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- Step to the microphone and give your name and address.
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- State if you are representing yourself or someone else.

**PLEASE PRINT CLEARLY**

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<tr>
<th>PLEASE PRINT NAME CLEARLY</th>
<th>ADDRESS</th>
<th>DO YOU WANT TO TESTIFY?</th>
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<tbody>
<tr>
<td>Paul Hess</td>
<td>P.O. Box 9 Cle Elum</td>
<td>YES - Comp Plan Update</td>
</tr>
<tr>
<td>Katharine</td>
<td>1302 Sunray Rd. Cle Elum</td>
<td>YES - LAC</td>
</tr>
<tr>
<td>Bill Schmitz</td>
<td>310 Mission View Dr. Cle Elum</td>
<td>YES - LAC &amp; Comp Date</td>
</tr>
<tr>
<td>Mike Wagon</td>
<td>181 King Rd.</td>
<td>NO</td>
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<tr>
<td>Roger Oken</td>
<td>2306 N. 20th St. Cle Elum</td>
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<tr>
<td>Bob Gurney</td>
<td>205 Almar Rd. Roslyn</td>
<td>YES</td>
</tr>
<tr>
<td>Keith Plan</td>
<td>2926 Evergreen Pt. Cle Elum, WA</td>
<td>YES</td>
</tr>
<tr>
<td>Ed. Rosemary Harrell</td>
<td>813 E 5th Elensburg WA</td>
<td>YES</td>
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<tr>
<td>Pat Wickers</td>
<td>2280 Carroll Rd. E Library</td>
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<tr>
<td>Joyce Huser</td>
<td>2280 Carroll Rd. E Library</td>
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<tr>
<td>Jerri Downs</td>
<td>2280 Teavana Rd. Cle Elum</td>
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<tr>
<td>Mary Beckle</td>
<td>P.O. Box 37 Ronald WA</td>
<td>YES</td>
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<tr>
<td>Dale Thompson</td>
<td>P.O. Box 261 Thorsby WA</td>
<td>YES</td>
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<tr>
<td>Elfin reflections</td>
<td>P.O. Box 22 Roslyn WA</td>
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<tr>
<td>Debra Wiegand</td>
<td>406 E 1st Eureka No</td>
<td></td>
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<tr>
<td>Dawnie Reeder</td>
<td>6250 N. Polk St. Cle Elum</td>
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<tr>
<td>December Butler</td>
<td>2622 Judge Ronald Rd. Ely</td>
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<th>NAME</th>
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<tr>
<td>Margaret Bryant</td>
<td>POB 441</td>
<td>Yes</td>
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<tr>
<td>Jerry Sharrar</td>
<td>390 Cottage Rd</td>
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<tr>
<td>David Hancock</td>
<td>2418 Hannah</td>
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<tr>
<td>Danny Driscoll</td>
<td>2000 Aspen Rd</td>
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<td>Denny Hays</td>
<td>155th St</td>
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<tr>
<td>Shannen Franks</td>
<td>1911 1st St</td>
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<tr>
<td>Mary Beth</td>
<td>PO Box 509 Ron.</td>
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<tr>
<td>Dean Eddy</td>
<td>751 Klocke Rd</td>
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<td>Susan Bergs</td>
<td>751 Klocke Rd</td>
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<tr>
<td>Joseph Turner</td>
<td>561 Stony Lane</td>
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<tr>
<td>Scott Nicolai</td>
<td>501 N. W. Stewart Ellensburg</td>
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<tr>
<td>Charles Weidenbach</td>
<td>3300 Pearson Rd</td>
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</tbody>
</table>
To: Kittitas County Planning Commission

Regarding: American Forest Resources
Application 06-18 & 06-19

Chad Bala
Terra Design Group, Inc
PO Box 686
Cle Elum, WA 98922

First off, I would like to thank you and Kittitas Community Development Services Department Staff for your time tonight.

Directly speaking to the American Forest Resources comprehensive plan proposals (06-18 & 06-19).

Staff Report: Second Paragraph page 33 states “For the Planning Commission considerations for this proposal, pur recommendations from the Resource Lands Advisory Committee (RLAC) it has been identified to "require sub area planning in the Teanaway Drainage Basin prior to development other than at one unit per 80 acres. Sub area plan to be developed within two years of the adoption of this plan." The Planning Commission may want to take into consideration RLAC recommendation for this docket.

As a committee member I would like to point out that there were other recommendations other than sub area planning such as the sighting of a MPR or Fully Contained Community and TDR/PDR programs all with the goal of trying to retain commercial forest lands that would allow forest land owners to realize the economic potential through development of their land and the same time allowing these landowner to retain majority of their land in commercial forest. See attached White Paper prepared by KCCDS staff.

As a member of the RLAC committee and having other discussions with other members of the committee, at the previous comp plan hearing, three or four of us members remember discussing solutions and alternative planning tools, one of them being sub area planning. As stated these were recommendations that have not been adopted. During the RLAC committee meetings it was apparent that not all committee members were in agreement of sub area planning for the Teanaway Area. Furthermore, in the final visioning statement dated 5/8/2005 under Recognize the need for parity in Land Use designations. It states: Develop incentives for those lands that are contained in the Commercial Agricultural and Commercial Forest designations so property owners will want to remain in those designations. The RLAC recommends: “Require sub area planning in the Teanaway Drainage Basin prior to development other than at one unit per 80 acres. Sub area plan to be developed within two years of the adoption of this plan”.

It must be noted that not all committee members were in agreement of sub area planning for the Teanaway.

Since there are been some kind of disconnect between staff and the committee regarding RLAC discussions not having full support of sub area planning for the Teanaway, we feel that it is inappropriate to require sub area planning at this time.

Regarding Process: The recommendations that have come out of the RLAC are just that “recommendations.” To state in the staff report, regarding these two proposals in front of you tonight, that sub area planning should be required is a violation of the process. Since you the Planning Commission have not even heard, nor have made a recommendation and forwarded that recommendation to the Board of County Commissioners (BOCC), nor has the BOCC approved or adopted any of the recommendations that have came out of the Resource Lands Advisory Committee as a representative for AFR feel it is inappropriate to require sub area for these two individual applications in front of you tonight. What is in front of you tonight our request to the change the land use designation from Commercial Forest to Rural.

Sincerely,

Chad Bala
Terra Design Group, Inc

Exhibit No. A
Hearing: 06-18 & 06-19
Date: 6/28/06
Submitted by: Chad Bala
Terra Design Group, Inc

(A-2 & A-3)
This document serves as a quick guide to the issues that the Resource Lands Advisory Committee recommendations are addressing as part of the 2006 Kittitas County Comprehensive Plan Update.

<table>
<thead>
<tr>
<th>Problem</th>
<th>Solution</th>
<th>How it works</th>
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<tbody>
<tr>
<td>Determining the availability of water and where growth is suitable pending on such.</td>
<td>Require that prior to final approval of all subdivisions, that proof of a sufficient water source is in place for domestic use.</td>
<td>Prior to final approval of all subdivisions, a connection to an approved water source or a well must be in place that is producing water in sufficient quality and quantity for domestic use.</td>
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<tr>
<td>How do we keep lands currently designated Commercial Agriculture and Commercial Forest in those designations</td>
<td>Develop a Transfer of Development Right (TDR) and Purchase of Development Rights (PDR) program to allow the transfer and purchase of development rights for the Commercial Agriculture and Commercial Forest designations. The development of such programs would allow for lands designated as such to maintain the commercial use, but allow for the land to still obtain development value by selling off development rights.</td>
<td>Conduct a TDR, PDR analysis and program development that would identify “receiving” areas for the development rights and identify areas where development rights would be transferred or purchased from.</td>
</tr>
<tr>
<td>Loss of economic viability of Commercial Forest lands due to the closing of key wood mills to the county. Of particular concern is the Commercial Forest lands located in the Teanaway Drainage Basin.</td>
<td>Identify planning tools to allow for maintaining Commercial Forest lands, while maintaining options that allow for Commercial Forest land owners to realize the economic potential through the development of their land.</td>
<td>Planning tools include: development within two years of the adoption of the Plan of a subarea plan in the Teanaway Drainage Basin prior to development other one unit per 80 acres, identifying areas appropriate for possibly siting a Master Planned Resort (MPR)/Fully Contained Communities (FCC), development of a TDR/PDR program for Commercial Forest lands, allow for the use of the Cluster Subdivision Code in the Commercial Forest designation, develop a Forest Practices Ordinance that identifies the process for conversion of land currently in forestry to other uses.</td>
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<tr>
<td>Problem</td>
<td>Solution</td>
<td>How it works</td>
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<td>Rezones</td>
<td>Achieve consistency between the County Land Use and Zoning maps</td>
<td>Rezones should be limited to occur only when a Comprehensive Plan Land Use map designation change is approved within the context of the yearly review cycle.</td>
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<tr>
<td>Loss of agricultural land with good soils and irrigation, regardless of land use designation, should be minimized to the greatest extent possible.</td>
<td>Develop incentives that encourage the preservation of larger land tracts suitable for agricultural use. Provide incentives for commercially viable agricultural lands to be able to maintain farming but also allow for development potential to be realized through the development of TDR/PDR programs. Density in the Rural land use designation should be based on a public benefit rating system.</td>
<td>An element of the public benefit rating system should give high recognition to development that maintains agricultural land with good soils and irrigation by clustering development on the least productive of these lands and provides for large (greater than 40 acres) intact acresages suitable for agricultural use. TDR/PDR Programs All parcel creation in the Rural designation below a density of 1 unit per 20 acres shall use the public benefit rating system and shall use clustering to maximize the retention of open space and minimize the development footprint. Densities between 1 unit per 20 acres (1:20) and 1 unit per 5 acres (1:5) should be based on the use of a public benefit rating system at the time of parcel creation. Density of 1 unit per 2.5 acres (1:2.5) may be obtained through a TDR/PDR program that incorporates a density transfer from the Commercial Agriculture designation.</td>
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<tr>
<td>The overall footprint of development in the Rural designations should be minimized to the greatest extent possible.</td>
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<tr>
<td>Consider how the county will develop not just within the 20 year planning period but within the next 100 years – Planning for the future.</td>
<td>Develop a method to be able to identify areas appropriate for growth beyond 20 years that goes beyond identified UGA/UGN boundaries</td>
<td>Development and implementation of a “Rural Transition Overlay Zone” in the Rural land use designations that will identify areas of the county for growth beyond 20 years. This zone will provide for orderly development beyond the 20 year planning period. This will also provide for the identification of receiving areas for development rights from the Commercial Agricultural zone related to the development of a TDR/PDR program in the county.</td>
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The intent of this plan, therefore, is to declare top priority for sustained natural resource productivity and related activities. Land use activities which are not compatible with resource management should be discouraged within this land category.

The following policies will guide the county in land use decisions affecting the private sector:

**GPO 2.130** To conserve forest lands for productive economic use by identifying and designating forest lands where the principal and preferred land use is commercial resource management.

**GPO 2.131** Commercial forestland should be identified and designated based on operational factors; growing capacity; site productivity and soil composition; surrounding land use; parcel size; and the absence of urban public services.

**GPO 2.132** The primary land use activities in commercial forest areas are commercial forest management, forest recreation, agriculture, mineral extraction, sand and gravel operations and those uses that maintain and/or enhance the long-term management of designated commercial forest lands.

**GPO 2.133** To discourage non-forestry development and direct such activities and land uses more suited to those purposes.

**GPO 2.134** To encourage multiple use concepts of forest management of the greatest lasting benefit to present and future generations.

**GPO 2.135** Resource activities performed in accordance with county, state and federal laws should not be subject to legal actions as public nuisances.

**GPO 2.136** To support and encourage the maintenance of commercial forest lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33 and 84.34.

**GPO 2.137** To encourage the reasonable location, size and configuration of clear cuts so as to minimize their environmental impact and visual effect on adjacent lands and scenic routes, and on the County economic base.

**GPO 2.138** To encourage landscape management practices in areas along streams, and recreation travel routes, and around lakes, including that part of the scenic foreground seen from these areas.

**GPO 2.139** To encourage the concept of cooperative resource management among industrial timber landowners, environmental groups, state resource agencies and Indian tribes for managing the state's public and private timberlands and public resources.

**GPO 2.140** Land use activities within or adjacent to commercial forest land should be sited and designed to minimize conflicts with forest management and other activities on commercial forest lands.
GPO 2.141 To explore the possibility of clustering residential developments on adjacent non-commercial forest lands. The open space in clustered development should buffer adjacent forest land from development.

GPO 2.142 Special development standards for access, lot size and configuration, fire protection, forest protection, water supply, and dwelling unit location should be adopted for development within or adjacent to commercial forest lands.

GPO 2.143 It is the policy of the county to encourage the continuation of commercial forest management by:
   a. supporting land trades that result in consolidated forest ownerships provided that the best interests of the public are served; and,
   b. working with forest managers to identify and develop other incentives for continued forestry (Ord. 93-42).

Commercial Mineral Resource Lands

The State Growth Management Act (Section 17) states that "...each county...shall designate where appropriate... mineral resource lands that are not already characterized by urban growth and that have long-term significance for extraction of minerals." The Act defines minerals as sand, gravel and valuable metallic substances. Section 6 of the Act states that each county shall adopt development regulations to assure the conservation of mineral resource lands.

Kittitas County approved Resolution No.95-37 in April 1995, a declaration regarding GMA interim classification and designation for natural resource mineral lands of long-term commercial significance. The resolution meets the requirements of the Growth Management Act. The resolution declares that Kittitas County recognizes mineral resources as a property right and the utilization of new and finished mineral products as an important factor in the social and economic stability of the County. In addition, the County recognizes that mineral resource lands provide economic and social foundations, historical, present and future for the growth and development of the County.

The resolution defines minerals to include "metallic and non-metallic minerals of commercial value such as sand, gravel, coal, oil, natural gas, gold, silver gem stones, clay, building stone, etc." Based on a public hearing process, the County has outlined nine designation criteria for the classification of Mineral Resource Lands of long-term commercial significance. These include the following:

1. Physical properties of the resource, including a quality and type;
2. Depth of resource;
3. Depth of overburden;
4. Accessibility and proximity to the point of use or market;
5. Physical and topographical characteristics of the mineral resource site;
6. Life of resource;
7. Availability of public roads;

Kittitas County Comprehensive Plan Volume I
December 2003 Page 33
Responses to GPOs

2.131: response: Surrounding land use and parcel sizes mean that the land is not suitable for commercial forest operations.

2.133: response: other lands owned by AFR which are not adjacent to lands designated as rural are more appropriate for commercial forestry operations. Such lands are not surrounded by residential development and do not face similar conflicts between commercial forestry and residential usage.

2.137: response: Because the land proposed for re-designation is surrounding by land designated rural land use, clear cuts that are near the edges of the commercial forest lands will have visual impact on surrounding rural lands.

2.140: response: the rural designation and residential development on the land surrounding those proposed for re-designation create conflicts with the commercial forest operations. Increasing traffic related to the residential development creates conflicts with transport of logging products.

2.143: response: Significant changes have occurred in the market for forest products from Eastern Washington. It is no longer economically feasible for AFR to manage all of its land holdings solely for commercial forestry purposes. In order for AFR to continue operating commercial forest operations on bulk of its property, it is necessary for AFR to re-designate the land least currently suitable for such operations. Re-designation of some of AFR's lands will permit AFR to continue commercial forestry operations on the remainder of its lands. This encourages the continuation of commercial forest management and focuses the forestry operations on lands which are more suitable for such management.
GPO 8.3 Sprawl will be discouraged if public services and public facilities established under RCW 36.70A.070(5)(d) are limited to just those necessary to serve the developed area boundaries and are not allowed to expand into adjacent Rural Land.

GPO 8.4 Essential public facilities whose nature requires that they be sited outside cities, urban growth areas or nodes must be self-supporting and not require the extension, construction, or maintenance of municipal services and facilities. Criteria shall be established that address the provision of services when siting an essential public facility. Essential public facilities should not be located outside cities, urban growth areas or nodes unless the nature of their operations needs or dictates that they be sited in the rural area of the county.

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

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

8.5(A) GENERAL GOALS, POLICIES AND OBJECTIVES

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

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

GPO 8.6 An expanded public lands element may be added to the comprehensive plan before 1999 which contains strategies for county involvement in decisions and action on public lands within the Rural Lands designated area.

GPO 8.7 Private owners should not be expected to provide public benefits without just compensation. If the citizen desires open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice.

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

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

GPO 8.10 Factors within municipalities that encourage movement onto Rural Lands should be identified and referred to the municipality.
GPO 8.11 Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

GPO 8.12 Descriptions of rural character included in the Comprehensive Plan shall not be used as a criteria in the evaluation of an individual project application.

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

GPO 8.14 The County should develop and distribute a “Rural Landowners Rights and Responsibilities” pamphlet and require signature of having read it before any development permits are issued.

8.5(B) RURAL USES ADJACENT TO DESIGNATED RESOURCE LANDS

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

GPO 8.15 All conveyance instruments including plats, short plats as well as other development activities of a residential nature on or within 1,000 feet of land designated as resource lands, shall contain a notice which states: “The subject property is within or adjacent to existing resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of limited duration. Resource activities performed in accordance with county, state, and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted Right to Farm provisions contained in Section 17.74 of the Kittitas County Code.”

GPO 8.16 Growth in the Rural Lands should be managed in a manner that minimizes impacts on adjacent natural resource lands.

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

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

GPO 8.19 Clustering of residential development adjacent to commercial forest and agricultural lands should be encouraged. The open space in the clustered development may buffer adjacent natural resource land from development.

GPO 8.20 Development standards for access, lot size, and configuration, fire protection, forest protection, water supply and dwelling unit location should be adopted for development within or adjacent to forest lands.
GPO 8.21 During the review of proposed new land uses that have the potential to conflict with commercial mining activities, such as residential subdivision, consideration of both surface and mineral rights ownership should be included in the review.

GPO 8.22 New conflicting uses such as residential and commercial may be required by the County to locate, site and/or be screened away from designated commercial mining activities.

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

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

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

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

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

GPO 8.26 Laws and regulations which unnecessarily restrict farming, logging and mining should be opposed, and laws and regulations which enhance them should be supported.

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

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

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

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

GPO 8.31 Portions of Kittitas County are covered by the Open Range Law. If rural residents in Open Range Areas do not want cattle, sheep or other livestock on their property, it is the rural resident's responsibility to fence the livestock out.

GPO 8.32 Where appropriate, Kittitas County should exert its influence to help provide the delivery of water to all lands within the county whether the deliveries are through the Bureau of Reclamation, Irrigation Districts, or private facilities; discourage other governmental agency action impairing water rights or delivery.
same lot or parcel as such use. (Ord. 93-1 (part), 1993; Ord. 83-Z-2 (part), 1983).

17.52.040 Front, side and rear yard requirements.
There are no yard requirements, unless the property abuts a parcel of land of more restricted nature such as a commercial zone, in which case the requirements on the abutting side shall be those of the abutting property. (Ord. 83-Z-2 (part), 1983).

17.52.050 Setbacks.
If any use in this district abuts or faces any residential or suburban district, a setback of fifty feet on the side abutting or facing the residential district shall be provided, with tree planting or other conditions necessary to preserve the character of the residential district. The board of adjustment shall determine what these conditions shall be. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983).

17.52.060 Height restrictions.
There shall be no limitations. (Ord. 83-Z-2 (part), 1983).

17.52.080 Access.
All lots in this district shall abut a public street, or shall have such other access as deemed suitable by the board. (Ord. 83-Z-2 (part), 1983).

Chapter 17.56
FOREST AND RANGE ZONE

Sections
17.56.010 Purpose and intent.
17.56.020 Uses permitted.
17.56.030 Conditional uses.
17.56.040 Lot - Minimum size.
17.56.050 Lot - Width.
17.56.060 Yard requirements.
17.56.070 Structure height.
17.56.080 Setbacks.
17.56.090 Nonconforming uses.

* Referenced: Ord. 80-1-1, 77-11, 76-1, 76A-11, 76-2, 2.

17.56.010 Purpose and intent.
The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. (Ord. 92-6 (part), 1992).

17.56.020 Uses permitted.
The following uses are permitted:

1. Single-family homes, mobile homes, trailer homes, cabins, duplexes;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. (Deleted by Ord. 92-6);
6. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
7. Mining and associated activities;
8. Quarry mining, sand and gravel excavation, and rock crushing operations;
9. (Deleted by Ord. 92-6);
10. Uses customarily incidental to any of the uses set forth in this section;
11. Home occupations which do not produce noise;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;

17.56.030 Conditional uses.
The following uses are conditional:

1. Campgrounds;
2. Private trail clubs (snowmobiles, motorbikes);
3. Airports;
4. Log sorting yards;
5. Sawmills;
6. Firing ranges;
7. Golf courses;
8. Cemeteries;
9. Asphalt plants (temporary only);
10. Feedlots;
11. Public sanitary landfill;
12. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;
13. Any conditional use allowed in the agricultural zone;
14. Mini-warehouses; provided, that the following standards shall apply to the approval and construction of mini-warehouses:
   a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
   b. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
   c. No commercial or manufacturing activities will be permitted within any building or storage unit;
d. Lease documents shall spell out all conditions and restrictions of the use;
e. Signs, other than on-site direction aids, shall number not more than two
and shall not exceed 40 square feet each in area;
15. Guest ranches, group homes, retreat centers;
16. Home occupations which involve outdoor work or activities, or which produce
noise, such as engine repair, etc. This shall not include the cutting and sale of
firewood which is not regulated by this code;
17. Day care facilities;
18. Bed and breakfast business;
19. Gas and oil exploration and production; and
20. Utility substations and transmission towers;
21. Farm labor shelters, provided that:
   a. The shelters are used to house farm laborers on a temporary or seasonal
      basis only, regardless of change of ownership, if it remains in farm labor-
      needed status;
   b. The shelters must conform with all applicable building and health
      regulations;
   c. The number of shelters shall not exceed four per twenty acre parcel;
   d. The shelters are owned and maintained by the owner or operator of an
      agricultural operation which clearly demonstrates the need for farm
      laborers;
   e. Should the parent agriculture operation cease or convert to non-agriculture
      use, then the farm labor shelters shall conform with all applicable
      building, zoning, and platting requirements. (Ord. 2001-13 (part), 2001;
      Ord. 93-6 (part), 1993; Ord. 92-6 (part), 1992: Ord. 90-15 §§ 2 (part), 3
      (part), 1990; Ord. 90-10 (part), 1990; Ord. 90-6 (part), 1990; Ord. 88-4 §
      6, 1988; Ord. 87-9 § 5, 1987; Ord. 85-Z-2 (part), 1985; Ord. 83-Z-2 (part),
      1983; Res. 8310, 1983).

17.56.040 Lot - Minimum size.
The minimum lot size in the forest and range zone shall be:

1. Twenty acres;
2. One-half acre minimum for any lot within an approved platted cluster subdivision,
   served by public water and sewer;
3. Six thousand square feet for lots on existing municipal sewer and water systems.

17.56.050 Lot - Width.

1. No parcel created after the adoption of the ordinance codified in this chapter shall
   have a length-width dimension less than five hundred feet unless the parcel is
   approved under provisions established in Section 17.56.040 B and C.
2. No platted parcel shall have dimensions in excess of a 4:1 length by width ratio.
17.56.060 Yard requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five feet.
2. Side Yard. Side yard shall be ten feet, except on corner lots which shall have a fifteen-foot side yard.

17.56.070 Structure height.
No structure shall exceed two and one-half stories or thirty-five feet in height, whichever is greater. This limit does not apply to agricultural buildings. (Ord. 92-6 (part), 1992: Res. 83-10, 1983).

17.56.080 Setbacks.
The following setbacks shall be enforced for residential and accessory buildings constructed or placed on shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act:

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting such waterways;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Kechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir. (Ord. 92-6 (part), 1992: Res. 83-10, 1983).

17.56.090 Nonconforming uses.
No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-6 (part), 1992: Res. 83-10, 1983).

Chapter 17.57
COMMERCIAL FOREST ZONE
Sections
17.57.010 Purpose and intent.
17.57.020 Uses permitted.
17.57.030 Conditional uses.
17.57.040 Lot - Minimum size.
17.57.050 Yard requirements.
17.57.060 Structure height.
17.57.070 Shorelines setbacks.
17.57.080 Fire protection.
17.57.090 Water supply.
17.57.100 Building location.
17.57.110 Access.
17.57.120 Road standards.
2006 Comprehensive Plan Amendment

Land Use change from
Commercial Forest to Rural

Transway

In front of you tonight is a proposal that will grant flexibility to American Forest Resources (AFR), a timberland owner, to continue with their forestry operations in Kittitas County.

The goal of this proposal is for a land use change to Rural with the underlying zone designation of Forest & Range.

This F&R zone allows flexibility for AFR to use this zone as a transition area to continue forestry practices but also creates a buffer zone needed with twenty acre lot sizes adjacent to their remaining commercial forest land.
Changes to Natural Resource land designation should be based on consistency with one or more of the following criteria:

A) changes in circumstances pertaining to the comprehensive plan or public policy.
B) change in circumstances beyond the control of landowner pertaining to the subject property.

C. An error in designation.
D. New information provided by the landowner on natural resource lands status.

RCW 36.70A.030(3) Forest Lands
a) Proximity of land to urban, suburban, and rural settlements
b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses.
c) Long-term local economic conditions that affect the ability to manage for timber production.

- In 2005 two saw mills were permanently closed.
- In early 2006 the Naches Mill permanently closed.
- In August of 2006 the Yakima Mill permanently closed.
• Long-term economic and technological conditions which affect the ability to manage timberlands for long-term commercial production.

Criteria were established and used at a time when the Forestry Industry was a viable industry. The reality, now that mill closures have occurred, is that the forestry industry is struggling to survive.

• 2.1 provides the maintenance and enhancement of Kittitas County’s natural resource industry base including but not limited to productive timber, agriculture, mineral, and energy resources.

• Goals Policies & Objectives

2.130: To conserve forest lands for productive economic use by identifying and designating forest lands where the principal and preferred land use is commercial resource management.
2.134: To encourage multiple use concepts of forest management of the greatest lasting benefit to present and future generations.

2.137: To encourage the reasonable location, size and configuration of clear cuts so as to minimize their environmental impact and visual effect on adjacent lands and scenic routes, and on the County economic base.

2.140: Land use activities within or adjacent to commercial forest land should be sited and designed to minimize conflicts with forest management and other activities on commercial forest lands.

2.143: It is the policy of the county to encourage the continuation of commercial forest management by: a) supporting land trades that result in consolidated forest ownerships provided that the best interests of the public are served; and b) working with forest manager to identify and develop other incentives for continued forestry.
• 2.6 provides: Kittitas County will maintain a flexible balance of land uses.

• 2.7 provides: Kittitas County will cooperate with the private sector and local communities in actively improving conditions for economic growth and development.

Consistency with the proposed Rural Land Use Designation

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

• 8.7 provides: Private owners should not be expected to provide public benefit without just compensation. If the citizen desire open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice.
• 8.11 provides: Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

• 8.13 provides: Methods other than large lot zoning to reduce density and prevent sprawl should be investigated.

• 8.16 provides: Growth in the Rural Lands should be managed in a manner that minimizes impacts on adjacent natural resource lands.
• § 19 provides: Clustering of residential development adjacent to commercial forest and agricultural land should be encouraged. The open space in the clustered development may buffer adjacent natural resource land from development.

• § 26 provides: Laws and regulations which unnecessarily restrict farming, logging and mining should be opposed, and laws and regulations which enhance them should be supported.

Adoption of Ordinance 97-17
approved of 1986, 1987 from Commercial Forest Lands
• 1986-1990: 275 acres were restored.
• Current total area equals 121.3 acres.

• AIP proposal of a total of 20.5 acres to a new designation equals less than one percent (1.015%).

- Jeff Jones, General Manager
2006 Comprehensive Plan Amendment

Land Use change from
Commercial Forest to Rural
Section 26

In front of you tonight is a proposal that will grant flexibility to American Forest Resources (AFR), a timberland owner, to continue with their forestry operations in Kittitas County.

The goal of this proposal is for a land use change to Rural with the underlying zone designation of Forest & Range.

This F&R zone allows flexibility for AFR to use this zone as a transition area to continue forestry practices but also creates a buffer when needed with twenty acre lot sizes adjacent to their remaining commercial forest land.
• Changes to Natural Resource land designation should be based on consistency with one or more of the following criteria:
  
  A) changes in circumstances pertaining to the comprehensive plan or public policy.
  B) change in circumstance beyond the control of landowner pertaining to the subject properties.

• C. An error in designation.

• D. New information provided by the landowner on natural resource lands status.

• RCW 36.75A.020(B) Forest Lands
  a) Proximity of land to urban, suburban, and rural settlements
  b) surrounding parcel size and the compatibility and density of adjacent and nearby land uses
(3) Long-term local economic conditions that affect the ability to manage for timber production.

- In 2005 two saw mills were permanently closed.
- In early 2006 the Naches Mill permanently closed.
- In August of 2006 the Yakima Mill permanently closed.
• Long-term economic and technological conditions which affect the ability to manage timberlands for long-term commercial production

Criteria was established and used at a time when the Forestry Industry was a viable industry. The reality, now that mill closures have occurred, is that the forestry industry is struggling to survive.

• 2.1 provides: the maintenance and enhancement of Kittitas County's natural resource industry base including but not limited to productive timber, agriculture, mineral and energy resources

• Goals Policies & Objectives

2.136: To conserve forest lands for productive economic use by identifying and Designating forest lands where the principal and preferred land use is commercial resource management.
2.124: To encourage multiple use concepts of forest management of the greatest lasting benefit to present and future generations.

2.127: To encourage the reasonable location, size and configuration of clear cuts so as to minimize their environmental impact and visual effect on adjacent lands and scenic routes, and on the County economic base.

2.140: Land use activities within or adjacent to commercial forest land should be sited and designed to minimize conflicts with forest management and other activities on commercial forest lands.

2.143: It is the policy of the county to encourage the continuation of commercial forest management by: a) supporting land trades that result in consolidated forest ownerships provided that the best interests of the public are served; and b) working with forest managers to identify and develop other incentives for continued forestry.
• 2.6 provides: Kittitas County will maintain a flexible balance of land uses.

• 2.7 provides: Kittitas County will cooperate with the private sector and local communities in actively improving conditions for economic growth and development.

Consistency with the proposed Rural Land Use Designation

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

• 8.7 provides: Private owners should not be expected to provide public benefit without just compensation. If the citizens desire open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice.
• 8.9 provides: Projects or developments which result in the significant conservation of rural lands or rural character will be encouraged.

• 8.11 provides: Existing and traditional uses should be protected and supported while allowing as much as possible for diversity, progress, experimentation, development and choice in keeping with the retention of Rural Lands.

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

• 8.16 provides: Growth in the Rural Lands should be managed in a manner that minimizes impacts on adjacent natural resource lands.
- E.26 provides: Laws and regulations which unnecessarily restrict farming, logging and mining should be opposed, and laws and regulations which enhance them should be supported.

Adoption of Ordinance 95-47 approved of 781,297 acres of Commercial Forest Lands:
- 1988-2000: 270 acres were removed.
- Current total acre equals 781,297 acres.
- AFP proposal of a trail of 6,000 acres be a trial for a total.
- E.19 provides: Clustering of residential development adjacent to commercial forest and agricultural land should be encouraged. The open space in the clustered development may buffer adjacent natural resource land from development.

• Jeff Jones, General Manager
Planning Commission Board
8/21/06
Written Statement by Jeff Jones, General Manager
American Forest Resources, LLC

**Changed Circumstances Facing Forestry in the Teanaway**

As it stands today, without the opportunities for substantial sources of income as presented in our proposal, AFR timberlands can no longer be economically and practically managed for long term commercial timber production.

The economic viability of AFR ownership started to diminish with the listing of the Northern Spotted Owl in 1990, as a "Threaten and Endangered Species". Approximately 40% of the landscape was encumbered with regulatory constraints due to owls. In 1996, the State designated the Teanaway as a "Special Emphasize Area" for Spotted Owls with further regulatory constraints. The only alternatives available to landowners are to manage the remaining available un-encumbered land, or develop a "Habitat Conservation Plan", which could take several years and a million dollars or more to complete with no guarantee of a favorable outcome. The Teanaway was previously owned by Boise Cascade which was part of a larger holding that spread across three counties, which gave Boise Cascade greater options for meeting revenue requirements. With the sale of the Teanaway to American Forest Resources, LLC, formerly U.S. Timberlands Yakima, LLC, the Teanaway became a stand alone asset and revenue center. Because of the Northern Spotted Owl constraints, new riparian requirements with the Forest & Fish Law, short operating season due to soil conditions when wet, and now with local mill closures, it is going to be very difficult to generate enough revenue to meet operating expenses. Under current regulatory constraints, approximately 70% of the standing volume is encumbered by regulations for the Northern Spotted Owl and Riparian habitat for Fish. The Owl and Riparian rules have decreased the available land base to be used for timber production.

Most of the volume harvested from the Teanaway went to the mills in Yakima. The three mills in Yakima were purchased in 2003 from Boise Cascade by Yakima Resources, LLC. In 2005, due to market conditions and availability of wood, the purchaser shut down the two saw mills, and now announced the closure of the plywood mill beginning in August of 2006. The Layman mill in Naches, which purchased Pine, shut down early in 2006. With these local mill closures and high fuel costs, logs will have to be transported 100-200+ miles further, into Oregon, Idaho, NE Washington, and to the Puget Sound area, increasing haul costs by as much as 180% or more.

Forest landowners west of the Cascades have shorter haul distances to the mills compared to those in Eastern Washington. This gives west side landowners a competitive advantage being closer to the market making it difficult for the Teanaway to continue as a stand alone business in the log market. Westside timber, primarily Douglas-fir, grows much faster and larger, and carrying far more volume per acre than that of eastern

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Exhibit No.: B
Hearing: 06-19
Date: 8/25/06
Submitted by: Jeff Jones
Washington timber types. Having greater volume per acre, allows Westside landowners to capture more value per acre and harvesting less area than that in Eastern Washington.

The Teanaway, with a lower site class than most lands found in Western Washington, is composed of Douglas-fir (50%), Ponderosa Pine (40%), and Grand-fir (10%). Traditionally, mills west of the Cascades purchased Douglas-fir logs from the local forest lands, and have not gone east of the Cascades. The pine market has always been an eastside commodity, and now with the current situation with the mill closures in Yakima, small pine has become a negative revenue generator. Douglas-fir can be shipped to the Westside mills at higher haul costs; however, we will be competing with other forest landowners closer to those mills. The large pine market is now 220 miles away which make for very high haul costs. The mill closure in Yakima will have a substantial impact to net returns from logs sold.

The integrity of the Teanaway can be protected for wildlife habitat, recreation, and forest management, by allowing the landowner some flexibility and incentives to use a small portion of the landscape to generate revenue to stay in business. This can occur through higher densities on a smaller footprint, while preserving a large portion of the Teanaway as commercial forest. It is important to remember that higher revenues from smaller parcels will help to maintain the overall Teanaway for long term forest management. The benefits from forest management are wildlife habitat, water quality for fish, recreation, fire protection, and the production of a commodity the public demands. Today, timber companies have to consider the land and timber as the asset for revenue generation. We all want to protect and preserve our natural resource lands for all the values beneficial to society; however, the key question and consideration is “how can we keep the landowners in business”, not “how can we protect the forest land”. Without a viable industry in Kittitas County, the private forest will be lost forever.
Planning Commission Hearings for the Week of August 21 through 24, 2006 Comp Plan Amendments
Presented on Behalf of the KITITITAS COUNTY CONSERVATION COALITION

File #06-02, #06-18, #06-19 Removal of Commercial Forest Designation.

The issue presented by these amendments is removal of commercial forest land from this designation. Specific to removal of Commercial Forest Resource land a recommendation to deny is appropriate for the following reasons:

1. The current Comprehensive Plan designated commercial forest lands were in part identified in Resolution 93-41. Later Ordinance 97-17 identified additional lands for inclusion into this designation as required by an Eastern Washington Growth Management Hearings Board demand on an Order of Invalidity. Commercial Forest designation has not been reviewed in a broad and meaningful manner since the 1997 Ordinance. Removal of any land from a commercial forest designation at this time is inappropriate.

2. At this time the County has not proposed changes to this designation for consideration in the update process, nor has the County proposed a plan to review and update the commercial forest designation for purposes of the Comp Plan update or 2007 amendment.

3. Until the County updates this designation in a process which incorporates appropriate criteria, in a process that recognizes the current GMA requirements in a process that encourages public participation, in a process that includes adequate base data, etc. any amendment to the current 1990 Comp Plan as amended is inappropriate.

4. Until the process as outlined above is complete, the Planning Commission is urged to recommend denial of all proposed reduction to commercial forest lands.

5. Until the Board of Commissioners has adopted an updated Comp Plan wherein they have considered the global policies presented by the Resource Lands Citizen Advisory Committee and recommendations by others, it would be inappropriate for the Planning Commission to do anything other than recommend denial and include findings which state that these 2006 amendments are not appropriate for inclusion at this time. To do otherwise is to skew the discussion to specific sites rather than the appropriate discussion of county wide long range planning appropriate to update of the Comp Plan.

Submitted by Jan Sharar, Spokesperson for the Kittitas County Conservation Coalition - KCCC.
Planning Commission Hearings for the Week of August 21 through 24, 2006 Comp Plan Amendments
Presented on Behalf of the KITITITAS COUNTY
CONSERVATION COALITION

American Forest Resources #06-18, #06-19 Removal of Commercial Forest Designation – West Fork Teanaway River.

These amendments request removal of some 6,800 plus acres from the Commercial Forest Resource Lands of Long-term Commercial Significance for redesignation as Rural. An accompanying rezoning application for Forest and Range 20 zoning, which currently allows for minimum lot sizes of 20 acres, is proposed.

These amendments are not appropriate for consideration at this time for all of the reasons stated earlier under “Removal of Commercial Forest Designation” submitted last night by the KCCC.

Specific reasons for the Coalition’s recommendation to deny are as follows:

1. The Coalition supports the statement under the Futurewise letterhead by official endorsement, that these properties still meet the criteria for forest lands of long-term commercial significance.
2. We endorse the Futurewise statement that these properties are poorly suited for development.
3. We further endorse the Futurewise statement that milling capacity has grown substantially and demand for logs is still strong in Eastern and Western Washington.
4. The applicant argues that redesignation of this property will allow American Forest Resources the flexibility to continue to preserve its remaining commercial forest lands. There is a compelling argument since the land is available for subdivision into lots now with a minimum lot size of 80 acres. There is a market for parcels this size and these parcels can continue to be managed for the long term forest resources by private owners.
5. The applicant states as another reason for removal of these lands from commercial forest designation is the residential development slow encroachment towards the subject parcels. One might want to ask where these encroachments are coming from. Of the lots being developed, how many were created since APR purchased the subject properties? What are these residential encroachment impacts? Would granting a redesignation to Rural with a subsequent approval of a rezone to Forest and Range 20, with a potential approval of increased densities through cluster plating not put these encroachment issues in place to impact the remaining commercial forest properties we are being told the company wants to keep? Where does this stop?
6. The applicant states that all the Goals – Policies and Objectives, or GPO’s under Commercial Forest Lands in the current Comp Plan are met by these two proposals, i.e., these proposals are consistent with all the GPO’s under this section. To be consistent with GPO 2.133 which states “To discourage non-forestry development and direct such activities and land use to areas more
August 23, 2006

Mr. David Black, Chair
Kittitas County Planning Commission
c/o Kittitas County Community Development Services
411 N Ruby Street, Suite 2
Ellensburg, WA 98926

Subject: Public hearing comments regarding proposed 2006 Comprehensive Plan Update and
Map Amendments 06-18 and 06-19 by American Forest Resources and 06-02 Kevin
Kelly. Proposed amendments 06-18 and 06-19 and 06-02 change 6,256.91 acres and
640 acres, and 320.7 acres respectively, from Commercial Forest to Rural and Forest &
Range-20 designations

Dear Commissioner Black:

The Washington Department of Fish and Wildlife is very concerned with any changes to the
Kittitas County Comprehensive Plan that are likely to have a negative effect on critical fish and
wildlife habitat and species. We are especially concerned with continued annual amendments to
the comprehensive plan that permit piecemeal development, particularly where large contiguous
blocks of commercial forest lands (including critical fish and wildlife habitat) are re-designated to
allow smaller parcel sizes. These types of proposals are very likely to have significant unintended
negative consequences on fish, wildlife, and recreational opportunities that contribute to the
quality of life and the economy of local communities. It is much more appropriate to make
changes to the comprehensive plan within the context of the 10 year Comprehensive Plan Update
where overall landscape and natural resource issues may be taken into consideration.

Proposed Comprehensive Plan amendments that allow changes in zoning designations such as that
proposed within the Teanaway River Watershed, and similar areas, are of particular concern
because they will result in fragmentation of watersheds and critical habitat, and result in piecemeal
development. The cumulative effects of such developments would significantly harm the
productivity of fish and wildlife throughout Kittitas County and the Teanaway River Basin. For a
number of species, these impacts would affect species recovery efforts within the Yakima Basin as
a whole, and not just Kittitas County. In addition to habitat impacts, we are concerned with the

Exhibit No.: F
Hearing: 06-18 & 06-19
Date: 8/23/06
Submitted by: William Meyer
effect of fragmentation of lands important for outdoor recreation opportunities, especially fish and
wildlife related recreation – an important source of revenue to the local communities.

The Teanaway River Watershed plays an important role in providing habitat for key species of
fish and wildlife. Fish species present include steelhead, two species of salmon and bull trout.
Wildlife includes game species such as deer, elk, wild turkeys, etc. and non-game species such as
songbirds and birds of prey including the northern spotted owl. (Steelhead, bald eagles and the
northern spotted owl are federally protected as "Threatened Species" under the Endangered
Species Act.) The Teanaway Watershed plays a key role in providing water in the Yakima Basin,
and as the only river in the Upper Yakima Basin that retains a natural hydrograph (flow pattern)
through much of the year. It is important in shaping water flows in the upper Yakima River Basin
that create more normative rearing and out-migrating conditions for salmon and steelhead. The
Teanaway River Watershed is renowned for its primitive and unspoiled beauty and is heavily used
for recreation associated with fish, wildlife and water, and it is an attractive amenity for all
County and state residents. The Department of Fish and Wildlife recommends the Board consider
very carefully any county zoning action or Comprehensive Plan amendments requests that would
compromise these ecological, recreational and economic values.

WDFW recognizes the issues facing the timber industry in Eastern Washington and understands
that both near-term and long-term factors have in general reduced the viability of eastside
working forests for management solely for production of lumber and wood fiber. Thus, we agree
that AFR and other large landowners should be afforded some flexibility for considering planned
developments in managing large forest landscapes. It is our view that flexibility should be
included in the broader revisions to the comprehensive plan with a strong emphasis towards a
long-term holistic solution. A combination of higher density development strategically located in
appropriate zones, along with conservation of larger blocks of habitat, recreation, commercial
forestry and grazing, which have been the traditional uses of the watershed would be a viable
alternative to piecemeal, unplanned development.

In order to achieve these goals the Comprehensive Plan should incorporate the following three
things:

1. A holistic, strategic approach that is consistent with habitat protection, salmon recovery
and preservation of open space, forestry, grazing and recreation.

2. The zoning flexibility to provide opportunity to implement cluster development in non or
less important habitats, while retaining and conserving critical habitat using best available
science and least impacting development standards.

3. The ability to transfer existing water rights in a way that supports cluster development,
and in turn conservation of the bulk of the non-federal lands in the Teanaway Watershed
and throughout Kittitas County.
Without the kind of context described above we are reduced to analyzing the impacts of thousands of acres of development in some of the most productive, diverse watersheds in Washington. Those impacts are substantial. A decision involving such significant and substantial impacts must be supported by an environmental impact statement, technical analysis from agencies and planning staff, and ample public review prior to action by the Planning Commission.

We believe the impacts of land management changes within the Teanaway and other critical watersheds can be mitigated when planning addresses the watershed in its entirety. For unique areas such as the Teanaway Watershed, this should be done within the context of a Sub-area Plan. A landscape where development is thoughtfully integrated with conservation of working forestlands with critical habitats and watershed functions protected, would substantially reduce environmental risk. This approach provides a reasonable balance between development, fish and wildlife conservation, outdoor recreation, working forests, water needs and grazing opportunity.

We request the Planning Commission not take action to re-designate commercial forest lands without consideration within the watershed context.

We have provided more detailed information, and comments on the attached pages. Thank you for the opportunity to comment on these proposed Comprehensive Plan revision.

Sincerely,

Perry Harvester
Regional Habitat Program Manager
WDFW, Region 3

Cc:  Darryl Piercy, Director Kittitas County CDS
     Joanna Valencia, Planner Kittitas County CDS
     Kittitas County Board of Commissioners
     Jeff Jones, American Forest Resources
     Greg Hueckle, Assistant Director, WDFW
     CTED

Attachment: Specific Comments
Specific Background Information, Concerns and Comments - 2006
Comprehensive Plan Map Amendments 06-18 and 06-19, Change 6,896.91 acres of
Commercial Forest designation to Forest and Range-20, Teanaway Watershed,
proposed by American Forest Resources

Concerns Regarding Application Materials
The maps provided in the application materials do not provide sufficient information to allow
public review and comment on these proposals. The maps need to show the parcels and adjacent
lands, the location of all the parcels within the context of the watershed, and the location of
subject parcels relative to other lands suitable for commercial forestry. The maps should include
information about topography, watercourses, roads, land ownership, and current zoning.

The proponent of the amendments should provide specific information with the application
material that identifies how the parcels have changed to where their current Commercial Forest
designation is no longer appropriate, and how the proposed amendment has been crafted to
ensure the remaining commercial forestland is not adversely affected by the proposed changes.

The application materials should include a discussion of water needs associated with this proposed
plan amendment. Water in the Teanaway sub-basin is currently over-allocated. Current land
management (commercial forestry) is adequately served by the water available. Without
additional information to the contrary, the reviewer should conclude that the proposed re-
designation of 6,896 acres (10.77 square miles) to more intensive use would require substantially
more water for domestic uses that will adversely affect water availability in the sub-basin.

AFR emphasizes the closure of the Yakima mill as the important change of conditions that makes
the subject lands no longer suitable for commercial timber production. However, the mill closure
affects all forestlands in Kittitas County and the Upper Yakima River Basin. If the Planning
Commission were being asked to base the decision on the closure of the Yakima mill, then
presumably this would be precedent to re-designate most of the commercial forestlands within the
county to Rural or Forest and Range.

From the information provided with the application, it appears that all lands identified in the
amendments continue to meet the criteria for commercial forestland and should remain so
designated. The Teanaway Watershed is comprised of a large blocks of public and private forest
resource lands. Commercial forestry continues to be practiced by multiple landowners (AFR,
DNR, USFS, and small land owners) within this watershed. The proposal to remove 6,896 acres
of lands from commercial forest designation would logically further harm the timber industry in
Kittitas County and increases the likelihood of conflict between forest management and residential
development. Removal of commercial forestland may also preclude new specialty mills from
relocating within Kittitas County.
Environmental Impact Statement (EIS) Needed for Re-designation of Large Acres of Commercial Forest Lands

The proposal to re-designate 6,896 acres (10.77 square miles) of lands within the Teanaway Watershed, from Commercial Forest Lands (large parcel size) to Forest and Range and Rural with smaller parcel sizes conducive to real estate development, will have significant adverse impacts on fish and wildlife and water availability. There are no measures proposed to mitigate these impacts. An Environmental Impact Statement should be prepared prior to any action by the Planning Commission, to ensure that the public and the Commissioners are fully informed of the alternatives and consequences of their decision prior to taking action on the proposed amendments.

Biological Concerns

Salmon Recovery in the Yakima Basin
The Teanaway River watershed plays a particularly important role in salmon recovery efforts within the Yakima Basin. The Teanaway is the largest un-regulated tributary in the Yakima River Basin, draining an area of approximately 207 square miles. The majority of the habitat in the Teanaway watershed is presently in a natural state beneficial to fish and wildlife. American Forest Resources currently owns approximately 1/3 of this important watershed. Existing commercial forest activities have significant impacts on the aquatic environment, and the proposed re-designation of commercial lands would compound those impacts to the health of the Teanaway ecosystem.

The Teanaway supports important stocks of steelhead and bull trout – both species listed for protection under the Endangered Species Act (ESA). Approximately forty percent of steelhead returning to the Upper Yakima River Basin spawn in the Teanaway (Karp, C. et al. 2003-2005, Hockersmith 1995). Additionally, the Teanaway bull trout population is genetically distinct from all other bull trout populations in the Yakima River Basin, and population levels are critically low and currently have a high risk of extinction (WDFW, Reiss 2003, USFWS 2002). The draft USFWS Bull Trout Recovery Plan identifies the Teanaway River as critical habitat.

The Teanaway was historically one of the top producers of spring Chinook (Bryant and Parkhurst 1950, as cited in YN 1990). Currently, the Teanaway is the focus of a major Chinook salmon re-introduction effort by the Yakima-Klickitat Fisheries Program. The Cle Elum Supplementation facility is a state-of-the-art hatchery that produces Chinook for three acclimation sites in the upper Yakima Basin. The Jack Creek acclimation facility, on the N.F. Teanaway is one of the acclimation sites. Re-introduction of Coho salmon by the Yakama Nation is occurring downstream and is likely in the Teanaway. The Teanaway watershed also supports a diverse assemblage of other native fish and aquatic species.

The Salmon Recovery Plan for the Yakima Basin lists water temperature and flows as two major limiting factors in the Teanaway watershed. Significant public investments have been made in re-vegetation efforts to improve temperature, while irrigation efficiency efforts and water
leasing/purchases have improved river flow conditions. Additionally, irrigation withdrawals have been screened and fish barriers removed, in order to reduce mortality and re-open habitat. Significant increases in residential development in the watershed would be highly likely to have significant adverse affects on water temperature, flows and water quality.

Protecting key functioning habitat for these species with conservation easements or fee simple purchases is a key recovery action identified in both the Yakima Subbasin Plan (YSFWPB 2004) and the Yakima Subbasin Salmon Recovery Plan (YSFWPB 2006). These plans also specifically identify protection of existing quality habitat in the Teanaway MSA (Major Spawning Area) as a key action that has a high chance of success. The Subbasin Plan Summary identifies protection as a priority strategy to address key habitat quantity (table 11) and key habitat diversity (table 12).

The USBOR, Washington Water Trust, Kittitas County Conservation District and the Yakima Tributary Access and Habitat Program have all been collaboratively working to improve habitat conditions in the Teanaway watershed.

**Spotted Owls**
The Teanaway is a significant landscape for the recovery of the federally threatened Northern spotted owl. Douglas-fir forests in the basin support an important population that link protected public (Wenatchee National Forest Late Seral Reserves, USFS 2006) and private lands (Plum Creek HCP lands). The owl habitats are identified in both state and federal spotted owl habitat protection documents (Federal – draft Critical Habitat for N. Spotted owl, 1992, and WA state DNR, Forest Practices Board Rules, I-90 East Spotted Owl Special Emphasis Area). Owls in this landscape are well studied and represent one of the most reproductively successful populations in the state of WA (USFS data). Long term research in the upper Teanaway and the surrounding habitats continues. Quality habitat for this species exists throughout portions of the Teanaway, particularly in the north and west portions of the landscape. Loss of habitat range wide is believed to be the leading cause of species decline (USFWS Recovery Plan, 1992), exacerbated by the presence of the invasive barred owl (which occur in the Teanaway in small numbers (USFS 2006). Dispersed development would hinder species recovery.

**Northern Goshawk**
Goshawk is known to nest in the forests of the Teanaway, and share the habitat with the spotted owl. This state listed species is of concern, along with the spotted owl.

**Grizzly Bear**
The recovery area identified for the federally listed grizzly bear encompasses mountainous areas north of I-90 in WA. Federal lands in the upper Teanaway are within this area. (USFWS). Several high probability sightings of Grizzly bears have occurred in the upper Teanaway in recent years (WDFW/USFS data). WDFW is concerned over development encroachment on this remote habitat, and the possibilities of conflict with year around human presence.

**Low elevation Pine Forest-Associated Wildlife**
Dry forests dominated by ponderosa pine have been heavily managed in the inland west. Species associated with these habitats are in decline across their range. For example, the White headed woodpecker is state listed, and thought to be in severe decline across its range (WDFW PHS species data). Forest management that retains adequate large tree over-story, and snags, can accommodate many of these species, but residential development will preclude their presence due to removal of key habitat structures (i.e. snags and large trees) within developed settings.

Protection-Integration of AFR pieces with working DNR forests and Multi-use working USFS forests

Forests in the Teanaway were managed for many years as the Teanaway Tree Farm. These lands are productive and easily managed for forestry due to the adequate soils and rainfall for growing trees, and the gentle terrain for efficient management. Many, if not most, of the practices on the managed forest here provided habitat for species of interest to WDFW. Protection and maintenance of this working forest landscape would provide for the wildlife, and associated recreational land uses that have traditionally been a part of Kittitas County.

Wildlife Conflict

WDFW already responds to significant problems in Kittitas County related to conflicts between humans and wildlife. Dispersed development in high quality habitat invariably exacerbates this problem. Migratory animals such as elk are often displaced by development, often onto neighboring farms. This conflict affects the viability of elk herds and economic harm is caused to neighboring landowners from elk eating crops, damaging irrigation equipment and fences. Traffic safety is confounded by elk displaced from existing habitat that cross roads they would normally be able to avoid. Fracturing high quality wildlife habitat through piecemeal development increases interactions with dangerous wildlife like cougars and black bear. The animals not only are potentially a threat to the residents in a new development but also can easily be displaced onto neighboring property. WDFW has limited resources and we are currently struggling to respond to increasing human-wildlife conflicts in Kittitas County. We cannot guarantee timely responses to new conflicts created by additional development in wild land areas. This is especially true for elk conflicts, since our priority is response to elk conflicts in agricultural areas.
ADDITIONAL STATEMENT ON THE SCHEDULING OF THE 2006 COMP
PLAN AMENDMENTS AND THE COMP PLAN UPDATE
PRESENTED ON BEHALF OF THE KITITAS COUNTY
CONSERVATION COALITION

It is our understanding that the Planning Commission intends to begin review of the proposed changes to the Comp Plan not included in the 2006 amendment docket after numbers 18 and 18 of the amendment testimony is concluded. This of course only if time is available.

It is also our understanding that the other possible schedule is to go into regular business with the exception of Plat 09-20, which is moved to Thursday night. Again with the assumption that adequate time is available.

Our concerns around scheduling the update items this week is still relevant. You mentioned a date, perhaps September 6, for deliberation and decision on the amendments. Hearing the items for update during the week of September 6 or the following week will allow the public and the Planning Commission adequate time to read all the materials presented this week during the amendment hearings. A break between the amendment hearings and the update will also allow for adequate time for the Planning Commission to review the materials available in their books on the update, including mandatory elements and scoping documents.

Please understand that the GMA requires review of all mandatory elements and in the case of Kittitas County there are numerous policy statements that deserve attention in this update. The importance of this update process cannot be overstated.

The Kittitas County Conservation Coalition believes the following approach to rewriting the Comprehensive Plan will be less confusing and complicated for the Planning Commission and the mandated public participation process that applies:

1. Request the COS schedule a separate round of hearings in September for the Comp Plan update.
2. On each amendment that has come before you during this week of hearings we recommend that they be carried forward for consideration for a single hearing after your recommendation on the update is completed. You would therefore be hearing amendments against a recommended updated Comp Plan and not the Comp Plan in place at this time.
3. Following this procedure will allow for a consistent approach to the amendment process and will decrease the confusion and difficulty associated with the schedule you have been asked to follow.

Keeping the records of the amendment hearings and the update hearings separate will aid the process for you, the public and eventually for the Board of Commissioners. We continue to maintain that to do otherwise is to confuse the process unnecessarily.

SOME EXAMPLES
In addition, from the memo dated August 9 2006 from Darryl Piercy to you, work items #1, #2, #4, #5, and reference to the mandatory utilities element all appear to need additional work preferably prior to the Planning Commission hearings on the update.

Exhibit No.: F
Hearing: 08-04-06-19
Date: 08/23/06
Submitted by: Jon Sherman
Draft language from staff based on input received and new legal requirements of the GMA are examples of items that do not appear ready for testimony at this time.

Under the Land Use mandatory element pertaining to Ground Water 2.2F, there are references to the Tri-County Water Resource Agency that are no longer relevant because the County pulled out of this effort. Are the statements in the current Comp Plan still appropriate with the need we now have to learn more about water resources?

2.2(F) Ground Water

Kittitas County recognizes the importance of ground water to the economic well-being of the area.

This section shall not impair or interfere with any lawful right to withdraw and/or use groundwater. (see Section 2.2(B) Water Rights).

Kittitas County currently participates in the Tri-County Water Resources Agency and as such understands the importance of a ground water recharge study of the Yakima River Basin as a whole.

GPO 2.91A Kittitas County shall ensure that citizens water rights are adequately addressed and protected to the fullest extent in any ground water study conducted by any governmental entity, including state and federal agencies.

GPO 2.91B Kittitas County should investigate funding for a groundwater recharge study in conjunction with the five incorporated cities within the County and the State consistent with ESHB 2514 and the efforts of the Tri-County Water Resource Agency.

GPO 2.109C Kittitas County will consider creating a wildfire protection policy tied to land use zoning that will protect both the private landowner and public lands from wildfire. When the use of forested lands is changed, the party doing the changing is responsible for providing a fire resistant buffer around the property.

GPO 2.109D Kittitas County will to the extent possible create a policy to preserve the grandfathered rights of private landowners to build roads on public lands under statute RS 2477.

GPO 2.109E Kittitas County will consider establishing a board to coordinate with the federal and state fish and wildlife agencies to provide local input into decisions about wildlife introduced into the area.

GPO 2.109F All agencies and jurisdictions shall recognize the area's traditions, customs, cultures and economy.

GPO 2.109G Kittitas County recognizes that local tax burden on private lands is increased when private land is changed to public ownership. Such changes should be discouraged.
Comprehensive Plan revisions meeting
Ellensburg, WA August 23, 2006
From: Lila Hanson, Swauk Prairie -674-2748

Re: proposed loss of 3-acre agricultural zoning option
Over years of ag zoning concerns, I've seen lots of good sounding but counter-productive ideas and this is one of those. Small-lot (1-3 acres) zoning in ag zones permit farmers to sell off small, less productive lots in hard times rather than having to sell large parcels of farmable land or the entire farm.

That was the intent of our original ag 3 zone. A similar process was the recommendation of the ag committee formed when state land use planning supplant Kittitas County's local planning 10-15 years ago. And that is what makes sense if it is the intention of our planning to encourage our traditional, intergenerational farms to survive in the mix of land uses.

It may be the county's intention to have all recreational homes and just the "appearance of farms" via 20 acre horse keeps, weed patches and hobby farms - all dependent on non-farm incomes. Within the past two years, the exemption for farm families to add a small house on the place for an elderly relative or a young couple has been revoked. Without small lot ag zoning, any family adding a home will need to isolate 20 acres of farmable land.

If the concern is that there are too many 3 acre lots being created, then the need is for limiting density, not lot size. For years, it has been obvious that we need to separate lot size from density, especially on uneven terrain like much of Kittitas County. Slapping a 20 acre grid on everything is lazy, counterproductive, and results in poor planning and use.

Lately, government's use of the 3 acre zone, like its exempt segs, has left much to be desired. But the small-lot ag zone is a useful tool that should be available, just more carefully described so that it works for farm retention and not as an incentive for hasty land speculation.

Please recommend that we leave a one to three acre minimum lots size zone among our comprehensive plan choices for agriculture and let's work on the other documents to make it impossible for county officials to confuse our traditional working farmers with outside speculators.

Exhibit No.: G
Hearing: BLAC
Date: 8/23/06
Submitted by: Lila Hanson
Comments to Kittitas County Comprehensive Plan Update

Prepared by:

Phil Hess, Pres., Kittitas Chapter
Washington Farm Forestry Association (WFFA).
8/21/06

WFFA is an organization representing family forest owners across the State. Our mission is to promote sound Stewardship of all resources associated with a forested landscape and to promote policy that encourages family forest owners to keep their land in forestry.

There are 55 family members in the Kittitas Chapter representing about 165 individuals.

In Kittitas County the role of forest land for wood products production as changed significantly in the last 16 years. There are several interconnected reasons why this change continues to occur:

1) Manufactures of wood products generated from Kittitas County raw material must compete with other manufactures in a world market.

2) Forestland used for growing marketable timber for harvest must compete with other timber producing regions in North America and the world. It takes longer to grow a marketable product in our area as compared to other regions. This drives up holding costs.

3) To remain viable manufactures must have a steady supply of raw material at competitive costs.

4) Manufacturing markets in Central Washington have been declining for several years.

5) Recent closures of the Yakima and Naches mills as shifted our available markets to Oregon, Northeast WA and Western WA resulting in a major increase in logging costs.

6) In reality, it has become increasingly marginal for our timber based industry to remain viable especially with the cyclical log markets typical within the industry.

We all recognize that there are significant values, other than wood products, inherent in Kittitas County private forests and it is good public policy to preserve those values.
Because of this changing economic viability I would like to make the following 3 points that the Kittitas County Comp. Plan Update should provide for the forest landowner.

1) Forest landowners need the flexibility to sell off some land in order to retain the balance in long term forestry. This economic incentive is needed to balance the long holding period in the commercial forest and provide management to create and maintain a healthy, firesafe forests.

2) The use of Cluster Developments, TDR’s, PDR’s are planning tools that will allow forestland owners to realize economic benefits, enabling them to carry the commercial forest long term. Also, in some localities, it will be appropriate to change commercial forest to Forest & Range 20 in order to allow the Cluster concept. A cluster development is better than 80 acre parcels.

3) Open Space areas created in a Cluster Development should have an approved land stewardship plan that will create and maintain a healthy, firesafe forest, provide wildlife habitat, maintain native plant communities (including control of noxious weeds), and provide for soil and water protection.

One issue that we do not see addressed in the Comp. Plan update is Fire Protection. As the County Wildland Urban Interface (WUI) expands we believe this should be addressed.

Therefore, recommend that the County Comp plan provide that all forested communities be incorporated into an approved Community Wildfire Protection Plans (CWPP). There is only one CWPP in Kittitas County: Liberty.

The main purpose of CWPP’s is for localities to improve their wildfire mitigation capacity and to work with agencies to coordinate efforts to identify high fire risk areas and prioritize areas for mitigation, suppression, and emergency management. Expedited fuels reduction and community safety are the two most important objectives.

The DNR plays a key role in assisting communities formulate CWPPs and will confirm that the plan meets Federal standards which in turn opens the door for financial assistance. Communities therefore have two incentives to develop CWPP’s: improved fire protection and the attraction of federal dollars.

A CWPP can be a single community, a drainage or Fire District. We recommend a Fire District.
June 21, 2006

Darryl Piercy, Director
Kittitas County Community Deve. Services
411 North Ruby Street, Suite 4
Ellensburg, Wa 98926

Re: Resource Lands Committee Proposal

Darryl,

I left the meeting on Monday night a little disturbed that issues I thought would be discussed before releasing this to the planning commission were being overlooked. Numerous times during the course of our meeting, when we started to get bogged down in details, the comment was made that we would look at the details once we had a consensus on our direction. While commercial forest was our main topic on Monday as urged by Jeff, I think this is just one of the details that need real attention before this leaves our committee. I am also not interested in seeing this come from our committee in parts; I think we need to spend the time on the details now before any further public presentations are made. We have been dwelling on the theory of this idea and we need to spend time on looking at reality.

We as a committee agreed to release this for public comment as a consensus strictly for the idea of receiving public comments back. We were also to look at what we would like to see in the future without the consideration of state GMA requirements. That we did, but now we need to see if this works under those same regulations. In its present form, I am not interested in seeing my name associated with the proposal. The primary issues I have are as follows:

1. Parcel sizes of 20 acres or less in rural lands - There was no representation from this group on our committee and I think this was completely overlooked. As we discussed, a solution would be to allow for these parcels to continue with short plat provisions as allowed by state law and in conformance with rural parcels sizes of 1 unit/5 acres. But it need to be laid out within this proposal or it will not become reality.

2. Current Zones of 3 acres - Your statement that an individual going through the counties rezone process and gaining this designation has "guarantee them
nothing” doesn’t seem right. If someone has satisfied the county and paid the price to a point of receiving 3 acres zoning, this should be grandfathered as his base rate under any provision that we put forth for consideration. My suggestion would be that these individuals would be given the option of using the 3 acre designation or opting for the new density bases with bonuses. Why fight when there is no reason to. Again, as part of this proposal.

3. Water issues- It was discussed a number of times that without water regulations at the state level being changed; this type of proposal wouldn’t work. What good is a bonus density if the land under consideration is limited to 9 units or 14 if you want to buy into the Dept. of Ecolgies issues? We can not take away an owners option of straight sub-divisions into 5 acre tracks without giving options, and water is something that will derail this in very short order. Without basic sub-divisions, and owner is left with one well regardless of parcel size. The current rezone process at least provide for some relief as applied today. We also should look at buildable lands and if they will increase or be greatly restricted within the proposed. If water as an issue was solved, I believe we would increase buildable land/lots. If water remains as is or is further restricted, buildable lands will be drastically reduced. That’s reality and we need to address it now and not later.

4. Commercial lands within the county- If the information you have supplied us with is correct (140 acres), this is something that needs to be addressed now. I am tired of sending very sizable amounts of taxes to other counties. If you understand the taxing regulations within this state, you know that we need to provide commercial entities the option of basing themselves within our county. With the growth we are currently seeing, our surrounding counties are gaining a windfall at our expense. We have a chance to make a change and for the time I have devoted to this I expect nothing less. Looking to the cities and UGA’s for relief has merit but the current mentality will not meet our needs. This needs to be in front of us for consideration.

While I think time should be spent looking at case studies of this in application, the above are items that must be address before this moves forward. My last issue is making sure that we are looking to put this within the Comprehensive Plan for the County. While I think general guidelines are appropriate within the comp plan, are we sure that something this detailed should be here or in separate ordnance form? Just the process for changing a comp plan should make us very suspect whereas something in ordnance form would be easily reviewed and amended. What we are talking about is something very bold and different; should we put it in a context that would be more available to change or adjustments. Finally, I would like to say how much I have enjoyed being a part of this. I have found all parties at the table to be well informed and interested in what the future of our county should look like. With that said, I would not like to see a proposal go forward from our group that was not going to work because we were forced to meet a timeline and in our haste, overlook some very
important details that provided for more negatives than positives. Kittitas County is at the beginning of a very bright future, I think giving it the time necessary is the least we can do. In preference to seeing this proposal move forward in its present form, I opt for the current system that we all agreed was not broke.

Thanks for your consideration,

Jerry T Martens

Cc: Perry Huston
    David Bowen
    Al Crankovich
As a recent homeowner and landowner in upper Kittitas County, I have endeavored to learn the policies and procedures for real estate development in the county so that I might plan for my – and my properties’ – futures. After sifting through the printed and electronic media, attending public meetings, and meeting with private officials and other members of the community, I’ve come to realize that there exists in this county a small but vocal constituency that is extremely concerned about land that is – in virtually every case – not their own. At the same time, I have not encountered any organized or vocal advocacy for the property rights of landowners. Perhaps that’s because there’s universal understanding of the rich historical precedent of property rights in everything from the US Constitution, to Washington State’s Growth Management, to the Kittitas Country Comprehensive Plan. But on the off chance that not everyone has the rights of property owners in mind, I would like to comment on the recommendations of the RLAC from that point of view.

Before doing this, however, I would like to emphasize the traditional role of government – at each level, but particularly here at the county level – in providing a stable long-term basis for planning. I would also like to point the Planning Committee to a recent editorial by Dr. Mathew Munweller in the Kittitas Record titled the “Law of Unintended Consequences” (full text attached).

The recommendation of the RLAC to establish a base density of 20 acres for Rural-designated lands fails to take into consideration many of the dictates of the GMA. To put this 20 acre parcel proposal into perspective, there are – as of this morning – 21 properties in the MLS of between 20.2 acres and 25.4 acres with prices from $885K to $422K, for an average of just under $11K per acre. Using a common “rule of 3” for commercial real estate development, this would lead to a finished home price of $660K. Not coincidentally, there are also 5 single-family residential properties of between 21 and 27.2 acres ranging from $525K to a staggering $2MM. Considering those numbers, there is no evidence that the RLAC recommendations in any way support GPO 3.1 (to “Provide a sufficient number of housing units for future populations in rural areas of Kittitas County” nor – having restricted property development – do they support GPO 3.6 (to “Provide for future populations while protecting individual property rights.”)

I will assume that the Planning Committee is cognizant of the amended total of 14 planning goals of the GMA, but I’d like to highlight the 2nd sentence of Goal 6 – Property Rights, which says that “The property rights of landowners shall be protected from arbitrary and discriminatory actions.” In 20 acres a well-calculated measure of what rural land can support?! In fact, Chapter 8 of the current Comprehensive Plan says otherwise, stating that “There exists a generalization that 5 acre minimum lot sizes might preserve ‘rural character’.” It goes on to say (more details on Chapter 8 attached):

“...over the past fifteen to twenty years Kittitas County has experienced “rural sprawl” through the adoption of 20 acre minimum lot sizes, which has caused the conversion of farmland into weed patches. Small lot zoning with conservation easements for agriculture, timber, or open space may be preferable to the wasteful “sprawl” developments of large lot zoning and could be more conducive to retaining rural character.”

While I appreciate the diverse viewpoints – and significant effort – that when into creating the RLAC recommendations, I do not believe that they do enough to protect the rights of the property owners of Kittitas County. In fact, if adopted, they may significantly undermine those rights.
CHAPTER EIGHT: RURAL LANDS

8.1 INTRODUCTION

Requiring public benefits from private lands in Kittitas County not only involves finding a method of compensation, but may be needlessly duplicating uses already available on public lands.

... Are large numbers of people in the rural areas really a problem? How much population transfer from urban to rural areas can take place while still calling rural areas “rural?” Kittitas County has struggled with this question without finding an answer. Population allocation is a guessing game in Kittitas County where so many of the people have out of county residences such as college students, “snow-birds”, Seattle area commuters, and vacation home-owners. Seasonally occupied homes have different impacts on services than do those occupied by permanent residents. These impacts need to be studied.

... There exists a generalization that 5 acre minimum lot sizes might preserve “rural character.” The County Planning Department has GIS data showing over 603,716 acres eligible for consideration as rural land. If so, Kittitas County will retain rural character for a long time based on the five acre density criteria. State planners are concerned about “urban sprawl” with less than five acre minimum lots sizes. However, over the past fifteen to twenty years Kittitas County has experienced “rural sprawl” through the adoption of 20 acre minimum lot sizes, which has caused the conversion of farm land into weed patches. Small lot zoning with conservation easements for agriculture, timber, or open space may be preferable to the wasteful “sprawl” developments of large lot zoning and could be more conducive to retaining rural character.
Growth Management Act – Planning Goals

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

3. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

4. 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.

5. 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.

6. 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.

7. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

8. 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.

9. 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.

10. Environment. Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

11. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

12. 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.

13. Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.
The Law of Unintended Consequences

Dr. Mathew Manweller, Professor of Political Science


Daily Record, June 30th, 2006

Recent calls for a zoning moratorium have made it clear that Kittitas County is soul-searching about how to preserve the rural nature of our community. Because this topic is capturing so much political attention, it's a good time to discuss The Law of Unintended Consequences. The “Law” tells us that when people set out to accomplish Objective A by imposing Rule B they may, indeed, accomplish Objective A, but they may also create Unintended Consequence C. This is exactly what happened in Kittitas County and it is why our “rural nature” is dwindling.

There are three industries that make up county rural: farming and agriculture, ranching, and logging. With these industries come open spaces, recreational forests, and beautiful views. Without them, you get subdivisions. The dilemma we have been facing in the last three decades is that the very industries that make communities rural are also industries that have potentially harmful effects on the environment. In our zeal to protect the environment (Objective A) we imposed a cumbersome host of regulations on rural industries (Rule B). We have, as intended, creanted a more protected environment. We have also increased the cost of doing business in these three industries, pushing many farmers, ranchers, and loggers to “exit the market.” When they exit the market, they have large plots of land they no longer need or want and begin selling their land to interested developers (Unintended Consequence C).

Take for example the now gone logging industry in the upper county. When it existed, people were concerned about logging practices and their impact on the environment even though they enjoyed easy access to hiking and fishing in the summer and snowmobiling in the winter. To alleviate concerns about the environment, our logging industry came under a well intentioned assault. A 1998 lawsuit by the Alpine Lakes Protection Society against Plum Creek Logging shows the extent to which we regulate logging in this country. When Plum Creek actually tried to log some of its trees (you know, to stay in business) they were being regulated by the Department of Natural Resources, the Department of Ecology, and the Forest Practices Board. They were already subject to SEPA provisions, Endangered Species Act provisions, and bound by Watershed Analysis requirements. But that wasn’t enough. When they got sued, they had to prove they were mitigating effects on recreation, aesthetics, and grizzly bears. As noble as these goals are, they have the unintended consequence of making logging very difficult and unprofitable. When logging becomes unprofitable logging companies sell off their land. Hmmmm? Who would want to buy large tracts of forest land in a rural community close to Seattle? In stop developers.

This story can be repeated with both farmers and ranchers in the starring role. Those on the left correctly pointed out that farmers use pesticides and crows harm river banks and riparian zones. So, we, regulated and regulated to the benefit of the environment. But, many farmers and ranchers threw up their hands, realizing it was easier to sell their land than navigate an increasing body of complex regulations enforced by a compassionless Department of Ecology. If you take away a farmer’s ability to farm, he is not going to leave the land untouched for your viewing pleasure. He is going to sell the land to a developer. The Law of Unintended Consequences strikes again.

Here is the irony. Those people who once crusaded against loggers, ranchers, and farmers are now the same people who are expressing shock over the decreasing rural nature of our valley. Refusing to accept they are the cause of this long-term change, they seek an easy scapegoat. The simplistic blame developers. The ignorant blame Perry Huston and the clueless blame free trade. Here is the uncomfortable truth: stuffing county commissioners or re-writing the Comprehensive Plan have limited impact on preserving the rural nature of our community unless, we also adopt a regulatory environment that is friendly to the professions that make this county rural. Too many people in this valley believe that salvation can be found in a clever zoning plan or in a moratorium by fiat. These people are blinded to the mistaken belief that we are running out of farmland when in reality, we are simply running out of farmers.