

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE

NO. 2010- 012

**REVISIONS OF TITLE 20
KITTITAS COUNTY COMPREHENSIVE PLAN
FOR THE PURPOSE OF COMPLIANCE WITH ORDER NUMBER 07-1-0004c OF THE
EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD**

Whereas, this ordinance, revising the Kittitas County Comprehensive Plan, contains four sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures
- Attachments

Issue 11

By amending its Comprehensive Plan without providing for a variety of rural densities, and without providing sufficient specificity and guidance on rural densities to prevent a pattern of rural development that constitutes sprawl, has Kittitas County failed to provide for a variety of rural densities, failed to protect rural character, and otherwise failed to comply with RCW 36.70A.070(5)? (Related to Issued 1 [KCC])

Issue 12

By not reviewing its urban growth nodes (UGNs) identified in its Comprehensive Plan (CP) to determine whether the UGNs meet the criteria for designation either as urban growth areas (UGAs) or limited areas of more intense rural development (LAMIRDs), has Kittitas County failed to review and updates its CP, in noncompliance with RCW 36.70A.130, and by reference RCW 36.70A.070 and .110? (related to Issue 5[KCCCC])

Issue 13

By de-designating 183.94 acres of agricultural lands to allow their development for other uses without conducting the proper county-wide or area wide assessment of agricultural lands required under RCW 36.70A.060, .170, applying the definitions in RCW 36.70A.030(2) and (1) and the criteria in WAC 365-190-050, did Kittitas County fail to protect agricultural lands of long-term significance and otherwise fail to comply with RCW 36.70A.030(2) and (10), 060, and .170? (related to Issue 4 [KCCCC])

Issue 14

By expanding the UGAs for the City of Kittitas and the City of Ellensburg without conducting a land capacity analysis that shows more land is needed for urban development over the statutory planning horizon, and without developing a capital facilities plan to show how the expanded UGAs would be provided with adequate public facilities, has Kittitas County failed to comply with RCW 36.70A.070(3), .110 and .130? (related to Issue 6 [KCCCC]); and

Whereas, On August, 2007 the Hearings Board Issued its Final Decision and Order (FDO) regarding Case No 07-1-0004c finding that the Kittitas County Comprehensive Plan is out of compliance on 12 of the 14 issues; and

Whereas, The Hearings Board issued an order of invalidity regarding the Urban Growth Area expansions for the City of Ellensburg and the City of Kittitas; and

Whereas, Kittitas County filed a timely Petition For Judicial Review Pursuant To RCW 36.70A.300(5) in Kittitas County Superior Court; and

Whereas, On November 13, 2007 Judge Scott R. Sparks issued an order granting a motion to stay the Eastern Washington Growth Management Hearings Board Final Decision and Order regarding those issues under appeal; and

Whereas, On April 24, 2008, Kittitas County Superior Court, in Case No. 08-2-00195-7 (one of five appeals of the final decision and order in a challenge to the County’s development code before the Eastern Washington Growth Management Hearings Board) issued a stay as to four of the seven issues involved. On May 12, 2008, Kittitas County Superior Court issued a stay as to the other issues involved in the challenge to the County’s Development Code; and

Whereas, Following the Hearings Board FDO Kittitas County has been actively and diligently seeking to bring the Kittitas County Comprehensive Plan into compliance with the FDO; and

- Whereas,** The Board of County Commissioners, after an RFQ process, selected ICF Jones & Stokes to serve as consultants to perform the necessary analysis and conduct the public process necessary to bring the unappealed portions of the County’s comprehensive plan and attendant development regulations into compliance with the GMA; and
- Whereas,** ICF Jones & Stokes, with the assistance of County staff, researched all capital facility, land capacity, and parcel history considerations relevant to area designation under the GMA; and
- Whereas,** The Kittitas County Board of County Commissioners adopted Ordinance 2009-25 to revise Title 20 Kittitas County Comprehensive Plan for the purpose of compliance with Order Number 07-1-0004c of the Eastern Washington Growth Management Hearings Board; and
- Whereas,** On May, 2010 the Hearings Board Issued its Fourth Order regarding Case No 07-1-0004c, finding that the Kittitas County Comprehensive Plan is in compliance as to legal issue 3 (regarding criteria for Natural Resource Lands – Agricultural and Forest), is in compliance as to legal issue 7 (regarding mapping inconsistency), is in compliance and rescinds invalidity as to legal issues 4 and 13 (regarding application No.s 06-03 and 06-04), and is in compliance and rescinds invalidity in part as to legal issues 2, 5, and 12 (regarding Easton, Ronald, and Thorp); and
- Whereas,** The Fourth Order regarding Case No 07-1-0004c also found that the Kittitas County Comprehensive Plan is in continuing noncompliance and invalid as to legal issues 2, 5, and 12 (regarding Vantage and Snoqualmie Pass) and legal issues 6 and 14 (regarding City of Kittitas UGA); and
- Whereas,** The Hearings Board directed Kittitas County to take legislative action to achieve compliance with the Growth Management Act pursuant to the Fourth Compliance Order by November 22, 2010; and
- Whereas,** County staff conducted a public meeting on July 27, 2010 in Ellensburg and on July 29, 2010 in Snoqualmie Pass to inform the public about the recent Hearings Board findings, present the staff recommendations, and indicate the schedule of public hearings for additional public input; and
- Whereas,** County staff met with the City of Kittitas Council on June 15, 2010, July 13, 2010, and July 20, 2010 and with the Kittitas County Conference of Governments on September 22, 2010 to consider alternative actions regarding the City of Kittitas UGA; and
- Whereas,** After due notice, the Planning Commission met on August 24, 2010 to hear testimony and take public comment on the 2010 Kittitas County Comprehensive Plan Compliance with the Growth Management Hearings Board for Eastern Washington and deliberated and made recommendations to the Board of County Commissioners regarding the compliance issues on this same date; and
- Whereas,** Kittitas County submitted its proposed compliance amendments to the Department of Commerce on July 29, 2010 as required by statute; and

**SECTION I
PROCEDURAL FINDINGS**

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** Kittitas County has in place Countywide Planning Policies per Resolution 96-10 and as amended as required by RCW 36.70A.210; and
- Whereas,** Kittitas County was required to update its Comprehensive Plan under the requirements of RCW 36.70A, by December 1, 2006; and
- Whereas,** Kittitas County complied with the requirements of RCW 36.70A by adopting Ordinance No. 2006-63 which completed the update of the Kittitas County Comprehensive Plan; and
- Whereas,** Appeals of Ordinance No. 2006-63 were filed with the Eastern Washington Growth Management Hearings Board (Hearings Board) by Futurewise, Ridge and Kittitas County Conservation Coalition (Futurewise) and by the State of Washington Community Trade and Economic Development (CTED); and
- Whereas,** The appeals were consolidated into a single matter before the Hearings Board and formally known as Case No 07-1-0004c; and
- Whereas,** The Hearings Board identified 14 separate issues under appeal that would be considered by the Hearings Board as identified below:

Issue 1

Does Kittitas County's failure to review and revise the comprehensive plan to eliminate densities greater than one dwelling unit per five acres in the rural area (outside of limited areas of more intense rural development (LAMIRDs and Urban Growth Areas), failure to adopt rural policies and designations that protect natural resource lands from incompatible development, failure to define rural character and to adopt provisions to protect rural character, inadequate or absent criteria for the designation of rural land use designations, failure to adopt a policy to prohibit urban governmental services outside the urban growth area, and failure to review and revise the rural element to comply with the GMA violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.070, 36.70A.110, 36.70A.120, 26.70A.130, and 36.70A.177? (Related to Issue 11[CTED])

Issue 2

Does Kittitas County's failure to review and revise the Gold Creek resort designations and Comprehensive Plan Chapter 7: Snoqualmie Pass Sub-Area Comprehensive Plan- Master Plan to meet the requirements for a master planned resort or to comply with the rural areas requirements for an area unsuited to resort development violate RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.110, 36.70A.130, 36.70A.170, and 36.70A.172?

Issue 3

Does Kittitas County's lack of criteria for designating agricultural lands of long-term commercial significance, failure to adopt comprehensive plan provisions and development regulations to conserve natural resource lands and to protect them from incompatible development, lack of

criteria for designating forest lands of long-term commercial significance, and failure to otherwise comply with the requirements for natural resource lands violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.170, 36.70A.172, and 36.70A.177?

Issue 4

Does Kittitas County's de-designation of agricultural land in applications 06-01 (Thomas and Lynne Mahre), 06-03 (Kevin Gibb), 06-04 (Ronald and Douglas Gibb), 06-05 (Art Sinclair), 06-06 (Basil Sinclair), 06-13 (Teaway Ridge LLC, et al.), and 06-16 (Teaway Ridge LLC., et al.), violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.170, 36.70A.172, and 36.70A.177?

Issue 5

Does Kittitas County's failure to review and revise the urban growth areas to bring them into compliance with the Growth Management Act requirements for sizing urban growth areas and locational criteria, failure to show its work for the urban growth areas, failure to review and revise the Urban Growth Nodes (UGNs) to comply with the requirements for urban growth areas or limited areas of more intense rural development (LAMIRDs), failure to show its work for the Urban Growth Nodes, failure to designate open space corridors, and failure to review and revise the urban growth area (UGA) criteria to be consistent with the GMA, violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, and 36.70A.160?

Issue 6

Does Kittitas County's urban growth area expansions for Kittitas and Ellensburg urban growth areas including 06-03 (Kevin Gibb), 06-04 (Ronald and Douglas Gibb), and 06-13 (Teaway Ridge LLC., et al.) violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, and 36.70A.170?

Issue 7

Does Kittitas County's failure to review and revise, and adopt criteria for comprehensive plan designations, failure to review and revise its Future Land Use Map (FLUM) and zoning map, failure to review, revise, and adopt policies and regulations to ensure that the development regulations are consistent with and implement the comprehensive plan, and failure to require approval of comprehensive plan changes or rezones only if they meet the policies and criteria violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.120, 36.70A.130, 36.70A.131, 36.70A.170, 36.70A.172 and 36.70A.175?

Issue 8

Kittitas County was found in Compliance

Issue 9

Kittitas County was found in Compliance

Issue 10

Does Kittitas County's failure to review and revise its development regulations including Chapter 17.36 Kittitas County Code, Planned Unit Development Zone; Chapter 16.09 Kittitas County Code, Performance Based Development Zone; Chapter 17.14 Kittitas County Code, Subdivisions; Chapter 17.20 Kittitas County Code, S-Suburban Zone II; Chapter 17.28, Kittitas County Code, A-3- Agriculture Zone; Chapter 17.28A Kittitas County Code, A-5- Agriculture Zone; and Chapter 17.30 Kittitas County Code, Rural-3 Zone violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, and 36.70A.170?

- Whereas,** The Department of Commerce indicated their support on September 13, 2010 of the proposed compliance amendments; and
- Whereas,** Kittitas County filed its SEPA checklist on September 21, 2010, and issued a determination of nonsignificance on October 14, 2010; and
- Whereas,** Kittitas County published notice of a public hearing on September 30, 2010 to consider comprehensive plan amendments as part of its compliance efforts as required by law; and
- Whereas,** Kittitas County held a public hearing on October 12, 2010 during which testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard and the Board deliberated on the recommended amendments; and
- Whereas,** Due notice of the hearings have been given as required by law; and
- Whereas,** The Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents as part of the compliance process and annual docketing process on November 2, 2010.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on October 12, 2010. All members of the public who wanted to were allowed to speak or submit written correspondence into the record. Due notice of the hearings was given as required by law.

The Board of County Commissioners makes the following findings specific to this ordinance:

Finding 1. Kittitas County conducted an update to the Comprehensive Plan in a manner consistent with the requirements found in Ch. 36.70A RCW, allowing for early and continuous public participation in the efforts to bring the comprehensive plan into compliance with the Hearings Board’s Order; and

Finding 2. Kittitas County is in compliance with all aspects of Ch. 36.70A RCW, including the issues on appeal before the Washington State Court of Appeals Div. III. Kittitas County and Interveners have appealed the disputed elements of the Hearings Board Order as allowed under RCW 36.70A.300; and

Finding 3. The County has conducted its own analysis into the appropriateness of changing land use designations related to this alteration of the City of Kittitas’ urban growth area, and the Conference of Governments has allocated an additional 472 persons to the City of Kittitas with a reserve population allocation of 194; and

Finding 4. Kittitas County superior court has issued an order granting motion to stay the Eastern Washington Growth Management Hearings Board’s Final Decision and Order filed on November 13, 2007. The stay effects those items under appeal; and

Finding 5. The Kittitas County Board of County Commissioners further finds as follows regarding its compliance effort:

Growth Management Act Requirements

1. The Growth Management Act (GMA) contains planning goals (Revised Code of Washington [RCW] 36.70A.020) to guide local jurisdictions in developing plans and regulations. The following goals are not ranked in any order but can be balanced by the jurisdiction.
 - a. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - b. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
 - c. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
 - d. Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
 - e. Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
 - f. Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
 - g. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
 - h. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
 - i. Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
 - j. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
 - k. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
 - l. Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
 - m. Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
 - n. A fourteenth goal of GMA consists of the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020.

2. Per RCW 36.70A.030 (15) “Rural character” refers to the patterns of land use and development established by a county in 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 of the land 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 do not require the extension of urban governmental services; and
 - g. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

3. Designation of a Limited Area of More Intensive Rural Development (LAMIRD) is an optional tool available to counties to recognize pre-existing development patterns in the rural area that may be more intensive than the overall rural area. Through the use of the LAMIRD designation, the county may recognize existing land use patterns and provide for limited infill, development or redevelopment within these areas and for necessary public services to serve the LAMIRD.

4. RCW 36.70A.070(5) establishes three categories of designations for LAMIRDS. These are:
 - a. Type I – Rural development consisting of “infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.” In the case of Kittitas County, existing areas and uses are defined as being in existence as of 1990.¹
 - b. Type II – Intensification of development on lots containing, or new development of, small-scale recreational or tourist uses that rely on a rural location and setting, but do not include new residential development.
 - c. Type III – Intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that do not principally serve the rural area, but do provide job opportunities for rural residents.

5. In designating a Type I LAMIRD, counties must adopt measures to minimize and contain the existing uses of more intensive rural development. A county must designate a logical outer boundary of the existing area or use. Delineation of the logical outer boundary must include consideration of the built environment and may include undeveloped lands if appropriately limited. In establishing the logical outer boundary, the county shall address:
 - a. The need to preserve the character of existing natural neighborhoods and communities;
 - b. Physical boundaries such as bodies of water, streets and highways, and landforms and contours;
 - c. The prevention of abnormally irregular boundaries; and

¹ According to information provided in Ordinance 96-10, the County opted into the GMA under Resolution 90-138 on December 27, 1990. The opt-in year of 1990 is also identified in Department of Commerce information.
 Ordinance 2010-_____

- d. The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.
6. The Washington Department of Commerce (formerly Community Trade and Economic Development) provides guidance for designating LAMIRDs in its 1999 guidebook "Keeping the Rural Vision Protecting Rural Character & Planning for Rural Development." The following summarizes the planning steps described in this guidebook:
 - a. Map existing conditions, including platted lots
 - b. Prepare critical areas overlay map
 - c. Prepare infrastructure overlay map
 - d. Develop LAMIRD criteria
 - e. Define logical outer boundaries
 - f. Analyze proposed criteria
 7. As established in RCW 36.70A.110, each county that is planning under the GMA must designate UGA(s) within which urban growth shall be encouraged, and outside of which growth can occur only if it is not urban in nature.
 8. Urban growth is defined as growth that makes intensive use of land to such a degree as to be incompatible with the primary use of land for the production of agricultural products or the extraction of mineral resources, rural uses, rural development, and natural resource lands. A pattern of more intensive rural development is not urban growth. Urban growth typically requires urban governmental services (RCW 36.70A.030).
 9. Each UGA must permit a range of urban densities and include greenbelt and open space areas. A UGA designation may include a reasonable land market supply factor, based on local circumstances.
 10. RCW 36.70A.110 provides requirements for designation of UGAs. These requirements are summarized below:
 - a. Each city in a county must be included in a UGA. UGAs may contain more than one city.
 - b. The GMA expects that the county attempt to reach agreement with each city on the location of a UGA. If such an agreement is not reached with each city, the county must justify in writing why it so designated the area an UGA.
 - c. A UGA may include territory outside of a city if the territory is already characterized by urban growth or adjacent to land already characterized by urban growth.
 - d. The area of the UGA is to be sufficient to meet 20-year growth projections.
 - e. Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the UGAs.
 - f. Urban governmental services should not be provided in rural areas. Urban governmental services include those public services and public facilities at an intensity historically and

typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

11. Washington Administrative Code (WAC) 365-195-335 provides recommendations for designating UGAs. These recommendations encourage following the guidance of applicable countywide planning policies, developing and following a long-term vision for future urban development, collaborating with cities, determining the appropriate urban/rural balance in the county, and procedures for determining the land capacity and sizing requirements for the UGA.
12. Land that is not otherwise suitable as an UGA or as a resource land is considered rural.

Kittitas County Countywide Planning Policies.

13. The Kittitas County Countywide Planning Policies include the following policies, including but not limited to:
 - a. The County, in cooperation with the Cities, will designate UGAs. The designation of UGAs beyond the existing limits of incorporation will be based on a demonstration by the cities that municipal utilities and public services either already exist, or are planned for and can be effectively and economically provided by either public or private sources.
 - b. UGAs will be determined by projections of population growth in both rural and urban areas of the County. These projections shall be reached through negotiation at the Kittitas County Conference of Governments (KCCOG), taking into account current growth rates and the Office of Financial Management (OFM) projections. The subdivision, rezone, capital improvements, and governmental service decisions of all County governmental jurisdictions should be directed by their projected share of growth and should be in proportion to that projected share of growth... These projections will be reviewed on an annual basis on or about July 1 each year...
 - c. Economic vitality and job development will be encouraged in all the jurisdictions consistent with all community growth policies developed in accordance with the Growth Management Act.
 - d. All growth in the county shall be accomplished in a manner that minimizes impacts on agricultural land, forestry, mineral resources, and critical areas.
14. On September 22, 2010, the KCCOG recommended additional revisions to the Countywide Planning Policies to reduce the City of Kittitas UGA population allocation from 2,250 to 2,056 and increase the City of Kittitas' reserve population allocation from 0 to 194. This revision reflects the reduced capacity for residential development within the revised City of Kittitas UGA.
15. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the revisions to the Countywide Planning Policies recommended by the KCCOG.

Kittitas County Comprehensive Plan

16. Chapter 1 of the Kittitas County Comprehensive Plan provides a process for amendment of the Comprehensive Plan including the following steps:
 - a. Docketing process.
 - b. Amendment no more frequently than once per year, except where allowed by the Growth Management Act.
 - c. Concurrent review of amendments, except due to emergencies or to resolve an appeal with the growth management hearings board or with court.
 - d. Broad dissemination of proposals and alternatives.
 - e. Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the written testimony portion of the public hearing.
 - f. Public meetings held after effective notice has been distributed.
 - g. Hearings allowing for sufficient time for public testimony.
 - h. A newsletter that summarizes amendments docketed and projected meeting and hearing dates.
 - i. Consideration of and response to public comments by review of public testimony submitted in their findings.
 - j. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or development regulations or amendments.

17. Chapter 2 of the Kittitas County Comprehensive Plan contains general goals regarding land use, including but not limited to the following:
 - a. GPO 2.1 The maintenance and enhancement of Kittitas County's natural resource industry base including but not limited to productive timber, agriculture, mineral and energy resources.
 - b. GPO 2.2 Diversified economic development providing broader employment opportunities.
 - c. GPO 2.3 The encouragement of urban growth and development to those areas where land capability, public roads and services can support such growth.
 - d. GPO 2.8 The process and formula for population projection and allocation in Kittitas County is outlined in the County-wide Planning Policies.

Eastern Washington Growth Management Hearings Board Orders

18. On May 26, 2010, the County's Comprehensive Plan was held noncompliant and partially invalid as to the designation of Snoqualmie Pass, Vantage, and the UGA sizing of the City of Kittitas.
19. Responses to Legal issues 1, 10, and 11 from the original FDO are held in abeyance pending the outcome of appeals before the Washington State Supreme Court. These issues include:
 - a. Densities greater than one dwelling unit per five acres in the rural area through the Agriculture-3 and Rural-3 zones;
 - b. Development regulations KCC 16.09.030, Performance Based Cluster Platting; KCC 17.36, Planned Unit Development Zone; Title 16, Subdivision Regulations; and KCC 17.20, S Suburban Zone and KCC 17.22, S-II Suburban-II Zone; and
 - c. Variety of rural densities.

Snoqualmie Pass

20. A wagon road was completed over Snoqualmie Pass in 1867, and the Northern Pacific Railroad was extended in 1887. By 1930, Snoqualmie Pass was plowed during the winter for skiing purposes.
21. A 1972 US Forest Service land analysis “Snoqualmie Pass: A Growing Populace within a Forest Environment. An Intensive Land Classification Study” indicates that most of the smaller lots were already platted at that time (US Forest Service, August 1973). Recreation including skiing did and still occurs in several locations.
22. A 1993 aerial photograph shows development and recreation uses throughout most of the former Urban Growth Node study area.
23. As of 2000, the US Census Bureau estimated a population of 201 persons and 330 dwellings in the Census Defined Place.
24. Temporary visitors to the pass can be substantial. Staff from the Summit-at-Snoqualmie have estimated the following visitors to their facilities (pers. com. Dan Brewster, Summit-at-Snoqualmie, September 14, 2009):
 - a. During the core winter season, approximately 15,000 visitors come each day on weekends. About 13,000 are downhill skiers and snowboarders and the other 2,000 are tubers.
 - b. Additionally, there are those who come to the Pass to snowshoe, sled, or sight-see. A very rough estimate would equal 2,000 to 3,000 on a busy winter day.
25. Summertime activities include hiking, biking and passive recreation.
26. Traffic volumes are relatively low, and reflect LOS A or B.
27. No regular transit service is provided in the Snoqualmie study area.
28. Predominant land uses in the Snoqualmie study area include recreation, vacation and cabin homes, commercial, and public. Undeveloped land is located in pockets, and particularly to the east. A few small parcels of single family and multifamily are found along local roads. While the eastern third of the study area is shown for vacation/cabin homes based on an approved planned unit development, there are fewer improvements compared to the remainder of the study area.
29. The greatest number of lots consists of vacation/cabin homes with the vast majority under a quarter acre.
30. Over the public input process during 2010, support has been expressed for designating the Snoqualmie area as a LAMIRD Type I.
31. A series of planned unit developments has been approved in the Snoqualmie Pass area, which plan recreation, commercial, and residential uses.
32. Infrastructure and services were addressed in the “Assessment of Five County Areas for Land Use Designations” dated September 2009. Infrastructure and services are available at Snoqualmie Pass as follows:

- a. The Snoqualmie Pass Utility District (SPUD) provides water and wastewater services. The District has adopted water and wastewater capital facility plans. The District is preparing an updated water plan based on buildout forecasts.
 - b. Kittitas County has an adopted Transportation Plan and 6-Year Transportation Improvement Plan.
 - c. Fire District 51 provides fire protection services. The district has prepared the Snoqualmie Pass Fire & Rescue Long Range Plan: 2006-2016, adopted August 13, 2007.
 - d. Kittitas County requires adequate stormwater systems through the State Environmental Policy Act process for non-exempt development.
 - e. Kittitas County provides sheriff services.
 - f. The Easton School District provides education services.
33. The Snoqualmie Pass study area does not contain lands of long-term commercial significance for forestry uses. This conclusion is based on the October 26, 2009 memo “Former Urban Growth Nodes: Lands of Long-Term Commercial Significance for Forest and Agriculture” included with Staff Recommendations, Corrections and Clarifications issued on October 26, 2009. The County finds this land is not better suited for use as resource lands.
 34. Critical areas were described in “Assessment of Five County Areas for Land Use Designations” dated September 2009. The County applies critical area development regulations countywide through Kittitas County Code Title 17A Critical Areas.
 35. Areas of potential wildlife habitat have been purchased by the Cascade Land Conservancy and Washington State Department of Transportation and are excluded from the existing LAMIRD Type I boundaries.
 36. On August 24, 2010, the Planning Commission voted unanimously to designate Snoqualmie Pass as a Type I LAMIRD based on staff recommendations presented at the August 24, 2010 public hearing and the Planning Commission’s deliberations. Exhibit A. Figures 1 and 2 show the recommended Comprehensive Plan land use designations and zoning.
 37. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the Planning Commission recommendation for Snoqualmie Pass.

Vantage

38. From 1914 to 1927, the town of Vantage was the location of a small car ferry service across the Columbia River. The town was relocated in 1927 when the first Vantage Bridge was built. The construction of the Wanapum Dam in the early 1960s flooded the second town site, and the town was again relocated to its current position.
39. A water system map approved by the State of Washington Department of Health on June 1, 1960 identifies various developments including retail, home, and campground sites.
40. A 1993 aerial photo supplied by Kittitas County shows the central Vantage area containing generally the same lot and development pattern described under findings above.

41. Commercial lots are small in acreage with an average and median at less than half an acre. Most single family lots are less than 1 acre.
42. Portions of the study area are served by sanitary sewer service. The current wastewater treatment system requires upgrade if additional growth were to occur.
43. Water service is provided by a Group A water system. A 20-year plan with 6-year financing addressing future growth does not appear to be available.
44. The Washington Department of Commerce (formerly Community Trade and Economic Development) provides guidance for designating LAMIRDs in its 1999 guidebook "Keeping the Rural Vision Protecting Rural Character & Planning for Rural Development." In that document the Department states "Also, once delineated, the logical outer boundaries of these [LAMIRD] areas are not subject to the review and revision procedures required for UGAs. The boundary could only be revised if the county's updated population projection justified the need to re-designate the area as a UGA."
45. Public services, population capacity, and historic development trends is more consistent with a rural town than an urban growth area.
46. The total area within the LAMIRD boundary would be approximately 130 acres. The study area has an estimated existing population of 70.
47. Natural and built environment conditions have been considered in the proposed LAMIRD boundaries including built conditions to the north, the Columbia River to the east, built conditions and highway I-90 to the south, and built conditions along Main Street, and steep slopes to the west.
48. The parcel included to the west has an improvement value of \$709,660 greater than the land value, and contains residential and commercial buildings clustered towards Main Street. The balance of the parcel contains some steep slopes. The parcel was not considered vacant or redevelopable in the land capacity analysis.
49. The boundaries of the LAMIRDs are intended to limit and contain development. Densities outside of the LAMIRD in the study area are lower.
50. On August 24, 2010, the Planning Commission voted unanimously to designate Vantage as a Type I LAMIRD based on staff recommendations presented at the August 24, 2010 public hearing and the Planning Commission's deliberations. Exhibit D. Figures 3 and 4 show the recommended Comprehensive Plan land use designations and zoning.
51. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the Planning Commission recommendation for Vantage. See Figures 9a and 10 which show the approved maps.

Kittitas UGA

52. On behalf of Kittitas County, ICF Jones and Stokes and Berk & Associated prepared the following memos regarding the Kittitas UGA land capacity and capital facilities:
 - a. City of Kittitas Land Capacity Analysis Evaluation (ICF Jones & Stokes, September 24, 2009)
 - b. City of Kittitas Capital Facilities Needs Analysis (Berk & Associates, September 21, 2009)

- c. City of Kittitas Transportation Assessment (ICF Jones & Stokes, September 24, 2009)
53. The County's analysis of residential land capacity shows a range of 298-448 homes similar to the City's expected subdivision homes projection of 357-379. Thus, land capacity results and the City's own projections exceed the amount of land needed to support the KCCOG allocation.
 54. Employment research found:
 - a. Various local government, business, and education stakeholders have emphasized the need to retain and grow local businesses and recruit new ones to Kittitas County;
 - b. Kittitas County experiences significant retail leakage. Retail leakage occurs when citizens of Kittitas County spend money at retailers located outside of the county such as by traveling to Yakima or Seattle to make purchases;
 - c. The City's unemployment rate is higher than the County as a whole;
 - d. The City's jobs-housing balance is much lower than the County as a whole;
 - e. The City's assessed value per capita is lower than other cities in the County; and
 - f. The City lacks large parcel sizes for large format retail or manufacturing businesses.
 55. Two UGA options were considered by Kittitas County:
 - a. Option 1: Full UGA expansion proposal included in the City Comprehensive Plan dated 2007. This would include a population reallocation to the Kittitas UGA through an amendment to the KCCOG population allocations. The capacity of this option is as follows:
 1. Future population of 2,250
 2. Addition of 448 homes
 3. Addition of 1,512 employees
 56. Option 2: Reduce UGA boundaries, change the land use mix and reallocate less population than above. The UGA land east of No. 81 Road would be removed and designated urban reserve. The UGA would not be expanded west of the wastewater treatment plant. A southern UGA expansion would be included east of the wastewater treatment facilities closest to I-90. The capacity of this option is as follows:
 1. Future population of 2,056
 2. Addition of 370 homes
 3. Addition of 885 employees
 4. Urban Reserve designation for areas removed from consideration as UGA
 57. The UGA expansion area was reviewed in consideration of agricultural resource land criteria.
 - a. The proposed UGA expansion area is used for agricultural activities.
 - b. A loss of prime farmland soils would occur in the UGA expansion to the south; however, the soil types are common to the County representing a small fraction of the same soil types found in the County. Comparing the soil types on the subject properties to the total soils of those types in the County, the sites represent about 1% of the same countywide soil types for six of the soil types present and about 5% for two of the soil types present.

- c. The County considered commercial agriculture criteria in the mid-1990s and classified the properties as Rural rather than as Commercial Agriculture (which lies west of Fairview Road and South of I-90).
 - d. Their proximity to the city and freeway and availability of services, and the possibility of more intense uses of the land indicate the property may not have long-term significance for agriculture.
58. The Capital Facilities Element Analysis evaluated the capital facility needs for the Kittitas UGA under the two options for all facility types. With its existing capital facilities and those planned for in the 2007 Comprehensive Plan, the City of Kittitas as the prime service provider can meet all its capital facility needs over the planning period up to 2025 for all the land capacity options reviewed.
 59. Under existing traffic conditions, all roads within and adjacent to the potential Kittitas UGA are estimated to be operating at LOS A, which is well within the City and County standard of LOS C. These roads are also expected to accommodate additional traffic resulting from typical regional growth through 2025, and still maintain operations at LOS A. Build-out of potential new residential and commercial development under the UGA land use options could generate substantial additional traffic in the area. However, even with the conservative assumptions applied in this analysis, a considerable level of additional development would be able to occur before capacity improvements would be warranted. It is not expected that additional capacity improvements would be needed within the first six years of the planning period.
 60. Areas within the potential UGA boundaries that are currently undeveloped, particularly in the potential commercial areas to the south the existing city, are not served by the existing roadway system. Additional roads will be needed to provide support access and circulation for development in these areas. The City has identified potential future roads to serve the expanded UGA in Appendix E of its Comprehensive Plan. As population and employment growth occurs, the City and County should monitor traffic conditions, and conduct more detailed traffic impact analysis as part of future development proposals. Transportation improvements (or impact fees to contribute toward transportation improvements) to ensure that the transportation system is adequate to support planned land use can be required as a condition of future development approval.
 61. The County has completed the following two documents that show that the proposed UGA can be served by capital facilities:
 - a. City of Kittitas Capital Facilities Needs Analysis (Berk & Associates, September 21, 2009)
 - b. City of Kittitas Transportation Assessment (ICF Jones & Stokes, September 24, 2009)
 62. The Berk memorandum also identifies City of Kittitas policies related to its CFP that are also recommended to be adopted as a subsection to the County CFP policies.
 63. The County selects Option 2 for the Kittitas UGA based on the following:
 - a. Option 2 supports the City's Comprehensive Plan vision prepared based on an extensive public participation process.
 - b. Option 2 focuses population growth in the City and employment growth in the City and the immediately surrounding UGA as extended.

- c. Option 2 recognizes the increased platting activity in the City, a trend not observed when population allocations were prepared by the KCCOG.
 - d. Option 2 supports the City's tax base and markedly improves the City's jobs-housing balance.
 - e. Option 2 can be served with adequate capital facilities.
 - f. Option 2 is consistent with GMA criteria for UGAs.
64. On August 24, 2010, the Planning Commission unanimously voted to recommend Option 2 reallocation of population to the City of Kittitas and an expansion of the UGA based on staff recommendations presented at the August 24, 2010 public hearing and the Planning Commission's deliberations. Figures 5 and 6 show the recommended Kittitas County Comprehensive Plan land use designations and zoning.
65. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the Planning Commission recommendation for the City of Kittitas.

Comprehensive Plan Policies

66. Staff recommended a Comprehensive Plan text amendment to Chapter 8.2.2, attached as Exhibit "B."
67. On August 24, 2010, the Planning Commission unanimously voted to recommend the Comprehensive Plan amendments as presented by staff at the August 24, 2010 public hearing and the Planning Commission's deliberations.
68. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the Planning Commission recommendation for Comprehensive Plan amendments. Kittitas County Code
69. Staff recommendations proposed Kittitas County Code amendments that included several amendments related to Snoqualmie Pass, and attached hereto as Exhibit "C."
70. On August 24, 2010, the Planning Commission unanimously voted to recommend the Kittitas County Code amendments as presented by staff at the August 24, 2010 public hearing and the Planning Commission's deliberations.
71. On October 12, 2010, the Board of County Commissioners voted unanimously to adopt the Planning Commission recommendation for code revisions.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of County Commissioners, after due deliberation, hereby designates the Snoqualmie sub-area as a Limited Area of More Intensive Rural Development Type 1 as shown in figures one and two and justified in exhibit "A"; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Comprehensive Plan Chapter 8.2.2 for compliance purposes as attached hereto as exhibit "B"; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Code Chapters 15A.13 and 17.37.050 for compliance purposes as represented in exhibit "C"; and

BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby reduces the size of the Vantage Limited Area of More Intensive Rural Development as shown in figures three and four and justified in exhibit "D"; and

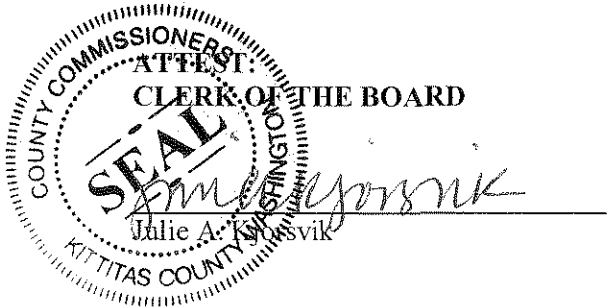
BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation hereby approves the reduced urban growth area for the City of Kittitas and approves of the analysis provided by the City of Kittitas, as well as presents its own analysis as to the appropriateness of these changes in land use as shown in figures five and six and justified in exhibit "E"; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners adopts the amendments to the county-wide planning policies as represented in exhibit "F"; and

BE IT FURTHER ORDAINED the Prosecutor's Office is charged with preparing and submitting the necessary clean updated versions of the comprehensive plan and development code to Information Services, incorporating all the amendments authorized herein, so that they can be placed on the County web page.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2010 Amendments to the Kittitas County Comprehensive Plan and Kittitas County Code and related maps as attached hereto and incorporated by reference.

Adopted this 2nd day of November, 2010, at Ellensburg, Washington.



**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Mark McClain, Chairman


Paul Jewell, Vice-Chairman

APPROVED AS TO FORM:

Greg Zempel WSBA #19125


Alan A. Crankovich, Commissioner

EXHIBIT A

Figure 1

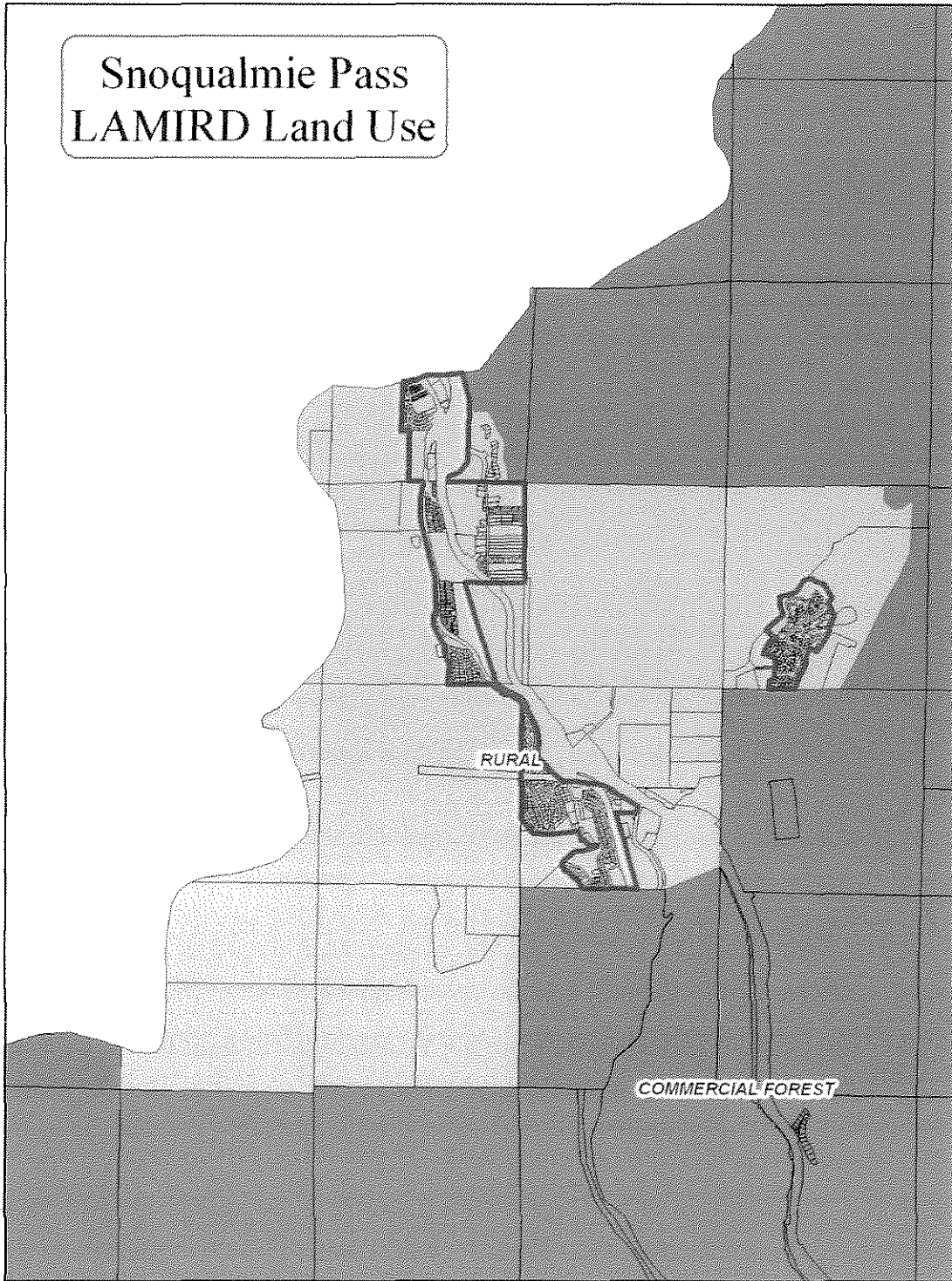


Figure 2

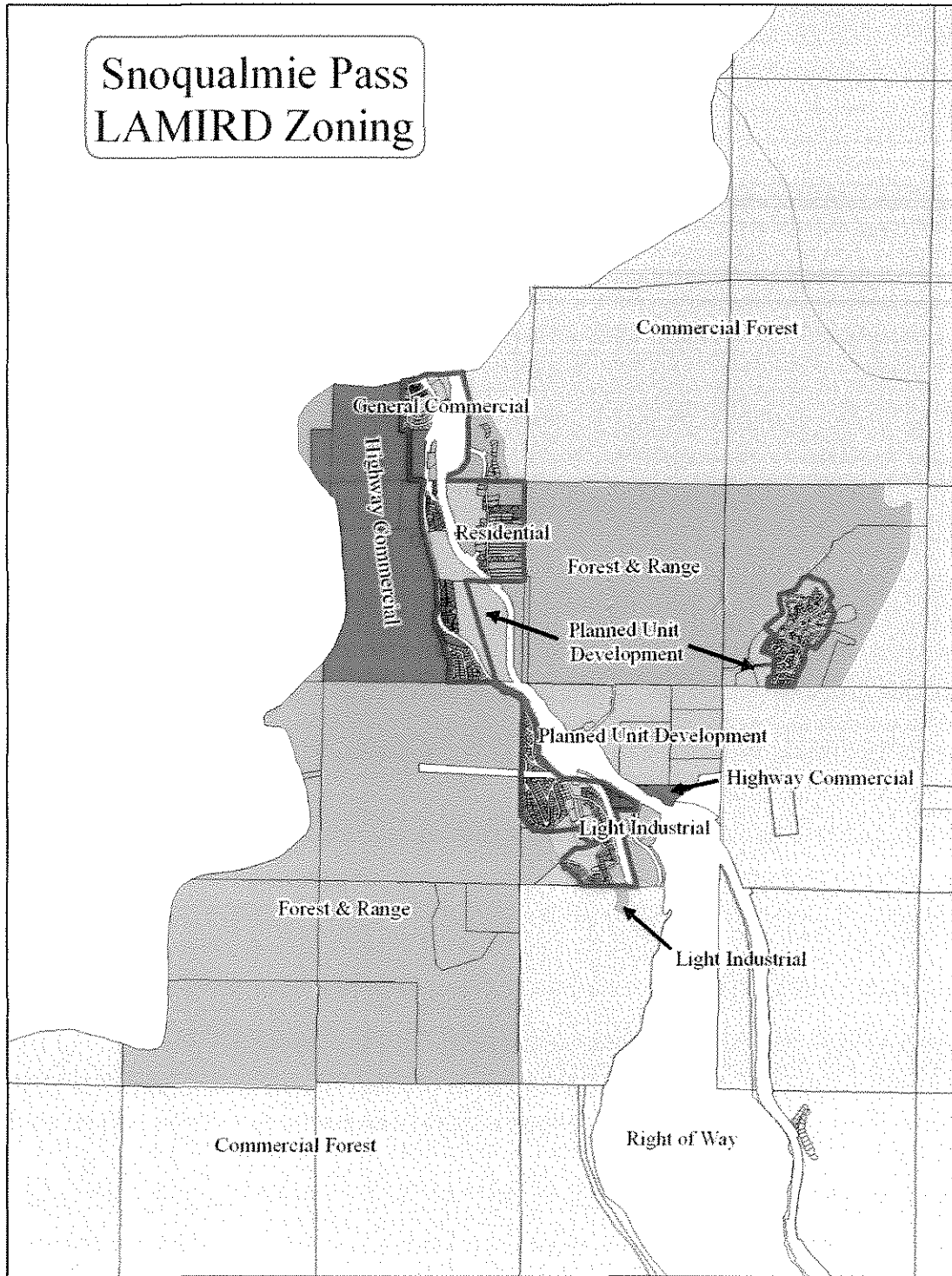


EXHIBIT B

Comprehensive Plan Chapter 8.2.2 Description of Rural Lands

8.2.2. 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). A rural lands designated "Limited Area of More Intensive Rural Development" (LAMIRD) has been assigned to Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage; and ~~Snoqualmie Pass has been designated as an existing Master Planned Resort (MPR).~~ 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.

EXHIBIT C

Kittitas County Code Chapter 15A.13 Site Plan Review and 17.37.050 Applications/approvals required for existing resorts

Chapter 15A.13 SITE PLAN REVIEW

Sections

15A.13.010 Purpose.

15A.13.020 Applicability.

15A.13.030 Procedures.

15A.13.040 Criteria for approval.

15A.13.050 Amendments to approved site plans.

15A.13.060 Appeals of site plan determinations.

15A.13.010 Purpose.

Site plan review is an evaluation of development plans to identify compliance with applicable regulations, requirements and standards; to ensure that the proposal is coordinated with known and planned development on adjacent sites and within the subarea; to determine whether roads, access, capital facilities and utilities are adequate to serve the proposed development; and to ensure that development will protect the health, safety and general welfare of County residents. (Ord. 2009-25, 2009)

15A.13.020 Applicability.

Site plan review and approval is required prior to the development, occupancy or use of any site within the Snoqualmie Subarea. Site plan review shall apply to all new development, redevelopment, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site. (Ord. 2009-25, 2009)

15A.13.030 Procedures.

1. The process for review of a site plan shall be as follows:
 - a. Review of proposals that are consistent with the applicable land use designation in the Comprehensive Plan, Resort Plan, and Snoqualmie Pass Subarea Plan, and with the applicable zoning designation shall be processed as an administrative decision and shall be determined by the Director of Community Development Services pursuant to KCC 15A.07.
 - b. Review for proposals that also require preliminary subdivision approval or zoning reclassification shall be heard and decided by the Hearing Examiner, consistent with the procedures rezones specified in KCC 15A.03.
2. Site plan review may be conducted independently or concurrently with any other development approval or permit required by this title.
3. Preapplication conference. A preapplication conference between the applicant and County staff is optional but is recommended. Refer to KCC 15A.03.020.
4. Application Requirements. An application for site plan review shall include the following:
 - a. Narrative description of the proposal including: (a) site size, building size, and impervious surface coverage, and amount of area devoted to open space and

- recreation, landscaping and parking; calculations of gross and net density (b) designations of the property in the Comprehensive Plan, Snoqualmie Subarea Plan and zoning; (c) elevations and perspective drawings of proposed structures and other proposed improvements; (d) any agreements, covenants or other provisions that affect the proposal; and (e) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.
- b. Vicinity map, showing site boundaries and existing roads and accesses within and bounding the site;
 - c. Site plans, drawn to a scale no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements and utilities;
 - d. Topographic map, based on a site survey, delineating existing contours at no less than 5-foot intervals, and which locates existing streams, wetlands and other natural features;
 - e. Conceptual landscape plan;
 - f. Parking and circulation plan;
 - g. Preliminary stormwater management plan;
 - h. Preliminary utilities plan;
 - i. Other reports or studies as determined applicable by the Director, including but not limited to geotechnical, critical areas, and/or traffic;
 - j. SEPA environmental checklist unless the proposal is categorically exempt per KCC 15.04, Environmental Policy, or the applicant has agreed to prepare an environmental impact statement;
 - k. A list of the names and addresses of property owners of record within 500 feet of the project boundaries. The Director of Community Development Services may modify these requirements based on the size, scope and complexity of the proposal.
5. Review and processing of applications for site plan review shall follow the procedures for review of other project permits as specified in KCC 15A.03. (Ord. 2009-25, 2009)

15A.13.040 Criteria for approval.

To be approved, or approved with conditions, a site plan must be consistent with the County's Comprehensive Plan, Resort Plan, and the Snoqualmie Pass Subarea Plan, and with all applicable development regulations, codes and other County requirements. A proposed site plan shall also satisfy the criteria of KCC 17.60B.050. (Ord. 2009-25, 2009)

15A.13.050 Amendments to approved site plans.

Proposed alterations to an approved site plan shall be processed consistent with KCC 17.36.070. (Ord. 2009-25, 2009)

15A.13.060 Appeals of site plan determinations.

Appeals of decisions on site plans shall follow the procedures of KCC 15A.07. (Ord. 2009-25, 2009)

[Top](#)

Table A

Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Open Record Appeal	Step 5 Closed Record Appeal	Step 6 Judicial Appeal*
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ADMINISTRATIVE

Site Plan Review:	15 days	None	Staff	BOCC	None	Sup. Court
Zoning Variance:	15 days	None	Staff	BOA	None	Sup. Court
Zoning Administrative Conditional Uses ⁵ :	15 days	None	Staff	BOA	None	Sup. Court
Short Plats:	15 days	None	Staff	BCC	None	Sup. Court
Segregations/Lot Line Adjustments:	None	None	Staff	BCC	None	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	BOA/HE	None BCC	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS ¹ :	15 days	None	Staff	BOA/BCC ²	None	Sup. Court
Independent administrative rulings:	None	None	Staff	BOA/BCC ³	None	Sup. Court
QUASI-JUDICIAL						
Zoning Conditional Uses:	15 days	BOA	BOA	None	None	Sup. Court
Long Plats:	15 days	HE	BCC	None	None	Sup. Court
Shorelines Substantial Development/Cnd. Use:	15 days	BOA	BOA	None	None	Shorelines Board
Shorelines Setback Variance:	15 days	HE	BOA	None	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD) ⁴ :	30 days	HE	BCC	None	None	Sup. Court
Development Agreement:	30 days	BCC	None	None	None	Sup. Court

(Ord. 2009-25, 2009; Ord. 2000-07; Ord. 98-10, 1998)

¹ See KCC 15A.01.040 for clarification of roles and responsibilities.

² Open record appeals of SEPA actions are heard by the hearing body making the decision on, or hearing the appeal of, the underlying application.

³ BOA for all actions associated with a project before them, all independent actions regarding KCC Title 17, Zoning; BCC for all actions associated with a project before them, and for independent actions regarding all county policies, codes, and standards not associated with KCC Title 17, Zoning.

⁴ Unless the rezone requires a comprehensive plan amendment which would then follow the comprehensive plan amendment process as outlined in KCC Title 15B.

⁵ In the event that a procedural appeal is filed pursuant to Chapter 15A.04 KCC, the BOA shall consider and issue a final decision on both the administrative appeal and the underlying project permit application under a single consolidated open record hearing. In such an event, the BOA's decision on the underlying application shall be quasi-judicial.

Legend:

- BCC - Board of County Commissioners
- BOA - Board of Adjustment
- HE - Hearing Examiner
- PC - Planning Commission
- Staff - County administration

NOTE: In the case of combined applications which require public hearings before the planning commission and the board of adjustment, a joint hearing shall be held, and the board of adjustment decision shall be final and the planning commission recommendation transmitted to the board of commissioners for decision.

NOTE: In the case of application requiring combined legislative and quasi-judicial actions, a development agreement may provide for appropriate review and hearing body.

* Please review state revised and administrative code for appropriate judicial reviewing bodies.

17.37.050 Applications/approvals required for existing resorts.

1. Designation. An existing resort may be designated by the county as a master planned resort, consistent with RCW 36.70A.362, through approval of a sub-area plan, resort plan, and adoption of an MPR zoning overlay. The sub-area plan, resort plan, and applicable zoning shall establish the range of uses, and the density, intensity and character of development that is permitted within the resort.
2. Development applications. Following designation of the site as an MPR, a property owner may submit a site-specific development application to the County which shall include an application for site plan review per KCC 15A.13. A development agreement, consistent with KCC 15A.11 and RCW 36.70B.170, may be submitted in conjunction with each development application.
3. Environmental review pursuant to the State Environmental Policy Act (SEPA, RCW 43.21C), shall occur and shall address significant impacts associated with development and redevelopment of the existing resort. (Ord. 2009-25, 2009)

EXHIBIT D

Figure 3

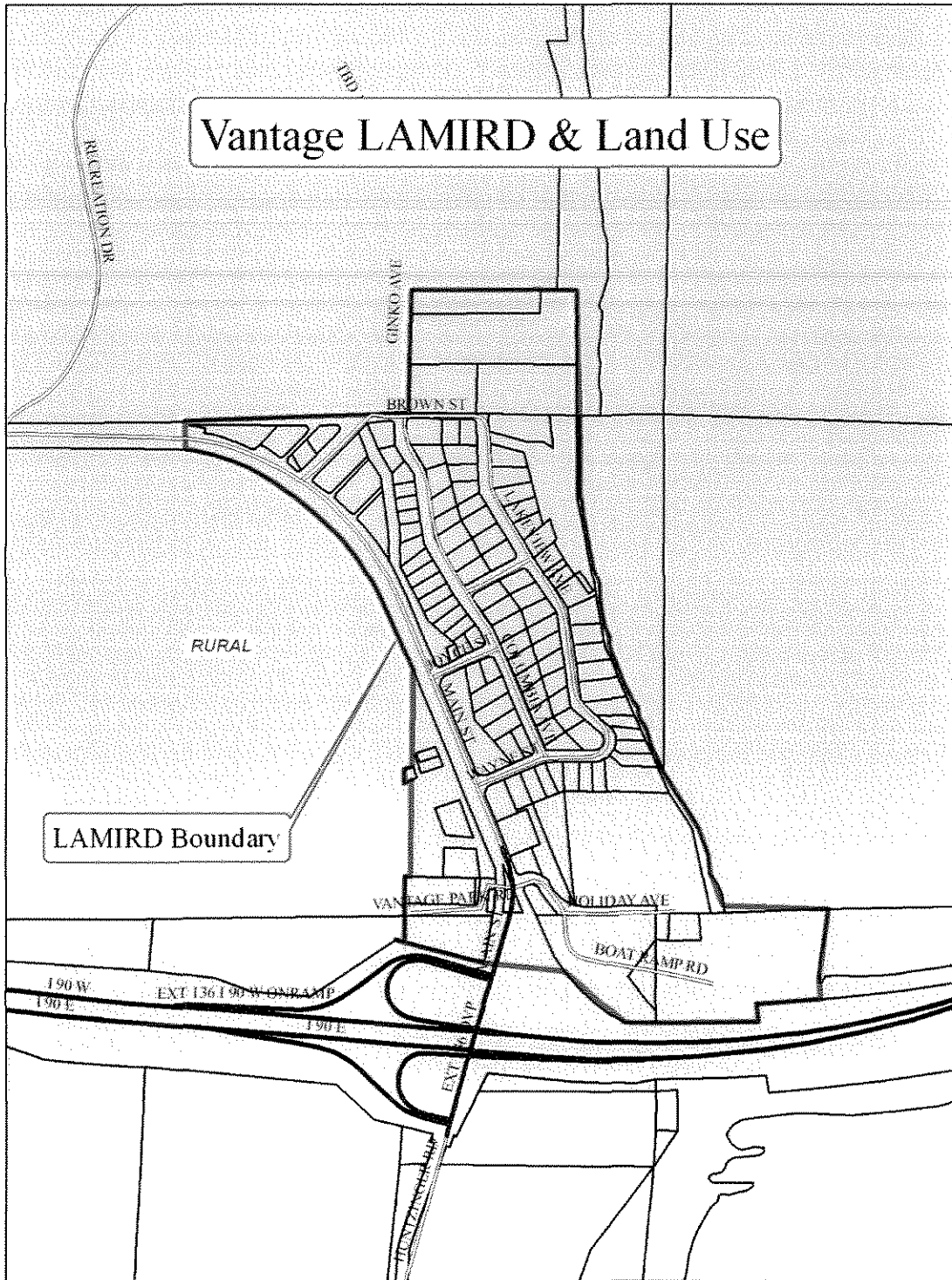


Figure 4

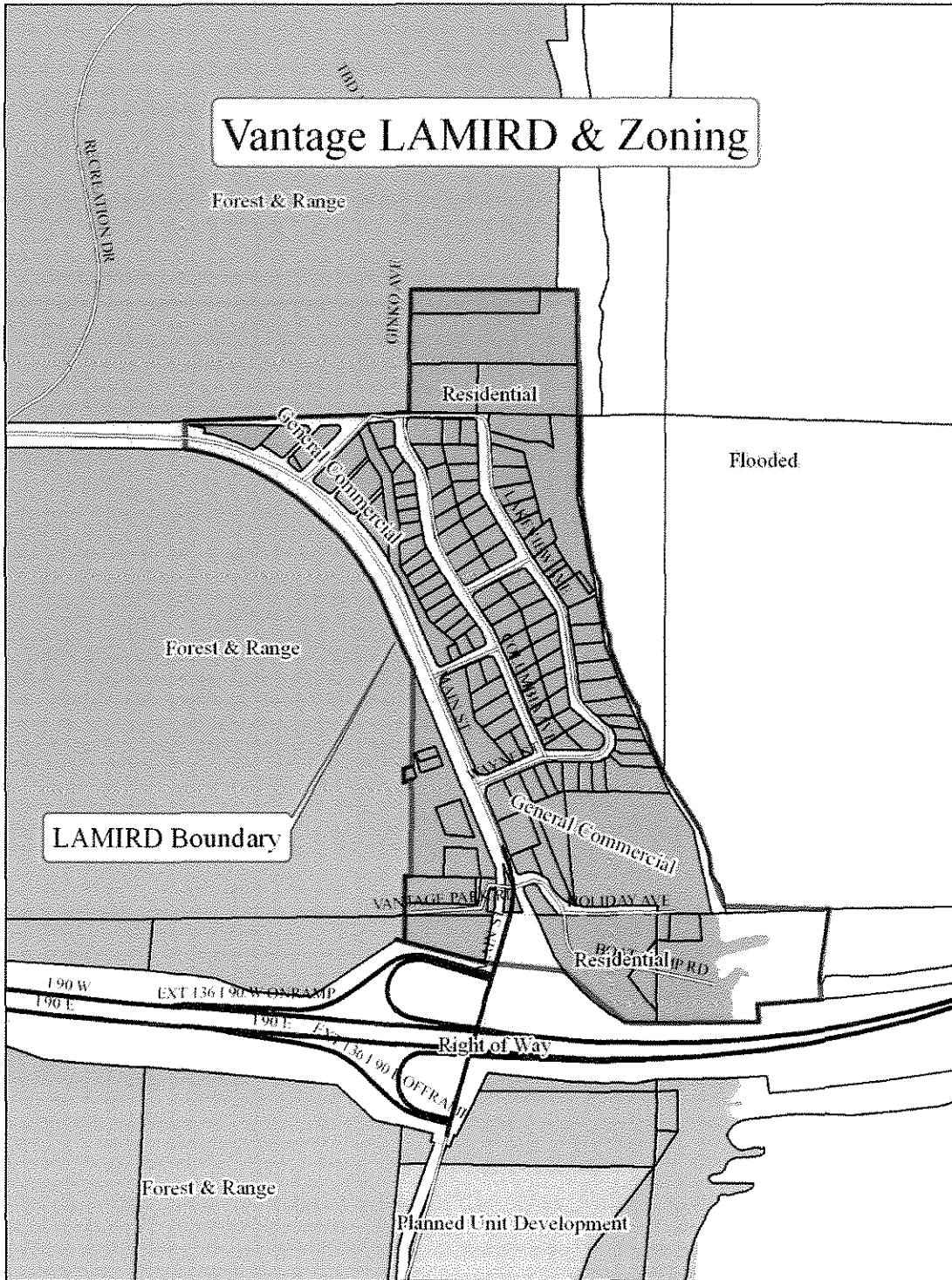


EXHIBIT E

Figure 5

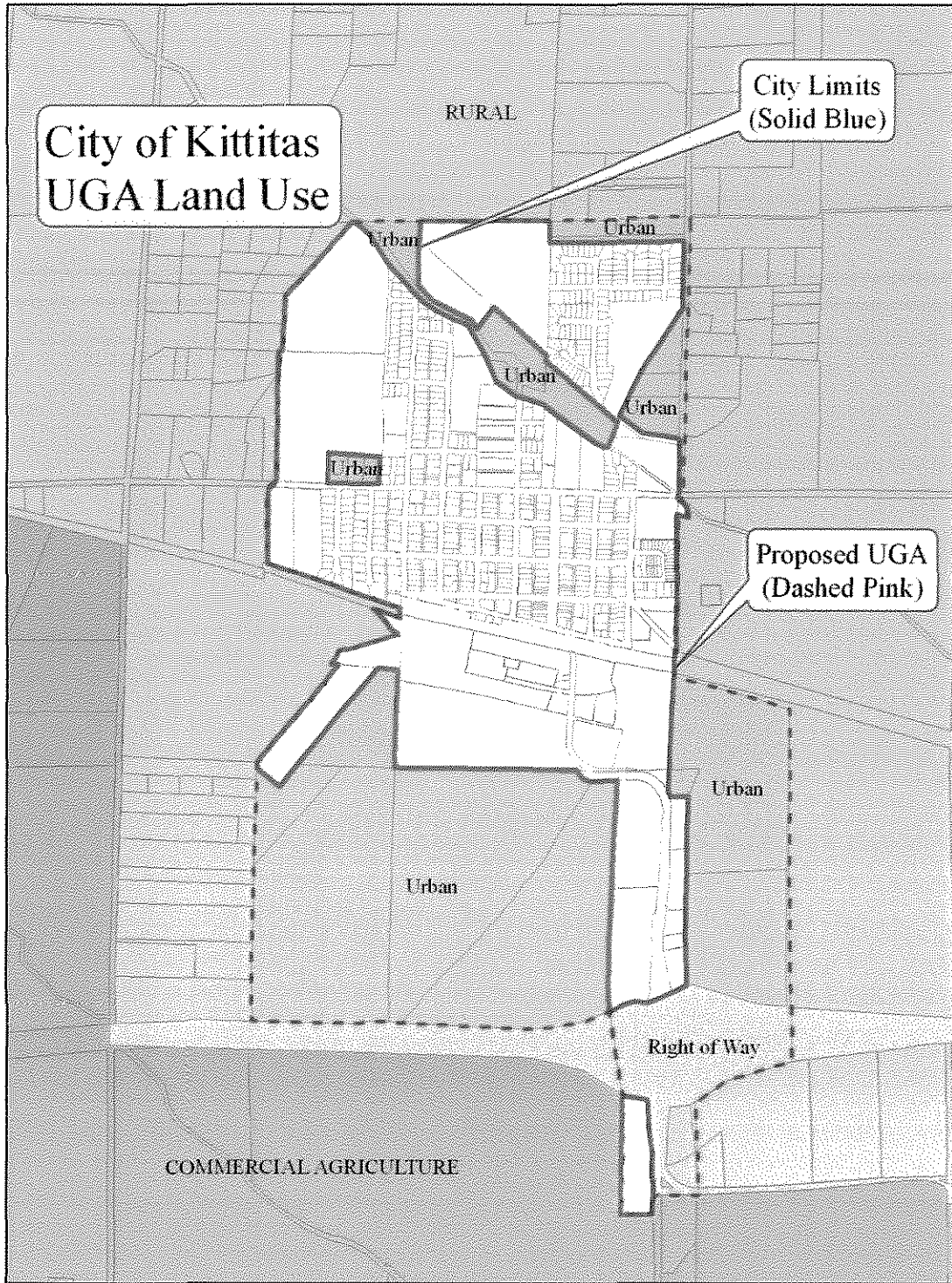


Figure 6

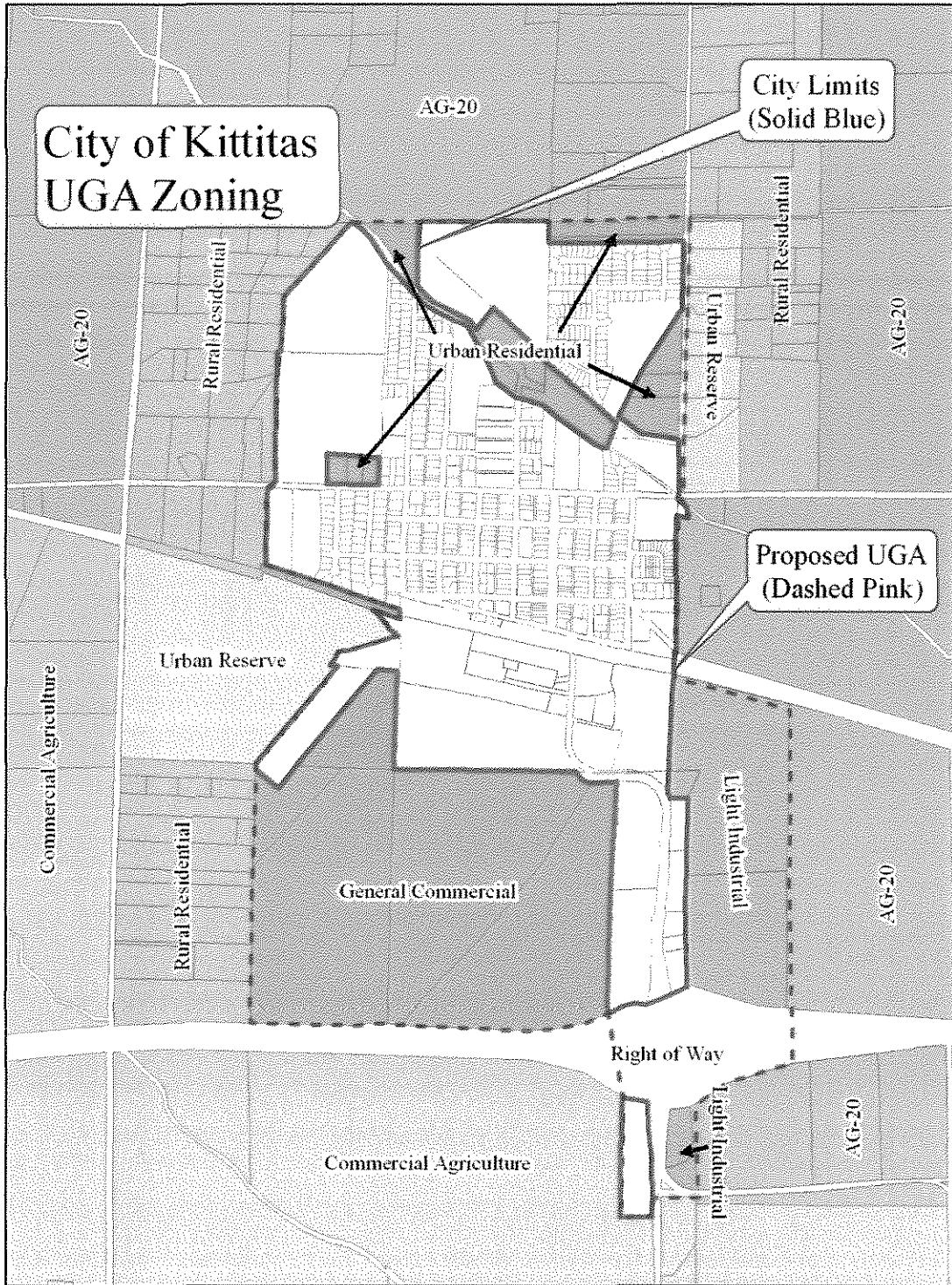


EXHIBIT F

Amendments to the Countywide Planning Policies

ATTACHMENT #1

Population Allocations

The Kittitas County population projections and distributions establish the growth forecasts to be used for planning purposes and the specific growth targets for each UGA. As established by the Washington Growth Management Act (RCW 43.62.035) the State of Washington Office of Financial Management (OFM) prepares twenty-year growth management planning population projections for each county planning under GMA. The OFM prepares high, medium and low forecasts for each county, with the middle range representing the most likely scenario. The county-level forecasts are reviewed and distributed among the jurisdictions in the County through a collaborative process. The Kittitas County Conference of Governments (KCCOG) is the body charged with leading this process. Once established, jurisdictions must develop plans that demonstrate the capacity to accommodate their 20-year population projection consistent with GMA.

In 2005, the KCCOG updated the Kittitas County population allocation based on the 2002 OFM high forecast, which assumes a total population of 52,810 in 2025. The allocation adopted by the KCCOG to all of the municipal UGAs, the unincorporated rural County and the County's Urban Growth Nodes. This allocation is shown below:

Table 1. 2005 Population Allocation

Jurisdiction	% of total	Population Allocation
Roslyn/UGA	3%	1,584
South Cle Elum/UGA	1.5%	792
Kittitas/UGA	3%	1,584
Cle Elum/UGA	19%	10,034
Ellensburg/UGA	45%	23,764
Kittitas County Urban Growth Nodes	10%	5,281
Kittitas County Rural	<u>18.5%</u>	<u>9,771</u>
Total	100%	52,810

ATTACHMENT #1 (continued)

In 2008, the Eastern Washington Growth Management Hearings Board directed Kittitas County to (1) eliminate the Urban Growth Node designation and replace it with a GMA compliant land use designation and (2) show its work in justifying the City of Kittitas UGA boundary. Based on this effort and in collaboration with Kittitas County and its jurisdictions, the KCCOG adopted a revised population allocation for the County on November 25, 2009.

Table 2. 2009 Population Allocation

Jurisdiction	% of total	Population Allocation	Reserve Population Allocation**	Total Countywide Allocation
Roslyn/UGA	3%	1,584	159	
South Cle Elum/UGA	1.5%	792	79	
Kittitas/UGA	4.26%	2,250	---	
Cle Elum/UGA	19%	10,034	1,008	
Ellensburg/UGA	45%	23,764	2,387	
Kittitas County Rural	18.5%	9,771	982	
<i>Reserve Population Allocation</i>	<i>8.74%</i>			
Total	100%	48,195	4,615	52,810

**The Reserve Population Allocation is the balance of population reallocated from the former Urban Growth Nodes to cities/UGAs and Kittitas County rural based on existing distribution percentages, excluding the City of Kittitas. Population reserve allocations should be incorporated into local government comprehensive plans after further detailed planning is conducted consistent with GMA and SEPA, addressing topics such as land use, capital facilities, and environmental conditions. This review would occur as part of a local government's docket or Comprehensive Plan review process.

KCCOG has the ability to change population allocations at any time that it determines that such a change is appropriate.

In 2010, the Eastern Washington Growth Management Hearings Board determined that the sizing of the Kittitas UGA remains invalid and directed Kittitas County to appropriately size the Kittitas UGA based on the urban growth projected to occur in the succeeding 20-years. Therefore, Kittitas County requested that the KCCOG adopt a revised population allocation as shown in Table 3:

Table 3. 2010 Population Allocation

<u>Jurisdiction</u>	<u>% of total</u>	<u>Population Allocation</u>	<u>Reserve Population Allocation**</u>	<u>Total Countywide Allocation</u>
Roslyn/UGA	3%	1,584	159	
South Cle Elum/UGA	1.5%	792	79	
Kittitas/UGA	4.26%	2,056	194	
Cle Elum/UGA	19%	10,034	1,008	
Ellensburg/UGA	45%	23,764	2,387	
Kittitas County Rural	18.5%	9,771	982	
<i>Reserve Population Allocation</i>	<i>8.74%</i>			
Total	100%	48,001	4,809	52,810

**The Reserve Population Allocation is the balance of population reallocated from the former Urban Growth Nodes to cities/UGAs and Kittitas County rural based on existing distribution percentages, excluding the City of Kittitas. Population reserve allocations should be incorporated into local government comprehensive plans after further detailed planning is conducted consistent with GMA and SEPA, addressing topics such as land use, capital facilities, and environmental conditions. This review would occur as part of a local government's docket or Comprehensive Plan review process.