

5. Development Regulations

5.1 Land Division Regulations

While some division of land occurs for tax or inheritance purposes, division of land is generally completed for the purpose of sale or transfer. Kittitas County has six (6) different methods for division of land. The platting procedure is based upon State law which identifies a minimum process that must be followed to complete a division of land for “lease, sale or transfer.” Plats can be completed through a “long platting” procedure or through a “short platting” procedure. Long plats consist of subdivision of land when more than four (4) lots are created. A public hearing is required to for long plats. The short platting process (creation of fewer than five (5) lots) is administrative. The County also allows binding site plans as an alternative to platting. The binding site plan process is administrative and generally only used in the rural area when in conjunction with a Planned Unit Development.

Performance-Based Cluster Platting and Cluster Platting are platting processes that permit smaller lots on the property being divided than would normally be permitted upon the underlying zone. Performance Based Cluster Plats provides bonus densities when public benefits are provided that are not normally found within a plat. Cluster plats allow for lots that meet underlying zone density, but do not have to meet minimum lot size provided they are assembled together and provide for more open space within the subdivision.

Administrative Segregation is a land division activity permitted by the County in all zones. Any parcels created by administrative segregation cannot be modified by Boundary Line Adjustment resulting in parcels less than 80 acres within the Commercial Forest zone or less than 20 acres in all other zones. Historically, administrative segregations often divided property through a combination of boundary line adjustment and lot segregation. Infrastructure to support the division is not provided for any of these divisions. Administrative Segregations require the signature of the Assessor’s office and administrative approval by Community Development Services.

Finally, the “one-time” split method permits division of property into two parcels if the parcel has not been divided before. The intended purpose of this method is to protect the traditions in agriculture and allow sale of a portion of property to support continued agriculture activity. Title 16 of the Kittitas County Code (KCC) outlining procedures for land division is included within **Appendix G**.

5.1.1 Plats

The Revised Code of Washington (RCW) Chapter 58.17 outlines the process and criteria necessary to legally divide land for purposes of lease, sale or transfer. It provides the basic conditions upon which land can be divided and defines those situations where divisions are exempt from the law. The State law provides a basic process that any jurisdiction must adhere to in the process of subdivision. While local jurisdictions are allowed to adopt a process for formal subdivision, any jurisdiction which does not have a subdivision ordinance must follow the procedures outlined within RCW 58.17.

The law also enables any jurisdiction to adopt its own subdivision ordinance upon private properties provided the minimum guidelines of RCW 58.17 are followed. Kittitas County has adopted its own subdivision ordinance in Title 16. Some of the sections of the local law have greater restrictions than required by the State for division of land. For example, RCW 58.17.040 indicates that divisions of land into lots greater than five (5) acres are exempt from the regulation. Kittitas County’s subdivision ordinance provides for exemptions in KCC 16.04.020.

Long plats are divisions of land into more than four (4) lots which are of minimum lot size based upon the zone in which they are located, unless they are proposed in Performance Based Cluster Plats described or Planned Unit Developments (PUD) described below. Cluster plats allow for creation of lots that are smaller than the minimum lot size for the underlying zone, when open space is provided. Long plats are subject to a public hearing before a county’s hearing examiner, who provides a recommendation to the Board of County Commissioners for action on the proposal. Short plats are administrative decisions which do not require public hearing unless the action is appealed to the Board of County Commissioners for review. Short plats are for the division of land into four (4) or less lots

which meet minimum lot standards, unless proposed as a performance-based cluster plat development or “one-time split” also described below.

5.1.2 Performance Based Cluster Plats

There are land division actions that are not required to meet minimum lot size of the zone in which it is located. Performance Based Cluster Plat (PBCP) developments, addressed within Chapter 16.09 of the Code, permit creation of lots less than minimum size required by regular long or short plats with the intent to provide protection and preservation of open space. The purpose of the activity as indicated in Chapter 16.09.010, is to recognize:

“the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands...(and) finds that this ‘Performance Base Cluster Platting’ technique could foster the development of urban and rural designated lands at appropriate densities while protecting the environment and maintaining a high quality of life in Kittitas County.”

All uses allowed in the underlying zone are permitted, and other uses may be allowed if determined similar to other uses in the zone. The number of dwelling units that may be permitted in a PBCP is determined through a defined public benefit rating system when including certain elements or amenities. Rural 3, Agriculture 3, Rural 5 and Agriculture 5 zones can double the number of units originally permitted upon the property when meeting the criteria and obtain 100 “bonus points” from the rating system. All PBCPs must have a minimum of 9 acres of open space in the Agriculture 3 and Rural 3 zones, a minimum of 15 acres of open space in the Rural 5 and Agriculture 5 zones, and a minimum of 30 acres of open space in Agriculture 20 or Forest and Range 20 zones. A percentage of bonus density can be achieved with transfer of development rights (TDR). Phasing of the development is permitted under current Code and may be extended with approval similar to the long plat/short plat process.

Section 16.09.030 outlines the criteria that must be met before a development may be considered for cluster development. Developers must set aside a minimum of 40% of the property of the land being developed before calculating the benefits received for the development. No land that is controlled by other regulations (critical areas such as steep slopes, Shorelines, road standards, etc.) can be used to provide minimum 40% of open space.

The “benefit point” rating system determining the numbers of units that can be developed within the non-open space area of the land is outlined in Section 16.09.100. Within that section is a table outlining “rural” points that can be received when providing certain elements within the development. A total of 100 bonus points would have to be provided in order to receive the full 100% increase of density permitted in the Code in the Rural 3, Rural 5, Agriculture 3 and Agriculture 5 zones. As an example and according to the chart, if a developer set aside 41 acres of 100 acres of land not encumbered by critical areas or easements, the remaining 59 acres could receive benefit densities. The remaining 59 acres in a Rural 3 zone would be eligible for creation of 19.7 lots without providing any benefits. If the land were located adjacent public recreation land, 25 bonus points would be awarded for “provid(ing) . . . new multi-modal access to” that land. This would increase the density by 25% or allow for 5 more lots (19.7 times .25). If the developer provided for benefits listed on the table which equal 100 points, the potential development would be increased to 39 lots (19.7 times 2). A developer of the 59-acre example could double density by providing access to the public land, providing access of open space to public land, developing access to “wildlife corridors,” expanding a wetland buffer by 5 feet from what is required, establishing a community septic system, and developing a picnic area and a tennis or basketball court. This division activity has enabled developments having urban character within rural lands.

5.1.3 Existing and Potential Plats in the Rural Area

The maps listed below show the plats pending or recorded since 2007 and are provided to illustrate where development has or may occur. The map boundaries are the same as the subareas maps in Section 3 of this Preliminary Analysis. Generally, most of the plats approved or proposed in Kittitas County are in the Nelson Siding/Westside and the Teanaway subareas. One pending cluster plat exists in the West Ellensburg subarea, and four pending cluster plats exist northeast of Cle Elum in subarea.

Map 5.1-1 illustrates that several short plats exist within the Snoqualmie/Easton subarea. One PUD is proposed in the Easton area of the subarea, and one long plat is proposed near Hyak in the north portion of the subarea. Three of the short subdivisions shown on the map are proposed, and the others shown have been finalized since 2007. The number of lots that are proposed or approved by all of the divisions is 57 lots, 23 from proposed or approved short plats and 34 from the long platting activity.

Map 5.1-2 illustrates that several short plats and long plats are proposed and exist within the Salmon La Sac subarea identified. One cluster plat is proposed, one exists in the area of the subarea, and one long plat is proposed near Hyak in the north portion of the subarea. The largest long plat within the subarea is proposal for 14 lots which might not necessarily detract from the rural character unless designed in suburban form with streets and driveways normal to urban environments. Three of the short subdivisions shown on the map are proposed, and the others shown have been finalized since 2007. The number of lots that are proposed or approved by all of the divisions is 68 lots. This does not include the potential development of Marian Meadows or Suncadia Master developments which could substantially change the rural character of the southern portion of the subarea when and if fully developed.

Map 5.1-3 shows a comparatively large number of land division activity occurring in the Nelson Siding/Westside subarea. Pending and approved short plats filed since 2006 are abundant in this area. The proposed and approved short plats are spotted throughout the subarea and are not concentrated. A large number of Cluster Plats have applications, but have not been recorded throughout the subarea. A large number of lots proposed by Cluster Plats are located in the central part of the subarea and adjacent to existing residential subdivisions. Long platting activity has been located primarily in the western sections of the subarea. Six of the plats have been approved in this section of the subarea, and nine long plats have been proposed, but not approved throughout the entire subarea. Over 260 lots are now proposed in long plats in the subarea. Meadow Springs is the largest plat in the subarea with a proposed 62 lots. Several proposed cluster plats in the subarea could equal over 150 lots. Such a large division activity could have impact upon the rural character of the central section of the subarea. In this subarea 366 total lots could be anticipated from short plat, long plat, and cluster platting activity if all are approved and recorded.

Map 5.1-4 displays the land division activity that has happened in the Teanaway/Swauk subarea within the past several years. Most of the activity shown has not been approved and is located along major roadways and access points. Cluster plats have occurred in the central portion of the subarea and several are proposed. Most of the division activity has occurred near and to the north of the City of Cle Elum, most likely due to water access and most recent residential development in the area. Twenty-six (26) short plats are either in process or have been recorded throughout the subarea since 2007. Most of these plats are in process and have not been completed. Proposed cluster plats and long plats north and northeast of Cle Elum could have significant impact upon the rural character around the City. Over 550 lots are proposed by various applications in this area. One proposed long plat for 243 lots and one proposed cluster plat for 171 have significant impact upon the rural character in the central and eastern portions of the subarea if developed.

Map 5.1-5 indicates that no land division activity has occurred in the Thorp Prairie subarea within the last six years, most likely due to the absence of water, unique topography, and inadequate access in some parts.

Map 5.1-6 shows land division that has occurred or is in process in the Lauderdale subarea. Several short plats exist or are being processed in the eastern portion of the subarea, and only one plat is in process in the center of the subarea. Adequate water for development is likely to impede further land division activity in this subarea.

Map 5.1-7 demonstrates land division activity in process in the Reecer Creek subarea, north of Ellensburg. Most of the division is proposed or approved by short plats. Most of this activity is located in the eastern portion of the subarea and most of the short plats are proposed but not yet approved. Only 3 long plats have been approved since 2006, and three large, long plats are being processed. Long plats are near Ellensburg where water is normally available for development. Two large plats are proposed which could equal over 200 lots. This could expand the northward urban nature of Ellensburg when and if fully developed.

Map 5.1-8 shows that the Vantage subarea has little land division activity most likely due to the lack of water and public facilities. A Planned Unit Development is proposed near the area of Vantage near I-90 and the Columbia River

with a proposed 315 lots. Such a development may have to meet restrictive water and sewer requirements, thereby making final development of the plat unlikely. Only one short plat in the subarea has been recorded since 2006, and it exists along I-90.

Map 5.1-9 indicates that the West Ellensburg subarea has had little land division activity since 2007 in the rural area of the County. The map shows that most land division has occurred through short plats. Four (4) short plats proposing 11 lots exist in the subarea. One plat was approved; one cluster plat has been proposed for 17 lots since 2007; and both are located in the center portion of the subarea.

Map 5.1-10 illustrates land division that has occurred in the Badger Pocket subarea. Records indicate that 23 lots from short plat are in proposal in this subarea. Long plat proposals provide potential for an additional 34 lots in the subarea. The division activity is scattered throughout the subarea, and very few are shown proposed along I-90 and US 10. No large divisions are proposed within the subarea that could affect the rural character. The largest proposed subdivision is for 9 lots which, with appropriate design, might not impact the rural character of the subarea.

Map 5.1-11 shows that no division activity has occurred within the Manastash subarea since 2007, most likely as a result of flooding and agriculture activity.

Finally, **Map 5.1-12** demonstrates the little division activity that has been proposed in the Yakima River subarea since 2007. Only 1 plat for 7 lots is proposed for the subarea, most likely due to limited water resources and severe terrain combined with the active farming activity in the northern portion.

The location and status of these land divisions is based upon available data provided by the Assessor's records and the GIS system that has been developed over the past decade. Accurate data is unavailable for the number of lots that have been recorded and whether these lots are developed or undeveloped. Accurate data is also unavailable for the number of lots that have preliminary approval, but that are not yet recorded. Based upon recent records, and as shown on **Table 3.3-6**, it is estimated that up to 1,640 potential dwelling units may result in the rural areas from pending proposals submitted to the County for review since 2007.

5.1.4 Administrative Segregations

Administrative Segregations is an exempt land division process (KCC16.04.020.5). Historically, land owners have utilized this process to re-divide property through a combination of boundary line adjustments and tax segregation procedures. Once parcels were created through segregation that met existing minimum requirement for the zone in which it was located, a line of the newly created tract was "adjusted" to another portion of the property creating a smaller lot, thereby permitting another segregation to be completed. This combination of segregation-line adjustment activity divided land into parcels without a subdivision procedure. The process eventually became a means of subdividing property within Title 16 of the Kittitas County Code. From data made available in 2011, the County has counted 250 "finalized" segregation applications creating more than 1,800 lots of record.

The administrative segregation process was amended in 2011 so that the division of land created by such a process was limited to the division resulting in no more than 10 lots and where no resulting lot was less than 20 acres in any zone (KCC 16.06.010). The amendments also established a clearer review process, including a provision that provides that any administrative segregation would expire within 12 months of its preliminary approval if not completed.

On February 10, 2012 the Confederated Tribes and Bands of Yakama Nation filed a petition for review to the Hearings Board challenging Kittitas County on whether the amendment to the administrative segregation is in conflict with RCW 36.70A, the Growth Management Act. This action is currently scheduled to be addressed before the Hearings Board in September 2012. A Planning Commission public hearing is scheduled for June 26, 2012, to repeal the administrative segregation provisions and provide for a credit of application fees.

Map 5.1-13 shows the location of some of the recorded administrative segregations in the Upper County, based upon available records. Most of the segregations that occurred in the past decade in the Upper County are located in the

more populated areas such as the Nelson Siding/Westside subarea, particularly in the most western point and the eastern section, and in the Salmon La Sac subarea around Lake Cle Elum. Some administrative segregations exist on the western portion of the Teanaway subarea near Cle Elum. When examining a parcel map for each subarea, administrative segregations that have been recorded may be observed as lots that are compact without roads and often significantly smaller in area than adjacent parcels.

Map 5.1-14 illustrates the digitally recorded administrative segregations within the Lower County, based upon available records. A large number of these land divisions exist in the subareas surrounding Ellensburg, including the eastern Manastash subarea, the western Badger Pocket subarea, the West Ellensburg subarea nearest to the City, and the Reecer Creek subarea near Ellensburg. Available digital data shows that approximately 1700 lots have been created through the administrative segregation process since 1990.

Table 5.1.4-1 and **Table 5.1.4-2** below outline the number of lots that could be created in the Commercial Agriculture and Commercial Forest zones through administrative segregations.

Table 5.1.4-1 Potential Lot Creation - Commercial Agriculture Zone

Total County (All Commercial-Ag Parcels in Lower County)			
Parcel Acreage, Attributes, and Potential Division Parameters	Existing No. of Parcels	Possible Additional Parcels through Subdivision/Segregation (KCC 16)	With One Time Split (KCC 17.31.040)
Parcels with no Acreage or Owner Data	42	Unknown	Unknown
> 0 and < 3 Acres	262	0	0
>= 3 and < 5 Acres	607	0	0
>= 5 and < 10 Acres	337	0	0
One Time Split: >= 10 and < 40 Acres	541	0	541
Divide into 2: >= 40 and < 60 Acres	82	82	246
Divide into 3: >= 60 and < 80 Acres	56	112	280
Divide into 4: >= 80 and < 100 Acres	36	108	252
Divide into 5: >= 100 and < 120 Acres	17	68	153
Divide into 6: >= 120 and < 140 Acres	13	65	143
Divide into 7: >= 140 and < 160 Acres	10	60	130
Divide into 8: >= 160 and < 180 Acres	14	98	210
Divide into 9: > 180 Acres	17	136	289
Totals	2024	729	2244

Table 5.1.4-2 Potential Lot Creation - Commercial Forest Zone

Parcel Acreage, Attributes, and Potential Division Parameters	Existing No. of Parcels	Possible Additional Parcels through Subdivision/Segregation (KCC 16)
Parcels with no Acreage or Owner Data	32	
Less than 10	390	
>= 10 and < 20	84	
>= 20 and < 80	96	

Parcel Acreage, Attributes, and Potential Division Parameters	Existing No. of Parcels	Possible Additional Parcels through Subdivision/Segregation (KCC 16)
>= 80 and < 160	64	
Divide into 2 >= 160 and < 240	10	10
Divide into 3 >= 240 and < 320	11	22
Divide into 4 >= 320 and < 400	14	42
Divide into 5 >= 400 and < 480	9	36
Divide into 6 >= 480 and < 560	14	70
Divide into 7 >= 560 and < 640	35	210
Divide into 8 >= 640 and < 720	106	742
Divide into 9 >= 800	4	32
Totals	869	1164

5.1.5 One-Time Splits

One-time splits is one action which permits the division of land into lots smaller than the minimum lot size for the zone the land is located in. This action permits a land owner to “split” or divide the land one time for purposes for sale or transfer, provided it has not previously been divided since 1974 when RCW 58.17 was adopted by the State Legislature. Land, through the one-time split process, can be divided as long as it is at least 8 acres in size and the action will prohibit it from being divided again unless the zone is changed permitting minimum lot sizes for proposed divisions. Resulting parcels can be built upon or transferred as long as other State and County regulations are met.

This action, while a short plat land division action, is addressed within the County’s Zoning Code, Chapter 17.29.040, and relates to Agriculture 20 zone within the County’s rural area. The action was adopted with intent “to encourage the development of home site acreage rather than removing agricultural lands out of production.” The objective of the action was to permit land owners to pass a piece of land to relatives, primarily a son or daughter of the land owner to continue agriculture activity. However, this action has been used for other purposes, and has resulted in a number of non-conforming lots of record that do not meet minimum 20-acre lot size of the zone.

Because the “one-time” split was administered through the zoning ordinance and was not considered a formal subdivision before 2007, such divisions have not been consistently tracked and lots created through such action have not been counted. It is assumed that many of these land divisions happened in the Lower County since this is where most agriculture activity and “Agriculture 20” zoning exists.

Table 5.1.4-1 above also outlines the number of lots that could be created in the Commercial Agriculture zone through one-time splits. The Table shows that with the number and size of parcels that exist now in the Commercial Agriculture zone, 2,244 lots could be created within the zone by combining segregation and one-time split division activity. The number of existing parcels created by one-time splits in the Commercial Agriculture zone is 541. Because parcels can only be divided once via one-time split procedure, no additional lots would be created. But a parcel of land that is equal to or larger than 40 acres but less than 60 acres could be divided into two lots by segregation, and these two lots would double the number of lots existing.

The Table shows that there exist 82 lots that are zoned Commercial Agriculture and are equal to or greater than 40 acres but less than 60 acres. New lots created by segregation of these 82 parcels would result in another 82 parcels. If each of these newly created lots were divided again by one-time split, the process could result in an additional 246 new lots from this process. Using a combination of segregation or subdivision and one-time split could result in a total of 2,244 parcels in addition to the existing number of lots in the Commercial Agriculture zone.

5.1.6 Planned Unit Developments

Although the Planned Unit Development (PUD) process is a zoning action and within Title 17 of the Code, the process is used in conjunction with binding site plans, short plats and/or long plats in rural areas. A PUD requires approval by the Board of County Commissioners and is subject to public hearing and appeal. The process includes public notification and public participation through hearing. Decisions on approval or denial of the application are appealable to court action.

A Master Site Plan is required showing phases, access requirements, location of potential structures, anticipated and planned open space and other development activity often associated within a larger development. These applications within the County exist in “perpetuity” and have not been presented with deadline in the past. Development within such projects can sometimes result in clusters of residences that are urban in nature and do not always have rural character. The location and number of PUDs that exist within the County are shown on **Maps 5.2-1 and 5.2-2**.

5.1.7 Effectiveness of Land Division Regulations

Several issues in the Hearings Board's decision of non-compliance relate to existing regulations, and include protecting rural character, permitting urban use in rural and agricultural environments, and protecting water quality and quantity in rural areas. Many of the land divisions that have occurred over the past decade were completed by short plat, administrative segregation, and one-time splits. The effectiveness of these regulations as it relates to these types of land divisions is described below.

Historically, Administrative Segregations have permitted creation of lots below the minimum lot size that are available for transfer without provision of access or public service infrastructure. Such lots, if developed, could impact rural character and past administrative segregations could create sprawling, low-density urban uses within agriculture areas. This issue may have been resolved with the County's action in 2011 to amend the Administrative Segregation to divisions of land with minimum of 20 acres in size and not creating more than 10 lots through the procedure.

Performance Based Cluster Platting (PCBP) and cluster long plats require public hearing and environmental review of impacts. A 2009 evaluation of the PCBP regulations is included in **Appendix H**. PCBP actions can, and have, resulted in developments with numbers of lots exceeding the density within the underlying zone. Similarly, cluster long plats have resulted in lots that are smaller than allowed in the underlying zoned. Such actions may result in developments which are urban in nature within rural and agriculture areas. Higher densities and smaller lots could also have impact upon water availability and affect the appearance of rural character. Conversely, PCBP and cluster plats could also provide for a variety of rural densities within the rural area, with the provision of additional criteria which would protect rural character. Amendments to the PCBP provisions in 2010 and 2011 included additional criteria to protect rural character, including requirements for Transfer of Development Rights.

The three acre density zones, Agriculture 3 and Rural 3, permit a low-density development pattern which can affect rural character where no dwellings currently exist. Such lands capable of higher densities could result in negative impact upon ground water sources. When such zones exist in large open agriculture or forested areas, the open space can appear to have more urban type densities in rural and agriculture areas. Such zones may have the ability to provide infill near more urban type densities permitting a variety of urban densities within the rural area.

One-time splits might have similar effects as 3-acre zones. Permitting a small lot upon undeveloped 8 acre spaces within a zone requiring a minimum of 20 acres may affect the rural landscape, especially if a number of relatively small lots exist in close proximity with one another. A lot on a parcel within an Agriculture 20 zone would only be required to be of a size to support a septic system, which could be as small as 10,500 square feet depending upon a determination by Health Department inspection. As indicated previously in Section 3, potential lot numbers created through one-time splits could result in large numbers of lots and vision of urban uses within an agriculture area. Such splits could also have impact upon available water of quality necessary for development.

PUDs that are permitted under the current regulations have to be approved through rezone and are usually then developed through subdivision. Such developments could potentially impact water quantity and quality if not served by an approved water source. PUDs also may result in creation and/or development of lots characteristic of urban development, including smaller lots, multi-family type dwellings and some non-residential uses. PUDs developed as complete communities may result in a landscape pattern more compatible with urban environments than with rural environments.

Options for amendment to existing regulations in addressing all of the compliance issues indicated by the Hearings Board are outlined in **Appendix K**.

5.2 Lands Use Authorizations

5.2.1 Rezones, including Planned Unit Developments Permits

Requests for rezone of land have decreased since 2008. This could be attributed to a combination of the change in the housing market and the County's amendments to Title 17 that required submittal of a specific development proposal with any rezone request.

Because all zones examined within this Preliminary Analysis are located within the "Rural" land use designation in the Plan, a rezone of property from a Forest and Range zone to a Rural 3 zone could be approved since such action is compliant with the Plan. The result of such rezones would be to allow for higher density developments in relatively rural areas creating areas of low-density urban scale character.

Most proposed or existing PUDs are located within the Upper County area. Many of the resulting homes are designed to provide for "second" or "seasonal" residences for recreational activity. Over 20 PUDs have been approved in the County since the late 1980s. These PUDs have been implemented in phases with subsequent phased short or long plats. These "legacy" PUDs were approved without any time limit for them to be completed. In 2007, the County amended the PUD regulations to require that a final development plan be filed within a 5-year period after it preliminarily approved, but there are no regulations which establish a time limit for completion of the PUD. This has been provided through conditions of approval under current practices.

Map 5.2-1 below shows existing and pending rezone activity in the Upper County area that has occurred since 2006. The map also shows PUDs that were approved and have existed before 2007. The map and data records show that rezone activity within the Upper County is spotted and not necessarily located in one particular area. Most of the rezone activity involved requests to zone land to Rural 3, Rural 5, and Agriculture 5. The proposed and approved Rural 3 rezone requests were not always near public services or other developments. One small area of land has a request for Limited Commercial rezone, and one small parcel has request for a General Commercial rezone. Both parcels are located along the Highway 903 corridor between Roslyn and Cle Elum. Rural 5 and Agriculture 5 rezones applied for and approved since 2006 are located a relatively far distance from the cities of Roslyn and Cle Elum. A General Industrial zone was approved just north of Cle Elum in 2011.

Most PUDs shown on the map have existed before 2007, and most of those applied for since 2007 are pending. There are a number of PUDs pending and approved between Roslyn and the Lake Cle Elum area. Many of those PUDs are in the process of development or have been developed. Two large PUDs exist within the Teanaway area and both have been approved. Several PUDs have been approved prior to 2007 in the Snoqualmie area, most likely developed for seasonal residential recreational opportunity. One large PUD is pending southeast of Lake Kachess, and another large PUD is pending in center of the Upper County between Roslyn and Cle Elum.

Map 5.2-2 shows rezone activity since 2006 and approved PUDs in the Lower County area. No pending PUDs exist in the Lower County area. One PUD was approved in the Lower County area, and it exists in the UGA of Ellensburg, not within the rural designation of the County.

Most of the rezones requested and approved since 2006 in the Lower County area were to 5-acre zones.

5.2.2 Conditional Use Permits

A number of uses are permitted outright within many rural zones. But a number of uses are permitted only after the approval of a conditional use permit (CUP), subject to the regulations in Chapter 17.60A in Title 17, Zoning. When a use is permitted through approval of a CUP, a public hearing is required. Some of the uses outlined within Title 17 that require a conditional use approval have criteria that must be met. For example, the Agriculture zones permit, “farm labor shelters” with an approved conditional use provided:

- they are designed to house temporary or seasonal workers,
- there are no more than four of them on twenty acres, and
- they are owned and maintained by the agriculture operation “which clearly demonstrates the need for farm laborers.”

The first step for obtaining a CUP is to submit an application accompanied by a site plan showing the dimensions and arrangement of the proposed development. A public hearing is held before the County’s Board of Adjustment (BOA), made up of five members of the community, who make a determination whether the proposed use should be, or should not be permitted. In addition to any criteria outlined within the zone requiring the approval of the conditional use, the BOA must find that such 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,”
- “will not be unreasonably detrimental to the economic welfare of the county,” and
- that adequate public facilities and services exist for the use or will be provided by the applicant, unless it is demonstrated “that the proposed use will be of sufficient economic benefit to offset additional public costs” of services necessary.

Any decision made by the County BOA is appealable to Superior Court.

Table 5.2.2 below shows the various uses permitted outright and those uses permitted with approval of a CUP. Uses are named in general terms and may be more specific within the Code. The Table is intended to compare uses permitted only through the public hearing process with a CUP and those that are permitted outright with the approval of a building permit.

Table 5.2-2 Permitted Uses Within Existing Rural Zones

Land Use Classifications	Rural 3	Rural 5	Agriculture 3	Agriculture 5	Agriculture 20	General Comm.	Limited Comm.	Highway Com.	Forest & Range	Light Indus.
Listed Uses										
Duplex (Two Family Residence)			P	P	P	P	P		P	
Accessory Dwelling Unit	CU	CU					P			
Accessory Living Quarter	P	P	P	P	P		P			
Special Care Dwelling	P	P	P	P	P		P			
Public Facilities and Public Utilities			CU	CU	P			CU	CU	
Electrical Vehicle Infrastructure	P	P	P	P	P			P	P	P
Adult Family Home										
Boarding Houses			CU	CU	CU				CU	
Churches			CU	CU	CU				CU	
Medical Clinics						P				

Land Use Classifications	Rural 3	Rural 5	Agriculture 3	Agriculture 5	Agriculture 20	General Comm.	Limited Comm.	Highway Com.	Forest & Range	Light Indus.
Hospitals			CU	CU	CU	P			CU	
Museums and Galleries			CU	CU	CU	P	P	P	CU	
Commercial Garden Nurseries and Greenhouses			P	P	P				CU	P
Commercial Offices other than Medical Clinics						P				
Mobile Homes	P	P							P	
Day-Care facilities			CU	CU	CU				CU	
Bed and Breakfast			CU	CU	CU				CU	
Home Occupations Non-Noise Making	P	P	P	P	P				P	P
Home Occupations Noise Making	CU	CU	CU	CU	CU				CU	
Construction or Truck Yards										P
Animal Stock Raising	P	P	P/CU ¹	P/CU ¹	P/CU ¹	CU			P/CU	
Wineries										
Agriculture Uses	P	P	P	P	P				CU	P
Energy Production Facilities			P	P						
Cemeteries			P	P	P					
Roadside Stands for selling fruits and vegetables			P ²	P ²	P ²			P		
Airport			P	P					CU	P
Food Processing and Canning			P ² /CU	P ² /CU	P ² /CU	P				P
Gas/Oil/ Construction and Extraction	CU	CU	P	P	P				CU	
Feedlots			CU	CU	CU				CU	P
Golf Courses	CU	CU	CU	CU	CU				CU	
Lumber Mills, Log Storage, Log Storing			CU						CU	
Kennels and Animal Veterinary Services			CU	CU	CU	CU				
Campgrounds	CU	CU	CU	CU		CU			CU	
Mining Activities including gravel extraction and rock crushing	CU ³ P ⁴	CU ³ P ⁴	CU	CU	CU				P	
Mini-Warehouses	CU	CU				P	P			
Hay Processing					P					
Grain or Hay Storage			P	P	P					
Shooting Ranges					CU				CU	
Retail Sales/Businesses						P	P			P
Dry Cleaning/Laundry						P	P			
Restaurant						P	P	P		P
Hotels/Motels						P		P		P
Taverns/Cocktail Bars						P		P		P
Commercial Recreational Parks and Facilities									CU	P
Gasoline/Fuel Sales						P	P	P		
Manufacturing of Products										P
Hazardous Waste Storage						CU				CU
Travel Trailers (limited time)	CU	CU							CU	
Motor Trail Clubs	CU	CU							CU	
Forestry management, harvest, processing	P	P	P	P	P					P
Lodges and Clubhouses	P	P	P	P	P				CU	
Parks and Playgrounds			P	P	P	P	P			
Schools, public libraries			P	P	P	P	P		CU	

Land Use Classifications	Rural 3	Rural 5	Agriculture 3	Agriculture 5	Agriculture 20	General Comm.	Limited Comm.	Highway Com.	Forest & Range	Light Indus.
Retail Bakery goods						P	P			
Personal Services (Beauty shops, Barber, etc)						P	P			
Amusement Enterprises (bowling, dance, pool)						P				
Banks						P				
Auto/Trailer sales						P				
Department Store						P				
Garage or Auto repair						P				
Frozen Food Lockers						P				
Log Sorting			CU	CU	CU			CU		
Radio or Television Studio						P				
Wholesale sales and display/Wholesale						P				P
Auction Sales			CU	CU	CU	P				
Mortuary/Funeral Homes						CU				
Junk Yards						CU				
Commercial Recreation Establishments and Offices Related to recreation								P		
Gift sales								P		
Public Transportation Stations								P/CU		
Groceries less than 4000 Sq. Ft.								P		
Recreational Vehicle Parks								CU		
Energy Generation Facilities (Windfarms)										P
Landfills										CU
Concrete Batch/Temporary Asphalt										CU
Convalescent Homes			CU	CU	CU					

P - Use Permitted Outright

CU - Use Permitted with Approval of Conditional Use Permit

¹ Dairying and livestock feed lots

² Produced upon the site

³ Outside of established mining district

⁴ Inside an established mining district

5.2.3 Effectiveness of Land Use Authorization Regulations

Past zoning activities, as shown within this Preliminary Analysis, have permitted the creation of low-density development in the rural area. One-time splits within the Agriculture 20 zone and Planned Unit Developments are two of those activities. The one-time split permits the creation of lots that are smaller than 20 acres. It is difficult, however, to evaluate the number of lots created from one-time splits and their affect on the protection of rural character since they have been filed in the past as rezones. Because the regulations permit an Agriculture 20 zoned lot as small as 8 acres to be divided through this process, the regulations may be more effective in protecting rural character if the resulting lots were required to be no less than 5 acres.

Planned Unit Developments (PUD) must be approved through public hearing and often are completed or accompanied by short or long platting activity. In the past a number of PUDs were approved without issuing a time at which they had to be completed, thus permitting them to exist in perpetuity. This was changed in 2007 (Ord. 2007-22) to include regulations for expiration of the preliminary PUD. A number of PUDs were completed before this amendment, and those PUDs exist today. A recent policy was administered by the County where only the subdivisions placed within the PUDs which have no time limitation are vested. All other actions within the PUD have to be rezoned and reheard according to the policy.

There are zoned lands within the rural area of Kittitas County that are small portions within a larger area of different zoned properties. These are sometimes referred to as “spot zoning.” “Spot zoning” has not been viewed favorably by the legal courts in the past. All of the zone classifications examined within this report are on lands located within the “Rural” classification of the Plan. Therefore, a small area of rural zoned land within a larger portion of land designated for rural land uses, would likely not be considered “spot zoning” since the zone is compliant with the Plan.

In regard to CUPs, most of the conditional uses listed within the County’s Code do not have criteria like the “farm labor shelters” example in Section 5.2.2 above. Adding criteria could provide direction in making a decision to approve or disapprove a proposed CUP.

From the evaluation of the various uses permitted outright or with a CUP, several patterns emerge. In the Agriculture 3, Agriculture 5, and Agriculture 20 zones, all uses permitted outright or by approval of condition use permit are the same, except for “shooting ranges.” When excluding this use, the only difference between the zones is the required minimum lot size. Such is also the case for Rural 3 and Rural 5 zones. All uses permitted outright or by conditional use in the Rural 3 zone are also uses permitted in the Rural 5 zone.

While many of the uses permitted in the Agriculture and Rural zones are normally associated with rural character uses, there are some uses that are urban in nature. Hospitals, churches, boarding houses, and museums are normally associated as urban uses, but are allowed within the rural Agriculture zones (Agriculture 3, Agriculture 5 and Agriculture 20) with approval of a CUP. Airports, lodges and clubhouses, parks and playgrounds, and schools, also often associated as urban uses, are permitted outright in the Agriculture zones, and lodges and clubhouses are permitted outright in the Rural zones. While the parks, playgrounds, and schools are permitted outright in the Agriculture zones, they are not listed in the uses permitted in the Rural zones. Duplexes are permitted outright in the agriculture zones and such residential activity can often be associated with urban activity depending upon the design of the units. It may be suitable to identify “rural” and “urban” characteristics land uses, and to outline the criteria appropriate for approving a various types of uses in a rural area.

Regulations for Performance Based Cluster Plats (PBCP), while a platting activity, are included in Title 17, Zoning, to identify the uses that qualify for calculation of points for density bonus. These regulations permit a number of lots beyond the density normally permitted within the underlying zone. When the location of the PBCP is near a forest or large open agriculture area, the provided open space can have a major influence upon the provision of bonus density. PBCPs permitted with bonus densities can create urban environments within large open space areas used for forest or agriculture. This type of development can create negative impact upon the preservation of rural character and may have impact upon protection of water quality with multiple septic systems in one area. A 2009 evaluation of the PBCP regulations are included in **Appendix H**. Current sections of the Kittitas County zoning code (KCC 17) relevant to compliance issues are provided in **Appendix I**.

5.3 Water Availability

The ability to obtain water in Kittitas County has become one of the most important issues in evaluating and potentially amending the “Rural Element” of the Plan. Water availability is not only a main factor in identifying the subareas in this Analysis, it will continue to be a key element in any future land use decisions.

Water is more plentiful in the Upper County area because it is adjacent to the Cascade Mountains. High snow levels and storage of water in the lakes and streams have provided plentiful water in the past. The area’s yearly

precipitation ranges from an annual average of more than 60 inches in the Hyak area near Snoqualmie Pass to approximately 30+ inches in the Cle Elum area. However, the Lower Kittitas area, approximately 40 miles from the Cascade passes, has only an annual precipitation average of between 6 and 8 inches. The large commercial agricultural industry in the Lower Kittitas area near Ellensburg and the City of Kittitas require a secure amount of water levels in order to preserve farming activity. Because most of the water from rainfall and snow occurs in the winter in the Cascades, it is not as plentiful in the summer months when irrigation is crucial to maintain agriculture activities.

Most of the water within Kittitas County is provided from small ground water sources and major reservoirs. Reservoirs and snow-packs provide most of the irrigation water to the County, and include Lake Keechelus, Lake Kachees, and Lake Cle Elum. Release from these reservoirs often manages the availability of water during different times of the year. Release of water from Lake Keechelus is usually highest during summer months between June and August, and release from Lake Kachees is highest during September and October for irrigation purposes. Ground water in the County is generally located through the center of the rural areas. In the Upper County ground water is located generally around the lakes (Kachees and Keechelus) and the Teanaway River, Cle Elum River, and Swail Creek. Aquifers in the Lower County are located around the Taneum, Wilson, Naneum and Manastash Creeks, and groundwater is deeper than the Upper County aquifers. Recharge of the groundwater is moderate to high in the Upper County area and is low in the Lower County area.

The increased number of wells and development activity over the County over the last decade requires evaluation of adequate water supply in all of Kittitas County in order to insure continuance of strong commercial agriculture and the recreational economic base. Water is often the main inhibitor of all types of land use activity. "Water banks" have been established throughout the western states, where rights to water are owned by individuals or corporations who sell use of water for development or agriculture uses. Such systems are often the main source of water to individuals for new housing or for agriculture purposes when the water is not available through individual water well systems. In many areas of Kittitas County, individuals wanting to build often buy water from these "water banks."

In 2009, the Department of Ecology (DOE) of Washington State placed a moratorium on issuing new water rights and new exempt wells in the Upper County area. This moratorium will remain in effect until DOE decides to lift the moratorium and water solutions are accepted. It is not anticipated that this moratorium will be released in the near future, and there is possibility that it may never be lifted.

Map 5.3 shows the water availability within Kittitas County based upon information provided by the Washington State Department of Ecology. Several water districts exist throughout the County, and this map results from information obtained from the districts.

On the map the hatched areas is the area of the County within the "rural" classification of the Plan. The map also outlines the section of Upper County which is subject to the water moratorium issued by the State Department of Ecology. Sections on the map are colored green, yellow, and red. The green areas are either now serviced by water systems or where water is most likely to be provided when requested. The yellow sections represent areas within the County that may have access to water based upon the location of water source or the extent of the water rights held by the water district. For example, there is water available for the community of Suncadia since it owns its own water source, but the water would not likely be available to areas outside of the planned development. Areas shown in red are most likely not serviced by water or nor is it likely that they will be serviced by water. These areas would most likely not receive water rights nor permission to drill a well.

As seen by the map, areas most likely to receive water are lands located through the central valley around already established cities and agriculture activities in the County. Most of the land for hay production and grazing has access to water from established irrigation ditches or wells. Lands around the City of Ellensburg and areas north of Ellensburg in the Reecer Creek subarea are shown as lands most likely to obtain water. According to the map, areas within the Nelson Siding/Westside subarea, and the Cle Elum and Thorpe regions within reasonable distances to I-90 are also likely to have access to water. Many of the Upper County regions, where mountains and recreational residences are prevalent may have access to water, though development potential in these areas is limited based

upon water availability. With the water moratorium placed by the DOE in the Upper County region, water has to be obtained from existing water banks or from wells that already exist and have right to use the water. Areas west of the City of Kittitas are most likely not going to have provision of water. While data is lacking in the areas near the Vantage subarea, the map suggests one not to expect water provision near the Columbia River.

The Hearings Board found Kittitas County's Plan to be non-compliant with GMA. Specifically this finding was that, by failing to require subdivision applications to divulge lands held in common ownership, the County was violating the GMA's requirement to protect ground and surface water because developers were skirting the exempt well statute requirements explained in Campbell and Gwinn. The County is required to determine if lands in common ownership are being developed in a phased manner and prevent the skirting of the 5,000 gallon per day limit found in the exempt well statute.

Additionally, the Aquavella case holds that surface waters in the Yakima River basin are over appropriated. The USGS study tells us that there is hydrologic continuity between ground and surface waters in the Yakima River basin and that there is some degree of impairment of surface water levels due to exempt well withdrawals. The GMA says that counties must protect ground and surface water. The Courts have held that the County must make sure developers legally have adequate provision for potable water, including both a Campbell and Gwinn determination and a determination that they can legally have the water (see *JZ Knight v. City of Yelm*, 173 Wash. 2d 325, 267 P.3d 973, Dec. 2011), which would include an absence of impairment to senior water right holders. Therefore, any subdivision or building permit application must show either (1) a sufficient water right, (2) a letter from a water purveyor that it will provide the needed water, (3) a certificate of water budget neutrality, or (4) a letter from the DOE stating that water is legally available under the permit exemption set forth in RCW 90.44.050 from the specific water source that the applicant plans to withdraw from.

5.4 Potential Amendments

A number of options to amend existing zoning, subdivision, and water and sewer regulations are being examined to address the issues cited by the Hearings Board and the Court. Issues to be addressed by amendment of existing ordinances include:

- Permitting 3-acre densities which have not been justified with criteria protecting rural character;
- Not providing opportunity for a variety of rural character development within the current Code;
- Allowing Performance Based Cluster Plats and Planned Unit Developments resulting in urban character developments in rural areas;
- Not protecting the rural character in designated rural areas within the current zoning and subdivision ordinances;
- Allowing Urban type uses in rural and agricultural lands;
- Permitting "one-time split" and administrative segregation division activity resulting in lots which are smaller than the minimum lot size for the zone; and
- Not protecting the quantity and quality of water sources associated with common ownership.

5.4.1 Zoning Map

An official County zoning map does not currently exist, except within the GIS system. County staff can determine the zoning of a particular property through its existing computer information structure, but public access to the mapping from the County's website is slow and not always accurate and no official paper copy of the zoning map exists for public display or purchase. There are 22 zoning classifications listed in the Code, but more than 40 classifications exist in the current mapping system as a result of continuing to display zones existing from the past. Mapping this number of classifications creates problems in distinguishing between the characteristics of the individual zone classifications. By making the colors on the map more distinguishable and by limiting the classifications to the existing classifications the zoning map could become more definitive when looking at the classification of a particular

parcel. Potential reduction of the number of existing zones might also aid in distinguishing between the characteristics of the classifications.

Zones created upon an official zoning map to accompany the GIS data set could also aid in determining which zones might be changed or eliminated by evaluating the uses permitted in the classification in relation to existing services, urban areas, and supporting infrastructure. Such a mapping system could aid in evaluating the “appropriateness” of a zone classification in an area to preserve rural character, or in determining whether zones permitting “urban” type uses are appropriately distanced from zones protecting rural character by permitting only “rural” type activities. The map may also be useful for evaluating future amendments in determining the suitability of different classifications having close proximity to one another in providing a variety of rural densities while protecting rural character.

5.4.2 Title 17 - Zoning

Title 17 has 22 zoning classifications within it, many of which sometimes duplicate another zone’s permitted land uses and required minimum lot sizes. The zone descriptions and intents are also often duplicative.

Options being considered for amendment to Title 17 to address the issues brought up by the Hearings Board are summarized within **Table 5.4.2** below. Amendment to several sections is being considered to address most of the issues identified. Elimination or reduction of some or all of the three-acre zones could address issues of protection of rural character, protection of water quality/quantity among common ownerships, and creating urban uses in rural environments. Elimination or phasing out of “legacy” Planned Unit Developments, and revisions to current PUD and PBCP regulations could address issues of protection of rural character, protection of water quality/quantity among common ownerships, and creating urban uses in rural environments. Discontinuation of the Agriculture 3 and the Agriculture 5 is an option to consider since the Rural 3 and Rural 5 classifications allow for the same uses and densities, and since the other agriculture zones (Agriculture 20 and Commercial Agriculture) might permit the uses necessary to accommodate agriculture activities. Changing the criteria used for designating land to a Rural 3 zone that is distinguished from the criteria used to designate lands to Rural 5 might be useful in not only protecting rural character, but also in providing variety of densities in rural areas.

Options for revisions to the PUD regulations might be by eliminating them within the rural areas or limiting them to rural areas that might be considered “in transition.” Criteria also might be established to provide a means of permitting PUDs while providing variety in rural densities and while protecting rural character. Such criteria might include providing a maximum number of units within a particular classification, or requiring design of potential structures to insure that the proposed development is appropriate to the classification and surrounding character. Amendment might be considered to amortize existing PUDs which have no “deadline” date in which to be completed to ensure that future development meets the intent of the Plan and the environment in which it is located.

Creating new zone categories in addition to deleting some of the existing classification could address issues of permitting a variety of densities in the rural area while protecting the rural character of the County. As mentioned above, Agriculture 5 might be considered for elimination since the Agriculture 20 zone permits all uses in the Agriculture 5 zone. Creating a rural residential recreation zone might be considered for the areas that are appropriate for seasonal residency while meeting the rural character of the area. Creation of another residential category might be appropriate within the Urban Growth Areas with criteria that result in development which will be useful within the future of the City in which it is located.

Other potential amendments include providing criteria within the various zones which give guidelines for supporting approval of a conditional use permit, or for considering re-zoning of land in order to insure rural character and meet the intent of the Plan. The County has the option to develop criteria to guide administrative and legislative decision makers when to permit cluster plats while providing a variety of rural densities, while protecting the rural character, and while protecting surface and ground water resources.

Amendments might be considered which do not permit non-resource uses in resource lands, outright or conditionally. This might be substantial in preserving the rural character from urban uses. As outlined in previous sections, there

are uses that permit museums and hospitals in the Agriculture zone classifications. These uses are ‘non-resource’ in nature and are more appropriate for an urban environment.

Amendment to the “Forest and Range” zone classification might be considered which would make the minimum lot size greater than 6,000 square feet in order to protect rural and forest character since such density is more conducive to an urban environment.

Table 5.4.2 below summaries amendment options being considered. The entire matrix outlining the zoning regulation where issues exist relating to compliance with the GMA, and the options being considered to address these issues is provided in **Appendix K**.

Table 5.4-2 Issues Addressed by Potential Amendments to Title 17

Title 17 Zoning Code	Issues Addressed	Optional Amendments Being Considered
Chapter 04.060 General Provisions	-Three-acre densities -Providing variety of rural density -Protection of rural character	-Consider evaluating and revising maximum acreage zone percentages for rural lands -Consider adopting related Comprehensive Plan policy
Chapter 08.022 Accessory Dwelling Unit	-Three-acre densities -Protection of rural character -Protection of water quality/quantity	-Evaluate the impact of ADUs on rural character and density -Consider adding criteria to define accessory dwelling and accessory living space -Providing additional criteria to define “dwelling”
Chapter 08.022 Density	-Three-acre densities -Providing variety of rural density -Protection of rural character	-Consider clarifying limits on rural densities, including net densities created by clustering. See comparison of densities presented by the LUAC in 2008.
Chapter 12.010 Zones Designated	-Protection of rural character -Providing variety of rural density	-No Amendment -Consider adding land use designations related to “Rural Residential” = Rural 3 and Rural 5 -Consider deleting “R-3 Rural 3” and “A-3 Agricultural 3” -Consider adding 10 acre Rural and/or Agricultural zones -Consider adding designation criteria for all rural zones, giving weight to proximity to natural resource areas, critical areas, and transportation
Chapter 12.020 Zoning Map	-Providing variety of rural density -Protection of rural character -Urban uses in rural or agriculture areas -Protection of water quality/quantity -Three-acre densities -One-time splits -Highway Commercial zone -Cluster Plats/PUD zone -Consideration of City of Kittitas UGA	-Formalize generating a map annually that reflects annual docket rezones and compliance amendments.
Chapter 22 Urban Residential Zone	-Protection of rural character	-No Amendment -Evaluate if action has been taken regarding this zone, as presented in FDO 07-1-0015, page 12
Chapter 28 Agriculture-3 Zone	-Three-acre densities -Protection of rural character -Urban uses in rural or agriculture areas -Providing variety of rural density -Protection of water quality/quantity	-No Amendment -Consider deleting this chapter -Evaluate uses allowed in this zone
Chapter 29.020 Agriculture-20 Zone	-Providing variety of rural density -Urban uses in rural or agriculture areas	-Consider removing non-resource based uses from list and state limits on non- resource-based uses

Title 17 Zoning Code	Issues Addressed	Optional Amendments Being Considered
		permitted conditionally or administratively -Consider revising criteria for non-resource based uses -Evaluate uses permitted outright and by conditional use in this zone
Chapter 29.040 Agriculture-20 Lot Size	-Providing variety of rural density -Creating non-conforming lots via one-time splits	-Consider deleting one-time split provision -Consider clarifying minimum lot size to parcels created via one-time split -Consider creating criteria to ensure one-time split provisions harmonize with GMA planning goals
Chapter 30 Rural-3 Zone	-Three-acre densities -Protection of rural character	-No Amendment -Consider deleting this chapter -Evaluate uses allowed in this zone -Evaluate uses permitted outright and by conditional use in this zone
Chapter 31.030 Commercial Agriculture	-Urban uses in agriculture areas	-Add scope and limitations to non-farm uses on CA land, including criteria to apply case-by-case determinations of appropriate uses
Chapter 31.040 Com. Agriculture, Lot Size	-One-time splits	-Consider deleting one-time split provision -Consider clarifying minimum lot size to parcels create via one-time split -Consider creating criteria to ensure one-time split provisions harmonize with GMA planning goals
Chapter 36 Planned Unit Development	-PUD legitimacy -Urban uses in rural or agriculture areas	-Consider adding a new Applicability section, which provides criteria for PUD locations, such as PUDs are allowed only in R-5 zoned areas -Delete PUDs altogether in the Rural area (only allow in the UGA) -Evaluate Countywide Planning Policies for existing PUDs -Consider changing name to indicate its function
Chapter 36.020 PUD, Uses Permitted	-PUD legitimacy -Urban uses in rural or agriculture areas	-Consider limiting PUDs to a maximum total number dwelling units. Evaluate appropriate number based on protecting rural character. -Consider amending to remove uses with urban characteristics from allowed uses(permitted outright or by conditional use), e.g. cocktail bars.
Chapter 36.090 PUD Expiration	-PUD legitimacy -Providing variety of rural density -Protection of rural character -Urban uses in rural or agriculture areas	-Consider adding a provision to retroactively expire PUDs with final development plan approval that have not submitted subsequent development plans, i.e. subdivisions. -Consider adding a provision for expiration of approved phased PUDs approved before current expiration requirements.
Chapter 44 Highway Commercial zone	-Highway Commercial zone	-Evaluate criteria for location of this zone. -Delete this zone outside the UGA.
Chapter 56.020 F & R, Uses Permitted	-Protection of rural character	-Consider change for mining and quarry uses to be conditional uses instead of permitted uses -Consider adding or deleting uses allowed within the zone classification
Chapter 56.040 F & R, Min. Lot Size	-Urban uses in rural or agriculture areas	-Consider deleting provision allowing 6,000 square foot lots

Title 17 Zoning Code	Issues Addressed	Optional Amendments Being Considered
Chapter 98 Criteria Amendment	- Cluster Plats/PUD zone	-Add locational and functional criteria for each zone or zoning group, consistent with GMA
Addition of Rural-10	-Providing variety of rural density	- Consider adding a new zone "Rural-10" with different intent, uses allowed and size related to other rural zones
Addition of zone Rural Recreation Residential	- Cluster Plats/PUD zone -Protection of rural character -Urban uses in rural or agriculture areas -Protection of water quality/quantity	- Consider adding new zone to address specific land use issues related to transportation, water, density for primarily recreational areas
Addition of Rural Outlying-20 zone	-Providing variety of rural density -Protection of rural character	-Consider adding a new zone "Rural Outlying-20," as recommended, as recommended by the LUAC in April 2008
Addition of Rural Outlying-80 zone	-Providing variety of rural density -Protection of rural character	-Consider adding a new zone "Rural Outlying-80," as recommended, as recommended by the LUAC in April 2008
Addition of Rural Transition Zone	-Providing variety of rural density -Protection of rural character	-Consider adding a new zone "Rural Outlying-80," as recommended, as recommended by the LUAC in April 2008
Deletion of UGN	-Urban uses in rural or agriculture areas	- Remove all remaining references to "UGN" in Title 17, which were inadvertently left in discussions of Accessory Dwelling Units.

5.4.3 Title 16 - Subdivisions

A number of the issues identified by the Hearings Board are related to the existing subdivision regulations in Title 16. Many of these issues relate to permitting subdivisions which result in urban densities in rural and agriculture environments, impede the protection of rural character, and can result in the overuse or misuse of the water resources in the rural area. **Table 5.4.3** below identifies potential amendments that might be considered to address some of these issues.

Elimination of one-time split activity or providing additional criteria for the size and location of smaller lots that could sometimes affect the protection of the rural character might be considered. While the one-time split is provided within the Agriculture 20 zone section of Title 17, it is a division activity that is being considered for elimination. The action has created lots that are smaller than 20 acres, and lots less than 5 acres may contribute to low-density development in the rural area. .

Elimination or revision of Performance Based Cluster Platting criteria might be considered to prevent the development of urban uses in rural and agriculture areas. While cluster development has been used effectively in other jurisdictions in preserving agriculture and open spaces allowing additional lots within a cluster plat is not used in other jurisdictions. Providing criteria that identifies unique situations where such activity could occur, requiring larger open spaces within such proposals, or eliminating the activity might be effective in protection of water quality and quantity and reducing urban type uses within rural and agriculture environments.

Elimination of the administrative segregation, originally designed to provide tax benefits to property owners preserving agriculture and open space lands, could address issues of preserving rural character, preventing low-density development in rural areas, and protecting water quality and quantity. Almost 1,700 lots of record have been created through the administrative segregation process since 1990 without adequate review of the activity normally provided through the platting processes required by the State's RCW 58.17. Although provision of appropriate infrastructure and consideration of environmental factors for development would occur prior to any construction on these lots, the creation of "lots of record" could permit development detrimental to the protection of rural character and protection from the urbanization of rural lands.

Table 5.4-3 Issues Addressed with Potential Amendments to Title 16

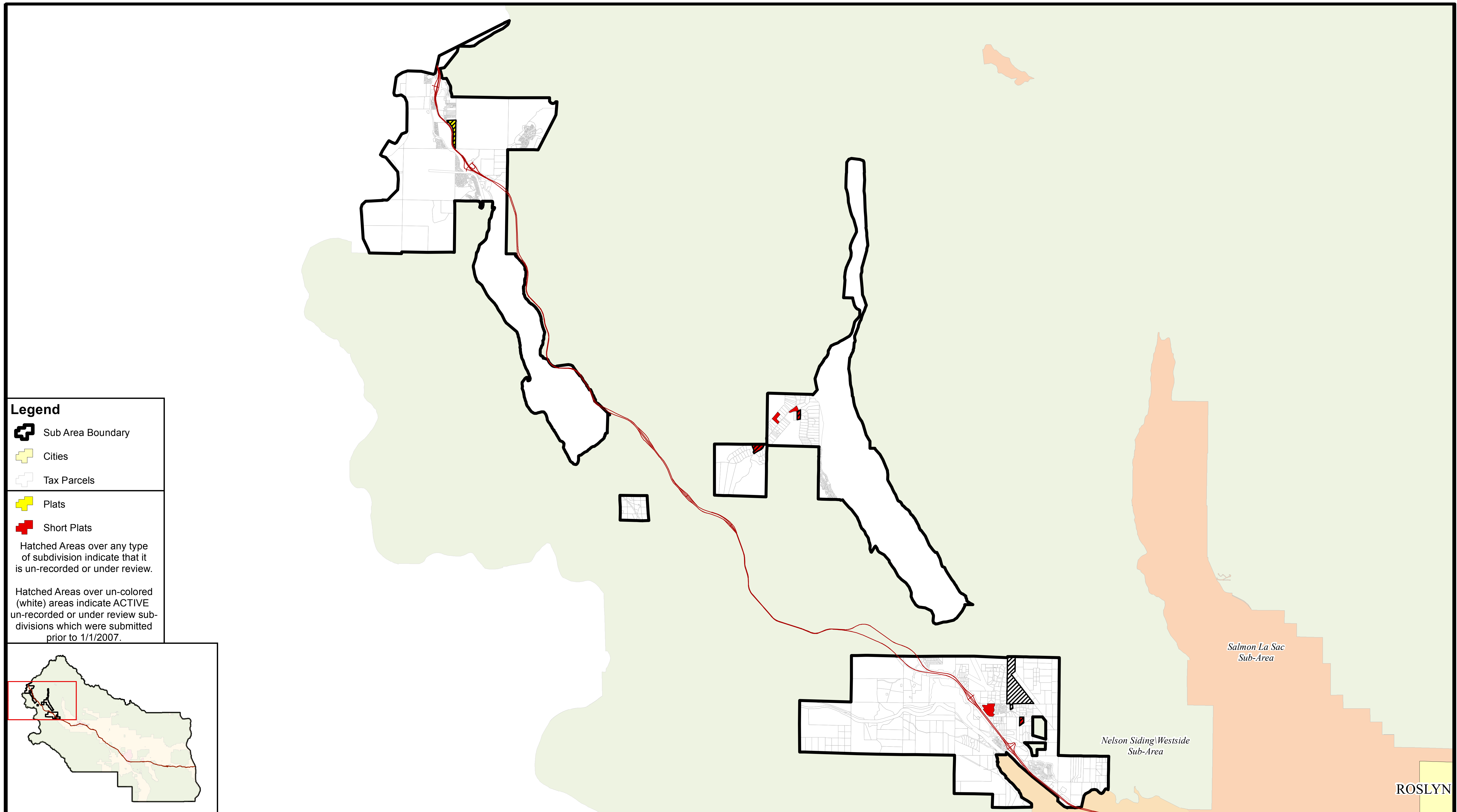
Title 16 of KCC: Subdivision	Issues Addressed	Optional Amendments Being Considered
Chapter 05.020	-Protection of water quality/quantity	-Amend to add provision for adequate water supply per County Health provisions in Title 13.
Chapter 04, General Provisions	-Providing variety of rural density -Protection of rural character -Protection of water quality/quantity	Definition: "Intervening Ownership" -Consider deleting this definition
Chapter 06, Admin. Segregations	-Protection of rural character -Urban uses in rural or agriculture areas -Protection of water quality/quantity	-Consider amending to add provision that proof of adequate water supply is required for application to be considered "complete." -Consider adding additional review requirements and procedures -Consider deleting this chapter.
Chapter 09, Performance Based Cluster Plats	-Three-acre densities -Cluster Plats/PUD zone -Providing variety of rural density -Protection of rural character -Urban uses in rural or agriculture areas -Protection of water quality/quantity	-Consider revising chapter to provide alternative ways to allow a variety of rural densities tied to criteria that ensure protection of rural character.
Chapter 09.025 Applicability	-Cluster Plats/PUD zone -Protection of rural character	-Consider revising to reference limiting PBCPs to certain land use designations. -Consider drafting criteria for ensuring PBCP preserve rural character.
Chapter 09.090 Cluster Plats	-Cluster Plats/PUD zone -Protection of rural character -Urban uses in rural or agriculture areas	-Consider revising section to decrease density bonus to prevent urban densities (all density higher than 5 du/acre?). -Consider placing a limit on total number of lots created through clustering. -Consider prohibiting developments connecting to public or private water and sewer lines.
Chapter 12 Preliminary Plat, Design Standards, Proof of Water	-Cluster Plats/PUD zone -Protection of water quality/quantity	-Consider adding a requirement that water availability is proven prior to preliminary plat.
Chapter 32 Short Plats	-Protection of water quality/quantity	-Consider amending to add provision that proof of adequate water supply is required to become a "complete" application.
Chapter 36 Large Lot Divisions	-Protection of water quality/quantity	-Consider amending to add provision that proof of adequate water supply is required to become a "complete" application.

5.4.4 Title 13 - Water and Sewers

Kittitas County's Public Health Department is considering a number of amendments to its review of water availability before development can be considered upon properties. Evaluation of water availability and water use monitoring is being considered as a means of protecting water quality and quantity. **Table 5.4.4** below summarizes the amendments being considered and the issues outlined by the Hearings Board that such amendments might address.

Table 5.4-4 Issues Addressed with Potential Amendments to Title 13

Title 13 Sewer and Water	Issues Addressed	Optional Amendments Being Considered
Chapter 08 Private Sewage Disposal Systems	-Protection of water quality/quantity	▪ Revise to require soil logs to be performed prior to preliminary plat approval. This change might avoid creation of substandard sized lots in the rural area and improve water quality through better wastewater treatment practices.
Chapter 35 Adequate Water Supply	-Providing variety of rural density -Providing variety of rural density -Protection of water quality/quantity	- Revise provisions for proof of adequate water supply.
Addition of Adequate Water Supply	-Protection of water quality/quantity	-Include provisions similar to those in 13.35 KCC, as revised.

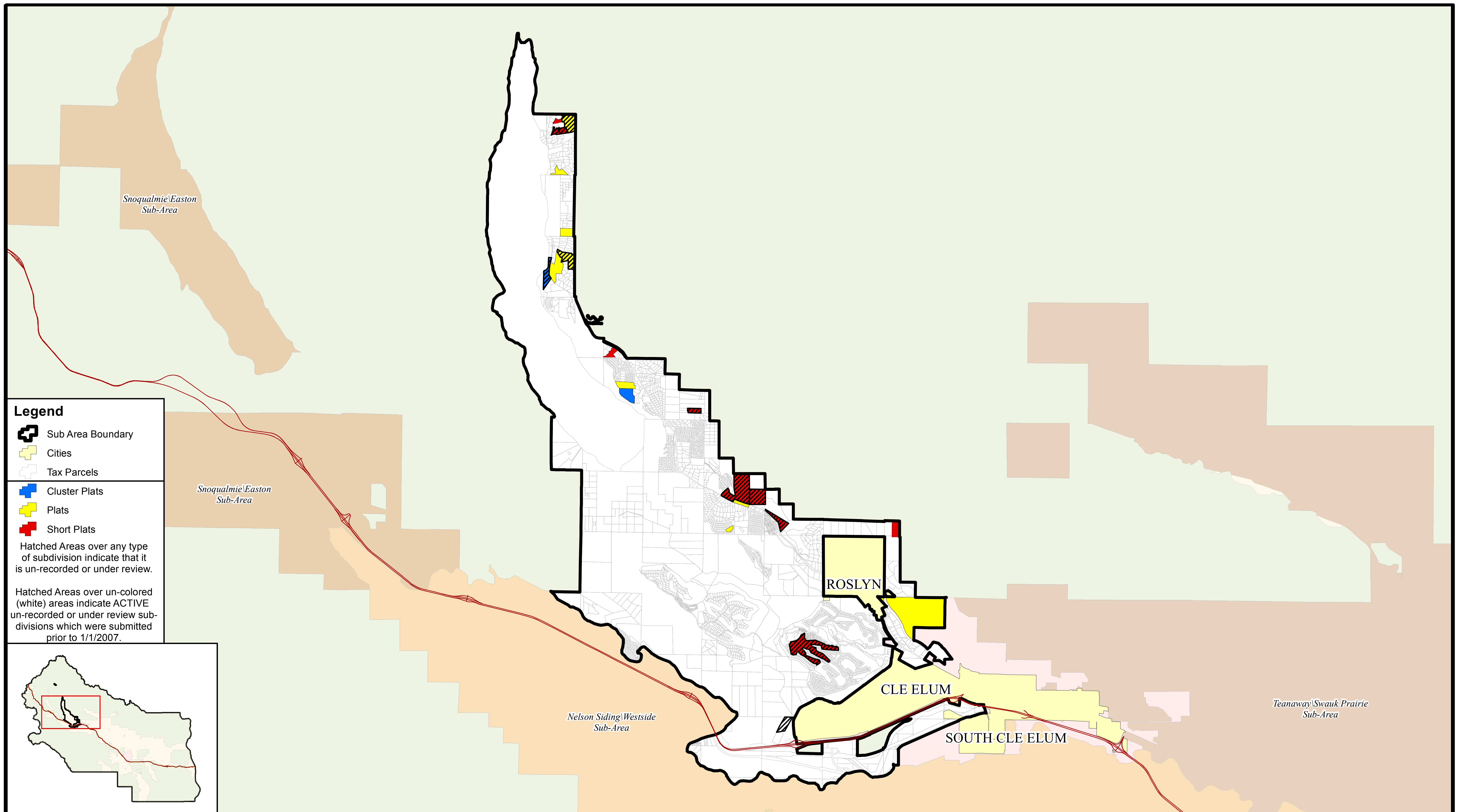


April 2012

Growth Management Act Compliance - Preliminary Analysis Kittitas County Comprehensive Plan Compliance 2012

Map 5.1-1

Snoqualmie/Easton
Subdivisions Active or Recorded
2007 to 2011

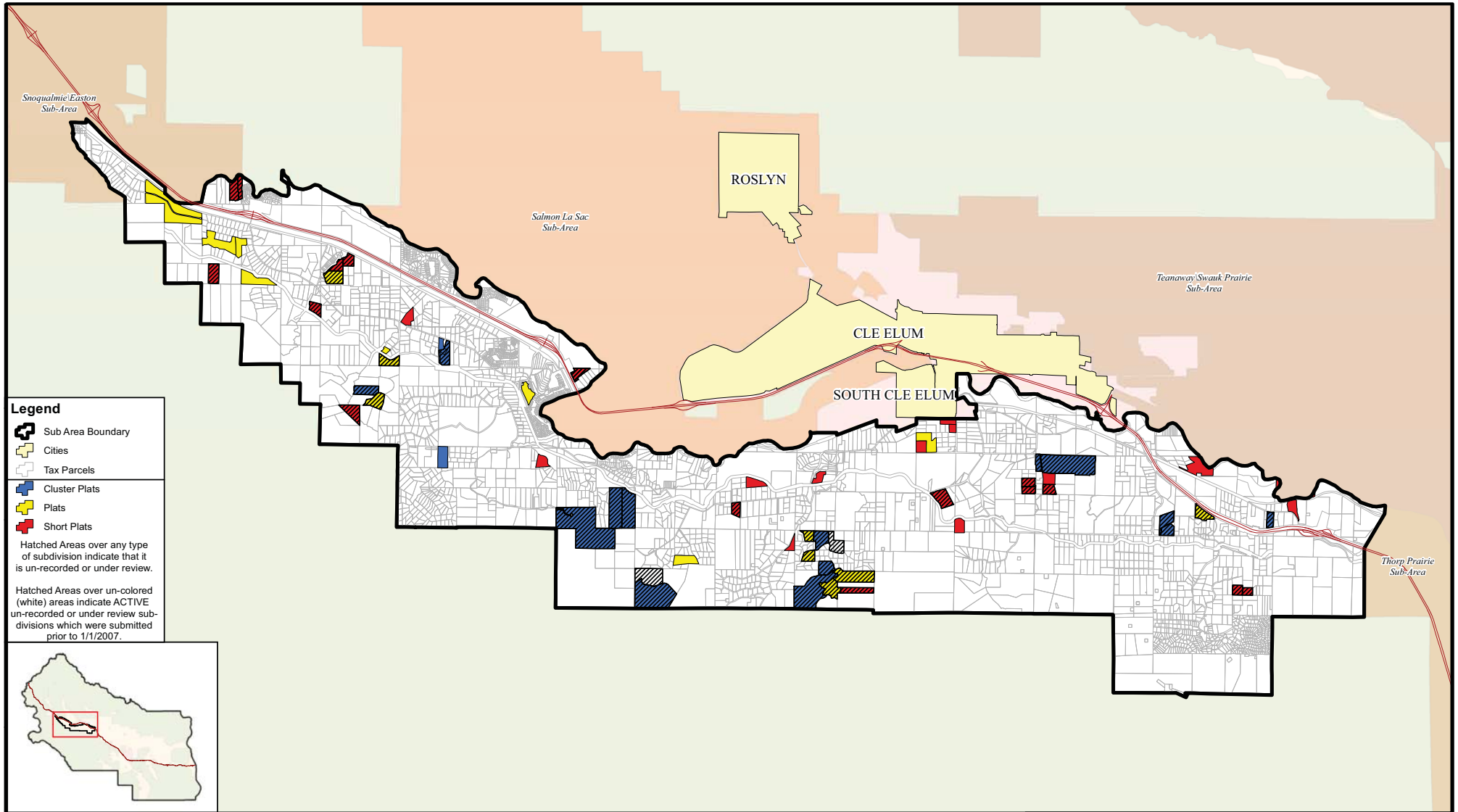


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Growth Management Act Compliance - Preliminary Analysis Kittitas County Comprehensive Plan Compliance 2012

Map 5.1-2

Salmon La Sac
Subdivisions Active or Recorded
2007 to 2011

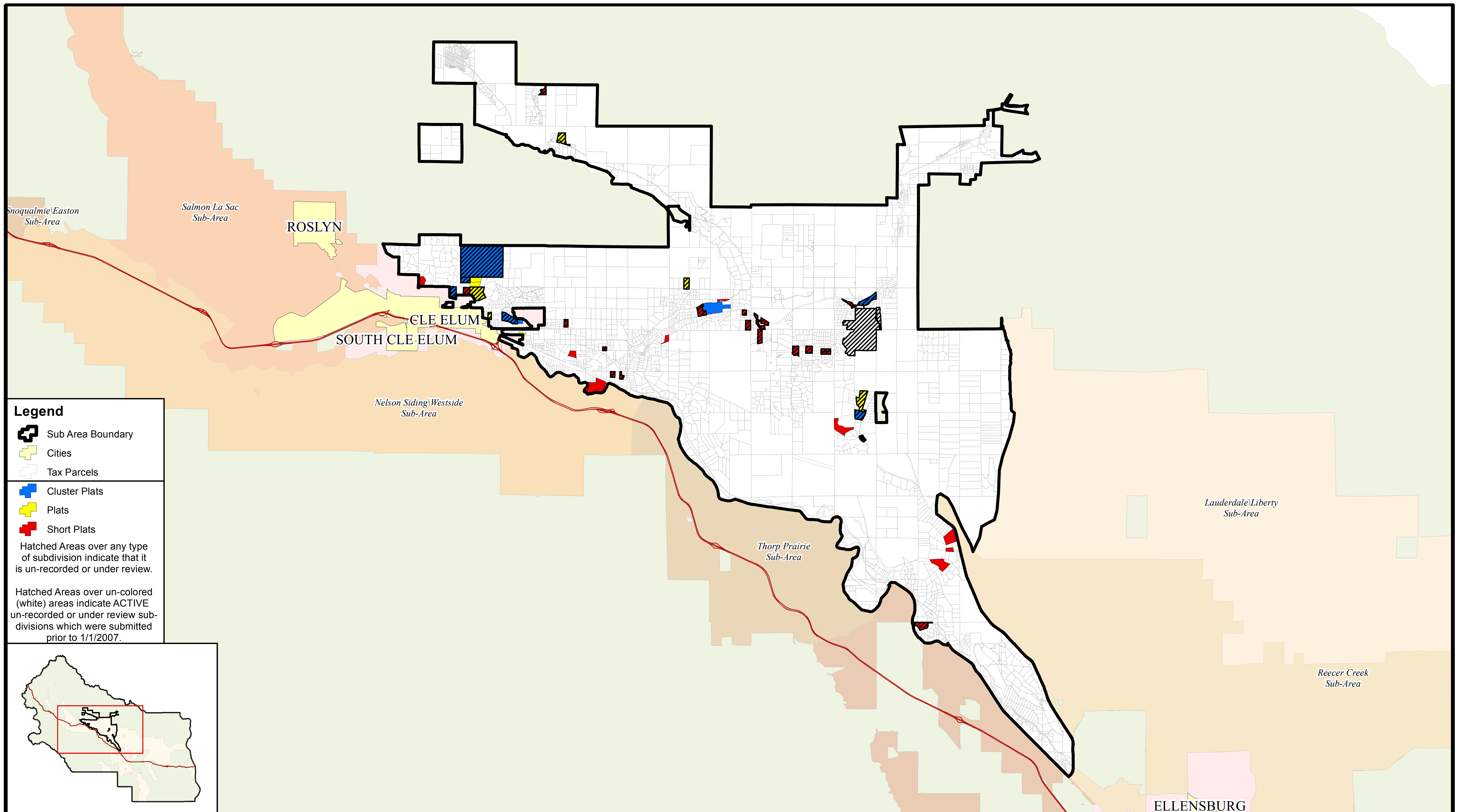


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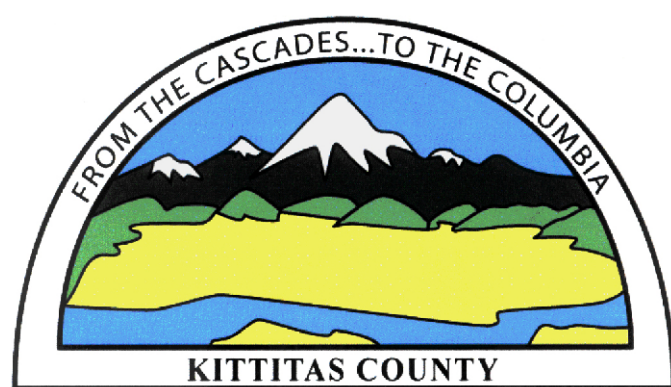
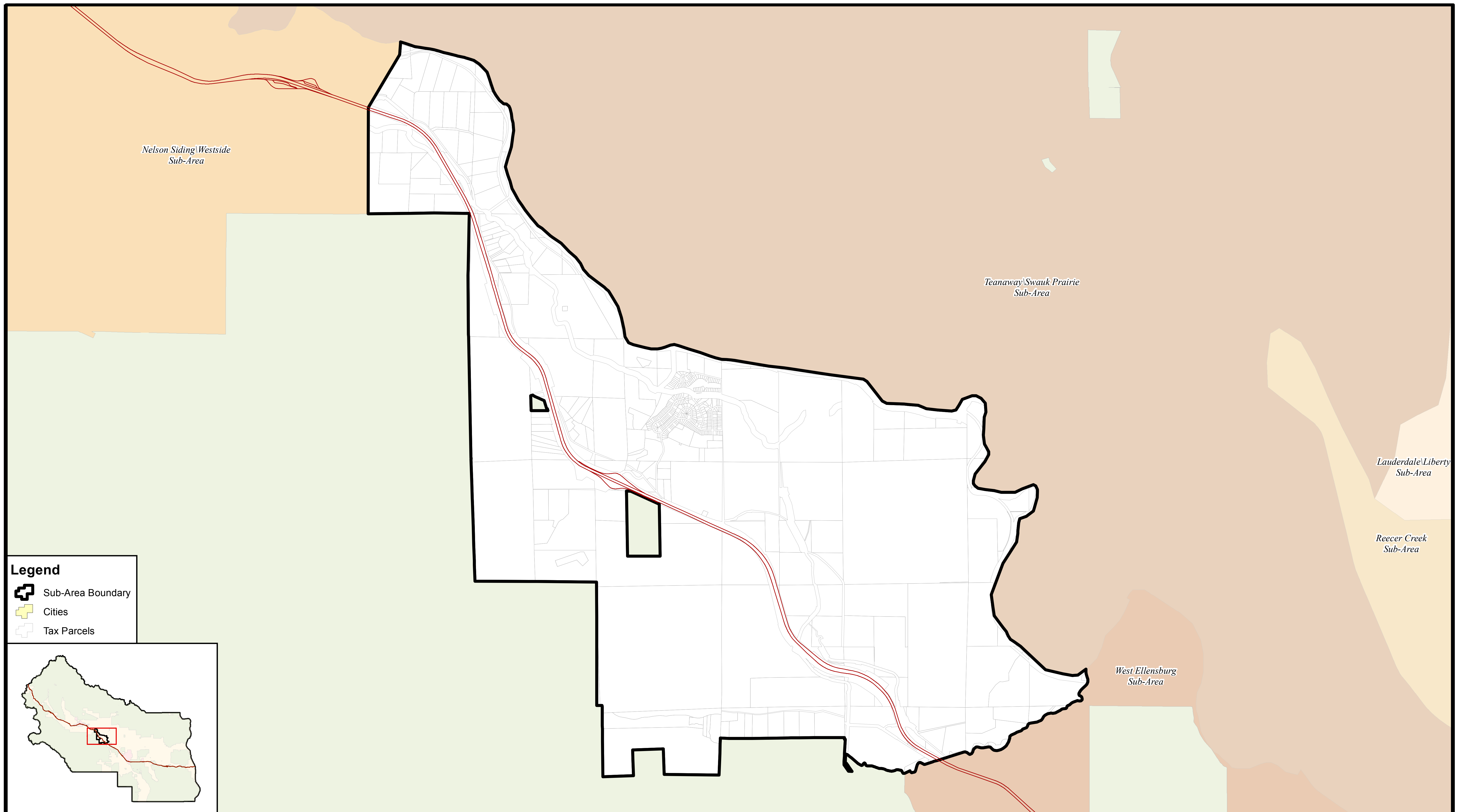
Map 5.1-3

Nelson Siding/Westside
Subdivisions Active or Recorded
2007 to 2011



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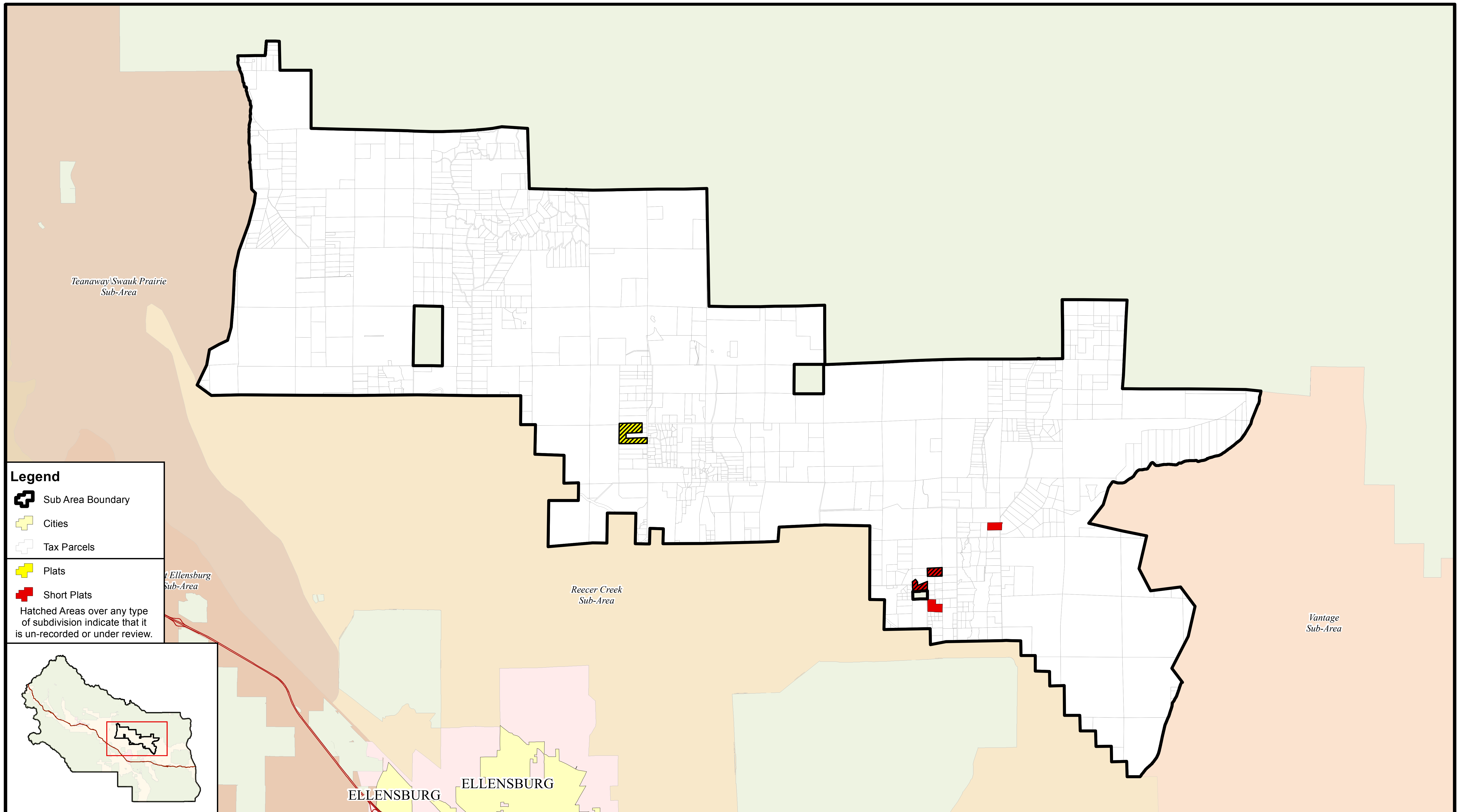


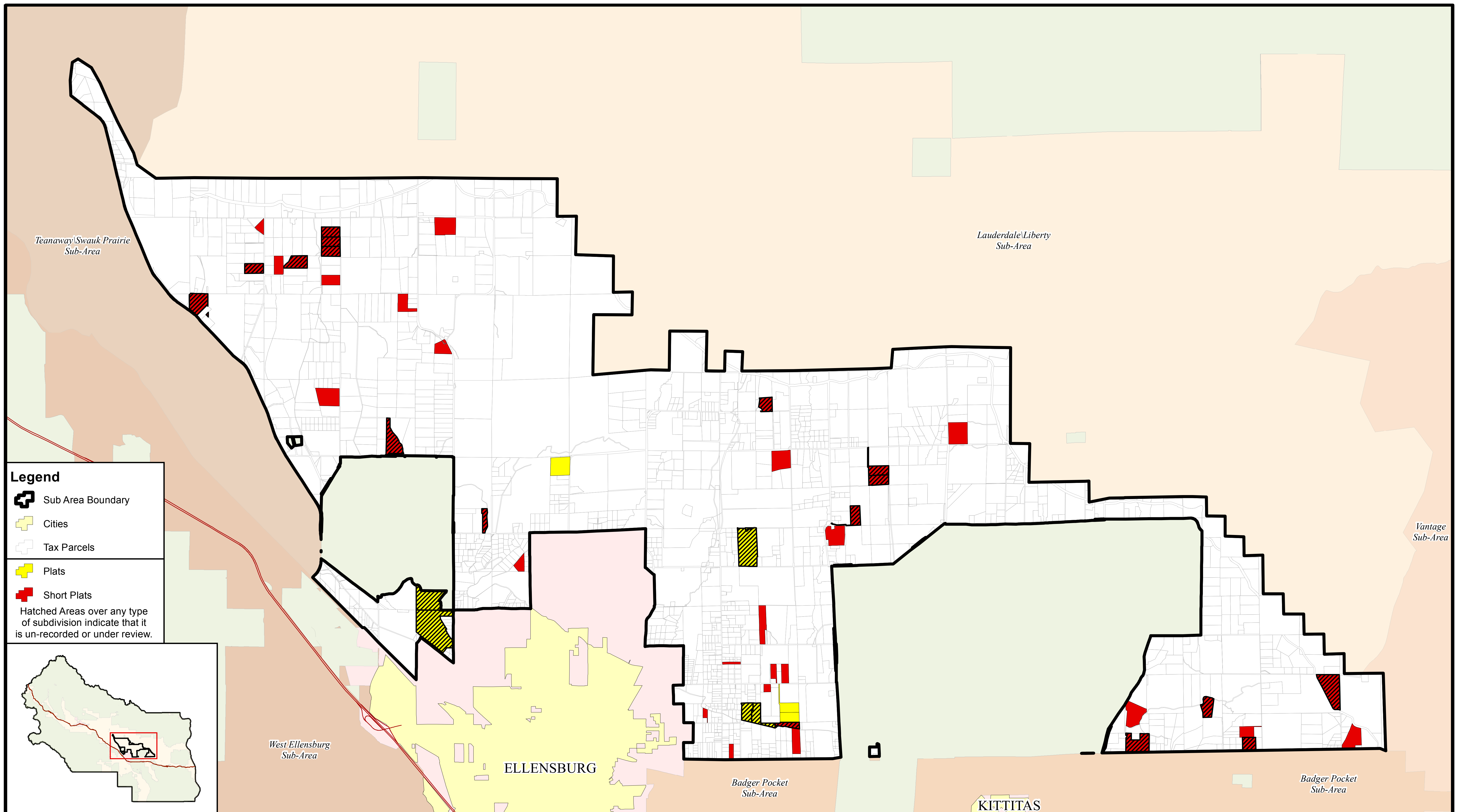
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Map 5.1-5

Thorp Prairie
Subdivisions Active or Recorded
2007 to 2011



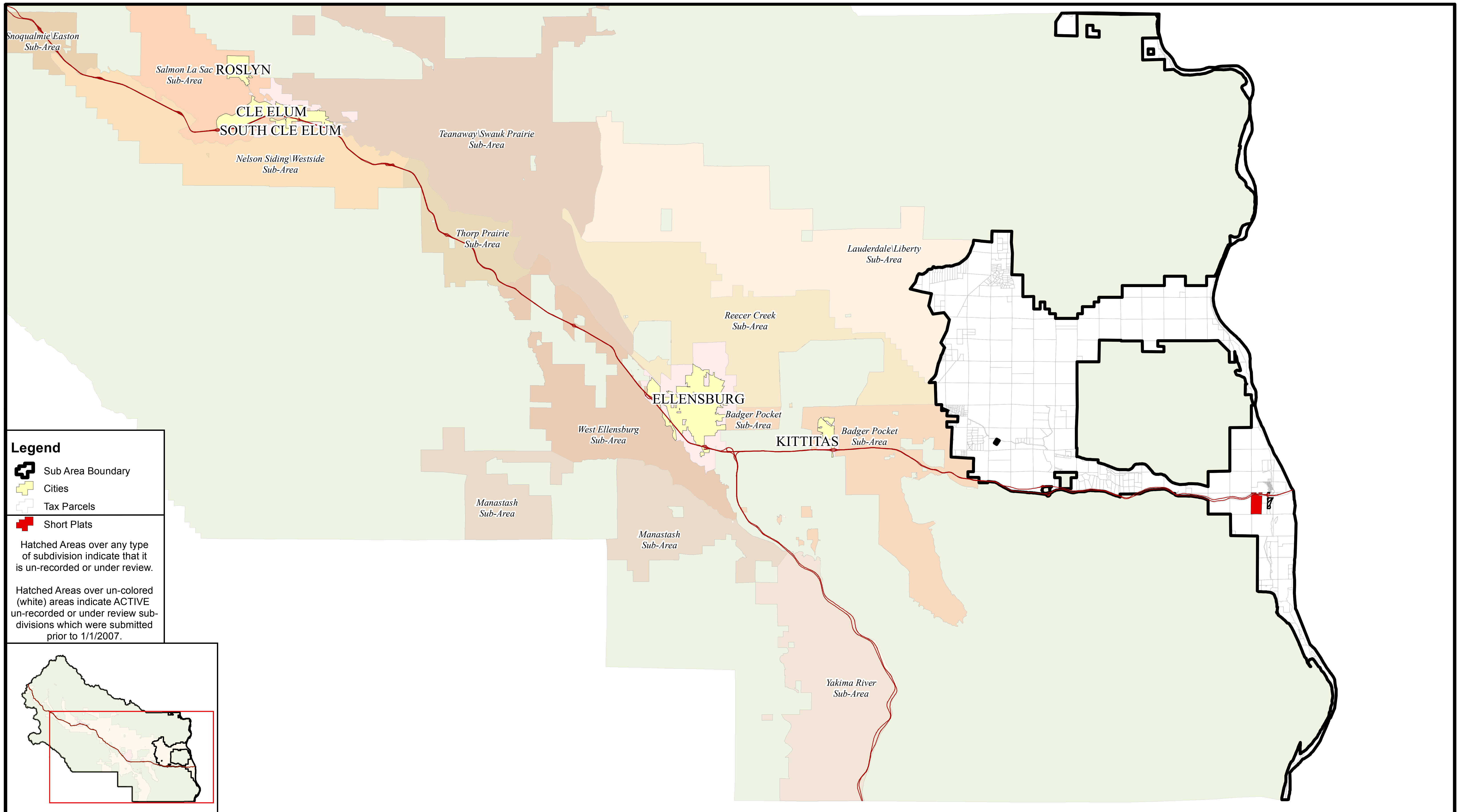


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Map 5.1-7

Reecer Creek
Subdivisions Active or Recorded
2007 to 2011

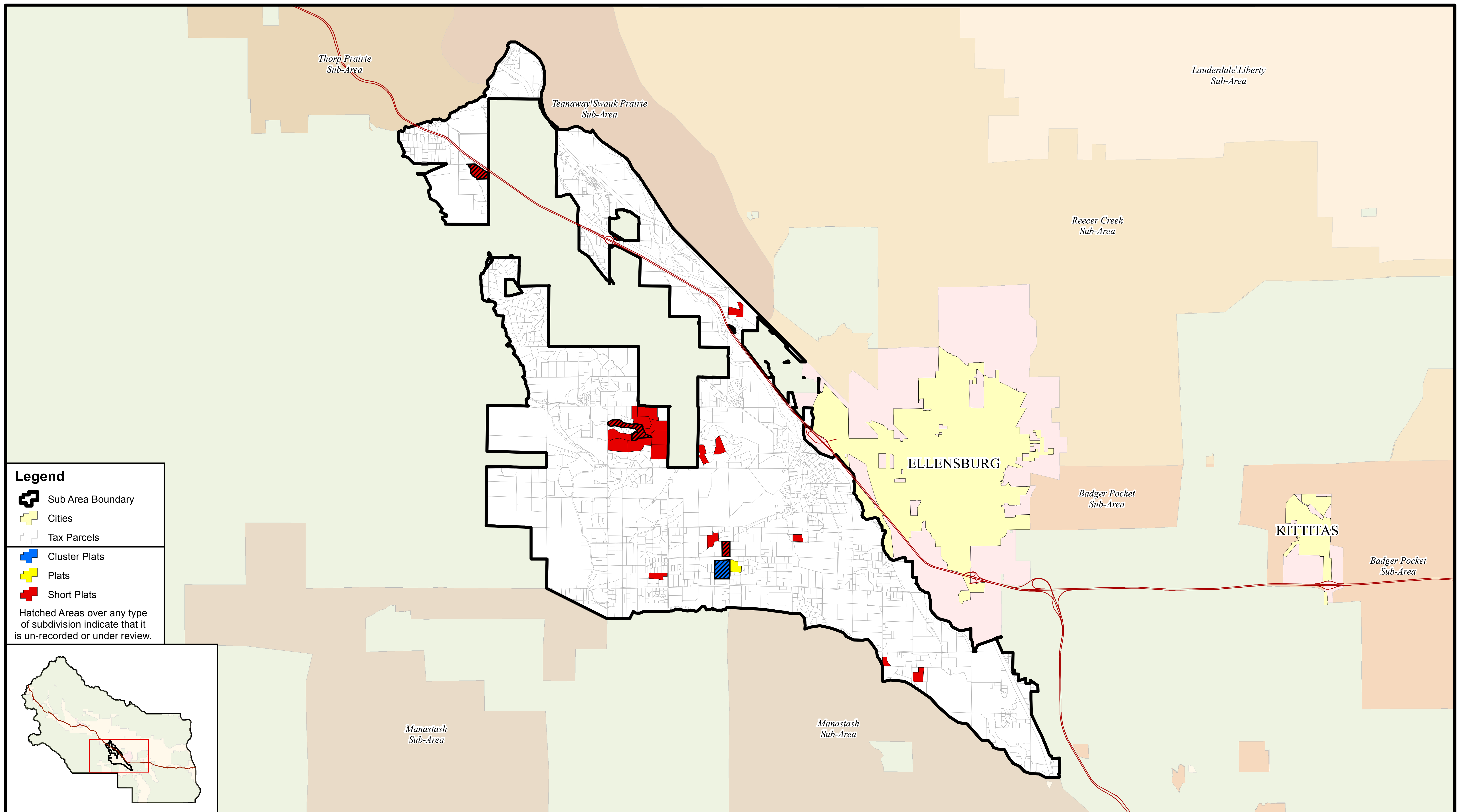


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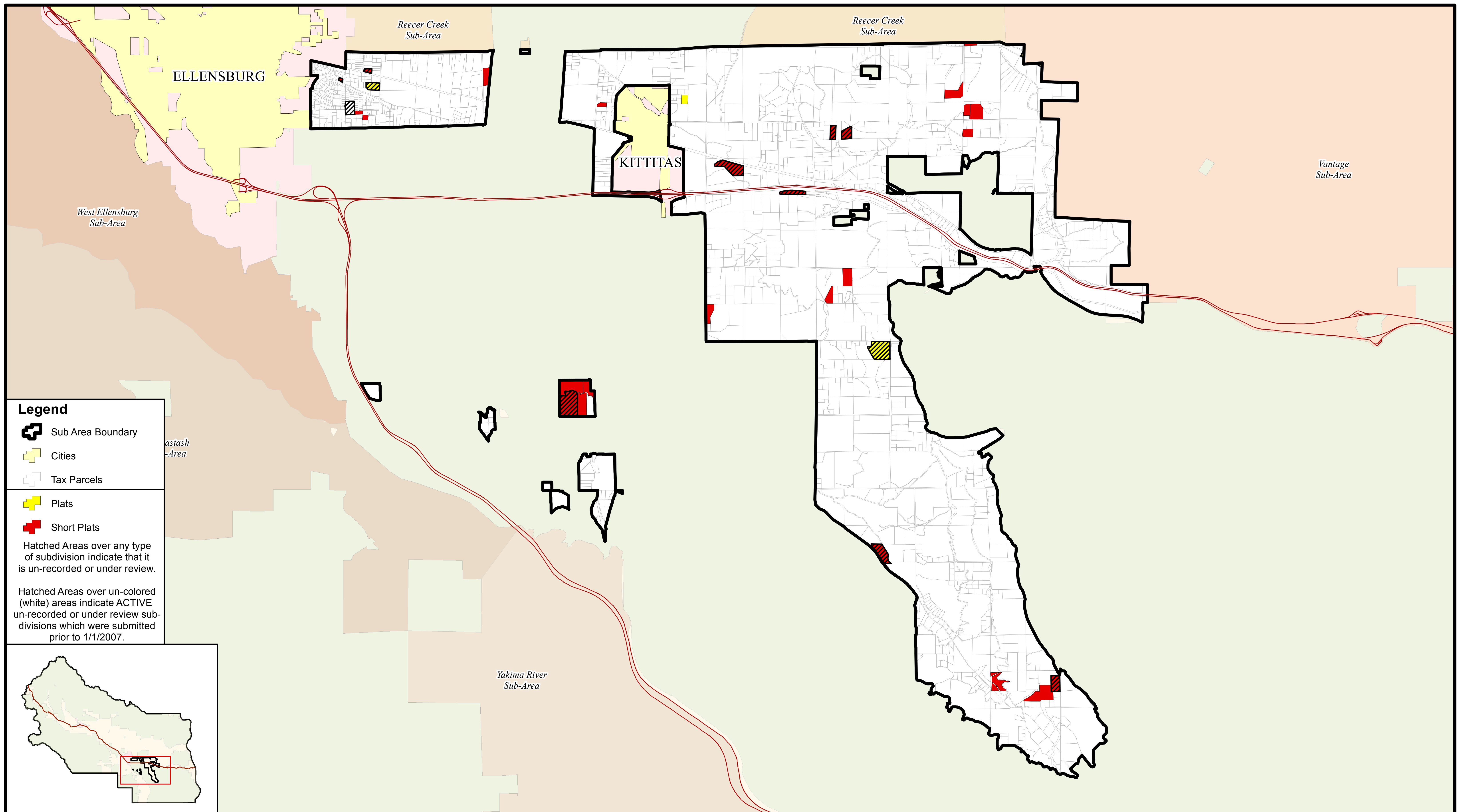
Map 5.1-8

Vantage
Subdivisions Active or Recorded
2007 to 2011



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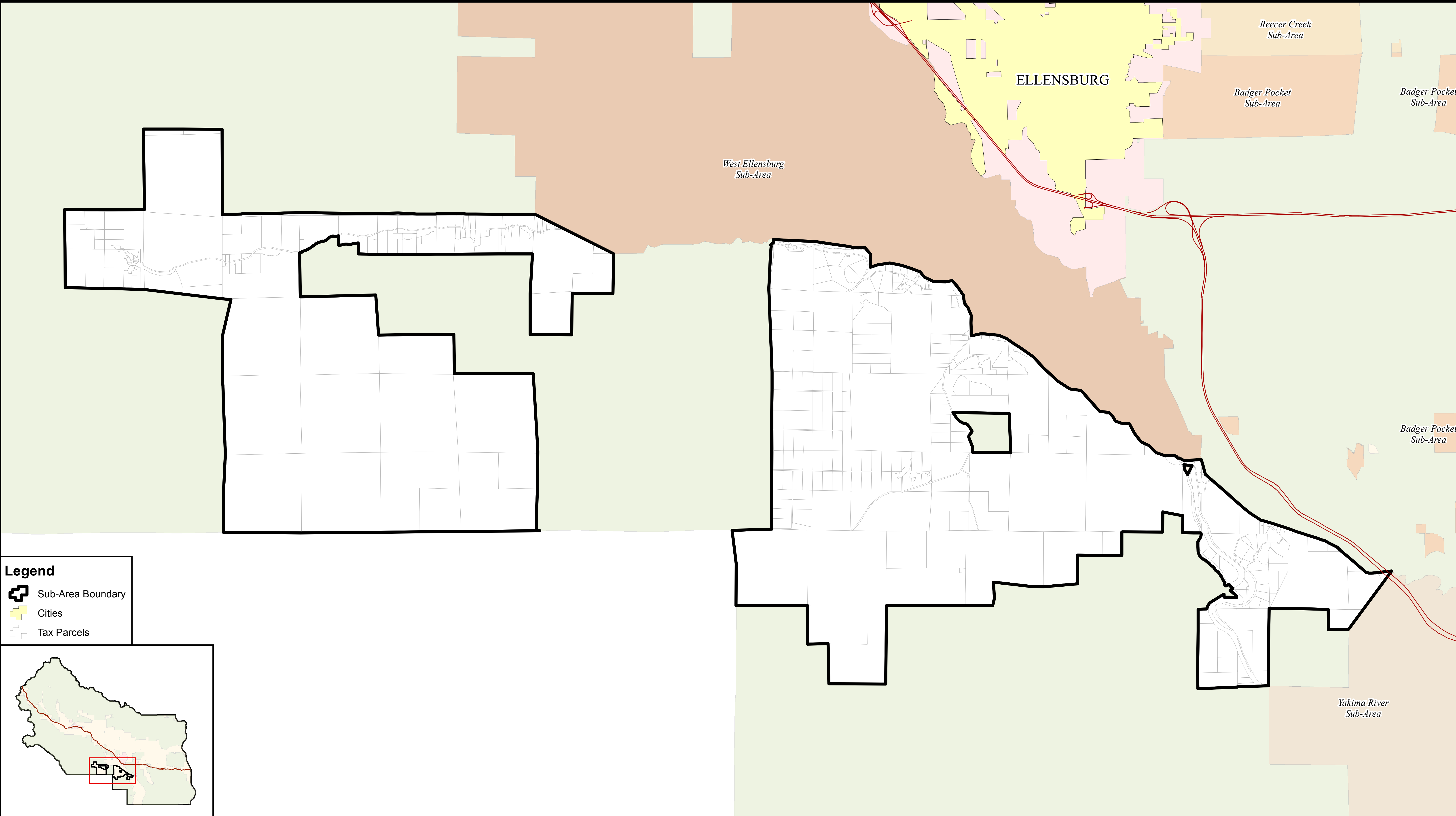


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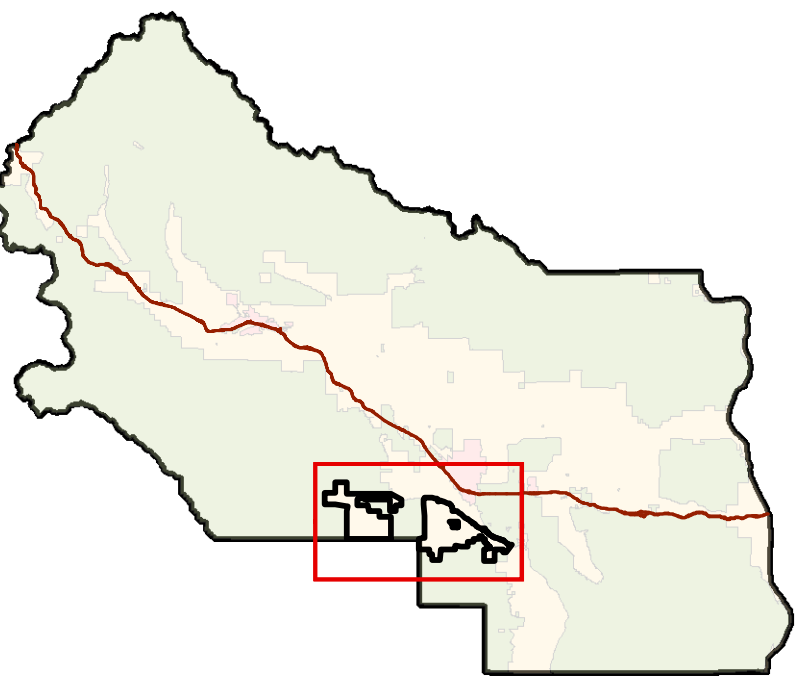
Map 5.1-10

Badger Pocket
Subdivisions Active or Recorded
2007 to 2011



Legend

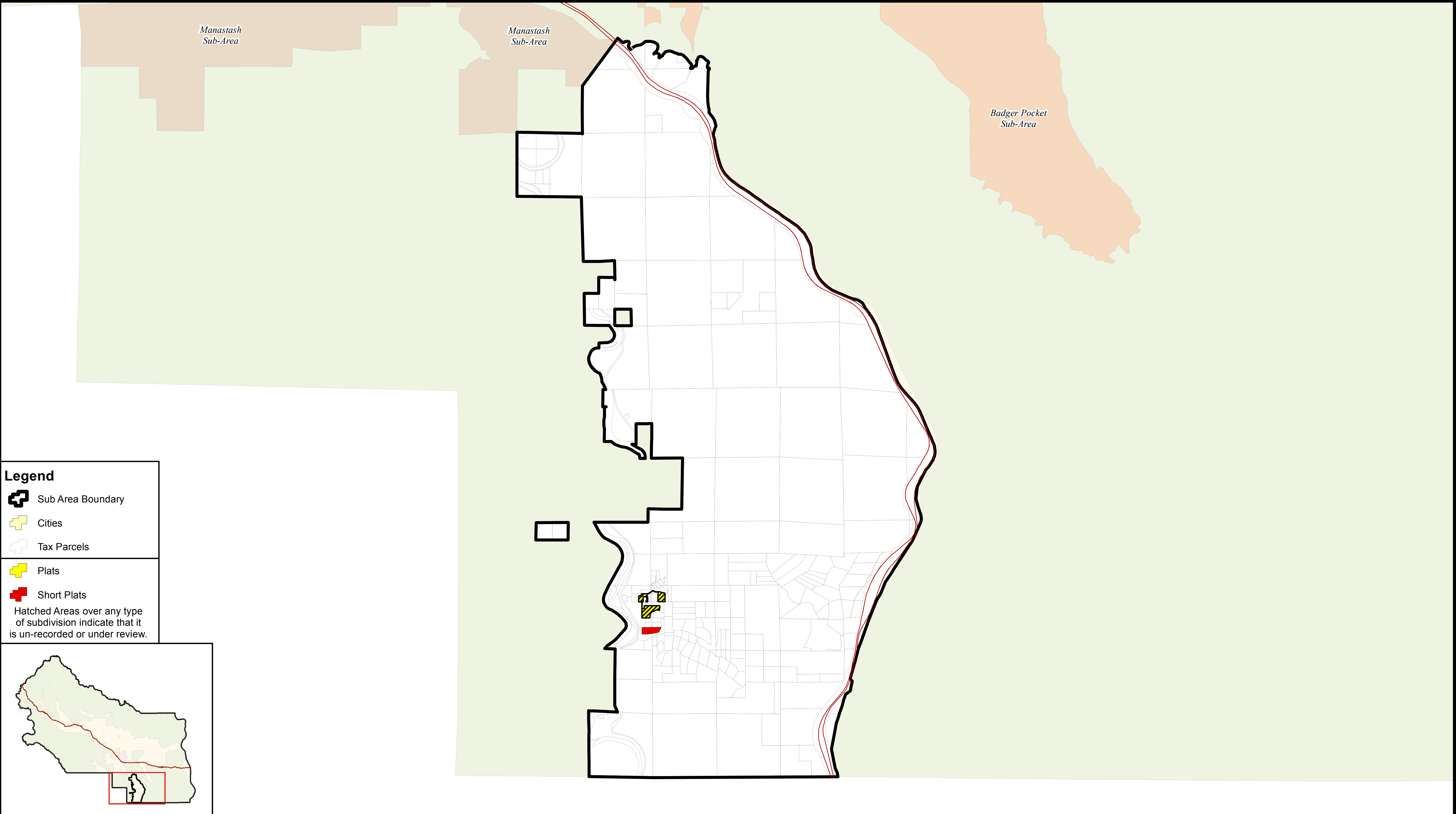
- Sub-Area Boundary
- Cities
- Tax Parcels



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Map 5.1-11
Manastash
Subdivisions Active or Recorded
2007 to 2011



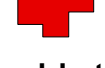
Legend

 Sub Area Boundary

 Cities

 Tax Parcels

 Plats

 Short Plats

Hatched Areas over any type of subdivision indicate that it is un-recorded or under review.

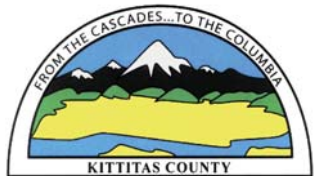
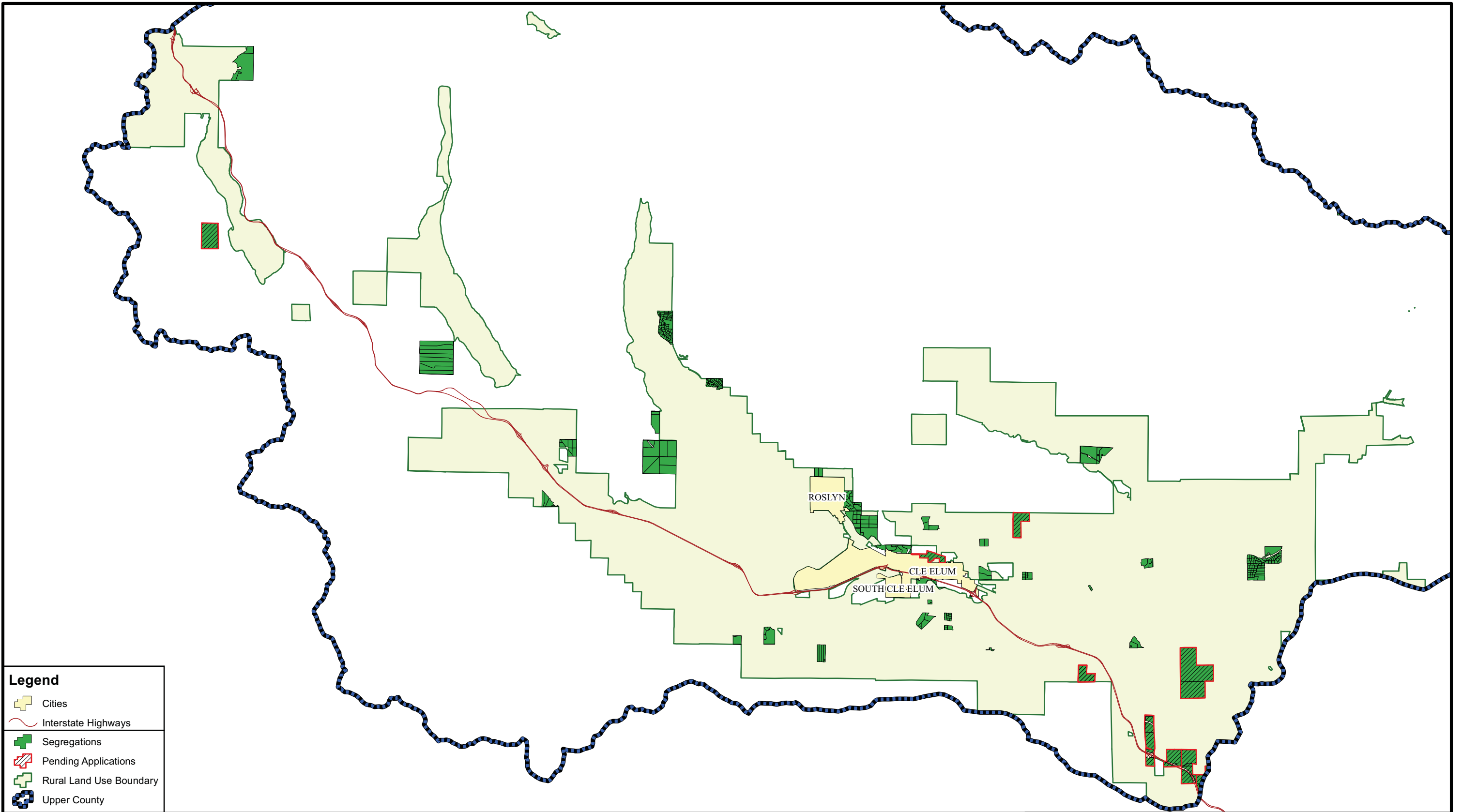


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Map 5.1-12

Yakima River
Subdivisions Active or Recorded
2007 to 2011

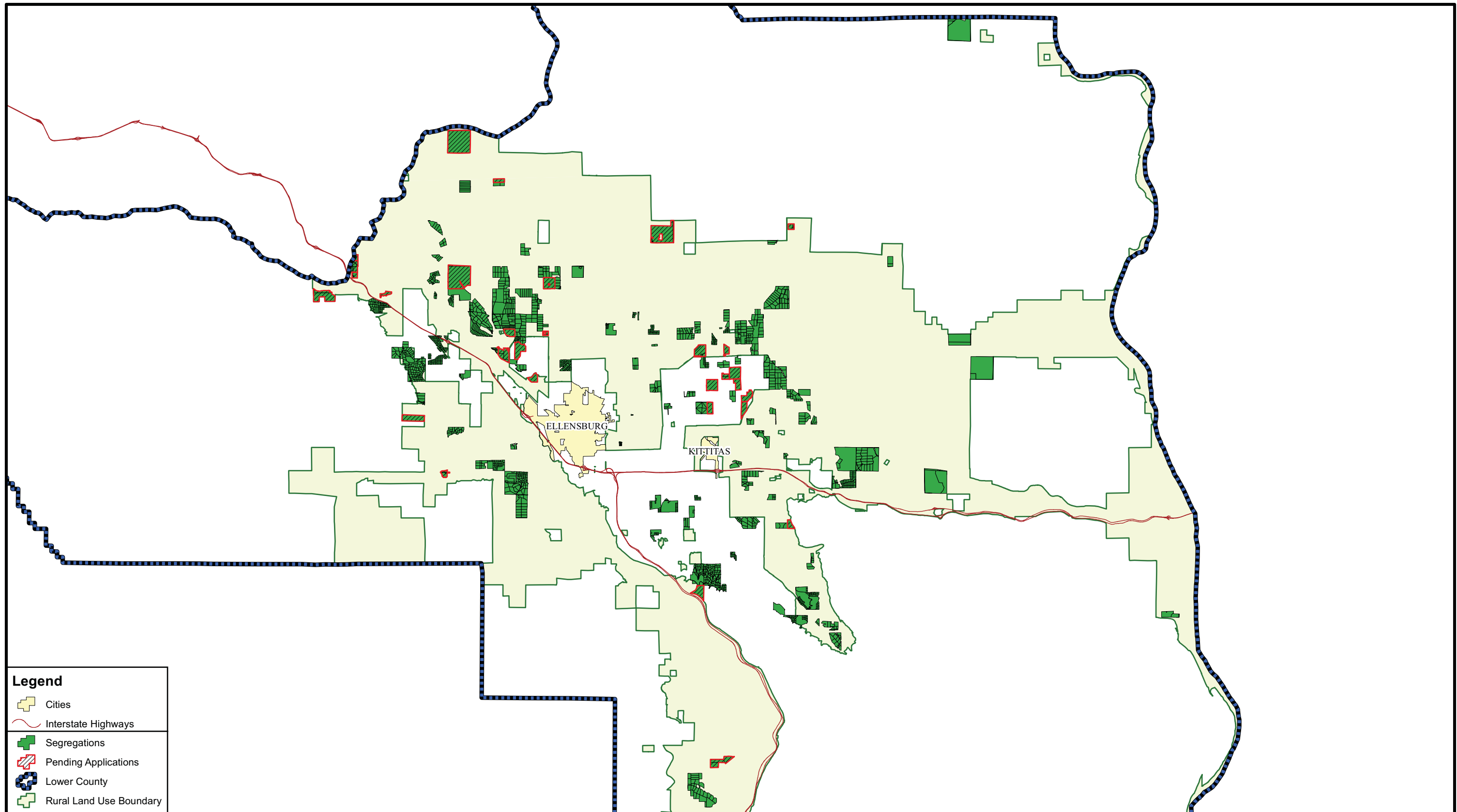


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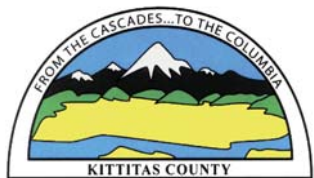
Map 5.1-13

Upper County Administrative
Segregations



Legend

- Cities
- Interstate Highways
- Segregations
- Pending Applications
- Lower County
- Rural Land Use Boundary

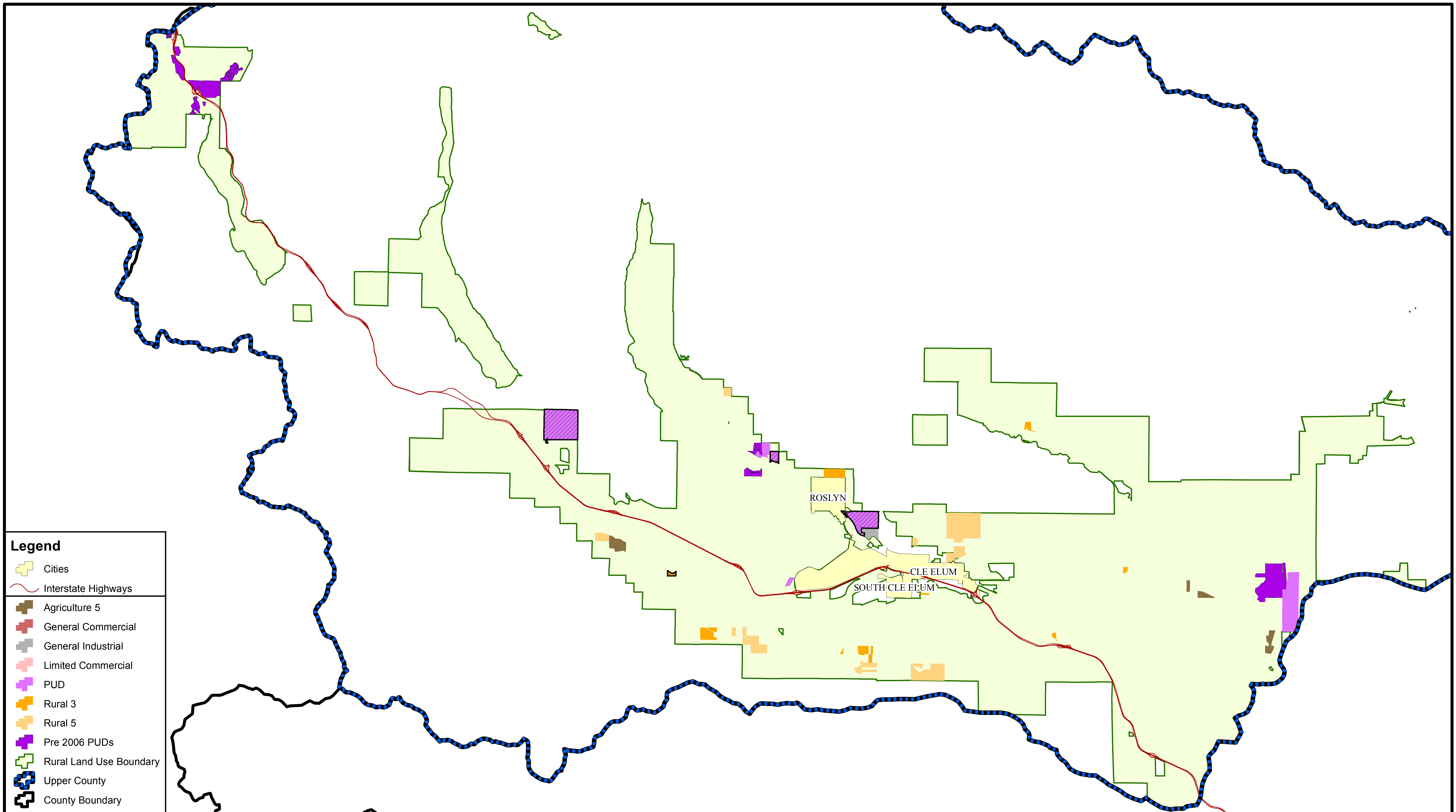


May 2012

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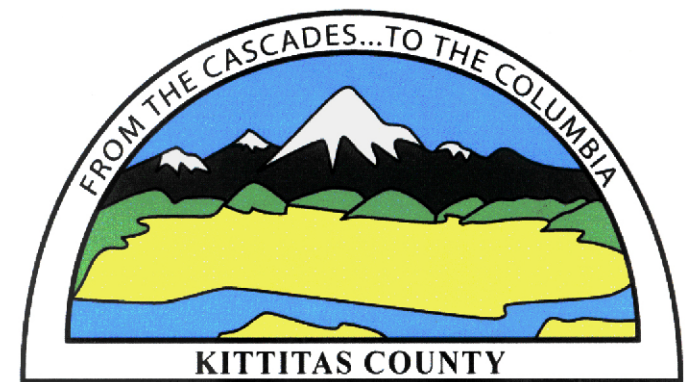
Map 5.1-14

Lower County Administrative
Segregations



Legend

- Cities
- Interstate Highways
- Agriculture 5
- General Commercial
- General Industrial
- Limited Commercial
- PUD
- Rural 3
- Rural 5
- Pre 2006 PUDs
- Rural Land Use Boundary
- Upper County
- County Boundary

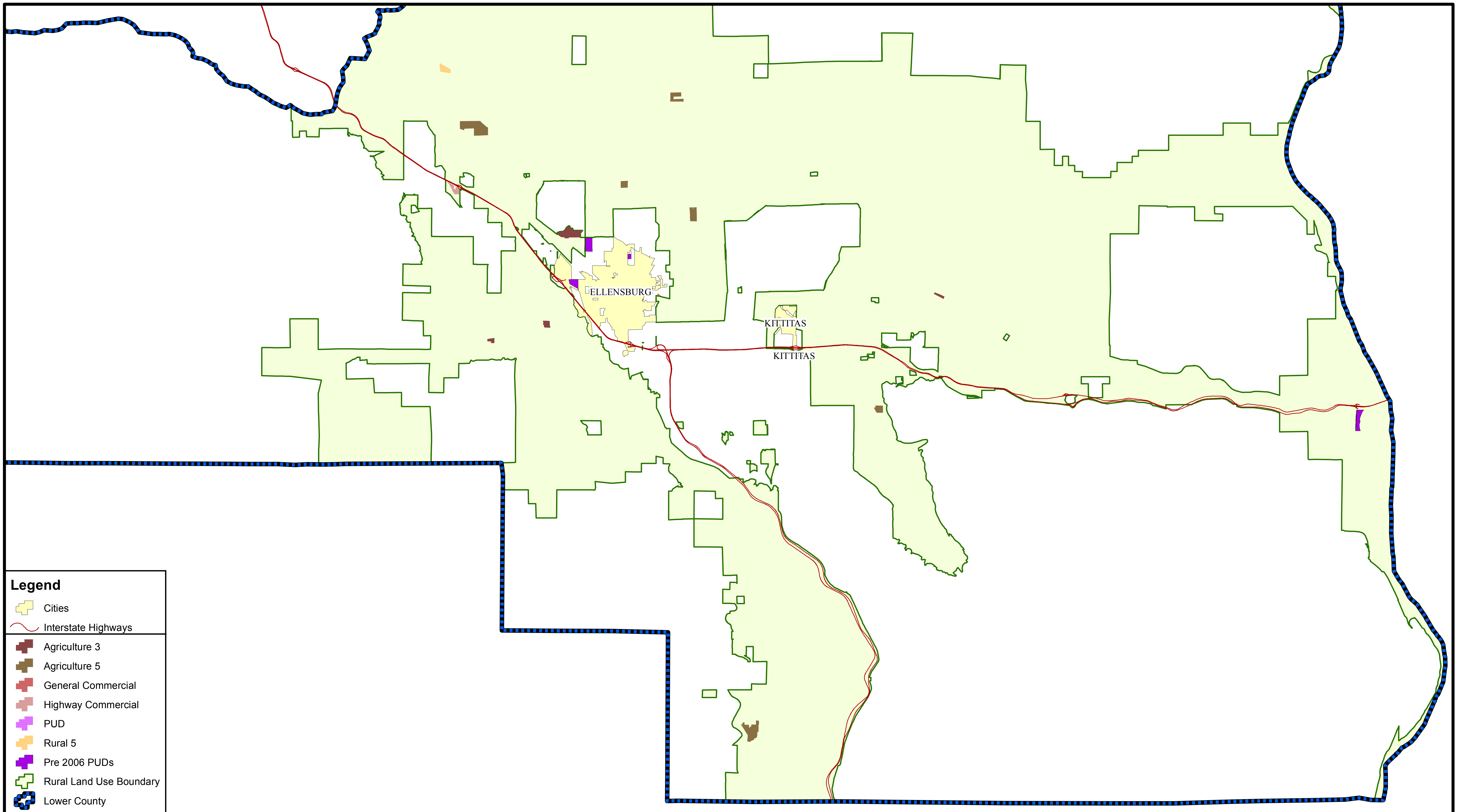


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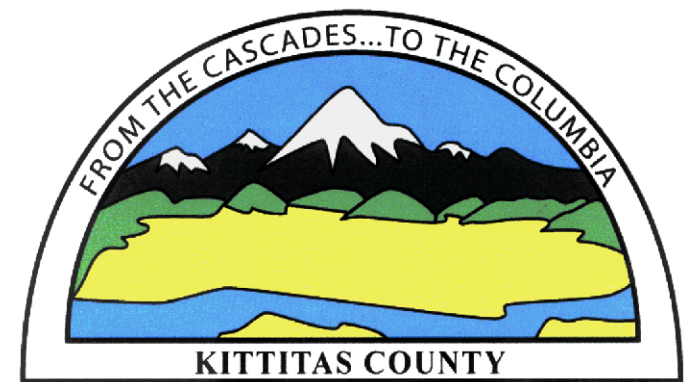
Map 5.2-1

Upper County Rezones



Legend

- Cities
- Interstate Highways
- Agriculture 3
- Agriculture 5
- General Commercial
- Highway Commercial
- PUD
- Rural 5
- Pre 2006 PUDs
- Rural Land Use Boundary
- Lower County



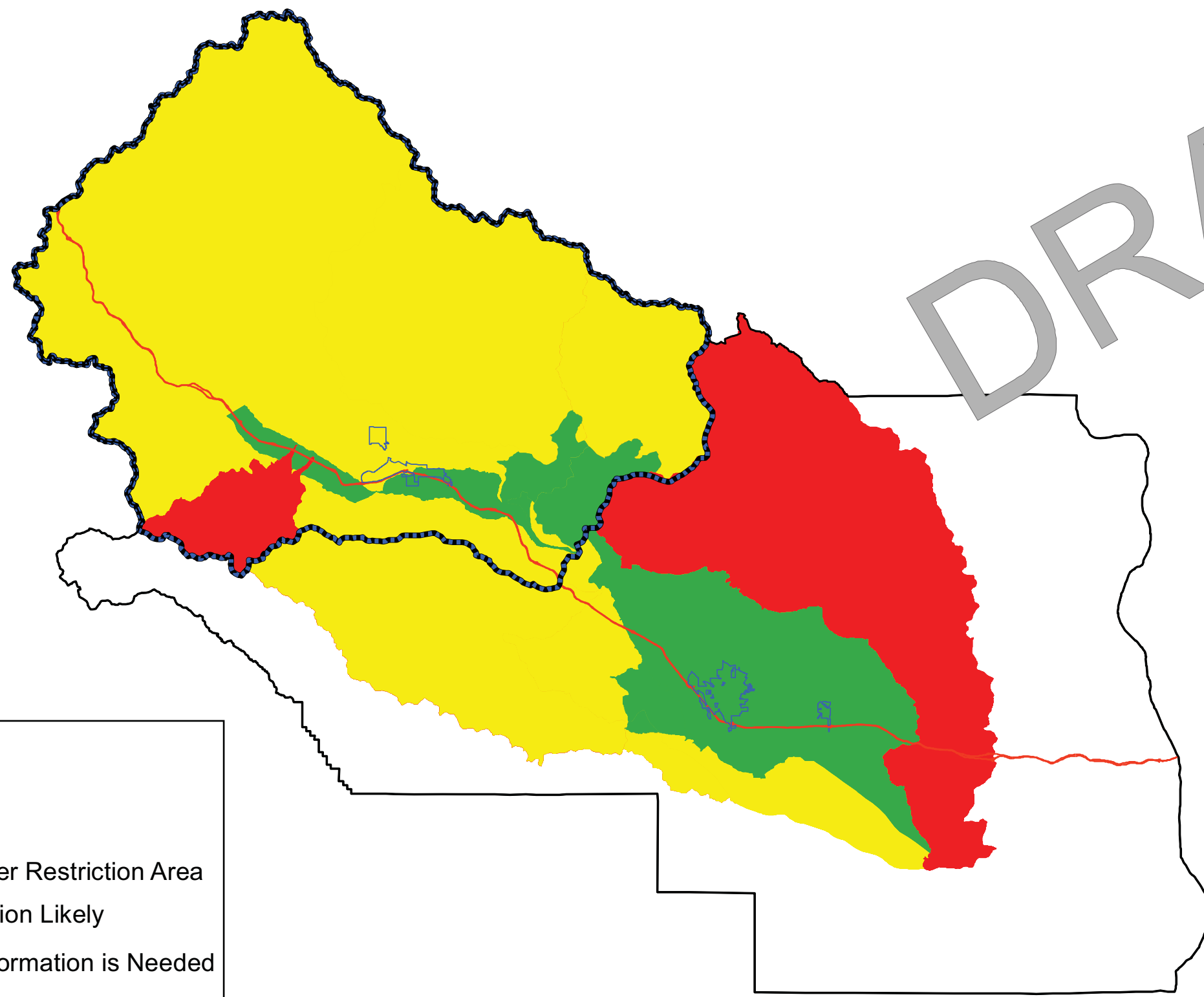
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Map 5.2-2

Lower County Rezones

DRAFT



Legend

- Cities
- Interstate 90
- Upper County Groundwater Restriction Area
- Area Where Water Mitigation Likely
- Area Where Additional Information is Needed
- Areas Unsuitable for Mitigation

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Map 5.3

Areas of Water Availability