

## 4. Comprehensive Plan

The Kittitas County Comprehensive Plan (Plan) was amended in 2006, but portions of it were found not in compliance with the State's Growth Management Act (GMA), RCW 36.70A, by the Hearings Board. After numerous revisions over the next 5 years, the Washington State Supreme Court (Court) ruled in favor of the Hearings Board that some aspects of the County's Rural Element of the Plan was still not compliant with the GMA. Specifically, the Court found that the Plan:

- Failed to develop a written record explaining its Rural Element;
- Did not include provisions in the Plan to protect rural areas of the County;
- Failed to provide for a variety of rural densities in its Rural Element;
- Did not adequately protect agriculture lands; and
- Did not protect the water quality and quantity in rural areas.

In order to address these issues, the Preliminary Analysis below is intended to identify some of the policies and objectives within the Plan that might be affected by the March, 2008 Order made by the Hearings Board (FDO EWGMHB Case 07-1-0015). Some policies within the Rural Element of the Plan have no relevance to the Plan's compliance to the GMA and, therefore, will not be evaluated within this Preliminary Analysis.

### 4.1 Existing Rural Lands Policies

#### 4.1.1 Policies Affected by Compliance Order

Most of the existing policies within the Rural Element of the Plan are affected by the compliance order, ranging from revising the language for clarity and effectiveness, to considering transfer of the policy to another Plan element, to the actual elimination of the policy.

Policies directly affected by the Order are related to specific issues cited by the Court or the Hearings Board, such as PUDs and cluster developments, protection of rural character, and protection of water quality. Such policies directly affected by the Order are those that may allow higher intensity of uses in rural or agriculture environments, thereby not adequately protecting the rural character of the County. For example, GPO 8.19 encouraging clustering next to commercial forest and agricultural lands without additional criteria could be considered endangering "rural character," or "permitting urban uses in rural lands." GPO 8.48, encouraging cluster development in rural areas could affect rural character, impact water quality and quantity, and permit urban uses in rural and agriculture lands, all issues of the Plan non-compliance ruling.

Policies that advocate protecting property rights and water availability to permit the land owner's flexibility of development might not solve the issues identified by the Hearings Board of protecting "rural character," protecting water quantity/quality, permitting urban uses in rural lands or lands of agricultural significance and may even intensify the issue raised. In addition to GPO 8.19, and GPO 8.48 noted above, GPO 8.7, GPO 8.32, GPO 8.33 and GPO 8.63 could all negatively affect rural character, increase urban uses in rural lands, and negatively impact water quantity and quality.

There are a number of existing policies that could be directly affected by the Order because the policies lack the criteria needed to measure whether or not an objective is being met. For example, GPO 8.42 states "The development of resource base industries and processing should be encouraged." However, there is no criteria included that would protect rural character. The policy might be more effective if written to indicate under what circumstances such industries might be appropriate. Adding to the end of the existing policy, "when the activity is located in places with proper access and adequate supporting public facilities and services," would add clarity and define circumstances where such activities can occur. Similarly, GPO 8.41 could be re-written to indicate the circumstances where "roadside stands, farmers' market, 'U-pick,' and customer share cropping operations" are

appropriate. Within GPO 8.4 it might be appropriate to provide the “criteria (that) shall be established” to “address the provision of services when siting an essential public facility.”

A number of policies within the Rural Element of the Plan may need significant revision or deletion in order to eliminate duplication or conflict with the Plan’s intent or with other policies. Some policies might be considered to be deleted when the intent of the policy is already enforced by, or conflict with, existing State laws and regulations. For example, GPO 8.7 may be considered unnecessary since existing laws protect “takings” issues. GPO 8.24 may also be considered unnecessary since the objective of the policy is not within the authority of the Plan or County. Deletion of these policies might address the issues of “protecting rural character” and having “urban uses in rural areas.” Deletion is an option being considered for the policies listed in Table 4.1.1 below. The table identifies issues that could be addressed by the deletion of the policies. Options that might be considered regarding the policy in meeting some of the identified compliance issues are listed on the Table in the right column. Options other than deletion of the policies could require significant revision in order to address the issues presented by the Court and the Hearings Board.

**Table 4.1-1 Policies Being Considered for Deletion**

Current Plan Policy	Issues of Board Order Being Addressed	Potential Amendments
<b>GPO 8.5 Diversity in densities</b>	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Consider adding clarification of how to designate various rural densities.</li> <li>- Consider deletion.</li> </ul>
<b>GPO 8.7 Private owners expected to provide public benefits</b>	<ul style="list-style-type: none"> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider deleting this policy. Issue is covered by existing takings law.</li> </ul>
<b>GPO 8.10 Factors within municipalities</b>	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Policy directive is not clear. Consider deletion of this policy.</li> <li>- Consider revising to recognize that land use policies in municipalities, i.e. impact fees, can contribute to residential development, which may be inconsistent with GMA.</li> <li>- Add language regarding jurisdictional cooperation.</li> </ul>
<b>GPO 8.15 All conveyance of land notice</b>	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revising policy to remove quoted RCW language and instead cite the RCW provision.</li> <li>- Consider deletion since laws must be followed</li> </ul>
<b>GPO 8.19 Clustering of residential development</b>	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider deleting this policy to avoid rural residential land use conflicts with natural resource lands.</li> <li>- Consider revising to state that clustering should include densities appropriate to the rural environment.</li> </ul>
<b>GPO 8.24 Resource activities performed in accordance with laws</b>	<ul style="list-style-type: none"> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Consider directive policy revisions.</li> <li>- Consider deletion since laws must be followed</li> </ul>
<b>GPO 8.30 Sell house lots without selling farm ground.</b>	<ul style="list-style-type: none"> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Consider deletion</li> <li>- Consider directive policy revisions</li> </ul>

Current Plan Policy	Issues of Board Order Being Addressed	Potential Amendments
		consistent with rural character
<b>GPO 8.32</b> help provide the delivery of water to all lands	- Protection of water quality/quantity	- Consider deletion - Consider revising policy language to clarify intent.
<b>GPO 8.33</b> Lands receive full allocation of water	- Protection of water quality/quantity	- Consider deletion - Consider revising policy language to clarify intent.
<b>GPO 8.36</b> Support and encourage the maintenance of forestlands	- Urban uses in rural or agriculture areas	- Consider deletion since the County must comply with RCWs.
<b>GPO 8.37</b> Valuation of agricultural lands for tax purposes	- Urban uses in rural or agriculture areas	- Consider deletion since the County must comply with RCWs.
<b>GPO 8.40</b> Limited-dispersed rural business activities	- Urban uses in rural or agriculture areas	- Consider deletion as an overlay zone should not allow for urban uses
<b>GPO 8.48</b> Cluster residential developments located in rural lands	- Providing variety of rural density - Protection of rural character - Protection of water quality/quantity	- Consider establishing criteria for zoning tools that preserve open space and protect rural character. - Consider deletion since it exacerbates impact upon rural character without revision and criteria
<b>GPO 8.52</b> Existing lots of record are vested	- Zones/Subdivision actions affecting rural character	- Consider deletion due to internal inconsistencies and legality
<b>GPO 8.63</b> Critical areas in conflict with property and water rights.	- Protection of water quality/quantity	- Consider deletion since laws must be followed

Minor policy revisions might be considered when policies may create confusion between statements that appear to conflict with one another. Such policies with revision could provide direction necessary to solve the land use issues identified by the Hearings Board. GPO 8.53, for example, states “Where new residential development may be incompatible with resource production activities, any buffering necessary should be carried out by the new development, unless an alternative is mutually agreed upon by adjacent landowners.” This policy has potential conflict since adjacent landowners may agree upon conflicting land uses and may eventually create a “nuisance” activity. The policy would be more effective if the words “should be” are replaced with “shall be” and all words past “by the new development” are deleted. GPO 8.19 states, “Clustering of residential development adjacent to commercial forest and agricultural land should be encouraged. The open space in the clustered development may buffer adjacent natural resource land from development.” Cluster development could create conflict with agriculture or forest activity because such development may not buffer the resource land. This policy might be more effective if it were directive and revised to state “Cluster development may be permitted where it is shown that such development will buffer adjacent natural resource land from all development.”

The entire matrix enumerating all of the policies of the Plan’s Chapter 8, the issues that are associated with each policy as it relates to the Court and the Hearings Board decision, and the potential options to address the issues are provided in **Appendix C**.

#### 4.1.2 Effectiveness of Existing Policies

Policies within the Plan’s Rural Element that are not significantly affected by the Court’s or the Hearings Board’s Order are:

- LAMIRDs policies, which were found to be compliant

- Recreation policies, and
- Natural resources policies

Many of the current policies within the Plan's Rural Element are not considered by the Hearings Board as being effective in protecting the rural character, in protecting the agricultural economy, in protecting the water quality and quantity or in providing for a variety of densities compatible with the rural character. However, some of the policies within the Rural Element could be effective in protecting the rural environment if they were revised with directive or with criteria indicating how such objectives will be met. GPO 8.3, for example, indicates that the "sprawl" in rural areas will be discouraged if public services "are limited to just those necessary to serve the developed area boundaries and not are not allowed to expand to the Rural areas." This is a statement that provides some criteria, however, "developed area boundaries" in addition to "Rural Land" is not clear in this GPO. This might be an effective policy in protecting rural character and densities, in reducing urban uses in rural areas and protecting water quality if the policy was revised and re-arranged by stating "Public service and public facilities will not be extended beyond Urban Growth Areas, Rural Transition areas, or within rural areas where public services and public utilities including water and electricity do not exist."

Policies might be effective in addressing the Order by making revisions to the policies that are more "directive" simply by replacing the word "should" with "shall," and "may" with "will." Verbs could make the policy more of a requirement than an option to be considered. GPO 8.13, for example, could be changed to read, "Methods other than large lot zoning to reduce densities and prevent sprawl shall be investigated." The policy might have the added text "and will be provided to the Planning Commission for consideration when new methods appropriate to the County are discovered." Such additional text could become an effective land use policy by addressing identified issues such as providing a variety of rural densities, protecting rural character, and providing other innovative land use concepts. GPO 8.6 could become an effective policy if it were changed to read "An expanded public lands element will be addressed each year within the Plan, which contains strategies for County involvement in decisions and action on public lands within designated Rural areas." Such is the case with GPO 8.16, GPO 8.17, GPO 8.22, GPO 8.25, GPO 8.26, GPO 8.42, GPO 8.45, GPO 8.49, and GPO 8.53. All of these policies could be effective in addressing the issues cited by the Hearings Board and the Court just by making the verbs directive and, some cases, providing criteria as to how the policy intent will be achieved.

The Court identified a number of policies that were used by the County in its argument for compliance in 2009 that could have been effective in defining the rural character that was to be protected just by indicating "how" the policies or objectives were to be achieved. Within its decision it identified, as did the County and petitioners, policies GPO 8.1, GPO 8.3, GPO 8.5, GPO 8.9, GPO 8.13, GPO 8.27, GPO 8.28, GPO 8.30, and GPO 8.49 not as policies that were ineffective in achieving the intent to develop a rural character if only the policies described "how" they were to be achieved.

Below is Table 4.3.1 which outlines existing policies that might be effective in addressing the issues identified by the Hearings Board and the Court, with minor revisions. The Table identifies the existing policy within the Plan, indicates which issue of the Hearings Board would be addressed related to the Plan, and indicates considered options for amendment to the policy to meet the issue(s). The minor amendments being considered and listed below include making the policy "directive" by replacing the words "should" with "shall" and "may" with "will." The policies listed below, when considered in total, address all of the GMA non-regulatory compliance issues identified by the Hearings Board.

**Table 4.3-1 Current Policies with Potential to Meet GMA Issues**

Current Plan Policy	Issues of Board Order Being Addressed	Potential Amendments
<b>GPO 8.1</b> Master Planned Communities	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Consider deletion of “Fully Contained Communities”</li> </ul>
<b>GPO 8.2A</b> Capital Facilities and Utilities	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Amended as part of a prior compliance (Ord. 2009-25) to include reference to LAMIRDs. Amendment found to be compliant.</li> <li>- Consider deletion of “Fully Contained Communities”</li> </ul>
<b>GPO 8.2B</b> Electric and natural gas transmission	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Amended as part of a prior compliance (Ord. 2009-25) to include reference to LAMIRDs. Amendment found to be compliant.</li> <li>- Consider deletion of “Fully Contained Communities”</li> </ul>
<b>GPO 8.3</b> Sprawl discouraged	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Consider directive policy revisions and revisions to comply with GMA (not limited to LAMIRDs)</li> </ul>
<b>GPO 8.4</b> Essential public facilities	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Evaluate establishing criteria in the policy</li> </ul>
<b>GPO 8.5</b> Diversity in densities in Rural areas	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	<ul style="list-style-type: none"> <li>- Consider adding clarification of how to designate various rural densities.</li> <li>- Consider deletion since it does not define densities.</li> </ul>
<b>GPO 8.6</b> An expanded public lands element	<ul style="list-style-type: none"> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revising to provide policy direction for public lands in rural areas.</li> </ul>
<b>GPO 8.9</b> Conservation of Rural character	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revisions in relation to overall reorganization of chapter.</li> </ul>
<b>GPO 8.11</b> Existing and traditional uses	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revising to identify “traditional uses” in the context of Kittitas County’s unique rural character.</li> </ul>
<b>GPO 8.13</b> Methods other than large lot zoning	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Zones/Subdivision actions affecting rural character</li> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider directive policy revisions and revisions to protect rural character.</li> </ul>
<b>GPO 8.16</b> Growth in the Rural Lands	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider directive policy revisions to achieve this goal.</li> </ul>
<b>GPO 8.17</b> Support for right-to-farm	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Consider directive policy revisions. Ex: “Ordinances which support and protect the right-to-farm <del>should</del> shall be expanded.”</li> </ul>
<b>GPO 8.18</b> Irrigation delivery facilities	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revising to include reference to statute RCW 58.17 and Title 16 KCC.</li> </ul>
<b>GPO 8.20</b> Development within or adjacent to forest lands.	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> </ul>	<ul style="list-style-type: none"> <li>- Consider revising to provide appropriate development standards based on a variety of rural lands, i.e. forest, range, agriculture, residential or</li> </ul>

Current Plan Policy	Issues of Board Order Being Addressed	Potential Amendments
		commercial. - Consider policy directive with different standards for various rural lands.
<b>GPO 8.21</b> Potential to conflict with commercial mining activities	- Providing variety of rural density - Protection of rural character - Urban uses in rural or agriculture areas	- Consider revising policy to provide directive language to protect mineral resource areas and consider criteria for establishing new land uses adjacent to mineral resource areas. - Consider amending land use designation map to identify Mineral Resource Lands of Long Term Significance.
<b>GPO 8.22</b> New conflicting uses	- Providing variety of rural density - Protection of rural character - Urban uses in rural or agriculture areas	- Consider revising policy language to clarify intent. - Consider amending land use designation map to identify Mineral Resource Lands of Long Term Significance.
<b>GPO 8.23</b> Explore incentives for farming	- Urban uses in rural or agriculture areas	- Consider directive policy revisions, for example specific steps how this goal will be achieved. - Consider incorporating in a different way into a new Resource Element or the Land Use Element.
<b>GPO 8.25</b> Support for right-to-farm ordinances	- Urban uses in rural or agriculture areas	- Consider directive policy revisions, such as revise it to say right to farm ordinances “shall” be continued. - Consider deleting “expanded.”
<b>GPO 8.26</b> Laws and regulations restricting farming	- Urban uses in rural or agriculture areas	- Consider directive policy revisions, such as “the County shall create “innovative laws and regulations that support farming.” - Consider revisions to address mining and logging conflicts with other rural uses and to protect rural character, such as moving mining and logging policies to Resource.
<b>GPO 8.27</b> sound voluntary farm conservation	- Urban uses in rural or agriculture areas	- Consider directive policy revisions.
<b>GPO 8.28</b> Non-farmers in agricultural areas	- Urban uses in rural or agriculture areas	- Consider revising to identify “commonly accepted farm standards” in the context of Kittitas County’s unique rural character, such as noxious weed prevention and irrigation practices, etc.. - Consider revising to add a directive policy providing information to non-farmers about farming practices.
<b>GPO 8.35</b> Additional tax incentives	- Urban uses in rural or agriculture areas	- Consider directive policy revisions.
<b>GPO 8.45</b> consider major industrial development	- Urban uses in rural or agriculture areas - Protection of water quality/quantity	- Consider establishing directive policies and creating County-specific criteria consistent with RCWs.
<b>GPO 8.46</b> Residential development on rural lands	- Protection of rural character - Protection of water quality/quantity	- Consider directive policy revisions and revisions to ensure consistency with rural character and Ord. 2011-006. - Consider revising to strike “private,” recognizing the function of public utility districts.
<b>GPO 8.47</b> residences situated in farming, mining, and forestry areas	- Urban uses in rural or agriculture areas	- Consider revision, such as “Residential uses, where permitted, shall be located where farming and forestry activities are not negatively impacted.”

Current Plan Policy	Issues of Board Order Being Addressed	Potential Amendments
GPO 8.53 residential development incompatible with resource production	<ul style="list-style-type: none"> <li>- Providing variety of rural density</li> <li>- Protection of rural character</li> <li>- Urban uses in rural or agriculture areas</li> <li>- Protection of water quality/quantity</li> </ul>	- Consider revising to add directive policies to prevent land use conflicts in the rural area. For example, delete all text after “new development.”

The “effectiveness” of these policies in addressing the issues will depend upon the revisions that are made to them in meeting the issues presented by the Hearings Board. For example, GPO 8.5 has a consideration of deletion within optional amendments, but another option includes considering adding clarification to designating various rural densities, which could be effective in addressing the issue of providing a diversity of rural densities while protecting rural character.

The matrix outlining all of the policies of the Plan’s Chapter 8, the issues that are impacted by the Court and the Hearings Board decision, and the potential options to address each of these issues is provided in **Appendix C**.

## 4.2 Other Policies

### 4.2.1 Polices Affected within the Land Use Element

Several policies within the Land Use Element of the Plan may be affected by amendments to the Rural Element either through transfer of rural policies to the Land Use section or through amendment of the existing policies in the Land Use section. A number of options are being considered which would add text to the Introduction by discussing specific LAMIRDs (Limited Areas of More Intense Development) to illustrate their function within the character of Kittitas County’s rural character. An option also exists to expand the description of rural character within the Introduction of the Land Use section and to include a land use designation map for the Plan, thereby illustrating and directing the land use designations within the County and showing how the Plan and implementing zoning classification mapping is compliant with the GMA.

Options are also being considered to transfer some of the existing policies now within the Rural Element into the Section 2.2.1 Land Use Element providing General Planning Goals, Objectives and Policies. Policies addressing cottage industries, encouraging farming incentives, and encouraging resource-based industries are being considered for revision and transfer to the Land Use Element 2.2.1 since they may relate with the overall objectives of the County and not just the County’s designated “rural” area. Policies GPO 8.19, GPO 8.2B, GPO 8.23, GPO 8.29, GPO 8.38 and GPO 8.42 might be more appropriate in the Land Use Element since they affect cottage industry, utilities, development and protection of an agriculture based economy. Any policies considered for transfer could also be considered for revision to make them address issues of compliance.

Policies that potentially permit urban uses in rural lands might be more appropriate in the Land Use Element of the Plan. Cluster Plats and PUDs addressed in GPO 8.19 could be revised to address the issue of potentially allowing urban uses within rural and agriculture lands and still allow these types of creative activities. Policies might be made more directive by providing criteria on how the objective is to be achieved or by using the word “shall” to replace “should” in several situations.

Potential revision of existing Rural policies and transfer to the Land Use Element of the Plan is being considered to protect water quality and quantity throughout the County. Policy GPO 8.33 and GPO 8.63 within the Rural Element address water rights and adequate provision. Potential revision would have impact upon the protection of water quality and quantity within the County and development on lands under common ownership, an issue brought up by the Hearings Board and the Court.

The matrix outlining the policies of the Plan's Chapter 2 that may be affected by the Court's and the Hearings Board's decisions, and the potential options to address the issues is provided in **Appendix D**.

#### 4.2.2 Policies Affected within the Housing Element

A few of the Housing Element objectives and policies of the Plan may be affected by potential changes in the Plan. GPO 3.14 indicates:

Designate high-density residential land use zones such as PUDs, cluster development, and MPRs outside of Urban Growth Areas. (page 3-5)

If PUDs and cluster platting is considered for amendment or deletion, this policy would also be affected or deleted. Less housing might be located within these types of development when located in rural areas.

Strategy 3.1 within the Plan suggests:

Identify(ing) lands within areas which are served by centralized water and sewer systems, paved streets, and have other public services provided to them which are suitable for multi-family uses or only single family uses and designate these areas for higher density residential use, including planned unit developments and clustered housing. (page 3-6)

While this strategy will continue in its present form, if the PUD and Cluster Development policies are changed in the Rural Element, it could also impact this particular Strategy. If PUDs and cluster plats as they now exist in regulations and rural policy are changed, the reference to such development may have to be removed.

#### 4.2.3 New Resource Element

The Plan currently contains policies that are specific to resource lands in various chapters. For example, the Land Use Element contains all of the policies for commercial agriculture, commercial forest and commercial mineral resource lands. To more clearly distinguish these resource lands from urban and rural lands, the majority of these policies could be relocated to a new Resource Element with some general resource policies remaining in the Land Use Element. There are also some policies in the Rural Lands Element that may be more appropriate for inclusion in a Resource Element.

#### 4.2.4 County-wide Planning Policies

County-wide Planning Policies (CWPP) were developed by the Kittitas County Council of Governments in 2010. Kittitas County approved these policies through Ordinance No. 2010-012 on November 2, 2010. These policies, as described in the Preamble, "are to used solely to establish a framework from which the comprehensive plans of the County and cities with the County are developed and adopted..." They were adopted to "ensure consistency and coordination among the comprehensive plans of the County and Cities. Policies developed relate to Urban Growth Area designation, Economic Development and Employment, Environment, Affordable Housing, Siting of Essential Public Facilities, Transportation, Contiguous and Orderly Development and Analysis of Fiscal Impacts.

Initial review of these policies indicates that none of the adopted policies are inconsistent with the potential amendments being evaluated. Though not reviewed in this Preliminary Analysis, these policies will continue to be evaluated for potential amendment when outlining any options for change to the Plan and land use regulations of Kittitas County.

### 4.3 Potential Amendments

From review of citizen comments and the consideration of the Hearings Board's Orders and the Court's decision, some potential text amendments to achieve compliance might include:

- Replacing the single rural land use designation for rural lands with a variety of new rural land use designations,
- Adopting new rural land use designations that are more directly implemented with related zoning classifications,
- Amending existing policies of the Rural Lands Element,
- Adding to the existing policies of the Rural Lands Element,
- Amending the policies in the Housing Element,
- A Land Use Element,
- Adding a new Resource Element,
- Amending policies throughout the Plan for consistency with amendments to the implementing regulations (such as in Title 16-subdivision, Title 17-zoning, Title 13-water and sewer and others), and/or
- A combination of all of these options.

Deletions of some policies that conflict with other policies or do not provide a solution to the compliance issues being addressed are also being considered. Some policies that directly contribute to the noncompliance issues identified by the Hearings Board may require deletion after further analysis.

Together with the text amendments listed above, amending the County's land use designation map will be necessary for consistency and clarity of the County's land uses. A land use map similar to **Map 2.2-2**, which clearly distinguishes Resource, Rural and Urban, may be appropriate. Various land use designations for the rural area could also be developed to maintain a mix of rural densities. Draft mapping criteria for potential rural land uses designations are provided in **Appendix E**. This mapping criteria was presented and discussed at the April public Open House events. Based on comments from the public and additional staff analysis, revisions to the criteria will be presented at the June public Open House events and updated throughout the compliance process.

#### 4.3.1 Land Use Advisory Committee

In 2007 and 2008 a citizen committee was formed to provide potential County Land Use Plan and land use regulation amendments for consideration. This Land Use Advisory Committee ("LUAC") presented a number of suggestions which now might be considered in addressing a number of the issues cited by the Hearings Board for GMA compliance. The report and related map provided in **Appendix F** are outline recommendations presented to the 2008 County Commissioners for consideration. The recommendations outlined some of the concerns and issues upon the minds of residents at that time, and are presented here as citizen participation suggested potential amendments to the Plan and County regulations to meet GMA compliance. The LUAC suggestions are presented within this Preliminary Analysis as options that might be considered in amending Plan policies, Plan land use designation, and implementing regulations.

LUAC identified five different designations that could be used in amending the Plan. The "Rural Transition" designation was created to focus "projected development around existing cities consistent with planned transportation and urban utility corridors." (page 4) It encourages infill with the intent that it would someday be developed when all public services were available and when expansion of UGA was necessary around cities. Criteria generally used to identify "Rural Transition" areas included lands:

- Immediately adjacent to UGAs;
- Zoned equal to or less than 5 acres in size;
- Located within "logical" expansion of urban services within 40 years; and
- Located within irrigation or water districts

Density of the Rural Transition designation would be 1 dwelling unit for every 3 to 5 acres and was required to cluster to allow for future development.

The "Rural Residential" designation was intended to protect rural character and permit residential activity with larger parcel sizes. Use of Group A or B water systems is encouraged, and intended to "minimize conflicts with nearby resource lands." (page 6) Designation criteria include lands:

- Outside Rural Transition, Commercial Agriculture or Commercial Forest areas;
- Located within or adjacent to a fire district;
- Served by established road systems (County or State)
- Zoned Rural 3, Rural 5, Agriculture 3, and Agriculture 5 or located adjacent "logical" extensions of such lands;
- That do not require extension of public services;
- That are not in critical areas; and
- May have existed prior to establishment of the criteria.

Density of the Rural Residential designated lands was proposed by LUAC and was the same as the Rural Transition designation, but clustering was suggested to be encouraged, not required.

"Rural Resource" lands were proposed to address lands with rural character outside Rural Transition areas and having agriculture and forest lands without long-term significance. In many cases public services are not available to the lands and are not expected to be servicing the areas in the next 40 years. Designation criteria include:

- Lands outside UGAs or Rural Transition areas
- Having small-scale agriculture and/or forest practices
- Lands mapped as critical areas (floodways, steep slopes, etc.)
- Lands serviced by irrigation district

Density of Rural Resource lands was not to exceed 1 unit for 20 acres, although higher density could be used such as clustering or other land use innovative techniques as long as the overall density was not exceeded.

The "Rural Outlying" area was also identified as a potential land use classification by LUAC. The intent of the designation was to preserve areas that, historically rural in nature, may have agriculture and forest practices, and could be adjacent to Rural Resource lands. Development would be limited for achieving the primary purpose of such lands of preserving open space. Development could occur in clusters, PUDs, and other innovative techniques encouraged by up to 200% bonus densities to the underlying zones. The designation criteria to classify lands as Rural Outlying include lands:

- Having no direct County road or State highway access,
- Where parcels are large in size and located outside irrigation entities,
- In close proximity to public lands or previously designated as commercial forest and commercial agriculture,
- Zone Agriculture-20 or Forest and Range and may have been classified under "open space" per RCW 84.34,
- Which may include critical areas (floodways, steep slopes, etc.).

Density of such lands were determined to equal the existing zone density; no density was to exceed 1 unit per 20 acres of land; and maximum lot size was proposed at 1 acre.

Finally, a "Rural Recreational Overlay" designation for the Plan was proposed by LUAC. This designation was intended to address the needs of second home owners temporarily living in the County to utilize the recreational opportunities abundant throughout the area. It was proposed as an overlying zone which would include existing areas of recreational development and potential large areas that might used for recreational purposes in the future. Criteria proposed to be used to designate such lands included:

- Lands adjacent to or near to existing recreation areas and located outside UGAs and Rural Transition lands,
- Lands which may be designated as Commercial Forest or may exist beyond existing public road access,
- Lands which may include critical areas (floodways, steep slopes, etc).

The density of such lands would be determined by the underlying zone where the overlay was located “or as allowed by the use of innovative (land use) techniques.”

The map in **Appendix F** shows the land use categories and locations of various plan designations as proposed by LUAC in 2008. The map is marked “Draft” and was never acted upon by the County Commissioners. The map does not cover the entire County area. It excludes Vantage and the Snoqualmie areas, but it does include all of the incorporated cities of the County. The proposed LUAC map is not as expansive in outlining the “Rural” area as the present analysis, although boundaries are very similar. Very little “Rural Transition” designation exists within the map; most of it is adjacent to the Urban Growth boundaries of Ellensburg and between Roslyn and Cle Elum. Most of the lands around established development areas and the County’s cities are proposed for a “Rural Residential” designation, and are integrated within active agriculture uses. A large portion of land two and three miles outside the Ellensburg UGA extending westward along the I-90 freeway to Cle Elum is proposed for “Rural Resource” designation. These are lands that are not expected to receive public facilities from jurisdictions, not expected to be developed within the next 40 years, and are located within productive agriculture/forested land or within critical areas. Except for consideration of areas with changes in land use in the past several years, land use designations that may be considered within the eventual proposed land use plan map could be similar to a number of these suggestions.

Many of the proposed Plans Goals, Objectives, and Policies to implement the proposed LUAC designations were very similar to the current GPOs in the existing Rural Element of the Plan. The major change proposed by LUAC was to categorize all of the GPOs into the particular topic sections. There was a section established for general goals and objectives, similar to the General section that now exists. Other categories proposed by LUAC address:

- Uses adjacent to Resource lands,
- General Rural Business activities, and
- Residential and Recreational uses

The total number of GPOs proposed in the LUAC version of the Rural Element in 2008 was reduced from 78 policies to 67 policies, many of the additional policies being added in 2009 relating to Limited Areas of More Intense Development (LAMIRD) which have been found to be in compliance with the GMA.

LUAC also proposed several zone classifications to be added to the Kittitas County Zoning Code, Chapter 17. A Rural Transition zone was proposed along with a Rural Outlying-20 zone and a Rural Outlying-80 zone. All proposed new zones encouraged cluster development or innovative land use techniques to preserve open spaces and preserve rural character. The major difference between the various proposed zones was the density of development permitted.

#### 4.3.2 Potential New Policies to the Rural Lands Element

Most all of the policies proposed by the LUAC that proposed change of designation names and consideration of new land use techniques were in regard to changes to existing policies of the Rural Lands Element of the Plan in 2008. Only GPO 8.12 of the existing plan was significantly altered to add language in four different policies intended to:

- Promote conservation and preservation of open space,
- Encourage innovative planning techniques to achieve objectives,
- Utilize Transfer of Development Rights (TDR) to and potentially an overlay zone to encourage the preservation of agriculture lands, and
- Consider allowing “Rural Villages” as an innovative technique.

The TDR concept was adopted by the County in 2009 after extensive review by the County. Innovative techniques such as ones suggested by LUAC might be considered by the County for preserving open spaces throughout the County. Policies directly related to the plan designation being proposed. For example, within the “Rural Transition” section of the proposal, policies were proposed stating:

- Subdivision projects shall be planned with logical transportation and utility corridor extensions.
- Density shifting, clustering and other innovative techniques are encouraged within this land use designation.
- This land use designation shall encourage development in areas least suited for agriculture.

All of these proposed policies are more direct than many of the Plan’s existing policies and address issues of protecting rural character, providing variety in rural density, and protecting water quality and quantity. Many of the other designations have similar policies, with some encouragement of land conservation and water preservation.

The current Rural Lands Element also includes introductory, “intent” paragraphs to each of its policy sections. Some of the statements within these statements could be used as policies with little or no modification, which would work toward addressing the identified compliance issues. For example, in the Rural Residential designation the last line of intent could be revised to read, “Rural Residential lands will maintain rural character by creating and/or maintaining larger parcel sizes, or by using innovative land use techniques to preserve open space and agriculture uses.” Under the “Rural Outlying” designation proposed by LUAC, the final intent statement might read, “The County shall not extend county roads into lands designated as Rural Outlying Lands, unless identified as a transportation corridor in the Kittitas County Transportation Plan.” Again, this might be considered as an additional policy to the current Rural Element since it is directive and could provide protection of rural character and prevent urban uses in rural and agriculture lands.

An introductory statement to the “Government Services in Rural Lands” section of the LUAC proposal states that rural residents should expect that public services will not be supplied at the same level that city governments provide.” This might be considered a policy just by stating that “Public services will not be supplied at the same level that city governments provide except in ‘Rural Transition’ areas.”

Many proposals for amendment to existing policies in the Rural Lands Element of the Plan are outlined in **Table 4.3.1**. Most of the recommendations involve developing criteria for achieving the objective sought or revising the language of the policy to make it more of a required consideration than an optional consideration. Policy GPO 8.16 could be rewritten to state, “Growth in Rural Lands *shall* be managed in a manner that minimizes impacts on adjacent natural resource lands.” This makes the policy mandatory and better protects rural character and helps prevent urban uses in rural and agriculture lands.

#### 4.3.3 Potential Land Use Designations

The land use designations proposed by LUAC in 2008 might be considered for use in revising the Rural Element of the Plan. Such revision and designation could provide clarity to these areas to ensure a mix of rural densities. The five designations indicated within the LUAC proposal included:

- “Rural Transition” designation focusing upon projected near-term development areas around existing cities with planned transportation and urban utilities;
- “Rural Residential” designation intended to protect rural character and permit residential activity;
- “Rural Resource” lands addressing having existing or potential agriculture, forest, and mining lands without long term significance;
- “Rural Outlying” designation identified to preserve areas that, historically rural in nature, and may have agriculture and forest practices adjacent to Rural Resource lands; and

- “Rural Recreational Overlay” designation intended to address the needs of residential/recreational owners desiring to utilize recreation opportunity upon their property.

A land use map, indicating the various County land use designations, would address a number of the issues addressed by the Court in its 2011 decision of non-compliance. The designations listed above could be used to develop such a map. Among other issues, the Court found that the County:

- Failed to develop a written record explaining the Rural Element of the Plan,
- Failed to adequately protect the rural character through its Rural Element of the Plan, and
- Failed to provide for a variety of rural densities within the Plan.

A land use map with limited, but well-defined Plan designations, could be instrumental in developing a written record explaining the Rural Lands Element of the Plan. By designating particular areas for various land uses, the map could specify densities in relation to the urban, agriculture, open space, and forested land uses. More specific designations could provide opportunity for and direct a mix of densities within the rural area, and with appropriate policies for the new designations, could also assure that uses and densities will be compatible with the rural character. This also addresses one of the Court’s issues in its decision: that of failing to provide for a variety of rural densities in the Plan.

The LUAC recommendations and expressed concerns; the matters identified at past public assembly at Open Houses; and the responses to general questionnaires attempting to identify characteristics of “rural” will aid the definition of defining the characteristics to protect and enhance the rural environment on the map. Such land use map could be developed by combining this public testimony, the Court’s and the Hearings Board’s decisions, and considering the assessment of the County’s rural area as described in Section 3 of this Preliminary Analysis. By developing a land use map with such considerations, the Plan can adequately protect the County’s rural character and guide future development.