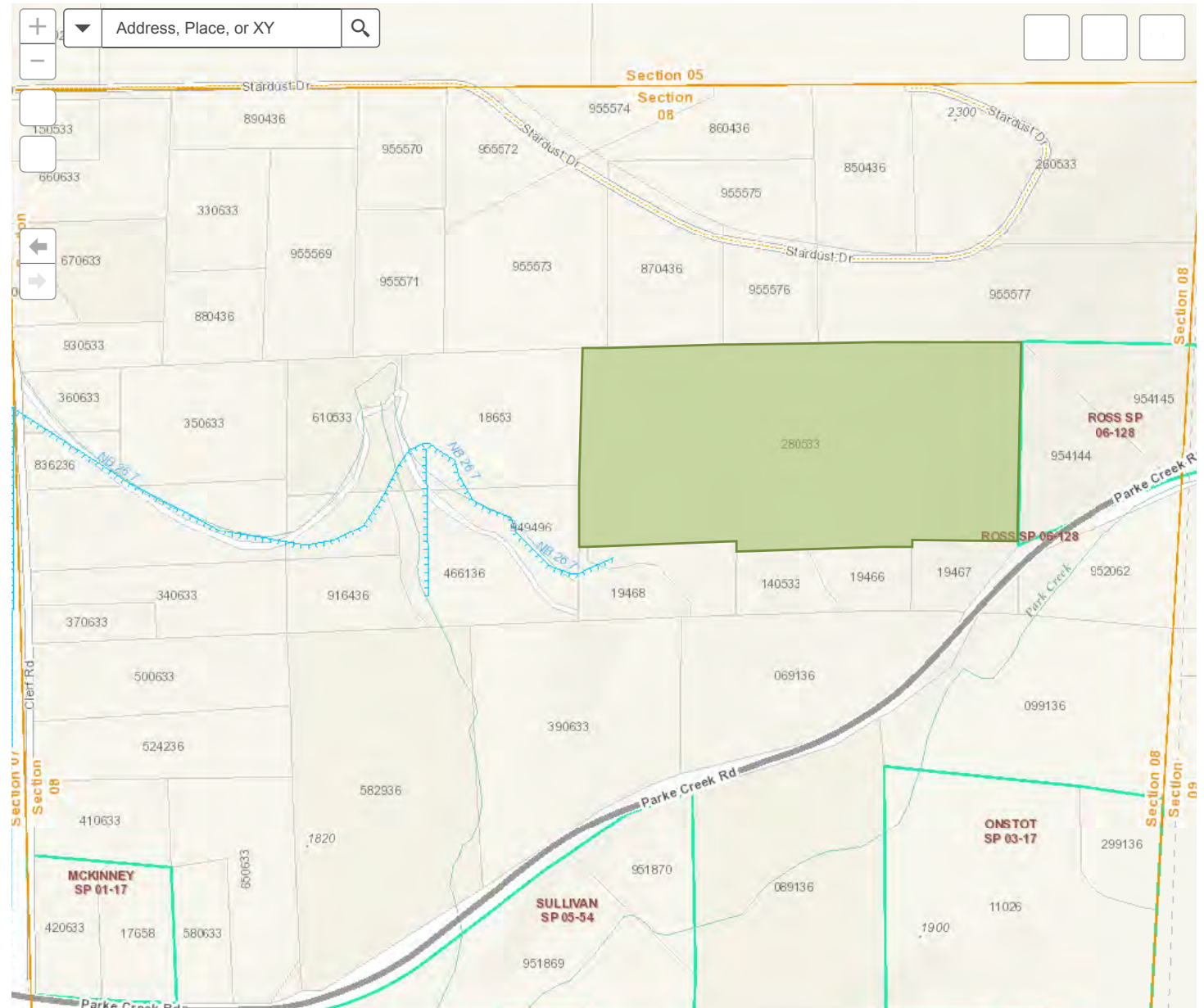
The Board's decision shall be subject to judicial appeal under the provisions of KCC Chapter [15A.08](#).

The Board's decision shall not be effective for twenty-one (21) days after being entered. The Superior Court in reviewing the Board's decision to revoke a CUP may grant a stay during the pendency of any appeal upon a finding that such a stay is necessary to avoid manifest injustice or upon stipulation by the County. ([Ord. 2013-001](#), 2013; Ord. 2009-22, 2009)

EXHIBIT D

Search Tasks

Tasks	Results
Property Info _Query result	
Displayed features:1/1	
PARKE CREEK RD ELLENSBURG Print Report Parcel ID: 280533 Map Number: 17-20-08010-0006 Recorded Area: 42.41 Owner Name: GIBSON, KRISTIN A Name Cont: Mailing Address: 1221 THORP HWY S City/State: ELLENSBURG, WA Zipcode: 98926-8010 Situs Address: PARKE CREEK RD ELLENSBURG COE Gas Service Territory: No Over the Counter Water: Yes	

































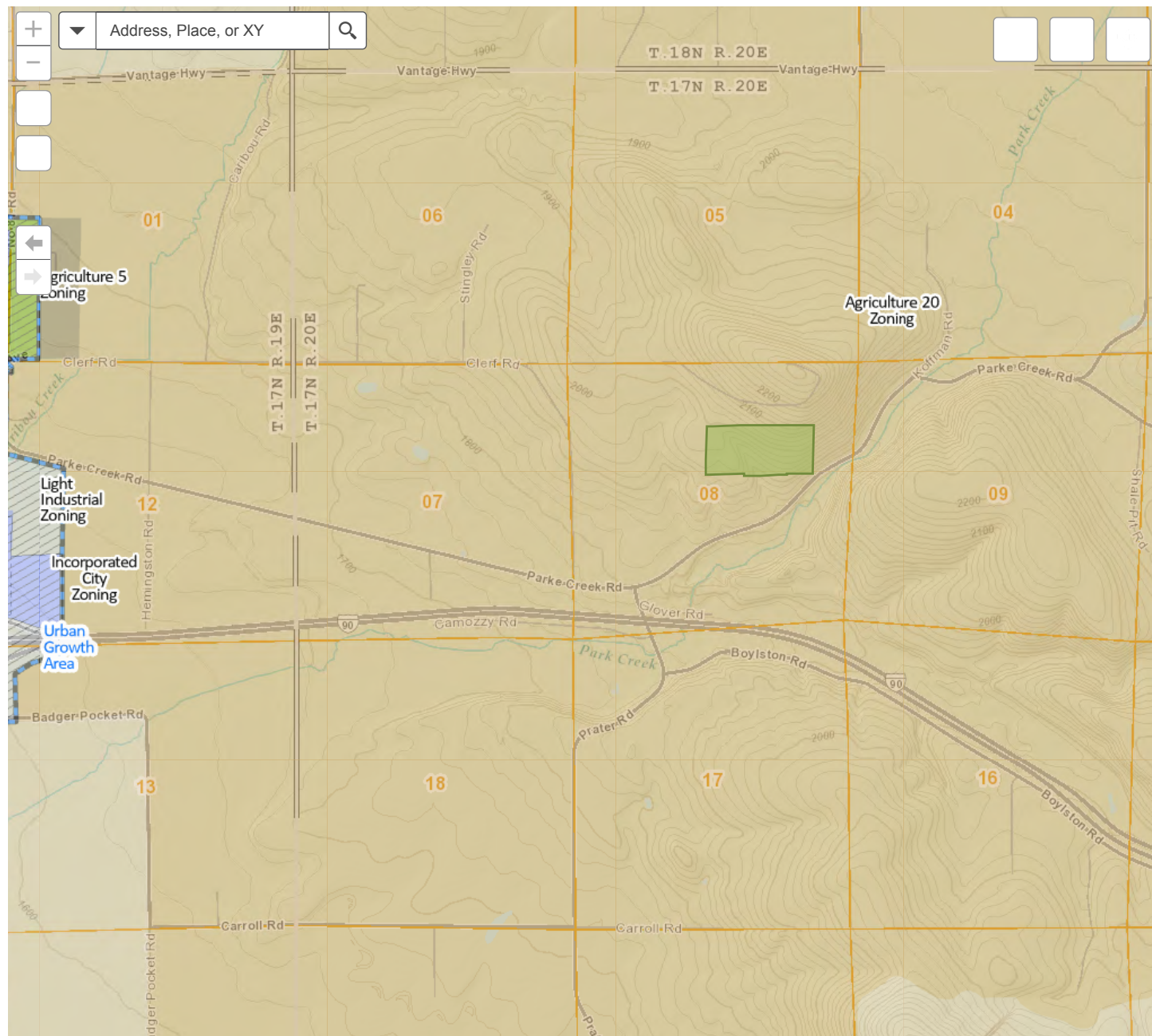
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Legend

Single Family Residential

Zoning

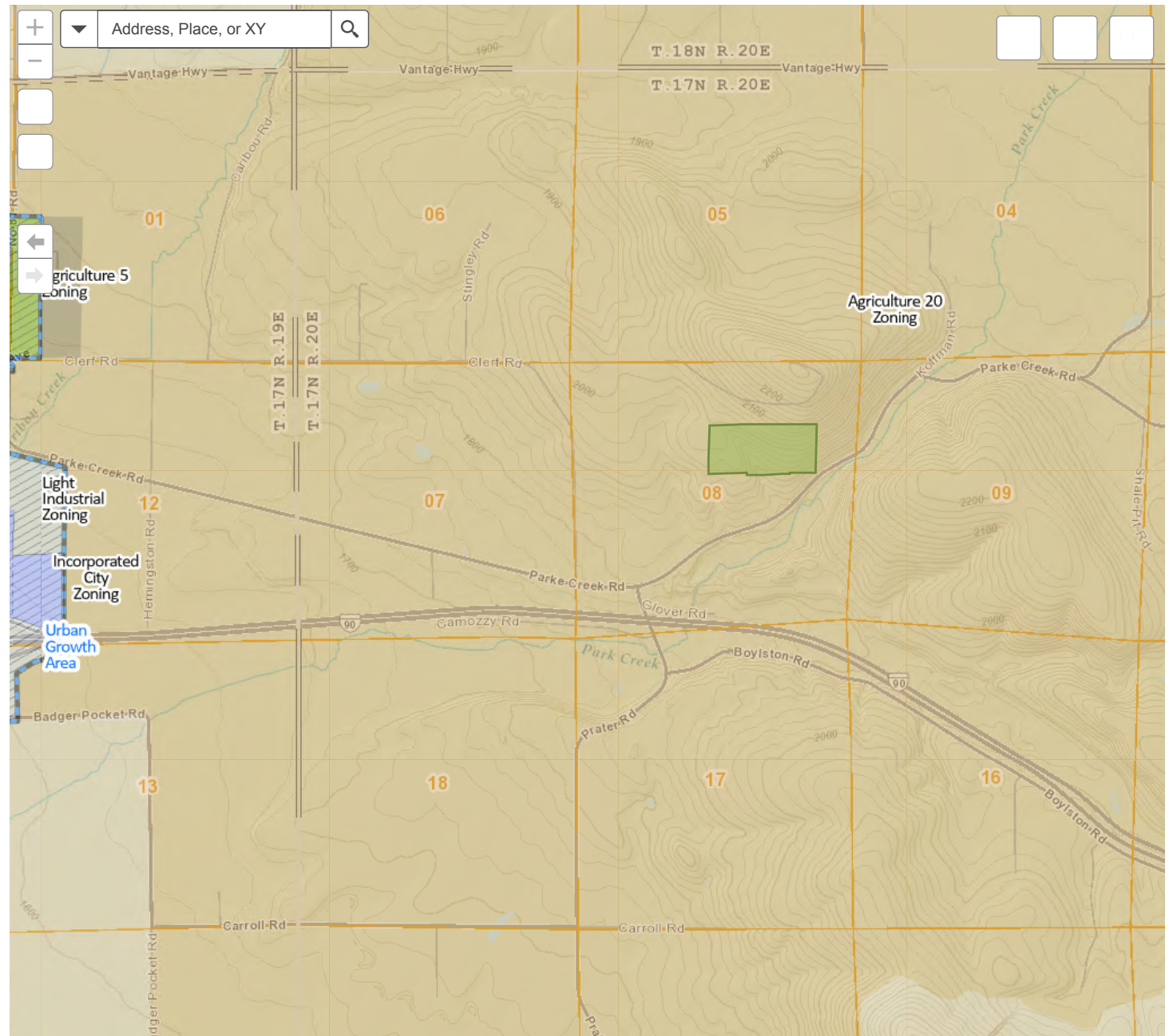
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-  Airport Overlay
-  Urban Growth Area
-  LAMIRDs
-  Bowers Field Overlay
-  PUD Overlay
-  Water Body
-  Commercial Agriculture
-  Agriculture 20
-  Agriculture 5
-  Agriculture 3
-  Commercial Forest
-  Forest and Range
-  Rural Recreation
-  Limited Commercial
-  Highway Commercial
-  General Commercial
-  Light Industrial
-  General Industrial
-  Master Planned Resort
-  Planned Unit Development
-  Historic Trailer Court
-  Urban Residential
-  Residential
-  Residential 2
-  Rural Residential
-  Rural 3
-  Rural 5
-  Rural 10
-  Incorporated City



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-120.349 47.003 Degrees

Search Tasks

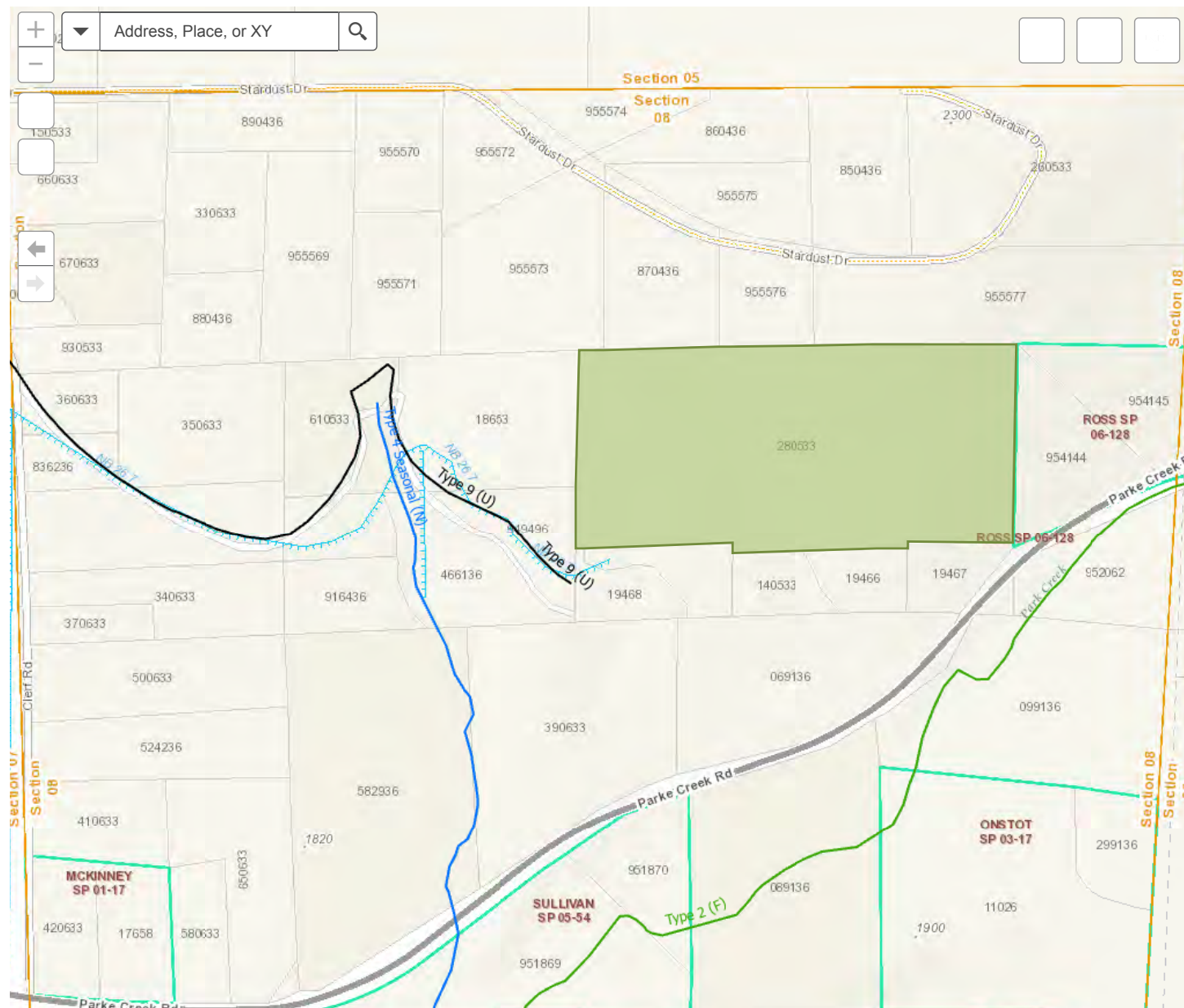
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Property Info _Query result	
Displayed features:1/1	
PARKE CREEK RD ELLENSBURG Print Report Parcel ID: 280533 Map Number: 17-20-08010-0006 Recorded Area: 42.41 Owner Name: GIBSON, KRISTIN A Name Cont: Mailing Address: 1221 THORP HWY S City/State: ELLENSBURG, WA Zipcode: 98926-8010 Situs Address: PARKE CREEK RD ELLENSBURG COE Gas Service Territory: No Over the Counter Water: Yes	



 0.4mi
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Search Tasks

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PARKE CREEK RD ELLENSBURG Print Report Parcel ID: 280533 Map Number: 17-20-08010-0006 Recorded Area: 42.41 Owner Name: GIBSON, KRISTIN A Name Cont: Mailing Address: 1221 THORP HWY S City/State: ELLENSBURG, WA Zipcode: 98926-8010 Situs Address: PARKE CREEK RD ELLENSBURG COE Gas Service Territory: No Over the Counter Water: Yes	



 600ft
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Search Tasks

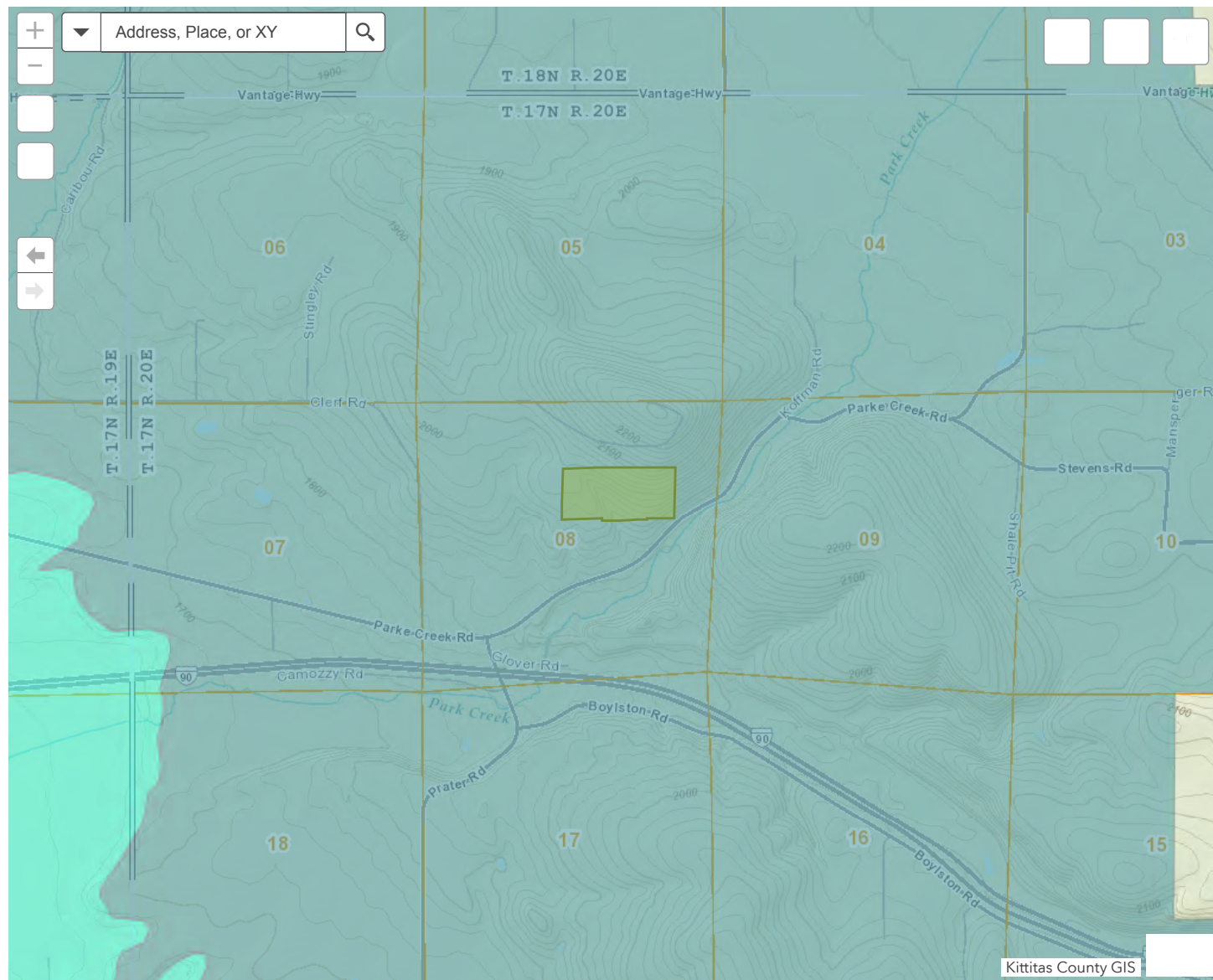
Tasks	Results
Property Info _Query result	

Displayed features:1/1

PARKE CREEK RD ELLENSBURG

[Print Report](#)

Parcel ID: [280533](#)
 Map Number: 17-20-08010-0006
 Recorded Area: 42.41
 Owner Name: GIBSON, KRISTIN A
 Name Cont:
 Mailing Address: 1221 THORP HWY S
 City/State: ELLENSBURG, WA
 Zipcode: 98926-8010
 Situs Address: PARKE CREEK RD
 ELLENSBURG
 COE Gas Service: No
 Territory:
 Over the Counter: [Yes](#)
 Water:



Kittitas County GIS

0.4mi
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App State

Click to restore the map extent and layers visibility where you left off.

EXHIBIT E

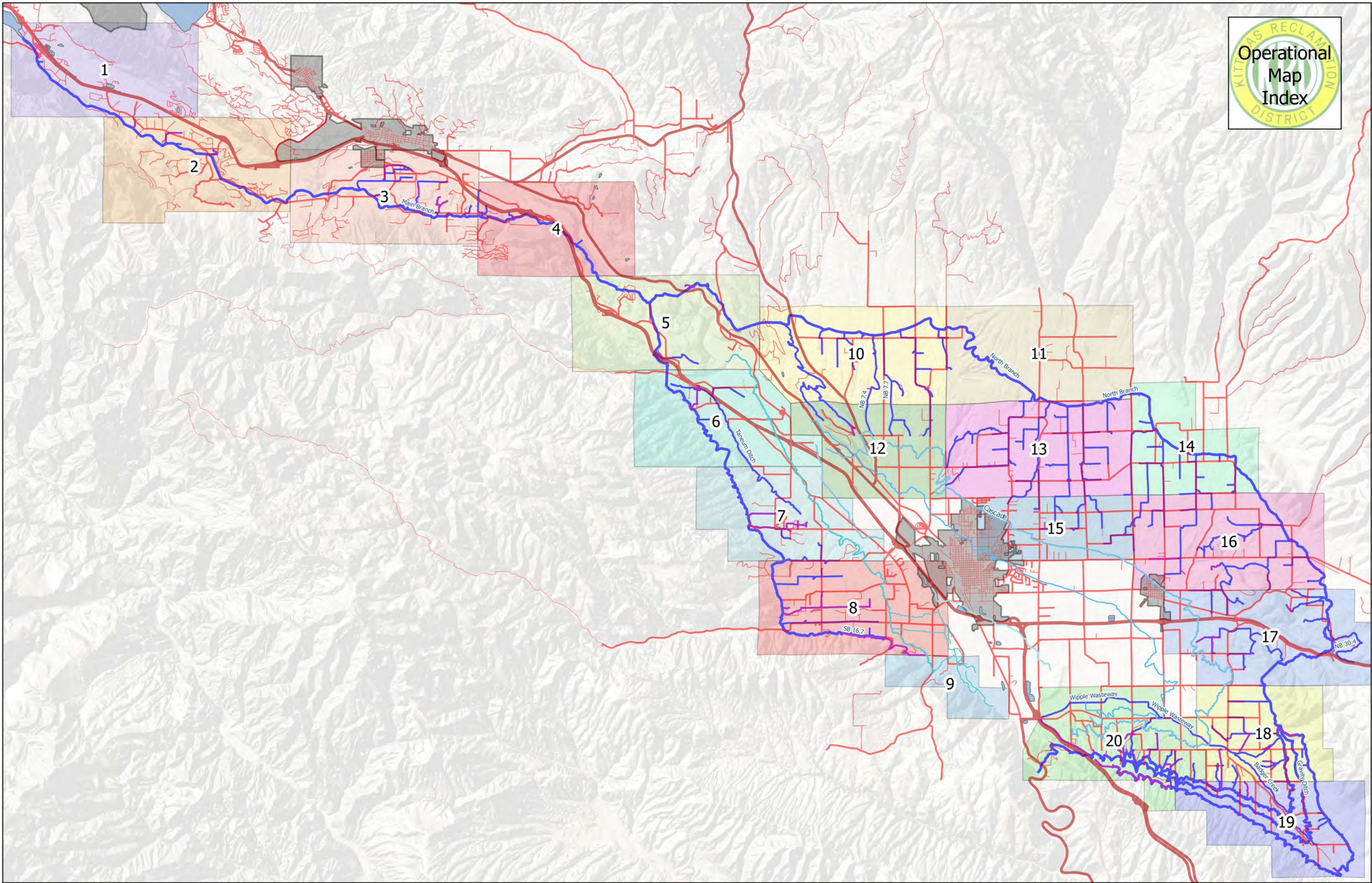




EXHIBIT F



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

CONDITIONAL USE PERMIT

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

A Conditional Use Permit (CUP-10-00004) is hereby approved and issued to Louie Gibson, property owner applied for a Conditional Use Permit for the expansion of the existing rock quarry on 85 acres and to allow for rock crushing in the Agriculture 20 zone. The site is located at 5121 Parke Creek Road approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006.

This permit is subject to the following conditions:

1. The hours of operation shall be limited to 7:00am and 5:00 pm, Monday thru Friday. It shall be the applicant's responsibility to insure that the project does not pose any threat to public safety and shall take measures to reduce conflict with scheduled school bus stops, mail delivery, etc.
2. The applicant shall be required to obtain a Department of Ecology Sand & Gravel permit and submitted to Community Development Services prior to beginning any excavation.
3. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards.
4. The applicant will be required to upgrade the two existing accesses to current Kittitas County Road Standards. Current standard require the construction of a paved apron onto the county road. The access shall be designed as specified in WSDOT Design Manual Figure 1340-5. The applicant shall apply for an access permit prior to beginning of construction. The apron shall be constructed and approved or bonded for prior to receiving final approval for the Conditional Use Permit.

Issued this 16th day of May 2011

By: Dan Valoff
Dan Valoff, Staff Planner

EXHIBIT G

FILE
IN CLERKS OFFICE
SUPREME COURT OF WASHINGTON
DATE **FEB 06 2014**
Madsen, C. J.
CHIEF JUSTICE

This opinion was filed for record
at **8:00 am** on **Feb. 6, 2014**
Ronald R. Carpenter
Supreme Court Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ELLENSBURG CEMENT PRODUCTS,
INC.,

Respondent,

v.

KITTITAS COUNTY and HOMER L.
(LOUIE) GIBSON,

Petitioners,

JAMES and DEANNA HAMILTON, and
LARRY and SHERRIE MILLER,

Defendants.

NO. 88165-1

EN BANC

Filed **FEB 06 2014**

GORDON McCLOUD, J.— Homer L. Gibson applied to Kittitas County for a conditional use permit (CUP) that would allow him to conduct rock crushing and other gravel and cement production related activities on his agricultural-zoned property. Kittitas issued a determination of nonsignificance (DNS) under the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and gave notice that it

would hold a public hearing on the CUP. Ellensburg Cement Products, Inc. objected to the CUP application and appealed Kittitas's SEPA DNS under the county's administrative appeal procedures. In the hearing that followed, Kittitas first considered the SEPA appeal in a "closed record" hearing, Clerk's Papers (CP) at 30, and upheld the DNS. It then held an "open record" public hearing on the CUP, CP at 103, and granted Gibson's application over Ellensburg Cement's objections. Ellensburg Cement appealed both decisions to the superior court, which affirmed, and then to the Court of Appeals, which reversed. *Ellensburg Cement Prod., Inc. v. Kittitas County*, 171 Wn. App. 691, 287 P.3d 718 (2012). The Court of Appeals held that Kittitas was statutorily required to hold an "open record hearing" on the appeal of the SEPA DNS and that rock crushing was not a permissible conditional use under Kittitas's relevant zoning regulations. *Id.* at 713. We granted Gibson's and Kittitas's petitions for review, 176 Wn.2d 1027, 301 P.3d 1047 (2013), and now affirm the Court of Appeals.

FACTS

Gibson owned about 84 acres of property in five contiguous parcels, zoned "agricultural-20" (A-20). In 1997, the previous owner of that property had applied for and received a CUP for gravel extraction on one 13.4-acre parcel of the property.

The parties do not dispute that gravel extraction was and is a permitted conditional use in A-20 zones.

In October 2008, Gibson applied for a gravel extraction permit from the Department of Natural Resources (DNR) for an area of 60 acres. Kittitas confirmed to DNR that the gravel extraction on 60 acres had been approved by the county. In fact, the only CUP issued by Kittitas allowed gravel extraction on one 13.4 acre parcel. Nevertheless, DNR approved Gibson's permit for an area of 60 acres in December 2008. In April 2009, Kittitas issued a notice of violation to Gibson. The notice warned that gravel extraction was occurring on Gibson's property for which no CUP had been issued. The record does not show any further action by the county following the notice of violation.

In June 2010, Gibson submitted a CUP application that purported to amend the 1997 CUP to permit rock crushing in addition to gravel extraction. His application suggested that the 1997 CUP applied to all five of his parcels, totaling 84 acres. Included in the application was a copy of what appeared to be the SEPA checklist submitted with Gibson's application to DNR in 2008. The checklist submitted with his 2010 application to Kittitas, however, was altered—the original checklist referred to mining an area of 60 acres, whereas the list submitted to Kittitas referred to 84 acres.

Ellensburg Cement objected to Gibson's application in August 2010. It noted several of the discrepancies discussed above and also asserted that the county could not rely only on the 2008 SEPA checklist but, rather, should conduct its own independent SEPA review. Kittitas disagreed, determined that Gibson's application was complete, and published a notice of the application and notice of its intent to issue a SEPA DNS. Written comments were invited, received, and placed in the record for consideration. In October 2010, Kittitas issued a SEPA DNS. At the same time, the county gave notice that it would hold a public hearing on the CUP application. Ellensburg Cement appealed the SEPA DNS.

Kittitas held the hearing on the SEPA appeal on May 11, 2011, and upheld the DNS. The hearing's procedures were dictated by Kittitas's "new procedure for administrative appeals." CP at 108. Under that new procedure, "[n]o new evidence or testimony shall be given or received" and the "hearing body shall deliberate on the matter in public in the manner of a closed record hearing." KITTITAS COUNTY CODE (KCC) 15A.07.020(1), (2).

Directly following this closed record hearing on the SEPA appeal, Kittitas held an "open record hearing" on Gibson's CUP application. CP at 103. Ellensburg Cement objected to Gibson's CUP application and was permitted to present arguments and testimony, as were all interested parties. Ellensburg Cement argued,

among other things, that rock crushing was not a permitted conditional use on A-20 land. The hearing board disagreed and approved the application. CP at 103.

Ellensburg Cement appealed both decisions—the one from the “closed record” SEPA appeal and the one from the “open record” CUP application hearing—through the Land Use Petition Act (LUPA), chapter 36.70C RCW, to Kittitas County Superior Court. The superior court affirmed. CP at 534. Ellensburg Cement then appealed to the Court of Appeals. The Court of Appeals held that Kittitas erred by holding a “closed record” hearing, rather than an “open record” hearing, on the SEPA appeal. *Ellensburg Cement*, 171 Wn. App. at 712-13. It also held that rock crushing was not a permitted conditional use on A-20 land. *Id.* at 706. Kittitas and Gibson sought review in this court, we accepted review, and we now affirm the Court of Appeals.

ANALYSIS

I. STANDARD OF REVIEW

Judicial review of land use decisions is governed by LUPA. RCW 36.70C.030. An appellate court is in the same position as the superior court when reviewing a LUPA petition. *Griffin v. Thurston County Bd. of Health*, 165 Wn.2d 50, 54, 196 P.3d 141 (2008) (citing *Isla Verde Int’l Holdings, Inc. v. City of Camas*, 146 Wn.2d 740, 751, 49 P.3d 867 (2002)). The party seeking relief must establish:

(a) The body or officer that made the land use decision engaged in unlawful procedure [sic] or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

RCW 36.70C.130(1).

Interpretation of a statute is a question of law that this court reviews de novo. *State v. Wentz*, 149 Wn.2d 342, 346, 68 P.3d 282 (2003) (citing *City of Pasco v. Pub. Emp't Relations Comm'n*, 119 Wn.2d 504, 507, 833 P.2d 381 (1992)). Our duty in conducting statutory interpretation is to “discern and implement” the legislature’s intent. *State v. J.P.*, 149 Wn.2d 444, 450, 69 P.3d 318 (2003) (citing *Nat’l Elec. Contractors Ass’n v. Riveland*, 138 Wn.2d 9, 19, 978 P.2d 481 (1999)). Where the plain language of a statute is unambiguous, and legislative intent is therefore apparent, we will not construe the statute otherwise. *Id.* However, plain meaning

may be gleaned “from all that the Legislature has said in the statute and related statutes which disclose legislative intent about the provision in question.” *Dep’t of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 11, 43 P.3d 4 (2002). The same principles apply to interpretation of municipal or county ordinances, like the Kittitas ordinance at issue here. *City of Spokane v. Fischer*, 110 Wn.2d 541, 542, 754 P.2d 1241 (1988) (citing *Puyallup v. Pac. Nw. Bell Tel. Co.*, 98 Wn.2d 443, 448, 656 P.2d 1035 (1982)).

II. WHETHER KITTITAS’S SEPA APPEAL PROCEDURES COMPORT WITH STATE LAW

a. Threshold Determinations under SEPA

Under SEPA, counties and other entities must include a detailed environmental impact statement (EIS) “in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment.” RCW 43.21C.030(c). SEPA charges the Department of Ecology with creating “[r]ules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.” RCW 43.21C.110(b).

Pursuant to that statutory authority, Ecology has established a “threshold determination process” to decide whether an action is a major action significantly

affecting the environment for which an EIS is required. WAC 197-11-330. “If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the lead agency shall prepare and issue a determination of nonsignificance (DNS).” WAC 197-11-340(1). If the responsible entity issues a DNS, then no EIS is required. *See generally* WAC 197-11-330.

b. Appeals of Threshold SEPA Determinations

A county or other entity¹ charged with making SEPA determinations may choose whether or not to provide an internal appeals process for challenging its determinations. *See* WAC 197-11-680(2) (“Agencies may establish procedures for such an appeal, or may eliminate such appeals altogether, by rule, ordinance or resolution.”). If the entity permits an appeal of the threshold SEPA determination, however, that appeal must be tied to the underlying government action—for example, the government decision to grant or deny a CUP. RCW 43.21C.075; WAC 197-11-680(3)(v) (“If an agency does not provide for a hearing or appeal on the underlying governmental action (either a hearing on the agency’s recommendation or an agency appeal hearing after the decision is made), the agency may not hold a SEPA administrative appeal, except [under circumstances not implicated here].”).

¹ Counties, local governments, and agencies are treated interchangeably under chapter 43.21C RCW. *See* RCW 43.21C.030.

In other words, an agency or local government cannot provide an appeal of only the SEPA threshold determination. State law permits the locality or agency to provide a SEPA appeal procedure only if the locality or agency also provides for a hearing on the action to which the SEPA determination relates.

Moreover, the government entity permitting the SEPA appeal “[s]hall consolidate an appeal of [SEPA] determinations . . . with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing.” RCW 43.21C.075(3)(b). Thus state law requires that if a local government opts to provide a SEPA appeal, that appeal must occur simultaneously with a hearing on the underlying action. Moreover, and importantly for this case, a SEPA appeal must “provide for the preparation of a record for use in any subsequent appeal proceedings,” and an “adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript.” RCW 43.21C.075(3)(c).

RCW 36.70B.060 lays out the requirements for SEPA appeals if local governments choose to provide them. Under RCW 36.70B.060(6), “if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for *no more than one* consolidated open record hearing on such appeal.” (Emphasis added.) “The local government need not provide for any further appeal,” but if it does provide a further

appeal, “it shall be a closed record appeal before a single decision-making body or officer.” *Id.*

An “open record hearing” is defined as “a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution.” RCW 36.70B.020(3). A “closed record appeal” is defined as “an administrative appeal on the record to a local government body or officer, including the legislative body, *following an open record hearing* on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.” RCW 36.70B.020(1) (emphasis added).

The SEPA provisions of chapter 43.21C RCW thus establish that an appeal of a SEPA threshold determination must be consolidated and simultaneous with a hearing on the underlying project permit decision, and must provide for the preparation of a record, including testimony under oath, for use in subsequent proceedings. The appeals process set out in chapter 36.70B RCW then prescribes what forms such consolidated appeals must take—i.e., open record or closed record, and how many of each.

c. The Parties' Arguments

The parties focus their arguments on the following statutory language: “if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for *no more than one* consolidated open record hearing on such appeal.” RCW 36.70B.060(6) (emphasis added). Gibson and Kittitas argue that this means the county is free to provide less than one consolidated open record hearing—that is, none. *E.g.*, Suppl. Br. of Kittitas County at 6.

Ellensburg Cement responds that the statute cannot mean what Kittitas argues it means because, essentially, it would be absurd and contrary to due process to have a closed record appeal without any underlying open record hearing to create a record in the first place.² The Court of Appeals agreed with Ellensburg Cement. *Ellensburg Cement*, 171 Wn. App. at 713. But, as Kittitas points out, the legislature did not pass a statute saying “one and no more than one”; the statute states “no more than one.”

² We note that if the county chose to offer no appeal at all, as the relevant statutes permit, then the appeal would go directly to superior court through LUPA. LUPA appeals are generally closed record appeals, so one might assume that the same result could occur simply by the county exercising its undisputed option not to provide an appeal. However, LUPA itself guards against this possibility: review is on a closed record only where “the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues.” RCW 36.70C.120(1). Otherwise, “the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction’s record.” RCW 36.70C.120(3).

RCW 36.70B.060(6). And “no more than one” does indeed encompass both one and none.

Ellensburg Cement contends that such an interpretation would be inconsistent with the statutory definitions of “closed” and “open” record hearings. A “closed record appeal” is defined in part as “following an open record hearing.” RCW 36.70B.020(1). Thus, if Kittitas never had an open record hearing, it cannot, by definition, provide a “following” closed record appeal. Moreover, an “open record hearing” is defined as a hearing “that creates the local government’s record through testimony and submission of evidence and information.” RCW 36.70B.020(3). If the record is never created in an open record hearing, then, again by definition, there is no record created upon which to hold a closed record appeal.

The county responds that in fact its ordinances establish a procedure that is neither an “open record hearing” nor a “closed record appeal” under the statutory definitions, but is, instead, its own special administrative process. Kittitas asserts that it is actually “offering an administrative appeal based solely upon the record used to make the decision appealed.” Suppl. Br. of Kittitas County at 5. In other words, the county argues it is free to create any appellate procedure it wants as long as it does not violate the statutory command that it does not have “more than one” open record hearing. RCW 36.70B.060(6). Instead, the county argues, it provides

neither an open record hearing nor a closed record appeal, and that is not a violation of the statute.

d. The County's Plain Language Argument Conflicts with Related Statutes and the Statutory Scheme as a Whole

The county's argument, which is fundamentally an argument based on the plain language of the statute, has some merit; "no more than one" does, literally, encompass both one and none. But we do not stop with literal, word-by-word interpretation bereft of context. Instead, we interpret a statute's plain meaning in light of "related statutes which disclose legislative intent about the provision in question." *Campbell & Gwinn*, 146 Wn.2d at 11. And in this case several related statutes substantially undermine Kittitas's and Gibson's position.

The first related statute is RCW 36.70B.120, a statute that addresses a consolidated permit review process not at issue here. Although RCW 36.70B.120 does not apply directly to this case, it incorporates by reference the statute that we must interpret, RCW 36.70B.060(6), as follows: "if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review *with a single open record hearing and no more than one closed record appeal as provided in RCW 36.70B.060.*" RCW 36.70B.120(2) (emphasis added). RCW 36.70B.120(2) thus interprets RCW 36.70B.060 as providing for "a single open record hearing and no more than one closed record

appeal.” *Id.* This suggests that the legislature did in fact intend RCW 36.70B.060 to provide for “a single open record hearing,” as opposed to “one or zero open record hearings,” as the county and Gibson contend.

The second related statute is RCW 43.21C.075(3)(b). Under SEPA, if a county provides an appeal from its SEPA determination, the county *must* “consolidate an appeal of [SEPA] determinations . . . with a hearing or appeal on the underlying governmental action by providing for a *single simultaneous hearing*.” RCW 43.21C.075(3)(b) (emphasis added). But the county here held an open record hearing on the CUP directly after its closed record hearing on the SEPA determination. As a practical matter, if there is both a SEPA appeal and a hearing on the underlying action, it is evident that the two issues cannot literally be heard simultaneously. Further, as a practical matter, it is logical to hear and decide a SEPA appeal prior to hearing and deciding the underlying action. The county, though, did not just hold the hearings sequentially; it held one hearing under one set of rules (a closed record hearing on the SEPA appeal) followed by another hearing under another set of rules (an open record hearing on the CUP). That procedure contradicts the statutory requirement that the SEPA appeal be consolidated and simultaneous with the underlying CUP hearing. This consolidation requirement also suggests that

the legislature intended RCW 36.70B.060 to provide for at least one open record hearing, contrary to the county's and Gibson's contention.

Third, and most important for interpreting the statute at issue, RCW 43.21C.075(3)(c) states that an agency providing a SEPA appeal *must* "provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law." Moreover, an "adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript." *Id.* At a minimum, then, the consolidated hearing on the SEPA appeal and the underlying action must provide for introduction of testimony under oath. That requirement is consistent with the definition of an "open record hearing" in ch. 36.70B RCW, which "creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution." RCW 36.70B.020(3). The requirement of testimony under oath is inconsistent with Kittitas's assertion that it may create its own administrative procedure, which is neither an open record hearing nor a closed record appeal, and which does not provide for any testimony.

The principle of *expressio unius est exclusio alterius* compels the same conclusion. "Where a statute specifically designates the things or classes of things

upon which it operates, an inference arises in law that all things or classes of things omitted from it were intentionally omitted by the legislature under the maxim *expressio unius est exclusio alterius*—specific inclusions exclude implication.” *Landmark Dev., Inc. v. City of Roy*, 138 Wn.2d 561, 571, 980 P.2d 1234 (1999) (quoting *Washington Natural Gas Co. v. Pub. Util. Dist. No. 1 of Snohomish County*, 77 Wn.2d 94, 98, 459 P.2d 633 (1969)). Kittitas’s assertion that it may create its own proceeding that does not appear in the statute runs contrary to this canon of construction. The statutory scheme defines two proceedings: (1) an “[o]pen record hearing” that creates a record with testimony, RCW 36.70B.020(3); and (2) a “[c]losed record appeal” that follows an open record hearing, RCW 36.70B.020(1). But, as Kittitas admits, Kittitas’s SEPA proceeding in this case was neither an open record hearing nor a closed record appeal. Under the *expressio unius* canon, therefore, the legislature’s inclusion of only two types of hearings precludes Kittitas from creating its own different type of hearing.

In addition, Kittitas’s argument that it may create its own proceeding, if accepted, could undermine the purpose of the SEPA appeal scheme. The scheme was enacted in part to address the problem that the “increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication

between the various permit and review processes.” RCW 36.70B.010(2). If each agency may create procedures not contemplated by the statutory scheme, the problem the scheme was meant to address will be exacerbated rather than alleviated.

To sum up, the county, because it has chosen to provide a procedure for appealing SEPA determinations, is required to “consolidate an appeal of [SEPA] determinations . . . with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing.” RCW 43.21C.075(3)(b). That same SEPA appeal procedure also “[s]hall provide for the preparation of a record for use in any subsequent appeal proceedings” and an adequate record must include “testimony under oath.” RCW 43.21C.075(3)(c). That scheme contemplates *at least one* open record hearing on a SEPA appeal. Read in context with those statutes, as it must be, RCW 36.70B.060(6) then *limits* the number of such open record hearings: the county “shall provide for no more than one consolidated open record hearing on such appeal.” If it chooses to provide a further appeal, “it shall be a closed record appeal before a single decision-making body or officer.” *Id.* And the county may “provide for no more than . . . one closed record appeal.” RCW 36.70B.050(2). As a whole, the statutory scheme requires that a county that chooses to provide an appeal of its SEPA determination must provide a single simultaneous *open record* hearing

on both the SEPA determination and the underlying action, followed by an optional single closed record appeal.

Instead, Kittitas here provided a closed record hearing—a process the county claims is altogether different from anything contemplated in the statutory scheme and therefore not governed by the statutes—on the SEPA determination, followed by an open record hearing on the underlying CUP. That is not permissible under the statutory scheme interpreted as a whole and is contrary to the legislature’s purpose in enacting the scheme. As explained, the statutes, read together, require at least one hearing on a SEPA appeal that includes “testimony under oath.” RCW 43.21C.075(3)(c). That is consistent with the Court of Appeals’ decision that the statutory language “is based on the assumption that there will be at least one open hearing.” *Ellensburg Cement*, 171 Wn. App. at 711. Kittitas in this case “engaged in unlawful procedure or failed to follow a prescribed process.” RCW 36.70C.130(1)(a).³ We therefore affirm the Court of Appeals on this issue.

³ Under the statute, procedural errors may be harmless. RCW 36.70C.130(1)(a). The parties do not raise the issue of harmlessness, but our review of the record suggests that the closed record proceeding that took place here was not harmless error. A board member stated during deliberations that “I’m just trying to take in all this stuff. Makes it tough when you can’t ask questions.” CP at 34. Another board member replied, “Well, we need to move this along.” *Id.* Immediately thereafter, the board voted to deny the SEPA appeal. Under the circumstances, the county’s failure to follow the record-creating procedure mandated by state law was not harmless.

III. WHETHER THE COURT OF APPEALS FAILED TO PROVIDE PROPER DEFERENCE TO LOCAL DECISIONMAKERS BY HOLDING THAT ROCK CRUSHING WAS NOT PERMITTED BY THE ZONING REGULATIONS IN PLACE AT THE RELEVANT TIME

A-20 is an agricultural zone in Kittitas County allowing gravel extraction as a conditional use. It also formerly allowed, as a “permitted” use, the “[p]rocessing of products produced on the premises.” Former KCC 17.29.020(A)(13) (2009). Gibson argues⁴ that he had a CUP to extract gravel and hence gravel is a product produced on the premises. Further, he argues, rock crushing processes the gravel. Therefore, he concludes, rock crushing is a permitted use for A-20 land that has an associated CUP to extract gravel, despite the fact that no agricultural zone expressly permits rock crushing as a conditional use or otherwise.

The Court of Appeals held that this was an incorrect interpretation of the zoning ordinances. It determined that, because the use “‘processing of products produced on the premises’” was a use exclusive to the four agricultural zones, the use “encompasses [only] products produced by agricultural means.” *Ellensburg Cement*, 171 Wn. App. at 705. Since gravel is not produced by agricultural means, the appellate court reasoned, “and only gravel excavation is listed as a conditional

⁴ Only Gibson petitioned the court for review on this particular issue. Kittitas’s petition and supplemental briefing are limited to the open record hearing issue.

use, the logical conclusion is that rock crushing is not allowed in an A-20 zone because it is not listed as a permitted or conditional use.” *Id.* at 706.

Gibson does not contest that the Court of Appeals’ interpretation is plausible. Instead, he argues that the opposite interpretation by Kittitas’s hearing board was also plausible. Suppl. Br. of Pet’r Gibson at 16. Gibson asserts that courts must show deference to local decisionmakers’ interpretations of their own regulations, and that the Court of Appeals therefore erred by failing to show deference to the county board’s plausible interpretation.

Under LUPA, a court may overturn a land use decision that is “an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise.” RCW 36.70C.130(1)(b).

The statute does not require a court to show complete deference, but rather, “such deference as is due.” *Id.* Thus, deference is not always due—in fact, even a local entity’s interpretation of an ambiguous local ordinance may be rejected. *See Sleasman v. City of Lacey*, 159 Wn.2d 639, 646, 151 P.3d 990 (2007). Instead, the interpreting local entity “bears the burden to show its interpretation was a matter of preexisting policy.” *Id.* at 647 (citing *Cowiche Conservancy v. Bosley*, 118 Wn.2d 801, 815, 828 P.2d 549 (1992)). No deference is due a local entity’s interpretation that “was not part of a pattern of past enforcement, but a by-product of current

litigation.” *Id.* at 646. A local entity’s interpretation need not “be memorialized as a formal rule” but the entity must “prove an established practice of enforcement.” *Id.* (citing *Cowiche*, 118 Wn.2d at 815).

Here, Kittitas’s interpretation of its zoning ordinance was a by-product of the current litigation. Neither Gibson nor Kittitas has attempted to show that there was any preexisting policy supporting the county’s interpretation of those zoning regulations. The transcript of the hearing shows the contrary—that the interpretation was entirely ad hoc. For example, one board member stated, “Well, we can’t go back to the county commissioners to get their opinion on this, you know?” CP at 73. Another said, “Well, it’s also difficult because this Board is not the Board that created the ordinance.” CP at 74. One board member even admitted, regarding the proper interpretation of the ordinance, “I’m confused.” CP at 75. The transcript thus reflects the absence of any preexisting policy regarding interpretation of the zoning ordinance at issue. There is no deference due to the hearing board’s interpretation in this case.

In the absence of deference to local decisionmakers, the Court of Appeals’ interpretation of the zoning ordinances is significantly more plausible than Gibson’s interpretation. First, “rock crushing” is not listed as a conditional use on A-20 land; only “[s]and and gravel extraction” is listed. Former KCC 17.29.030(25) (2012),

repealed by KCC Ordinance 2013-001. In other Kittitas zoning ordinances, such as the one describing the “Rural 5” zone, “rock crushing” is expressly listed as a conditional use alongside “sand and gravel extraction.” Former KCC 17.30A.030(5) (2012), *repealed* by KCC Ordinance 2013-001. If the county had intended to permit “rock crushing” on A-20 land, it defies reason that it would not have listed “rock crushing” as a conditional use there, as it did for “Rural 5” land. The fact that the county did not list “rock crushing” alongside “sand and gravel extraction” as conditional uses on A-20 land, as it did elsewhere in its zoning code, strongly suggests that “rock crushing” is not permitted at all on A-20 land.

Further, the use category “processing of products produced on the premises” appears only in agricultural zones. This strongly suggests that “products produced” refers to agricultural products. If “products” was interpreted as broadly as Gibson would like, then other permitted uses would be rendered superfluous. For example, there would be no reason to provide for “[h]ay processing,” former KCC 17.29.020(1)(v), or “the processing of locally harvested forest crops using portable equipment,” KCC 17.29.020(1)(n), since both would be encompassed by “processing of products produced on the premises.” Even the extent to which that use category permits agricultural processing is called into question by the zoning

code's inclusion of "processing plants for agricultural products" as a *conditional* use on A-20 land. Former KCC 17.29.030(11).

Ellensburg Cement has successfully shown, as LUPA requires, that the county's decision was based on "an erroneous interpretation of the law." RCW 36.70C.130(1)(b). We hold that no deference was due the local decisionmakers in this case and affirm the Court of Appeals' decision that "rock crushing" was not a permitted use on A-20 land under former KCC 17.29.020 and former KCC 17.29.030.

CONCLUSION

Kittitas's SEPA appeal procedure did not comport with state law. A statute does state that Kittitas must provide "no more than one" open record hearing, which on its face encompasses both "one" and "none." But the statutory scheme as a whole makes clear that Kittitas must provide at least one open record hearing that includes testimony under oath. Because Kittitas did not provide such an open record hearing in this case, the Court of Appeals correctly held that the county's procedure violated state law. Finally, the Court of Appeals correctly held that rock crushing was not a permitted use on Gibson's land under the zoning regulations in place at the time. We affirm the Court of Appeals.

Heidi M. Cole, J.

WE CONCUR:

Madsen, C.J.

Olson, J.

Owens, J.

Fairhurst, J.

J.M. Johnson

Stern, J.

Wiggins, J.

Conrad, J.

EXHIBIT H



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

APPLICATION FEES:

\$600.00 Kittitas County Community Development Services (KCCDS)**

\$950.00* Kittitas County Department of Public Works**

\$260.00 Kittitas County Public Health

\$1,810.00 Total fees due for this application (One check made payable to KCCDS)

*2 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

** Note:KCCDS and PW fees are waived if project is a VSP sponsored fish enhancement project.

FOR STAFF USE ONLY

Application Received by (CDS Staff Signature): 	DATE: <u>6/28/24</u>	RECEIPT# <u>0024-01627</u>	<div>RECEIVED JUN 28 2024 Kittitas County CDS DATE STAMP IN BOX</div>
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A. Background

1. Name of proposed project, if applicable:

Gibson Rezone from AG20 to Forest & Range

2. Name of applicant:

Kristin and Kory Gibson, mother and son

3. Address, e-mail and phone number of applicant and contact person:

Kristin Gibson
c/o Kory Gibson
1221 South Thorp Highway
Ellensburg, WA 98926

KoryGibson@hotmail.com

509-201-1023

4. Date checklist prepared:

June 15, 2024

5. Agency requesting checklist:

Kittitas County Community Development Services Department

6. Proposed timing or schedule (including phasing, if applicable):

Docket applications are due by June 28, 2024.

The docket will be reviewed by staff beginning in July 2024, with adoption by the end of year.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Unknown. The rezone is to align the property's existing natural characteristics and potential with the allowed uses in the zone. Since there is no irrigation or agricultural soil on site, Agriculture-20 (AG-20) zoning does not fit the existing conditions of the land. Forest and Range is the other potential zoning within the Rural Working designation in the Kittitas County Comprehensive Plan that applies to this area, and is a better fit for the natural conditions on the subject site.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Publicly available information from federal, state, and regional governmental and nongovernmental organizations was used to complete this checklist. Resources include USDA soils information; state fish and wildlife information; noxious weed board information; and Kittitas County COMPAS information including Lidar, existing features mapping, and the aerial photograph of the subject site.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known. This AG-20 to Forest & Range Rezone application is the only known pending government approval relating to the subject site.

10. List any government approvals or permits that will be needed for your proposal, if known.

The applicant currently seeks only a AG-20 to Forest & Range rezone from Kittitas County for the subject site assigned parcel number 280533.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The subject site is a 42-acre parcel with slopes, sparse scrub type vegetation, and rocky soils. Elevations range from 2000 feet above sea level, to 1940 feet above sea level. No water service currently exists on site, no wells exist, and no water rights are available for agricultural irrigation or animal husbandry. Since agricultural uses would not be supported under the natural conditions, and the necessary rights are not available to change the potential of the subject site, a Forest & Range zoning would better suit the property than the current Agricultural-20 (AG-20) zoning.

For example, the properties to the immediate southwest, and south across Parke Creek Rd, are in a river valley and adjacent to an existing river and irrigation system, providing a ready source for irrigation. In this area, the natural characteristics support agricultural uses. The hill to the north, on which the subject site is located, and the hill to the south on the other side of the river, share the same arid landscape without natural water sources.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The subject property is approximately 3 miles east of town of Kittitas and is accessed via Parke Creek Road.

Map number: 17-20-08010-0006

Parcel number: 280533

Section/Township/Range: S8 T17N R20E

Address: unaddressed, north of 4481, 5125, 5121, and 5123 Parke Creek Road

Driving directions: From the city of Kittitas, head east on Parke Creek Road for 3 miles. Turn left at 5125 Parke Creek Rd, and continue northwest for 1,000 feet.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, **steep slopes**, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

COMPAS notes the site as having slopes over 30% slope.

- See COMPAS property report, Exhibit A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The USDA web-based GIS mapping software lists the following soils for the subject property:

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
422	Clerf very cobbly loam, 30 to 45 percent slopes	24.6	57.9%
512	Vantage-Clerf complex, 3 to 15 percent slopes	6.8	16.0%
523	Terlan gravelly loam, 0 to 2 percent slopes	2.3	5.4%
532	Selah-Terlan complex, 10 to 15 percent slopes	2.4	5.6%
903	Marlic-Zen-Laric complex, 3 to 15 percent slopes	6.4	15.1%
Totals for Area of Interest		42.5	100.0%

- See USDA soil map and table, Exhibit B

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There is no known history of soil instability in the immediate vicinity.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. This non-project action proposes only a zoning change.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable. This non-project action does not propose any filling, excavation, or grading. Based on the soil types, it is unlikely that any future erosion would occur with implementation of best management practices, as required by Kittitas County Code.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. This non-project action does not propose any sitework.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable. This non-project action does not propose any sitework.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

~~Reecer~~ **PARKER** Creek is 170 feet at its nearest point from the southwest corner of the subject property.

- See COMPAS aerial photograph, Exhibit C

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, this site is not within a 100-year floodplain. FEMA lists this area as "minimal flood hazard" on FEMA's National Flood Hazard Layer (NFHL) Viewer, and cites study 53037C_STUDY1. Firmette 53037C1330D shows this area. The absence of symbology on the map shows the subject site is outside flood-rated areas.
- See Firmette 53037C1330D, Exhibit D

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. This is a non-project action. Soils in this area are well-draining, allowing surface water to satisfactorily infiltrate. Additional stormwater intervention is not needed. Generally, stormwater makes its way to the river valley.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable. This is a non-project action. This non-project action does not propose any sitework.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

4) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

4. Plants

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other

☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework.

c. List threatened and endangered species known to be on or near the site.

As reported on the Washington Department of Fish & Wildlife "Priority Habitats and Species: Maps" GIS interactive web-based software, there are no known threatened or endangered species on or near the subject site.

- See WDFW Priority Habitats and Species report, Exhibit E

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

e. List all noxious weeds and invasive species known to be on or near the site.

As mapped on the Washington State Noxious Weed Control Board's "Noxious Weed Data Viewer", no noxious weeds or invasive species are mapped on the subject site.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: **deer**, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

As reported on the Washington Department of Fish & Wildlife "Priority Habitats and Species: Maps" GIS interactive web-based software, there are no known threatened or endangered species on or near the subject site.

c. Is the site part of a migration route? If so, explain.

None known. Generally, Washington State is within the Pacific Flyway, a migratory bird pattern along the west coast of the United States.

d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable. This non-project action proposes only a zoning change. This non-project action does not propose any sitework. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

e. List any invasive animal species known to be on or near the site.

None known. The Washington Invasive Species Council does not list invasive animal species in Central Washington.

- See Washington Invasive Species Council plant map, Exhibit F

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable. This is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable. This is a non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

None known.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable. This is a non-project action.

4) Describe special emergency services that might be required.

Not applicable. This is a non-project action.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable. This is a non-project action to rezone the subject site. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Existing noise includes those typically associated with large property, low density, rural lifestyles including property maintenance equipment, recreation vehicles, and regional traffic noise.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is currently vacant and is not suited to agricultural uses due its natural condition. Adjacent properties include residential and farming activities lower down in the river valley, to the west and south, and include vacant and residential activities to the east and north.

The proposal does not affect current land uses on nearby or adjacent properties.

The proposed zoning is consistent with the Rural Working land use designation and activities, which prioritizes management of farming, ranching, and rural lifestyles in the AG-20 zone, and prioritizes resource management in the Forest and Range zone.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The subject site has not been used as working farmland or as working forest lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

c. Describe any structures on the site.

A temporary storage container is located on site and is the only structure.

d. Will any structures be demolished? If so, what?

Not applicable. This is a non-project action.

e. What is the current zoning classification of the site?

The subject site is currently zoned AG-20.

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation is Rural Working.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. No shorelines of the state are located on or near the subject site.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Pursuant to Kittitas County Code 17A.01.010, regulated critical areas present within Kittitas County include: Critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.

None of these occur on the subject site.

- i. Approximately how many people would reside or work in the completed project?

Not applicable. This is a non-project action.

- j. Approximately how many people would the completed project displace?

Not applicable. This is a non-project action.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable. This is a non-project action.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable. This is a non-project action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable. This is a non-project action.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable. This is a non-project action.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable. This is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable. This is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable. This is a non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

According to Google maps, there are several state parks within driving distance of the subject site, including the Ginkgo Interpretive Trails to the north off Vantage Highway, the Green Gate WDFW Public Lands Access to the east, the John Wayne Trail to the southeast, and the Olmstead Place Historical State Park to west of the city of Kittitas.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable. This is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

According to the National Register of Historic Places, the closest registered sites are the Kittitas Depot in downtown Kittitas, approximately 3 miles west of the subject site, and the Olmstead Place Historical State Park, roughly 6 miles west of the subject site.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known at or immediately adjacent to the subject site. The Department of Archeology and Historical Preservation's WISAARD mapping tool does not show the subject site mapped as a historical area. The closest areas are a historic bridge 3 miles southeast and a historic canal 2 miles west.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

For this non-project action, the Department of Archeology and Historical Preservation's WISAARD mapping tool was consulted along with the National Register of Historic Places web-based mapping tool, hosted by the U.S. Department of the Interior's National Park Service.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

The subject site is currently accessed from Parke Creek Road. This regional road that connects into the city of Kittitas, which has an exit off Interstate 90.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

None known. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No such transportation known in the area. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

f. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No known impact. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

g. Proposed measures to reduce or control transportation impacts, if any:

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

None currently available.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable. This is a non-project action. Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Kristin Gibson
Name of signee: Kristin Gibson
Position and Agency/Organization: Owner
Date Submitted: 6/28/24

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Changing the zoning from AG-20 to Forest & Range would not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Both zoning types are within the Rural Working land use designation, and have similar land experiences that include large property, a low density, rural lifestyle.

Proposed measures to avoid or reduce such increases are:

Any future permit actions would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The AG-20 zoning and Forest & Range zoning are both within the Rural Working land use designation. Changing the zoning from AG-20 to Forest & Range would not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

3. How would the proposal be likely to deplete energy or natural resources?

Changing the zoning from AG-20 to Forest & Range would not deplete energy or natural resources. Both zoning types are within the Rural Working land use designation.

Proposed measures to protect or conserve energy and natural resources are:

Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

4. How would the proposal be likely to use or affect environmentally sensitive areas or

areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

There are no known environmentally sensitive areas on the subject site. Changing the zoning of the site from AG-20 to Forest & Range will not impact environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Both AG-20 zoning, the current subject site zoning, and the Forest & Range zoning, the proposed zoning, are allowed within the current Rural Working land use designation in the Kittitas County Comprehensive Plan. There are no current shorelines or shoreline uses on the subject property. Changing the zoning from AG20 to Forest & Range would not affect land and shoreline use, nor would it be inconsistent with the existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Changing the zoning from AG-20 to Forest & Range would not increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

It is unlikely the proposal would conflict with local, state, or federal laws or requirements for the protection of the environment since the comprehensive plan land use designation would not change and has already been approved under the applicable local, state, or federal laws and requirements. The only change is to switch the zoning type from AG-20 to Forest & Range to reflect the site-specific characteristics that do not support agricultural uses but do support Forest & Range uses.



Wednesday, June 5, 2024

Parcel Information

Address:	PARKE CREEK RD ELLENSBURG
Tax Parcel ID:	280533
Map Number:	17-20-08010-0006
Recorded Area:	42.41 a
Owner Name	GIBSON, KRISTIN A
Name Cont:	
Mailing Address:	1221 THORP HWY S
City/State/Zip:	ELLENSBURG WA 98926-8010



Critical Areas Information

Contains > 30% Slope:	Yes
PHS Site Name:	N/A
Roof Hazard:	LOW_HAZARD RATING
Roof Class:	CLASS C
Seismic Category:	C
Shore Line:	N/A
Wetland Code:	N/A
DNR Water Type:	N/A
FIRM Zone:	
FEMA Flood Map:	53037C1330D
Coalmine Shaft:	N/A
Airport Zone:	N/A
BPA Right of Way:	-1
Max Elevation:	2100
ISO:	0.019
PG:	40

Administrative Information

Zone and Allowed Uses:	Agriculture 20
Land Use Category:	Rural Working
Commissioner District:	0
Voter Precinct:	
Hospital District:	HOSPITAL DISTRICT 1
School District:	Kittitas School District
Irrigation District:	KRD
Weed District:	
Fire District:	Kittitas Valley Fire and Rescue (Fire District 2)
Cemetery District:	N/A
Court District:	Lower District Court
PUD Comm District:	District 3
Parks and Rec District:	
Wildland Urban Interface:	UR 1
Stock Restricted Area:	Stock Restricted
COE Gas Service Area:	No

Domestic Water Information

Over the Counter Water:	Yes, Suitability Map
Qualifying Water Banks:	Big Creek WR, Bourne, New Suncadia (Tillman Creek), KittitasCnty (Amerivest), KittitasCnty(Clennon), Reecer Creek, KittitasCnty(Roth), KittitasCnty(Williams), New Suncadia (Big Creek), New Suncadia (SwaukFirstCreeks), New Suncadia (TeanawayRiver), Roan New Suncadia, SC_Aggregate, Swiftwater Ranch, Trailside, Western Water Partners, Yakima Mitigation Services, NGR
Sub Basin Watershed:	Wilson-Cherry Creeks

Custom Soil Resource Report
Soil Map



Custom Soil Resource
Report for
Kittitas County
Area, Washington



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
422	Clerf very cobbly loam, 30 to 45 percent slopes	24.6	57.9%
512	Vantage-Clerf complex, 3 to 15 percent slopes	6.8	16.0%
523	Terlan gravelly loam, 0 to 2 percent slopes	2.3	5.4%
532	Selah-Terlan complex, 10 to 15 percent slopes	2.4	5.6%
903	Marlic-Zen-Laric complex, 3 to 15 percent slopes	6.4	15.1%
Totals for Area of Interest		42.5	100.0%



Date: 6/10/2024

1 inch equals 3,029 feet

0 0.2 0.4 0.8 mi

Disclaimer:
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

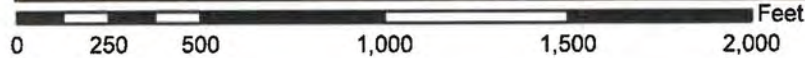


Earthstar Geographics

National Flood Hazard Layer FIRMette



120°20'W 46°58'26"N



1:6,000

120°19'23"W 46°58'1"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS

Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes, Zone X
Area with Flood Risk due to Levee Zone D

OTHER AREAS

NO SCREEN Area of Minimal Flood Hazard Zone X
Effective LOMRs
Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall

OTHER FEATURES

Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature

MAP PANELS

Digital Data Available
No Digital Data Available
Unmapped

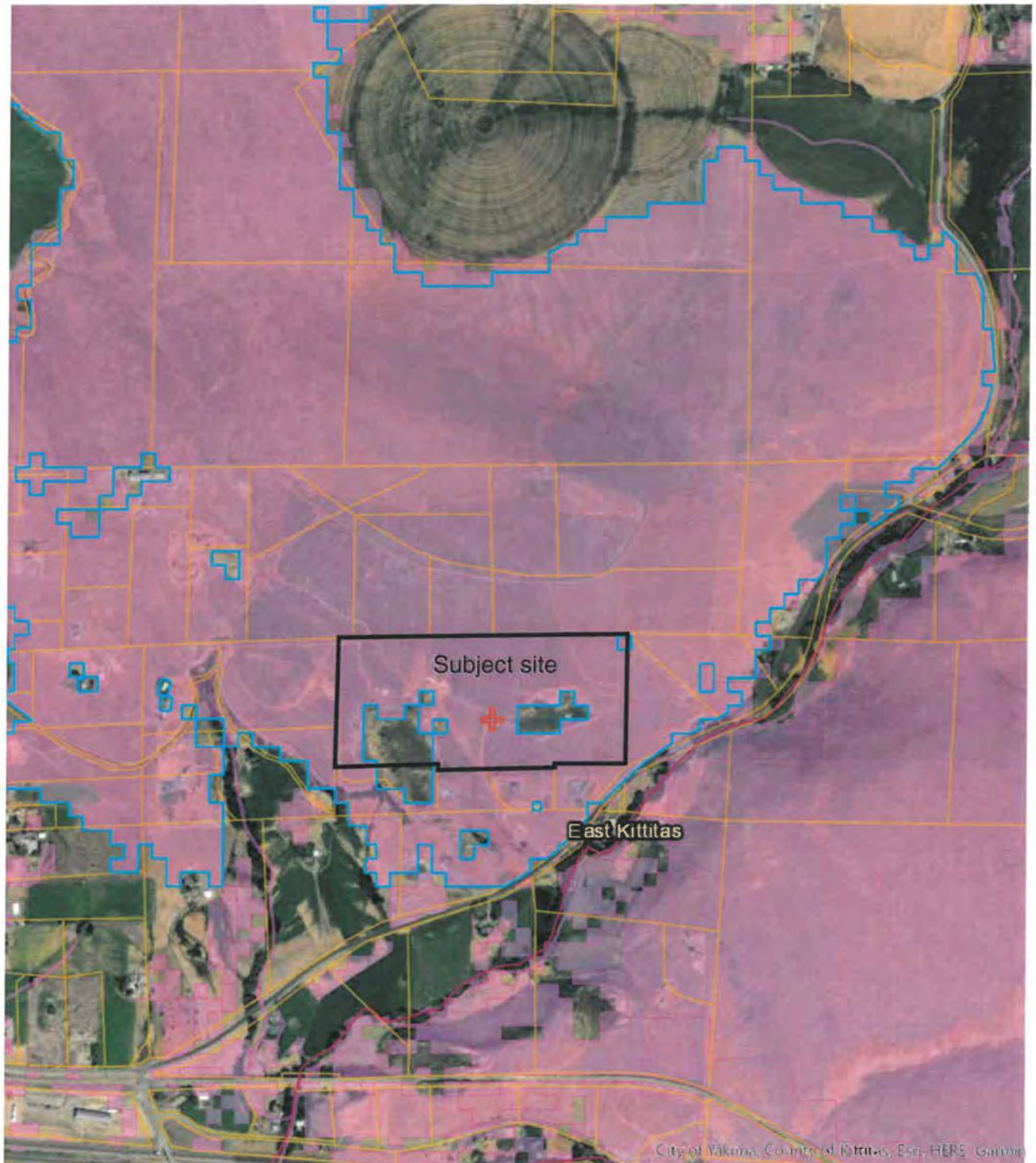
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
- This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/5/2024 at 10:14 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.
- Exhibit D



Priority Habitats and Species on the Web



Report Date: 06/06/2024

PHS Species/Habitats Overview:

Occurrence Name	Federal Status	State Status	Sensitive
Shrubsteppe	N/A	N/A	No

PHS Species/Habitats Details:

Shrubsteppe	
Priority Area	Habitat Feature
Site Name	Kittitas County Shrubsteppe
Accuracy	NA
Notes	General location of Shrubsteppe. Confirm or refute info. WDFW recommends using site-scale info to inform land use decisions. Expect that on-the-ground coordinates (boundaries) will vary from the map.
Source Record	920871
Source Name	Keith Folkerts, WDFW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Geometry Type	Polygons

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not intended to be used as an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas where surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

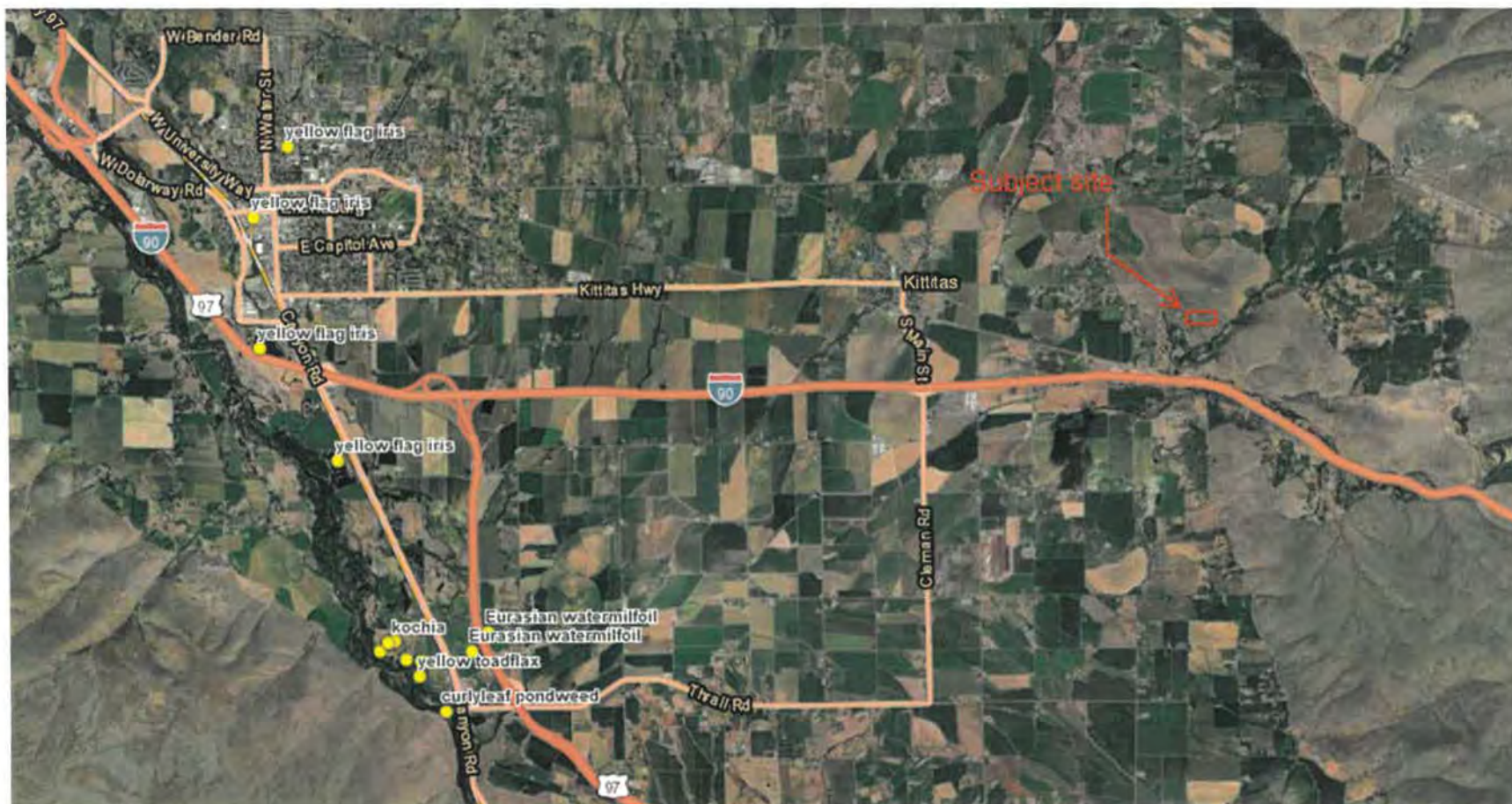


WASHINGTON STATE Noxious Weed Control Board



Washington State Noxious Weed Data Viewer

(BETA)



Legend:

Subject site

Noxious weed sites as labeled