Exhibits submitted during the 10/26/06 Board of County Commissioners Public Hearing for the 2006 Kittitas County Comprehensive Plan Update
From Barbara Bonow
to citizens inputing to County, 25 October, 06

I"m sorry I can't be with you patriots here tonight. I"m home with a cold reading Goodwin's "Team of Rivals" about Lincoln, certainly our most shrewd, most hopeful and most enlightened president.

Lincoln reminds us that over 600,000 Americans bled to death on the battle fields of our American Revolution and our Civil War..... For what? Lincoln tells us they died for the off the wall idea that tyranny was not inevitable, ... that the new wild idea of gov't by the people could be more than a pipe dream.

Are we Americans in 2006 this hopeful?.. Or are we too weary by both overwork and by our deep skepticism of government to be hopeful?.

We know that today we live in what President Eisenhower warned us of,.... a takeover by the industrial-military complex. Corporations now rule our media, our military, our international policy, and can very well rule our county government, and therefore determine the life of our town.

But your presence here shows that

many of us still cling to the hope that we the people can overcome the capitalists who want to ignore the will of the people, turn dear old Ellensburg into another strip mall, kill small downtown business, kill farming in the valley, dry up the water table with over development.

Yes, many of us still believe, like Lincoln, that government of the people, by the people, for the people, shall not perish from the earth.

Bravo to you here for not signing on to despair. .

God bless us all for trying to make hope and beauty and friendliness continue to grow in Kittitas County.

Gratefully
TO: KITITAS COUNTY COMMISSIONERS

FROM: DIMITRI BADER
2602 Judge Ronald Road
Ellensburg, Washington 98926

DATE: 10-26-06

SUBJECT: Comments on Planning Commissioners 2006 Comp Plan Update recommendations.

Comments: Thank you for this opportunity to comment. I only have a few issues I will address at this time, but I am including my extensive review comments of the Resource Land Advisory Committee's (RLAC'S) recommendations for the Comp plan Update; these comments are very relevant to advise you of the wrong, unacceptable Stalinistic direction recent planning efforts and recommendations are attempting to lead the County toward. Please don't go their direction.

Re: GPO 8.13. This proposes that all lands zoned 3 acres or less is rezoned to 5 acres. This is unacceptable! All of the owners of small acre parcels chose to purchase this category of land for the purpose of investment generating equity and being able to sell at a later date to survive economically. Three-acre and smaller parcels are affordable by greater numbers of people wanting to own land than larger parcels.

My family lives on a 3-acre parcel; it provides plenty of the agricultural amenities this county is proud of. We have 2 acres of pasture that supports 5 horses, we have our house and garage, a dozen fruit trees, a large green house and a large lawn situated on the other acre. Our entire neighborhood is made up of 3-acre homes such as ours and everybody is happy with it.

We strongly recommend that you retain the present zoning and reject the planning commissioner’s recommendations.

Re: 2.2(G) Kittitas County Airport, 2nd paragraph: This paragraph indicates that a zoning proposal has been presented to the planning commission and that they have recommended approval to the County Commissioners.

I had the distinct impression from attending every public hearing and meeting held on the creation of the Airport Zone Ordinance that the County Commissioners directed its employees and planning commissioners to inform all land owners adjacent to the airport of any proposed changes and or recommendations to and for this Airport zone!

I have not been notified and have no knowledge of what the planning commissioners are referring to regarding this proposal.

Since I own 145+ acres immediately adjacent to the airport, I claim foul play by the planning commission on this issue and request that I be presented the recommendations
and adequate time to review and comment before the County Commissioners act on their recommendations.

Even though there are a few reasonable recommendations in the update package, such as requiring “overlay Zones” for the development of highway interchanges, I generally feel that the direction and tone of RLAC’s via the planning commissioners update recommendations are unacceptable. The transfer of development rights, transition development zones and similar recommendations are unacceptable. I therefore strongly recommend you reject most if not all of the planning commissioner’s recommendations.

Thank you for this opportunity to comment.

Sincerely yours,

DIMITRI BADER.
TO: KITTITAS COUNTY PLANNING COMMISSION
   CC, County Commissioners,
   Mike Smith, Senior City Planner

FROM: Dimitri Bader
       2602 Judge Ronald Rd.
       Ellensburg, Washington 98926

DATE: 9-13-06

SUBJECT: Extensive review and comments on the Resource Lands Advisory
Committee’s (RLAC’S) proposals for Comprehensive Plan Update for 2006.

INTRODUCTION: This reviewer has professional experience between 1967 – 1989 as
statewide planner for the Alaska Dept. of Fish and Game involving many similar
issues facing the County in their Comprehensive plan. We are also owners of approximately
150 acres of Ag-3 classified land located west of Bowers Airfield and north of the
Bowers Road extension located within the Airport Zone.

COMMENTS: Thank you for the opportunity to voice our concerns to you about the
content of the proposal package and on the new political direction the RLAC wants our
County government to head in to manage private property (taking away private property
rights).

Page 1- Vision Statement # 1: This suggests that incentives and flexibility will be
provided to landowners. There are no incentives and very little flexibility identified in
the body of this proposal; in fact, just the opposite is proposed.

Vision Statement #2: This should specifically identify and include land owners as a
principle party that the County intends to work with, but it doesn’t!

Vision Statement #5: This addresses promoting open space that provides public benefits.
In other parts of this document, RLAC proposes that public benefits be derived from the
development of private property. Owners of private property have never been
responsible for providing public benefits and they never should. Providing public
benefits is the responsibility of government. If the County wants to provide public
benefits from open space, the County should purchase those lands where they want to
establish those benefits and not restrict, limit or condition the development of private
property on a scale based on how much or how many “public” benefits is offered or
derived from that development.

Page 2- Section dealing with Boundaries of the Comprehensive Plan Land Use Map
Designations Stated Exceptions:
   # 1: Addresses changing UGA boundaries based on population forecasts. Everybody is
familiar with Weather Forecasts; they essentially cannot be relied on! The same goes for
population forecasts. In addition, I suggest that UGA boundaries should never occur
when the principal land owner or owners object to be included in any boundary
extension.
# 2: The use of a "Rural Transition Overlay" and "Limited Area of More Intense Rural Development" designations should not be codified and/or made a principle criteria in controlling the development of private property. Their use should be limited to the steps in the consideration process of existing zoning and classifications. Their addition to the present system, as proposed, just adds 2 more layers of unnecessary governmental bureaucratic obstacles to efficient land management principles and limits creativity and options of land use by private property land owners.

SECTION dealing with "RECOGNIZE THE NEED FOR PARITY IN LAND USE DESIGNATIONS": This section is "by far" the most radical, un-American, extreme leftist concept I have ever seen proposed in Kittitas County. The mere suggestion that some form of different parity is needed in the present, long standing zoning and land classification system is ridiculous.

I believe a fair and honest amount of "parity" presently exists and has existed as long as the present system has been in place.

Lands classified Ag-3, Ag-20, Forestry, Commercial Ag and Forestry and others, have their associated development rights and were priced and taxed accordingly in the resale market. That is the test for "Parity"!

Nobody promised the buyers of Commercial Ag or Forestry lands that they could buy cheap and then change the rules and sell city sized lots. Nobody promised the "206'ers that undeveloped land had to stay undeveloped either.

There is no "parity" in limiting the development of Ag-3 designated lands into 3 acre residential lots when RLAC proposes to change that classification to a 5 acre designation. RLAC calls that a "TDR", I call it an attempt to legitimize "stealing". Then RLAC proposes that the original owner of Ag-3 lands can buy back their previous right to develop and subdivide their land through a new process called a "PDR" or Purchase Your Development Rights (back!). This is not "Parity", I call it Extortion!

There is no getting around the fact that RLAC's proposal to "Transfer Development Rights" TDR's from some land owners to another, smells communistic and presents a direct affront and encroachment on our traditional American right to own and develop our private property.

Owners, of Ag-3 lands or any other lands affected by this proposal, are not going to just stand here and let RLAC pick our land equity out of our pockets and have it "TDR'd over to Commercial Ag interests or any other party. We are telling you that this is not acceptable. We like the parity as it already is and we want to keep the development rights and options under the existing system we presently have. The present system works.

Section-Proposing the use of Cluster Subdivision Code in Commercial Forest designations. I don't think this is a good idea. Most commercial forests have values such as watershed-headwaters, fish and wildlife habitat and open space. These are inherent values that are directly associated with that land. Those values were thought to have received protection in the pricing, taxing, sale and resale and County's classification of that land, because of that, these values should be maintained. Therefore, I suggest that high density cluster subdivisions and residential use of that sort are incompatible uses in Commercial Forests.
Density in Rural Land Use Designation: Allowed development requires public benefits. RLAC is proposing that the County gets right in the middle of telling private citizens "what, when, where and how" they have to live their lives and develop their private property. RLAC wants to require that the development of private property designated "Rural Land" have to benefit the public!

Private land owners have never had any responsibility to provide public benefits from their "private" property and they never should. What do you think the definition of "PRIVATE" means? Why do you think fences were invented? Private means "KEEP OUT", and fences were invented to "KEEP THE PUBLIC OUT"!

RLAC wants to restrict family densities in rural lands, 1st by stealing value and development right from owners of Ag-3 lands through their proposed "TDR" giving those development rights, for no justifiable reason, to owners of Commercial Ag lands.

This transfer of development right goes against all the principles of our country's concept and traditions that established our right to have and own "private property"! Then, like in "double jeopardy", RLAC wants the previous owners of Ag-3 lands, now Ag-5 lands that want to subdivide their land into 3 acre or 2.5 acre lots, have to "buy back" their previously owned development rights through RLAC's new "PDR's program from the sole beneficiary of this entire County wide new program, the owners of Commercial Ag lands!

RLAC's proposals for creating new zones, implementing TDR's (theft of development rights) and PDR's (extortion to buy back development rights), limiting footprints of development, limiting densities, creating Rural transition Overlay Zones is all aimed at controlling private land owners ability on how, when and where they can use their private property. This is Stalinistic at its worst, only found in communistic countries and has no business in Kittitas County or anywhere else in the U.S.A. This whole paradigm shift to a communistic way of government to manage private property and private citizens in our County is absurd and unacceptable.


RLAC, again, describes how they want the county to control the development of private property in the Rural and Rural Transition Overlay Zone. They describe how they will take away development rights from one group of land owners and give it to another group, specifically the owners of Commercial Ag lands, and then require the 1st group to pay to get their development rights back.

Taking property rights from one group of land owners and giving to another is politically and morally wrong. We oppose this and reject it, so should you.

There is no justification to require any land owner to loose any portion of their property rights or personal rights to own and use their private property to support or protect commercial Ag lands, open space or for the purpose of providing benefits to the public.

Commercial Ag lands must survive on their own values and merits. Open space and public benefits, as important as they are, have always been the responsibility of government, if at that!
RLAC makes recommendations on GPO’s (goals, policies and objectives). Here are my comments regarding their proposals:

GPO 2.94b: RLAC proposes that the expansion of UGA’s “should be encouraged”! This statement, by itself, will end up being implemented with force. This policy will force people to be included into the City. The expansion of UGA boundaries should always be optional and only triggered upon the request by the majority landowner. Private land should never be included in a UGA or City limits, if the landowner objects and does not want to be included. The landowner should have the final authority on whether his land is to be in the City limits, a UGA, and or stay in County jurisdiction. Take another look at Vision statement #1 at the beginning of RLAC’s document; it suggests giving flexibility to landowners! That flexibility must include his authority to decide what jurisdiction he wants his property to be in and to live under.

GPO 2.94c: RLAC proposes that a subarea plan should be developed to investigate expansion north of the City of Ellensburg! The majority land owner of that area should have the principle authority and veto power on whether their private land be included in a sub-area plan, in a UGA, in the city limits or remain in the county. No other option, regulation or authority should undermine this principle. Since I am the majority land owner in this particular, I am informing you that we do not want to be in your UGA or a Rural Transition Zone at this time or the near future. We want and intend to stay under County jurisdiction.

GPO 2.95: RLAC’s position, on the surface, seems okay.

GPO 2.96: RLAC proposes that UGN AND UGA boundaries be expanded to accommodate “projected” residential and employment increases for the next 20 years. Like I pointed out earlier, population and employment projections/forecast are like weather forecasts, they are unreliable at best. It has never been advisable to bet money or make regulatory changes affecting people’s lives and land management based on forecasts and projections. I recommend that you not base any UGA expansions on projections and forecasts. Expansion of UGA’s should be based on landowners and developers requests to do so. The landowner should always have ultimate veto and final say on whether their land should be included in a UGA or city limit.

GPO 2.97: RLAC proposes criteria for consistency between UGN’s and UGA’s.
   a). There should be no time limit on the consideration of or the ability to expand UGA’s.
   b). RLAC’s proposal seems to suggest that just because undeveloped land exists adjacent to a UGA boundary, those lands should be included in the UGA. This is a bad policy! Juxtaposition and or being adjacent to anything should never be the determining factor for inclusion in any boundary expansion. This proposition should never be forced on a private landowner. The landowner should always have the final determining authority on whether their land be included or incorporated in a UGA.
   c). This proposal seems okay.
d). RLAC’s proposal for balance in UGA’s only addresses industrial, commercial and residential uses. This limitation should not exist. Go back and look at the Vision Statements, particularly # 1 and # 3, which addresses flexibility for the land owner and recognizing aesthetic and recreational values. If the landowner so chooses he should have the option to retain and manage his lands for recreational and fish and wildlife related commercial and non-commercial uses.

e). I don’t understand what RLAC is trying to say here? Are they trying to say that the landowners in a UGA must have the financial capability to develop their land to city standards? If that is the case, that makes a good case to “NOT” be included in a UGA, because County building standards are more sensible and less costly to the land owner. For instance, it is my understanding that a subdivision comprised of 3 acre lots in the county is not required to have sidewalks joining each lot, but they are if the development is located in a UGA under city jurisdiction. To require such costly unnecessary requirement is absurd and not wanted.

f). There seems to be a possible conflict between d. and f., these subsets should be incorporated together and worded as I suggested above in d).

g). RLAC proposes that undeveloped land should be encouraged developed into urban densities. This conflicts with RLAC’s concern for open space. Their suggestion is absurd. No property owner should ever be “encouraged” actually, probably forced to develop his or her land. The landowner should always be the ultimate authority on when and how their land should be developed. In fact, the county should consider creating tax and or other financial incentives to have land owners keep some or all there land undeveloped.

h). RLAC’s proposal for public services is okay.

i). This seems okay.

j). RLAC’s proposal suggests a predisposition that undeveloped lands shall be included in UGA’s. This is a bad concept and should not be a determining factor for inclusion in a UGA. The property owner must always have the final determining authority on whether his land should be included in a UGA, Rural designation or Rural Transition Zone where City authority can be imposed on his development and use rights.

GPO 2.98: RLAC proposes that RCW 36.70A.06094 and Forest land and Ag land within UGA shall not be designated by the County or a City as lands of long-term commercial significance unless they have enacted a program authorizing the transfer or purchase of development rights.

** Why did RLAC limit the consideration of purchasing development rights to only commercial Forest lands and Ag lands? If RLAC wants to TDR of privately owned Ag-3 lands, which has an existing higher resale value and development potential for residential purposes than commercial Ag or Forestry, they should have proposed a program to purchase development rights (DR’s) for Ag – 3 lands at the very beginning of there discussion and proposal for TDR’s and PDR’s. But they didn’t, which makes one wonder why RLAC’s proposals smell like somebody is getting preferential considerations.

Section 2.3 (c) RESOURCE LANDS. Commercial Agricultural land use.
RLAC proposes that it is the County’s intent to formally designate Ag lands of long term commercial Significance. In the final analysis of their proposal, I suggest the landowner should have the final authority and veto power to determine whether his land should or should not be designated as Ag lands of long term commercial Significance.

I realize that the history of our country shows that the best farmland that ever existed is now under asphalt and houses, but the fact remains, that private property is private for a reason. It was purchased with private personal money. The landowner should have the option to withdraw his land from that classification whenever he chooses to do so with out penalty, other than being restricted from being able to subdivide into city lots. That land was taxed, purchased, priced and classified as 80 acre or at best 20 acre designations. He should not be able to reclassify down to Ag-3 lands or to City lots without a city being established there.

GPO 2.110 – 2.111: seem okay.

GPO 2.112: What is RLAC’s “Code of the West”? The Code of the West I am familiar with includes: Hang cattle rustlers, punish those that steal your water, punish people who trespass on private property, punish those that propose to take your private property rights away; and that existing uses of long standing and or historical continued use have grandfather rights to continue. These uses are not limited to farming or just Ag related uses, but include hunting and other related recreational uses on developed and undeveloped lands.

GPO 2.113: RLAC proposes that the County support efforts to see that productive lands receive adequate water supply. This might sound good, but the only available water rights have already been adjudicated by the State re: AquaVella vs DOE. Kittitas County owns a considerable amount of water rights including a certain amount of KRD water. So, if the County is not prepared to share their water as proposed above, the owner of productive land should own rights to existing water or have the ability to purchase rights to water, from the County or another willing seller, like maybe DOE!!

GPO 2.114a: RLAC proposes to prohibit the sale of farm ground with house lots. This seems to be communistic. The owner of farm ground should always be able to sell his land. This prohibition is absurd!

GPO 2.114b – 2.116: all seem to be okay.

GPO 2.117: RLAC PROPOSES TO “FORCE”, they say “encourage” non-farmers in Ag areas to meet farm performance standards. This is communistic and not acceptable; probably a violation of civil liberties as well. This might be possible if the purchaser of the farmland agreed to do so as part of the sale agreement. Otherwise, the new owner of the farmland should be able to convert the use of that land to most anything allowed under the definition of allowable uses for that land classification. However, there should never be an obligation to meet farming production standards of any kind just because the land is farmable. There are many good farmers now, for one reason or another, can’t meet production standards and are going belly up!
GPO 2.118: RLAC proposes that significant conservation of farmland should be encouraged in development projects. What is RLAC's definition of "encourage"? and what limitations are going to be imposed on the County's application and use of "encouragement"? As long as their encouragement does not turn into "enforcement" and the use of penalties is prohibited, verbal encouragement should be acceptable. If farmland is so important, may be the use of some tax incentives or waivers should be considered.

GPO 2.119 – 2.124c: seem okay.

*** GPO 2.124d: RLAC suggests they should continue to make recommendations regarding zoning and development regulations. I totally disagree and oppose their continued delegation and authority to make these recommendations.

Their recommendations for the 2006 Comp Plan update is a prime example of incompetence, appearance of preferential treatment to land owners of special interests, a total lack of respect for private property rights, the rights of land owners to develop their private property under existing classifications in which those lands were purchased and particularly they proposing communistic "TDR's and extortionistic "PDR's from Commercial Ag special interests.

This committee should not be permitted to exist or continue to make any more communistic recommendations.

GPO 2.125: RLAC addresses the reclassification of commercial Ag lands and incentives for same. What are the incentives and where are they?

GPO 2.126- 2.129 seem okay.

COMMERCIAL FOREST LAND USE SECTION.

Introduction seems okay.

GPO 2.130-131: OKAY.

GPO 2.132: RLAC suggests that mineral extraction, sand and gravel operations are compatible with forest management and related recreation an Ag. You might not be able to restrict mining for minerals, because of the 1898 federal mining laws, but I suggest that it, as well as, sand and gravel extraction, are not often compatible. Other than tree and berry farming what agricultural practices are compatible?

GPO 2.134-.136: seem okay.

GPO 2.137: What is the substance of the "'Engrossed Substitute House Bill (ESHB) 2091, also known as the "Forest and Fish Law"? Before any RLAC committee or the County suggest that we support, recognize or endorse this bill, copies of same and discussion of it should be provided us public for our review and consideration
GPO 2.138-2.142: seem okay

COMMERCIAL MINERAL RESOURCE LANDS
The introduction seems okay.

GPO 2.143-2.144: seem okay.
MAPS: RLAC identifies that Comp Plan land use maps are included in the Kittitas County GIS data. I suggest that if any of these maps have been changed by this RLAC proposal, these maps should be identified and made available to the public for their review.

Thanks again for the opportunity to present my comments and concerns.
Sincerely yours,
DIMITRI BADER.
Board of County Commissioners
David Bowen, Chair
Commissioner Crankovich
Commissioner Huston

Re: Testimony on Yakima Training Center inclusion in Commercial Agriculture Designation

➤ According to Kittitas County CDS/GIS there are 357,778 acres of land included in the Commercial Agriculture designation.
➤ This figure includes approximately 164,000 acres within the Yakima Training Center (YTC).
➤ The YTC is restricted to use by the military and is not available for any agricultural use under its current ownership.
➤ The current Comp Plan and Planning Commission recommendation maintain that to meet the criteria for Commercial Agriculture designation the land must either be 1. irrigated or 2. non-irrigated and useable as grazing land.
➤ The inclusion of the YTC acreage is misleading and skews the percentage of designated Commercial Ag land by some 45% (357,728 \(-\) 164,000 = 193,728 or 45%) fewer acres. Simply said, the YTC does not meet the criteria.
➤ A new classification for the YTC lands as Rural Military Lands by Kittitas County, or another unique classification available within the context of the Growth Management Act, would more appropriately represent this land. 1/
➤ A designation recognizing these lands unique character is appropriate and will thus allow a more accurate and realistic look at Commercial Ag Lands for purposes of land use planning.
➤ The suggested language below is patterned off of the Rural Military Lands designation used in Pierce County.

Sincerely,

[Signature]
390 Cattail Pl.
Ellensburg, WA. 98926

1/ Rural Military Lands
Rural Military Lands are the portion of the Yakima Training Center within the unincorporated lands of Kittitas County. The autonomy associated with federal ownership in combination with the unique character of military operations is
not typical of civilian land uses. This designation is not an attempt to govern land use activities; rather it is a mechanism to recognize the presence of a military area within the unincorporated lands of Kittitas County.

GPO ___ This designation recognizes the military ownership and restricted uses of military lands in Kittitas County as unique to other designated lands within Kittitas County.

GPO ___ This designation recognizes the unique character of restricted use not typical of other civilian land uses.

GPO ___ The application of Rural Military Lands designation shall be consistent with Official Federal Military Installation Master Plan.
October 26, 2006

Board of County Commissioners
David Bowen, Chair
Commissioner Crankovich
Commissioner Huston

Re: Testimony on the Planning Commission Recommendation to the Board of Commissioners on the Comprehensive Plan Update.

I have researched the law known as “Regulatory Reform” (Laws of 1995 Ch. 347) which is referenced within the Growth Management Act (GMA) under RCW 36.70A.470 and RCW 36.70B.030 pertaining to Project Review amendments and requirements of review. In this process I saw nothing that would prevent a county planning under the GMA from writing a land use plan and zoning code in a manner that was clear and precise in setting out the fundamental land use choices made in these plans and regulations. Anything outside of these choices would require that a comprehensive plan amendment be adopted. This would be required prior to a rezone being approved.

If the land use, zoning and development regulations are married in a fashion to be consistent enough to provide an individual the desired predictability of what he or she is purchasing for any specific purpose then the individual buyer is generally assured of what he or she is paying for and there is a minimal chance of dispute in the future. For instance, if the land use designation was Rural 20 and the zone was Rural 20 then the land purchaser would know that the minimum lot size for all intent and purposes was 20 acres and a five acre minimum lot size development would not be approved next door. If however, the land owner next door to our individual buyer were to apply for a land use designation of Rural 5 instead of Rural 20, the neighbor would have an opportunity for participation in this initial important step before a rezone could even be considered. I believe this argument is supported by the GMA finding below which I have underlined in part for emphasis.

**Findings -- Intent -- 1995 c 347 § 102:** "The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting RCW 36.70A.470 to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process." [1995 c 347 § 101.]

Exhibit # 4
Date: 10-24-06
Submitted by: Jan Sharar
This issue is of utmost importance and I believe the Board should have a written legal opinion provided from legal staff prior to ruling on this Comp Plan change to mapping requirements for comprehensive planning. It is obvious that this county has a land use designation in which anything goes – anywhere! Rural Land Use zones range from 3 acre min. lot size to 20 acre minimum lot size and the placement of the 3 acre zones in relation to 20 acres zones are random in appearance and when built out do cause incompatibility with their larger lot neighbors, including farmers and ranchers.

I am told other counties have successfully matched their land use and zoning maps in a way as to allow rezones only in the context of a concurrent action at designation change through docketing. I will continue to research those codes and suggest that your staff do the same before anyone accepts that regulatory reform prevents it.

Thank you for this opportunity to testify,

Jen Sharar
390 Cattail Rd.
Ellensburg, WA. 98926
October 26, 2006

Mr. David Bowen, Chairman
Board of County Commissioners
Kittitas County
205 W. Avenue
Room 108
Ellensburg, WA 98926

RE: 2006 Comprehensive Plan Update

Thank you for the opportunity to comment on the 2006 Comprehensive Plan Update and the Planning Commission’s Recommendations dated October 5, 2006.

Central Cascade Land Company recommends that the county keep the existing Comprehensive Plan and not adopt the proposed changes recommended by the Planning Commission. If any changes are made, they should only be to demographic and statistical information.

Of primary concern to us is the Planning Commission’s recommendation identified in the amended language to GPO 8.12 which states that:

Kitittas County shall provide for a variety of rural densities and uses, provided however those rural densities shall not exceed one dwelling per five acres outside limited areas of more intense rural development. Comprehensive Plan and zoning regulations shall be up-dated to provide that the allowed density does not exceed one dwelling unit per five acres outside of urban growth areas and limited areas of more intense rural development.

Limiting the rural density to a minimum of 5 acres seems contradictory to at least the new GPO 2.12c and GPO 2.139 which both call for and encourage the use of clustered development.

It is also contrary to the Growth Management Act RCW 36.70A.030(15) which states that: “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.” (Emphasis added)

In addition, the 5 acre minimum is also contrary to Kittitas County Code Chapter 16.09 (KCC Ch. 16.09) “Performance Based Cluster Platting.” (“Cluster Code”) which allows for greater densities according to a public benefit rating system.

The county’s Cluster Code is really the only codified land use planning tool that requires designation of open space and offers property owners an alternative to creating large lots with low densities. GPO 8.12 proposes a planning tool that is unnecessarily land consumptive. The Cluster Code, on the other hand, is
a “smart growth” tool that offers property owners an incentive to create open space, protect critical areas and water resources and reduce rural sprawl on rural lands. The purpose and intent stated in KCC Chapter 16.09.010 is clear on the public benefits offered by this planning tool.

We fail to see how requiring larger lots in rural lands with low densities will create and maintain the “rural character” of the county and retain quality open space. Having 5 acre lots scattered throughout the rural lands of the county will not create open space with any significant habitat quality or connectivity. In certain cases such lot sizes with low densities can attract wildlife and create real and expensive land owner-wildlife interface problems that entities like the Big Game Management Roundtable are working to address.

An increase from 3 acre lots to 5 acres lots is about a 70% increase in land consumption per lot. Given the County’s projected growth trends, proposed GPO 8.12 will only create a growth pattern of rural sprawl with more exempt wells and septic tanks.

Recognizing that other factors would impact the final results of simple math, we offer the following examples using revised statistics in the Planning Commission’s recommendations to the Comprehensive Plan. The draft plan indicates there is approximately 443,000 acres in rural lands that are eligible to be developed under the Cluster Code. This total only includes R-3, R-5, Ag-20, and FR-20 acres. The Cluster Code requires a minimum of 40% open space. This would equate to approximately 177,000 acres of open space that could be created using the Cluster Code. In addition, significant additional acreage would remain undeveloped if higher densities are permitted thus allowing more land to retain pervious qualities for aquifer recharge.

The draft plan also indicates that 6,460 new units will be needed county-wide over the next 20 years. If this projected growth in units was met using 3 acre lots, approximately 19,380 acres would be used. Under the proposed 5-acre minimum lot size, approximately 32,300 acres would be needed to support the projected need in dwelling units. The most efficient use of the land to accommodate this growth, if it were to occur in the rural lands, would be with use of the Cluster Code.

The proposed language in GPO 8.12 is contrary to the Growth Management Act RCW 36.70A.070(5)(c)(iii) which states that the rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by “reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area.”

We recommend that the Board reject the proposed language in GPO 8.12 and the other changes presented by the Planning Commission and that the current Comprehensive Plan remain in its existing form. Thank you for the opportunity to comment.

Sincerely,

[Signature]

Nathan R. Weis
Vice-President
Desmond Knudson oral testimony 10/26/2006 BOCC Hearing

Good evening and thank you for allowing all citizens you represent to give our input into this goal and steering plan for the county for next 7 years. I as others in the whole community admire you for the time and patience that you will have to have, to wade through this document.

First some house keeping from my point of view...........
I would like to ask for and you to consider asking the resignation of the planning commissioner chairman; David Black. I and others believe he cannot represent the community in a fair and unbiased manor on these Comprehensive Plan update. This was and still is obvious, in his behavior during all of the wind farm hearings that have been in front of you, and is now at the state level. This is also very evident in the language that has been submitted to you by means of this document. I will address this request at a different time and place as I want all of you to be able to hear some of the evidence put forward to you by other citizens in their testimony the last few nights. I do not take this lightly and will document line by line his individual atrocities for your review in the coming month after elections.

This hearing is about “what a county comprehensive plan update is and is not.” It is not a document that reflects a singular philosophy (i.e. it is broad public opinion through public participation which is the source for input for change or no change to parts of current plan. (KCCDS document)

I am going to stick to what I have researched the most, and know most about section 2.5 Major Industrial Development (the counties language) and two (2) GPOs, 6.34 & 6.35

#1 Major Industrial Development must be updated to include and address the 800 lb “rabbit,” wind energy development, and it is obvious, as it blows thru certain areas of this county on a most daily bases. It is also documented on “wind maps” as some of the best wind in the state. We also have another 800 lb “gorilla” called the electrical transmission corridor on our northern slope. I suggest we need language in the GMA that acknowledges such; may I suggest the following:

Section 2.5: “Major Industrial Development” may be approved within Kittitas County as authorized by the general principles of RCW 36.70A.365

a) requires a parcel of land so large that no suitable parcels are available within an urban growth area;

or...........

b) is a natural resource based industry requiring a location near agriculture land, forest land, profitable wind location, profitable location of oil or gas drilling or mineral lands upon which it is dependent.
The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office parks

Major Industrial developments may be needed to provide family wage jobs locally, and in addition may help increase tax revenues and expand the county’s economic base, ... ... ..Thrall area, Bowers field, Bull Frog Road area Alpine Veneer site and Electrical Transmission Corridor (ETC) on North slope of county.

It is the intent of the above provision that the Major Industrial Development policies is solely intended to identify a nonexclusive list of rural areas that are possible to be considered in the future; for Major Industrial Development. Major Industrial Development sites will only be approved and designated in the future if and when the appropriate overlay zone is approved and the comprehensive Plan is updated to reflect such amendment ...
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G.P.O. 6.34: GPO 6.34 Wind Farms may only be located in areas designated as Wind Farm Resource overlay district in the Comprehensive Plan. Such Wind Farm Resource overlay district need not be designated as Major Industrial Developments under Chapter 2.5 of the Comprehensive Plan.

G.P.O. 6.35: Delete.

Proposed by planning commission with no public comments asked GPO 6.35. Develop a process for siting Wind Farms in identified remote areas of the County in which a combination of topography and setbacks from turbine locations to non-project boundaries allow for minimal impacts. Such Wind Farm Resource Overlay District shall be designated as Major Industrial Development.

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The Agriculture Advisory committee should not be stricken, the AG committee and the RLAC committee, should be joined and or both committees have members representing each other, on the committee they and you form out of them.

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3 acre / 6 lots, or 5 acre / 3 lots splits....I guess these groups either need to join the farming community or the development community. It is a land owners decision, and at the same time we have land use and zoning laws now, so accord the land use you want and change it yearly according to your need.
RCW 36.70A.365

Major industrial developments.

A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for reviewing and approving proposals to authorize siting of specific major industrial developments outside urban growth areas.

(1) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

(a) New infrastructure is provided for and/or applicable impact fees are paid;
(b) Transit-oriented site planning and traffic demand management programs are implemented;
(c) Buffers are provided between the major industrial development and adjacent nonurban areas;
(d) Environmental protection including air and water quality has been addressed and provided for;
(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) Final approval of an application for a major industrial development shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of an application for a major industrial development shall not be considered an amendment to the comprehensive plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

[1995 c 190 § 1.]

October 25, 2006

Kittitas County Commissioners  
Kittitas County Courthouse  
Ellensburg, WA  98926

Dear Commissioners:

My name is Karen Poulsen. My address is 3591 Tjossem Rd Ellensburg.

Thank you for the opportunity of testifying at this hearing for the 10 year review of the Kittitas County Comprehensive Plan.

I would like to speak to you about the current and proposed language in Chapter 2.3(C), specifically the Commercial Agricultural Land Use section. First I’d like to give you a little background information.

I have lived in Kittitas County all my life. In fact I’m 5th generation Tjossem. I am a full time farmer and intend to continue doing so until or unless the economics of farming or my health tell me that I should make a change.

I have very mixed feelings about the growth taking place in this county. Part of me wishes that the county was the same as when I was growing up. In those days there was no development pressure and the farmland and the farmers’ livelihood was based on what that land produced. I also remember that farming and therefore farm families had good years and bad years just as now. There are some striking differences however. Years ago there were many cattle ranches, dairies and a much more diverse variety of crops. Sugar beets, potatoes, sweet corn and a variety of grain crops were much more widely grown and there was no commercial fruit acreage. There was no export market for timothy hay.

Now fast forward to the present. The numerous dairies are gone, there are fewer ranches, the sugar beet industry is gone, there is only one potato grower, the four corn processors are down to one with the acreage shrinking from 10,000 to 2,000, and the acres of grain are much less. The orchards increased but are now disappearing. Why, Economics and competition.

Our climate both natural and regulatory, the cost of labor, fuel, fertilizer and overhead are making it much harder to compete in this global market place. The one bright spot has been the opening of a niche market for the export of high quality timothy horse hay. This valley was uniquely suited for its production. Unfortunately times have changed.

We are no longer alone in producing high quality hay. Others areas have planted huge acreages, and are starting to flood the market. Also, weed, insect, disease pressures and a shift in weather patterns are making the growing of high quality hay harder and much more expensive here. At the moment there are no financially viable agricultural replacements for timothy.

Exhibit # 7
Date: 10-26-06
Submitted by: Karen Poulsen
As a farmer my wealth is in my land with the value of that land based on both what it will produce as well as what other uses it can be put to. The land in the Commercial Ag Zone has effectively been down zoned four times in the last 35 years from no minimum lot size to 1 acre minimum lot size to 20 acre lot size, but with the ability to rezone to our current 20 acre size with little hope of a rezone. Every time this has happened it was not the commercial farmers and ranchers requesting the change. It was those who didn’t own that land telling us that was needed to save the rural character of the area not asking us what was needed to help us stay in business. A very healthy agricultural economy is the best protection for the rural character. I say enough is enough.

I would like to make these recommendations to the Board.
1. pg 33. Add the words “company, corporation, private entities or service area” after the words irrigation district in the forth line of the last paragraph.
2. pg 34 In the last paragraph remove the words “water duty” as 40% of the irrigated land in the county isn’t subject to it as delineated in Aquavella et al.
3. Reinstall GPO 2.119 as in the current plan and add a new GPO for the proposed language.
4. Reinstall GPO 2.124 in its original language and activate the Agricultural advisory committee using only those who make a majority of their income from agriculture.
5. GPO 2.126 delete the words “exert its influence” and replace with the words”support irrigation districts”
6. GPO 2.127a delete the words “Irrigation delivery facilities” and replace with the words “Partnership ditches as defined in RCW 90.03.430” Check to number notation.

Finally since it is rural character of this county that is drawing people and development please don’t leave out those who have for so long preserved that rural character from part of the wealth.

Thank you,

Karen Poulsen
Exhibit #8: CD submitted 10/26/06 by Pat Deneen containing following PowerPoint Slides

(Copies of CD available by request at CDS office, 509-962-7506)
Comparison of 5-acre vs. 3-acre Zoning on 100 acres
• Under the 5-acre zoning
There will be 20 lots on 100 acres

• Under the 3-acre zoning
There will be 33 lots on 100 acres
• Under the 5-acre zoning
  33 lots would consume
  165 acres of land

• Under the 3-acre zoning
  33 lots would consume
  99 acres of land
5-acre zoning consumes 65% more land than 3-acre zoning
5-acre zoning reduces land values by 40%.

- Under the 5-acre zoning
  The value of 20 lots is $2,960,000

- Under the 3-acre zoning
  The value of 33 lots is $4,950,000
The following is one example of growth occurring through the late 1890’s to the present.
The 3-acre cluster allows the owner to receive full value for their property and still farm 108 acres