APPENDIX C

D R A F T

KITTITAS COUNTY COMPREHENSIVE PLAN COMPLIANCE 2012

POTENTIAL AMENDMENTS TO RURAL ELEMENT POLICIES

MAY 2012

Current Comprehensive Plan Policy	Proposed Chapter in Amendment Plan					Legal Issues to be Addressed											Options for Amendments
						07-1-0004c					07-1-0015						
	Land Use	Housing	Rural	Recre-ation	Resource	1	6	10	11	14	1	2	3	4	6	7	
Chapter Structure			X														• Consider replacing existing rural chapter with entirely new rural chapter, keeping the policies that are compliant, and revising or restructuring the chapter to organize goals, objectives, and policies. Include land use designation criteria. Move policies to other chapters, as appropriate.
8.1 Introduction			X														• Text revisions. Evaluate and incorporate appropriate recommendations by the LUAC in April 2008
8.2 Identification of Rural Lands			X			X		X	X		X			X	X		• Text revisions. Evaluate and incorporate appropriate recommendations by the LUAC in April 2008
8.3 Rural Land Use			X			X		X	X		X	X	X	X	X		• Add designation criteria for various rural zones. Evaluate and incorporate appropriate recommendations by the LUAC in April 2008. • Review LUAC-proposed "Rural Outlying" land use designation and policies. Evaluate and incorporate appropriate recommendations by the LUAC in April 2008. • Review LUAC-proposed "Rural Transition" land use designation and

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																	policies. Evaluate and incorporate appropriate recommendations by the LUAC in April 2008. • Consider new rural land use designations. • Consider adding description and definition of rural character, per 36.70A.030 and 070. • Identify additional rural densities, along with designation criteria, and describe how these densities harmonize planning goals and meet the requirements of the GMA
Government Services in Rural Lands **GPO 8.1** Municipal, or public urban services should not be extended outside of urban growth areas in Rural Lands. However, municipal services may be provided to a Master Planned Resort or Fully Contained Community which is approved pursuant to County Comprehensive Plan policies and development regulations so long as all costs directly attributable to the extension of such services to the resort or community, including capacity increases, are fully borne by the resort or community.			X						X			X		X			• Evaluate applicability to LAMIRDs • Consider deletion of "Fully Contained Communities"
GPO 8.2A Capital Facilities and Utilities may be sited, constructed, and operated by outside public service providers (or sited, constructed, and/or operated jointly			X						X		X	X		X			• Amended as part of a prior compliance (Ord 2009-25) to include reference to LAMIRDs. Amendment found to be compliant. • Consider deletion of "Fully Contained

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with a Master Planned Resort (MPR), limited area of more intensive rural development (LAMIRD), or Fully Contained Community to the extent elsewhere permitted), on property located outside of an urban growth area if such facilities and utilities are located within the boundaries of such resort or community which is approved pursuant to County Comprehensive Plan policies and development regulations.																	Communities"
GPO 8.2B Electric and natural gas transmission and distribution facilities may be sited within and through areas of Kittitas County both inside and outside of municipal boundaries, UGAs, Master Planned Resorts, LAMIRDs, and Fully Contained Communities, including to and through rural areas of Kittitas County.	X								X		X	X					• Amended as part of a prior compliance (Ord 2009-25) to include reference to LAMIRDs. Amendment found to be compliant. • Consider deletion of "Fully Contained Communities"
GPO 8.3 Sprawl will be discouraged if public services and public facilities established under RCW 36.70A.070(5)(d) are limited to just those necessary to serve the developed area boundaries and are not allowed to expand into adjacent Rural Land.			X			X		X	X		X	X		X			• Consider directive policy revisions and revisions to comply with GMA (not limited to LAMIRDs)
GPO 8.4 Essential public facilities whose nature requires that they be sited outside cities, urban growth areas must be self-supporting and not require the extension, construction, or maintenance of municipal services			X						X					X			• Evaluate establishing criteria in the policy

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and facilities. Criteria shall be established that address the provision of services when siting an essential public facility. Essential public facilities should not be located outside cities, urban growth areas unless the nature of their operations needs or dictates that they be sited in the rural area of the county.																	
Goals, Policies and Objectives for Land Uses in Rural Lands **GPO 8.5** Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.			X			X		X	X		X	X		X			• Consider adding clarification of how to designate various rural densities. • Consider deletion.
GPO 8.6 An expanded public lands element may be added to the comprehensive plan before 1999, which contains strategies for county involvement in decisions and action on public lands within the Rural Lands designated area.			X			X					X						• Consider revising to provide policy direction for public lands in rural areas.
GPO 8.7 Private owners should not be expected to provide public benefits without just compensation. If the citizens desire open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice.			X								X						• Consider deleting this policy. Issue is covered by existing takings law.

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GPO 8.8 Voluntary, cooperation-seeking, incentive-based strategies will be sought in directing specific uses or prohibitions of uses on Rural Lands.			X					X	X								• Consider directive policy revisions.
GPO 8.9 Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.			X														• Consider revisions in relation to overall reorganization of chapter.
GPO 8.10 Factors within municipalities that encourage movement onto Rural Lands should be identified and referred to the municipality.			X					X	X			X					• Policy directive is not clear. Consider deletion of this policy. • 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. Add language regarding jurisdictional cooperation.
GPO 8.11 Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.			X					X	X								• Consider revising to identify "traditional uses" in the context of Kittitas County's unique rural character.
GPO 8.12 Conserve important natural resource lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where			X														• No amendment. Implementation was initiated with adoption of TDR program. • Consider new GPO: "Consider the development and implementation of an Agricultural Production District

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greater density is more appropriate, permanently conserving specified natural resource lands.																	Overlay, a voluntary and incentive-based program used to encourage agricultural landowners to maintain their land in agricultural production" as recommended by the LUAC in April 2008.
GPO 8.13 Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated.			X					X	X		X						• Consider directive policy revisions and revisions to protect rural character.
GPO 8.14 In order to conserve important natural resource lands, the use of Transfer of Development Rights should be a priority use for calculation of density bonus for cluster residential developments located in rural lands.			X					X	X		X						• Policy added with TDR code amendments. • Consider a new policy to include other preservation tools.
Rural Uses Adjacent to Designated Resource Lands **GPO 8.15** All conveyance instruments including plats, short plats as well as other development activities of a residential nature on or within 1,000 feet of land designated as resource lands, shall contain a notice which states: "The subject property is within or adjacent to existing resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of limited duration. Resource activities performed in accordance with county, state, and federal laws			X			X			X		X						• Consider revising policy to remove quoted RCW language and instead cite the RCW provision.

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are not subject to legal action as public nuisances. Kittitas County has adopted Right to Farm provisions contained in Section 17.74 of the Kittitas County Code."																	
GPO 8.16 Growth in the Rural Lands should be managed in a manner that minimizes impacts on adjacent natural resource lands.			X						X		X						• Consider directive policy revisions to achieve this goal.
GPO 8.17 Support for right-to-farm ordinances should be continued and expanded.			X						X		X	X					• Consider directive policy revisions. Ex: "Ordinances which support and protect the right-to-farm should be expanded."
GPO 8.18 Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands.			X			X			X		X						• Consider revising to include reference to statute RCW 58.17 and Title 16 KCC.
GPO 8.19 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.			X					X	X		X						• Consider deleting this policy to avoid rural residential land use conflicts with natural resource lands. • Consider revising to state that clustering should include densities appropriate to the rural environment.
GPO 8.20 Development standards for access, lot size, and configuration, fire protection, forest protection, water supply and dwelling unit location should be adopted for development within or adjacent to forest lands.			X						X		X	X					• Consider revising to provide appropriate development standards based on a variety of rural lands, i.e. forest, range, agriculture, residential or commercial. • Consider policy directive with different standards for various rural lands.

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GPO 8.21 During the review of proposed new land uses that have the potential to conflict with commercial mining activities, such as residential subdivision, consideration of both surface and mineral rights ownership should be included in the review.			X						X		X	X					• 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.
GPO 8.22 New conflicting uses such as residential and commercial may be required by the County to locate, site and / or be screened away from designated commercial mining activities.			X						X		X	X					• Consider revising policy language to clarify intent. • Consider amending land use designation map to identify Mineral Resource Lands of Long Term Significance.
Non-Designated Resource Uses - Forestry, Farming, Mining **GPO 8.23** Kittitas County will continue to explore incentives for farming and ranching to continue as significant land uses.	X		X									X					• Consider removing mining from this section and moving to Resource element. • Consider directive policy revisions, for example specific steps how this goal will be achieved. • Consider incorporating in a different way in a new Resource Element or the Land Use Element?
GPO 8.24 Resource activities performed in accordance with county, state and federal laws should not be subject to legal actions as public nuisances.			X									X					• Consider directive policy revisions.
GPO 8.25 Support for right-to-farm			X									X					

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ordinances should be continued and expanded.																	• Consider directive policy revisions, such as revise it to say right to farm ordinances "shall" be continued. Consider deleting "expanded."
GPO 8.26 Laws and regulations which unnecessarily restrict farming, logging and mining should be opposed, and laws and regulations which enhance them should be supported.			X									X					• 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 element.
GPO 8.27 Kittitas County should cooperate in sound voluntary farm conservation or preservation plans.			X									X					• Consider directive policy revisions.
GPO 8.28 Non-farmers in agricultural areas should be encouraged to meet commonly accepted farm standards.			X									X					• 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.
GPO 8.29 County restrictions on free-running dogs shall be developed and enforced.	X											X					• Consider directive policy revisions to prevent conflicts between household pets and rural resources and populations.
GPO 8.30 Look at solutions to the problems of needing to sell house lots			X													X	• Consider deletion • Consider directive policy

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without selling farm ground.																	revisions consistent with rural character
GPO 8.31 Portions of Kittitas County are covered by the Open Range Law. If rural residents in Open Range Areas do not want cattle, sheep or other livestock on their property, it is the rural resident's responsibility to fence the livestock out.			X									X					• Consider deletion to minimize duplicity • Consider revising policy language to clarify intent.
GPO 8.32 Where appropriate, Kittitas County should exert its influence to help provide the delivery of water to all lands within the county whether the deliveries are through the Bureau of Reclamation, Irrigation Districts, or private facilities; discourage other governmental agency .action impairing water rights or delivery.	X													X			• Consider deletion • Consider revising policy language to clarify intent.
GPO 8.33 Efforts to see that all lands receive their full allocation of water should be supported.	X													X			• Consider deletion • Consider revising policy language to clarify intent.
GPO 8.34 Special taxing districts associated with urban growth should be opposed on rural lands.			X									X					• Consider revising policy to address existing special taxing districts in the rural area.
GPO 8.35 Additional tax incentives to retain productive agricultural lands should be sought and supported.			X									X					• Consider directive policy revisions.
GPO 8.36 Kittitas County should support and encourage the maintenance of forestlands in timber and current use property tax classifications consistent with RCW 84.28, 84.33, and 84.34.			**X**									**X**					• Consider deletion since the County must comply with RCWs.

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GPO 8.37 Valuation agricultural lands for tax purposes at their current agricultural land use value should be encouraged.			X									X					• Consider deletion since the County must comply with RCWs.
Other Business Uses **GPO 8.38** Cottage and home occupations should be encouraged. Cottage industries are considered a small industry in or near the operator's home with a few employees, but with a low impact on neighbors and services.	X											X	X				• Consider revising policy to discourage cottage and home occupations that are urban in nature and encourage only those consistent with rural character. • Consider creating criteria for when a cottage industry or home occupation is consistent with rural character.
GPO 8.39 Kittitas County recognizes home occupations and cottage industries as valuable additions to the economic health of the community. In addition, where distances from other employment warrants, limited-dispersed rural business activities (LD-RBA's) of low impact and with necessary infrastructure will be encouraged on a case by case basis as long as these sustain or are compatible with the rural character of the area in which they operate.			X									X					• Consider revising policy to discourage cottage and home occupations that are urban in nature and encourage only those consistent with rural character. • Consider creating criteria for when a cottage industry or home occupation is consistent with rural character.
GPO 8.40 Limited-dispersed rural business activities (LD-RBA's), not necessarily resource-based, including but not limited to: information, legal, office and health services, arts and crafts, clothing, small manufacture and repair, may be located as an overlay zone in all rural areas.			X									X					• Consider deletion

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GPO 8.41 Provisions should be made for roadside stands, farmers' markets, "U-pick," and customer share cropping operations.			X									X			X		• Consider incorporating this policy into discussion of cottage industries and home occupations at GPO 8.38 and 8.39. • Consider creating additional criteria to guide use and placement of the Highway Commercial zone.
GPO 8.42 The development of resource based industries and processing should be encouraged.	X		X	X								X					• Consider moving this policy to the land use element and create specific criteria for protecting rural character in locating processing facilities.
GPO 8.43 To increase commercial, industrial, recreational and tourist opportunities, the County should consider the establishment of areas of more intensive rural development, according to RCW 36.70A.070(5)(d).			X									X					• Consider moving this policy into LAMIRD section, such as adding to GPO 8.67.
GPO 8.44 Kittitas County recognizes the need for neighborhood convenience businesses and motorist services.			X												X		• Consider directive policy revisions to ensure consistency with rural character.
GPO 8.45 The County should consider major industrial development in the rural areas according to RCW 36.70A.365.			X									X	X	X			• Consider establishing directive policies and creating County-specific criteria consistent with RCWs.
Residential Uses **GPO 8.46** Residential development			X								X			X			• Consider directive policy revisions and revisions to ensure consistency with rural character and Ord. 2011-006.

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on rural lands must be in areas that can support adequate private water and sewer systems.																	• Consider revising to strike "private," recognizing the function of public utility districts.
GPO 8.47 Insofar as residences are situated where farming, mining, and forestry exits, particular precaution should be taken to minimize the conflict between new residential developments and farm operations. Farming, forestry and mining cannot be expected to curtail normal operation in the interest of residential development.			X									X	X				• Consider revision, such as "Residential uses, where permitted, shall be located where farming and forestry activities are not negatively impacted."
GPO 8.48 The possibilities and benefits of cluster residential developments located in rural lands should be retained.			X			X			X		X			X			• Consider establishing criteria for zoning tools that preserve open space and protect rural character.
GPO 8.49 Lot size should be determined by provision for water and sewer			X			X			X		X			X			• Consider revisions to ensure rural character drives lot size determination.
GPO 8.50 In the case of Planned Unit Developments (PUDs), only residential PUDs should be permitted outside of UGA's.			X			X			X		X	X		X			• Consider establishing criteria for residential PUDs to ensure protection of rural character.
GPO 8.51 Innovations in housing developments such as but not limited to: cluster developments, planned unit developments, mobile home courts, and density bonuses should be encouraged whenever possible.			X			X			X		X	X					• Consider revisions to remove "mobile home courts" or incorporate into GPO 8.48 and 8.50.
GPO 8.52 Existing lots of record are vested with the right to construct a			X														• Consider deletion due to internal inconsistencies and

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single-family dwelling, subject to all applicable requirements in effect at the time of building permit application.																	legality
GPO 8.53 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.			X			X			X		X	X	X	X			• Consider revising to add directive policies to prevent land use conflicts in the rural area. For example, delete all text after "new development."
Recreation Uses **GPO 8.54** Existing county-owned land should be the preferred location for any new recreation facilities.				X													• Consider moving this section to the Recreation element. • Consider revising text consistent with overall revisions to chapter.
GPO 8.55 Kittitas County should direct the greater part of its recreation budget to maintaining access to exiting areas and continuing to emphasize public safety.				X													• Consider revising text consistent with overall revisions to chapter.
GPO 8.56 Private development of recreational opportunities should be encouraged through a predictable, uncomplicated permit process.				X													• Consider revising text consistent with overall revisions to chapter.
GPO 8.57 Open space is a benefit, which must be provided and financed by the public at large, not at the expense of individual landowners or property taxpayers.				X													• Consider revising text consistent with overall revisions to chapter.
GPO 8.58 Greater identification and education is needed for public recreational lands, particularly in				X													• Consider revising text consistent with overall revisions to chapter.

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regards to private property, access, parking and community notification.																	
GPO 8.59 The County should seek financial support from state and federal agencies to assist in providing for recreational area access and safety.				X													• Consider revising text consistent with overall revisions to chapter.
GPO 8.60 Rural home sites and private lands are not for public use and landowners' privacy and property must be respected.				X													• Consider revising text consistent with overall revisions to chapter.
GPO 8.61 All trespass laws should be strictly enforced.				X													• Consider revising text consistent with overall revisions to chapter.
Shorelines, Critical Areas, Habitat, and Scenic Areas **GPO 8.62** Habitat and scenic areas are public benefits which must be provided and financed by the public at large, not at the expense of individual landowners and homeowners.	X																• Consider moving this entire section to Land Use element • Consider policy revisions to acknowledge existing limitations on development presented by critical areas, shorelines, or habitat.
GPO 8.63 Any policies or actions concerning critical areas shall not be in conflict with Section 2.2(B), Private Property and Water Rights.	X													X			• Consider deletion
GPO 8.64 Kittitas County may accept by bequest lands for habitat and scenic areas.	X																• Consider revising text consistent with overall revisions to chapter.
GPO 8.65 If Kittitas County chooses to acquire additional lands for habitat and scenic areas, it may consider a	X																• Consider revising text consistent with overall

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variety of methods of financing, including grants of state or federal funds, or other instruments.																	revisions to chapter.
GPO 8.66A The County should recognize the abundance of habitat, scenic areas and views on publicly-owned lands when assessing the need for additional such lands. Efforts to connect habitat and open space on private lands to habitat and open space on public lands shall be encouraged.	X																• Consider revising text consistent with overall revisions to chapter.
GPO 8.66B Efforts to retain access to public lands shall be encouraged.	X																• Consider revising text consistent with overall revisions to chapter.
Limited Areas of More Intensive Rural Development **GPO 8.67** Allow for designation of LAMIRDs in the rural area, consistent with the requirements of the GMA.			X						X		X						• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.68 Consider the following factors in designating a LAMIRD and establishing boundaries: a) Existing development pattern, potential for redevelopment and infill, and for Type 1 LAMIRDs the ability to establish a logical outer boundary; b) Rural character of the potential LAMIRD and			X						X		X						• No amendment. Amended as part of a prior compliance (Ord 2009-25)

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surrounding area; c) Existing and potential mix of uses, densities and intensities and potential impacts to the surrounding area; d) Presence/location of infrastructure and other "man-made" facilities; e) Distance from other LAMIRD, UGA, designated resource land or other special land use designation. If in close proximity, consider the potential for sprawl, and/or land use conflicts; f) Feasibility, cost and need for public services; g) Significant natural constraints or features to be preserved; and h) Public input and comment.																	
GPO 8.69 Once boundaries are established, geographic expansion is not permitted unless needed based on one or more of the following criteria: a) to correct for mapping errors, or b) to correct for other informational errors, or c) when otherwise consistent with the requirements of GMA.			X						X		X						• No amendment. Amended as part of a prior compliance (Ord 2009-25)

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GPO 8.70 Allow inclusion of undeveloped land in LAMIRDs for limited infill, development or redevelopment when consistent with rural provisions of the Growth Management Act.			X						X		X						• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.71 Require that development or redevelopment harmonize with the rural character of the surrounding areas.			X			X			X		X						• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.72 Recognize that public services, including police and fire protection, emergency medical response, roads and general utilities, will continue to be provided at a rural level of service. Public services and facilities should not be provided in a manner that allows low-density sprawl.			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.73 Development densities, intensities or uses that require urban level of services should not be allowed.			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.74 Continue to protect the long-term viability of designated forest, mineral and agricultural resource lands. The LAMIRD designation will not be applied to designated resource lands. Development within the LAMIRD designation and adjacent to designated resource lands will minimize potential conflicts and not			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)

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lead to potential conversion of farm and forest land to non-resource uses.																	
GPO 8.75 Strip commercial development along state and county roads should not be permitted in any LAMIRD			X						X		X	X			X		• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.76 Designation and development standards in Rural Activity Centers: a) For the purpose of establishing the outer boundary, existing development is considered to be any commercial, industrial, residential or mixed-used development in existence on July 1, 1990. b) The scale and type of new development and redevelopment should be primarily to serve local residents and secondarily to support the traveling public.			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)
GPO 8.77 Designation and development standards in Rural Recreation Centers: a) Intensification of development or new development of small scale recreational or tourist uses that rely on a rural setting is permitted; b) Proposed uses may serve			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)

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						07-1-0004c					07-1-0015						
	Land Use	Housing	Rural	Recre-ation	Resource	1	6	10	11	14	1	2	3	4	6	7	
the surrounding rural population and the traveling public; c) The location of the facility may not adversely impact natural resource production in the surrounding vicinity; d) The proposed use should be consistent with the surrounding rural character, avoids impact adjoining rural uses, and does not lead to low-density sprawl; and e) New residential development is not permitted.																	
GPO 8.78 Designation and development standards in Rural Employment Centers: a) Intensification of development on lots containing isolated nonresidential uses or new development of isolated small scale businesses is permitted; b) Businesses should provide job opportunities for rural residents, but do not need to be principally designed to serve local residents; c) Small scale employment			X						X		X	X					• No amendment. Amended as part of a prior compliance (Ord 2009-25)

Current Comprehensive Plan Policy	Proposed Chapter in Amendment Plan					Legal Issues to be Addressed											Options for Amendments
						07-1-0004c					07-1-0015						
	Land Use	Housing	Rural	Recre-ation	Resource	1	6	10	11	14	1	2	3	4	6	7	
uses should generally be appropriate in a rural community, such as (but not limited to) independent contracting services, incubator facilities, home-based industries, and services which support agriculture; and d) Development should conform to the rural character of the surrounding area.																	