

## CHAPTER EIGHT: RURAL LANDS

### 8.1 Introduction

Kittitas County's rural land use designation consists of a balance of differing natural features, landscape types and land uses. Rural land uses consist of both dispersed and clustered residential developments, farms, ranches, wooded lots, and small scale commercial and industrial uses that serve rural residents as their primary customer. Rural landscapes encompass the full range of natural features including wide open agriculture and range land, forested expanses, rolling meadows, ridge lines and valley walls, distant vistas, streams and rivers, shorelines and other sensitive areas. The State of Washington defines rural character, rural development and rural governmental services in the Revised Code of Washington (RCW) 36.70A.030 (15), (16), and (17) as follows:

"Rural Character refers to the patterns of land use and development establishing the rural element of its comprehensive plan:

- a. In which open space, the natural landscape, and vegetation predominate over the built environment;
- b. That foster traditional rural lifestyles, rural based economies and opportunities to both live and work in rural areas;
- c. That provide visual landscapes that are traditionally found in rural areas and communities;
- d. That are compatible with the use by wildlife and for fish and wildlife habitat
- e. That reduce the inappropriate conversion of undeveloped land into sprawling, low density development
- f. That generally does not require the extension of urban governmental services.
- g. That is consistent with the protection of natural surface water flows and ground water and surface recharge and discharge areas."

"Rural development refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas."

"Rural governmental services or rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4)."

### 8.2 IDENTIFICATION OF RURAL LANDS

#### *General Uses*

The Rural Lands exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character. Many sizes and shapes can be found in the Rural lands, its topography and access variations allow for small to large acreage, economic activities, residential subdivisions, farming, logging, and mining. This rich mix of uses allows the variety of lifestyle choice, which makes up the fabric of rural community life. Some choose a private, more independent lifestyle, or space for small farm activities and children's 4-H projects. Others choose the more compact arrangement found in clustering, with its accompanying open space and close neighbors. The most common uses in rural lands are agriculture and logging, which have been basic industries historically and remain important in terms of employment, income and tax base. Kittitas County will strive to encourage and support these resource-based activities in whatever areas and zones they occur.

### ***Description of Rural Lands***

Kittitas County lies within the Upper Yakima River watershed near the geographic center of Washington State. Lands range from coniferous forestlands of the mountains and foothills in the north and west to arid rangeland to the south and east. Mountains and high hills ring an extensive irrigated area known as the Kittitas Valley where most of the County's residents live. The County Seat and Central Washington University reside on the valley floor in the city of Ellensburg. Other incorporated areas throughout Kittitas County include: Cle Elum, South Cle Elum, Roslyn, and Kittitas. These areas have adopted designated Urban Growth Areas (UGA's). Additionally, an urban lands status designated the "Urban Growth Node" has been assigned to Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage. Other un-incorporated communities presumably designated as rural areas include: Liberty, Thrall, Lauderdale, Sunlight Waters, Fairview, Denmark, Badger Pocket, Elk Heights, Teanaway, Reecer Creek, and Sky Meadows, as well as others.

A large portion of Kittitas County contains forested lands. Of these lands, 731,348 acres have been designated as forestlands of long-term commercial significance. Further, 357,527 acres of the valley floor's agricultural land has been designated as agricultural land of long-term commercial significance. Mining resource lands of long-term commercial significance have also been adopted. With the exclusion of stated incorporated areas, UGA's and UGN's, all remaining areas will be generally considered to be Rural Lands.

### **8.3 CURRENT LAND USE PATTERNS - A REVIEW OF EXISTING ZONING**

Present rural land uses in Kittitas County are a mixture of diverse development patterns stemming from trends established decades ago. These patterns include those resulting from the county's zoning code (Title 17, Kittitas County Code). In 1968, an agricultural zone was adopted with a minimum lot size of one acre. Since this time, down-zoning and additions to the code have resulted in minimum lot sizes in agricultural areas of 3 to 20 acres in size. In 1974, the Forest and Range Zone was created which also had a one acre minimum lot size. Minimum lot sizes later increased in this zone to 20 acres and led to the creation of the Rural-3 zone, with a 3-acre minimum lot size. Further, a Commercial Forest zoning designation has recently been adopted which set an 80 acre minimum lot size for lands with this designation. Tables 2.1 and

2.2, contained in Chapter 2 of this document, list the permitted uses in these zones and those uses available through the conditional use permit process.

The aforementioned range of rural densities and uses has created and contributed to a successful landscape which contributes to an attractive rural lifestyle. The exception to this landscape can be seen in areas where individuals have had to acquire larger lots than desired in order to obtain a building site. This has created the effect of “rural sprawl.” This current mix of rural uses and densities has not increased the cost to taxpayers for road and utility improvements, police and fire protection, or the education of school populations beyond the means of the local people to finance such infrastructure. The mix of rural uses and densities has allowed rural growth to be accommodated in a variety of areas where it is appropriate. This has been compatible with both resource activities and urbanization.

#### **8.4 GOVERNMENT SERVICES IN RURAL LANDS**

Government services, which should be available in rural areas, are those which are necessary to protect the public health and safety, such as police protection, public roads, domestic water systems and provisions for public health. Municipal or urban services such as centralized sewage collection and treatment, urban street infrastructure, and storm water systems will not generally be provided by government entities in rural areas. Cities may provide water service beyond a designated urban growth area if the service area is required by agreement through a Coordinated Water Supply Plan. For areas of more intensive rural development established under RCW 36.70A.070(5)(d), public services and facilities necessary to service these areas would be permitted.

Rural residents should expect that public services will not be supplied at the same level that city governments provide. Emergency response times for sheriff, fire departments, medical care, snow removal, etc. will be greater as the distance from urban areas increases. Those choosing to live in rural rather than urban areas must understand and accept these differences in urban and rural services.

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.

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 with a Master Planned Resort (MPR) or Fully Contained Community to the extent elsewhere permitted), on property located outside of an urban growth area or an urban growth node 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.

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, UGNs, Master Planned Resorts, and Fully Contained Communities, including to and through rural areas of Kittitas County.

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.

GPO 8.4 Essential public facilities whose nature requires that they be sited outside cities, urban growth areas or nodes must be self-supporting and not require the extension, construction, or maintenance of municipal services 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 or nodes unless the nature of their operations needs or dictates that they be sited in the rural area of the county.

## **8.5 GOALS, POLICIES AND OBJECTIVES FOR LAND USES ON RURAL LANDS**

The following goals, policies and objectives for Rural Lands are established in an attempt to prevent sprawl, direct growth toward the Urban Growth Areas and Nodes, provide for a variety of densities and uses, respect private property rights, provide for residences, recreation, and economic development opportunities, support farming, forestry and mining activities, show concern for shorelines, critical areas, habitat, scenic areas, and open space while keeping with good governance and the wishes of the people of Kittitas County and to comply with the GMA and other planning mandates.

### **8.5(A) GENERAL GOALS, POLICIES AND OBJECTIVES**

The following GPO's apply to all Rural Lands or uses on those lands:

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

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.

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.

GPO 8.8 Voluntary, cooperation-seeking, incentive-based strategies will be sought in directing specific uses or prohibitions of uses on Rural Lands.

GPO 8.9 Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.

GPO 8.10 Factors within municipalities that encourage movement onto Rural Lands should be identified and referred to the municipality.

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.

GPO 8.12 Reserved

GPO 8.13 Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated.

GPO 8.14 Reserved

#### **8.5(B) RURAL USES ADJACENT TO DESIGNATED RESOURCE LANDS**

As required under the Growth Management planning process, Kittitas County has adopted Kittitas County Codes 17.31 - Commercial Agriculture and 17.57 - Commercial Forest, which designates natural resource lands of long-term commercial significance. In addition, Kittitas County adopted Resolution 94-152, adopting the classification and designation for mineral lands of long-term commercial significance. The following policies are intended to minimize potential conflicts between activities on state designated lands and rural lands activities.

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 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.

GPO 8.17 Support for right-to-farm ordinances should be continued and expanded.

GPO 8.18 Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands.

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.

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.

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.

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.

**8.5(C) NON-DESIGNATED RESOURCE USES - FORESTRY, FARMING, MINING**

Natural Resource activities contribute to the County's overall economic base, as such, commercial agriculture, forestry and mining in Rural Lands should be encouraged and enhance. The County's commitment to support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance should be achieved through the following policies.

GPO 8.23 Kittitas County will continue to explore incentives for farming and ranching to continue as significant land uses.

GPO 8.24 Resource activities performed in accordance with county, state and federal laws should not be subject to legal actions as public nuisances.

GPO 8.25 Support for right-to-farm ordinances should be continued and 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.

GPO 8.27 Kittitas County should cooperate in sound voluntary farm conservation or preservation plans.

GPO 8.28 Non-farmers in agricultural areas should be encouraged to meet commonly accepted farm standards.

GPO 8.29 County restrictions on free-running dogs shall be developed and enforced.

GPO 8.30 Look at solutions to the problems of needing to sell house lots without selling farm ground.

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.

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.

GPO 8.33 Efforts to see that all lands receive their full allocation of water should be supported.

GPO 8.34 Special taxing districts associated with urban growth should be opposed on rural lands.

GPO 8.35 Additional tax incentives to retain productive agricultural lands should be sought and supported.

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.

GPO 8.37 Valuation agricultural lands for tax purposes at their current agricultural land use value should be encouraged.

#### **8.5(D) OTHER BUSINESS USES**

The economy of our rural community has traditionally been based on natural resource activities and Kittitas County encourages and supports their continuation in Rural Lands. Policies on the continuation of these resource uses are found in Section 8.5 (C) of the Comprehensive Plan. Rural Areas are not just rustic places; they are vital, thriving communities with working landscapes and working peoples. Economically viable farming and logging may occur with or beyond the state designated areas (LLTCS) but more and more it is necessary to supplement income from outside sources in order to support natural resource operations. Other businesses and economic growth can be realized without sacrificing our rural character.

The value of agricultural and forest products can be increased by having them processed locally, instead of shipping the products and thus economic benefits elsewhere. Direct marketing of local products, such as through farmers' markets, roadside stands, and "U-pick" operations also increases value.

Our many scenic and recreation areas provide economic opportunities through tourism and recreation. These recreational and tourist uses, including the commercial facilities, which serve them, are important sources of income and employment.

Some commercial and industrial uses are appropriate in rural areas and are permitted through the Growth Management Act. Home-based occupations are growing in popularity and provide workers with flexible hours, an alternative to commuting, and an answer to childcare concerns. Computers and advancements in communication open new opportunities for home-based businesses.

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.

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.

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.

GPO 8.41 Provisions should be made for roadside stands, farmers' markets, "U-pick," and customer share cropping operations.

GPO 8.42 The development of resource based industries and processing should be encouraged.

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).

GPO 8.44 Kittitas County recognizes the need for neighborhood convenience businesses and motorist services.

GPO 8.45 The County should consider major industrial development in the rural areas according to RCW 36.70A.365.

#### **8.5(E) RESIDENTIAL USES**

Rural Lands of Kittitas County are the home sites for thousands of families and provide a very special quality of life for these people. These people vary from being resource producers living and working on their own lands to out-of-state or out-of-area individuals with recreation and vacation homes. These people also could consist of retired people or young families commuting to out-of-area jobs. Residences may be isolated, or in rural neighborhoods, or part of housing developments located on small lots or large land-holdings. These residential lots may be located in dense forest or desert sage, along rivers and lakes or along main thoroughfares to towns and cities. The best description of residential uses on Rural Lands is diverse and varied.

GPO 8.46 Residential development on rural lands must be in areas that can support adequate private water and sewer systems.

GPO 8.47 Insofar as residences are situated where farming, mining, and forestry exists, 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.

GPO 8.48 The possibilities and benefits of cluster residential developments located in rural lands should be retained.

GPO 8.49 Lot size should be determined by provision for water and sewer.

GPO 8.50 In the case of Planned Unit Developments (PUDs), only residential PUDs should be permitted outside of UGA's or UGN's.

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.

GPO 8.52 Existing lots of record are vested with the right to construct a single-family dwelling, subject to all applicable requirements in effect at the time of building permit application.

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.

#### **8.5(F) RECREATION USES**

While parks, open space and community recreational areas play an important role in any community, substantial amounts of recreation lands in this county are already owned by the public. These provide more than ample opportunities for water recreation, hunting, fishing, camping, hiking, trail riding, winter recreation and wildlife viewing. Public parks and recreation areas are more fully addressed in Section 5.3 of the Comprehensive Plan. In addition to publicly-owned areas, many private businesses cater to the public in providing skiing, golfing, camping and trail riding on private lands.

The County and the various cities have different roles regarding public recreation. Rural residents, with their larger acreage home sites, do not depend upon the neighborhood parks popular in cities to the same extent as the urban population. This is reflected in the cities providing organized recreation facilities and small parks.

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

The Kittitas County Board of Commissioners created a Recreation Advisory Committee to create a Recreation Plan consisting of the following elements:

1. Economic analysis quantifying the influence of recreation/tourism activities on the local economy.
2. Mapping database identifying formal, informal, and proposed recreational infrastructures in Kittitas County.
3. Plan identifying proposed infrastructure retention, enhancement, and acquisition projects in Kittitas County to include timelines and proposed funding sources.

The 2004 version of the Recreation Plan is adopted by reference into this comprehensive plan subject to the following limitations:

- The Recreation Plan is adopted as a reference document to be used by Kittitas County as an aid in land use discussions and by members of the public wishing to propose recreation projects, pursue grants for projects, or propose agreements with landholders.
- The Recreation Plan may be used as a reference in the development of potential subdivision or zoning codes amendments related to proposed use of density bonuses or mitigation of identified project impacts.
- The Recreation Plan may be used as a part of the Kittitas County Capital Facilities plan for purposes of utilizing REET proceeds for acquisition or expansion of recreational infrastructure.
- Non-compliance or inconsistency with the Recreation Plan shall not be considered non-compliance or an inconsistency with the comprehensive plan or the GMA; nor may any non-compliance or inconsistency with the Recreation Plan be a basis for appeal of any land use decision made by Kittitas County
- The Recreation Plan shall not be used as evidence of use of property in an action for prescriptive easement or adverse possession.

The Recreation Advisory Committee shall review the plan annually for presentation to the BOCC in an announced public hearing prior to June 1 of each year. The updated plan shall be included in the docket of proposed comprehensive plan amendments.

GPO 8.54 Existing county-owned land should be the preferred location for any new recreation facilities.

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.

GPO 8.56 Private development of recreational opportunities should be encouraged through a predictable, uncomplicated permit process.

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.

GPO 8.58 Greater identification and education is needed for public recreational lands, particularly in 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.

GPO 8.60 Rural home sites and private lands are not for public use and landowners' privacy and property must be respected.

GPO 8.61 All trespass laws should be strictly enforced.

**8.5(G) SHORELINES, CRITICAL AREAS, HABITAT, AND SCENIC AREAS**

Kittitas County offers a diverse natural environment. Critical areas such as wetlands, which play an important role in local and regional hydrologic cycles, and unique fish and wildlife habitat, are important to County residents. In a manner consistent with private property rights, critical areas located in Rural Lands are protected by Kittitas County Code 17A - Critical Areas, and the Kittitas County Shoreline Master Program, as well as the Flood Damage Prevention Ordinance - KCC 17.08. Policies to address ground water are located in Section 2.2(F) and water rights are discussed in Section 2.2(B) of this plan.

Habitat and scenic areas are a benefit to the County. However, as pointed out by the Land Use Study Commission in its 1996 Annual Report, "If voters are not willing to bear the cost of additional open space and habitat protection, it is unclear how effective the GMA will be in increasing the amount of open space, recreational, and habitat opportunities." Kittitas County residents must make the difficult decision on how much they are willing to pay in taxes to obtain these benefits.

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.

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.

GPO 8.64 Kittitas County may accept by bequest lands for habitat and scenic areas.

GPO 8.65 If Kittitas County chooses to acquire additional lands for habitat and scenic areas, it may consider a variety of methods of financing, including grants of state or federal funds, or other instruments.

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.

GPO 8.66B Efforts to retain access to public lands shall be encouraged.