serve and benefit the public.
the four lots that will adequately 
Create a usable and viable zone with 
from Rural to General Commercial 
Change property land use by zoning

Project Goals
Lake Cle Elum area.

7 service area in the Ronald, Roslyn &
8 roads to serve the upper SR 903
round commercial retail business
comprehensive zoning of 4 lots for year
plan map to allow general
change the existing comprehensive

R&R Heights Land is requesting to

Description
Primary access is likely to be off State Route 903. The property abuts the Coal Mine Trail.
The County Wide Planning Policy to promote Economic Development sets a precedent by allowing commercial zoning outside the UGA which supports zoning south of Roslyn along the SR 903 corridor off Carek Rd. The County has approved a rezone and comp plan amendment to commercial.
amendment Z06-29. The two properties are almost immediately a mile apart.

The surrounding land uses of subject property are similar to approved comp plan
The Commercial Central Zone in Roslyn and the General Commercial Zone in Roslyn are very sparse in the surrounding communities. This tells us that the initial opportunities in Roslyn is 28.43 acres. This is only a few lots not developed and Ronald only lacked adequate parking for the public. Total amount of commercial property in Roslyn is 49 acres of commercial property.
Koslyn's Parking Study shows 230 possible public parking spaces. With 72 of them east of the city actually being 50 or 60 spaces due to setbacks.
with coordination with the State & County

plan map amendment can push the re-alignment of Horvall Rd Forward; along
should to be re-aligned into SR 903 for safety reasons. The change in the comp
for public parking, sidewalks and roads. WSDOT has commented that Horvall Rd
the property consists of four separate lots that total 18.74 Acres. The agreement allows
Competitive Analysis, Cont.

5'000 gallons per day.

Nontransient Noncommunity water system that would not exceed a transient Noncommunity or a Water system classified as either a Group A Noncommunity which is adequate to serve the use of the property.

Existing Group B well is certified to pump 30 gallon a minute.

Street.

Complies with County Code 17.40.090. All lots shall have a public.

Property has an existing well to serve development.

Property can provide public parking for Commercial Development.

Property has two existing accessory points.

Property abuts and is served by two Public roads.

Property is within the SR 903 Corridor.
CONSULTANT'S REPORT

TO: Kittitas County Planning Commission

FROM: David Taylor, Taylor Consulting Group

DATE: November 26, 2007

RE: Comprehensive Plan Map Amendment – Graybill 07-02

Application
Mr. Brian Graybill has applied for a map amendment to change the land use designation from Commercial Agriculture to Rural. The subject property is bounded by Thrall Road on the North, Payne Road on the west, Denmark Road to the east, and the Cascade Canal on the South. The parcels are not currently in agricultural production, as both parcels are approximately 17.90 acres in size, well below the acreage necessary for long-term agricultural investment. The area has experienced significant residential development over the past several years.

The surrounding land use is best characterized as mixed use, agriculture and residential. The parcels immediately adjacent to the subject property to the north (across Thrall Road) has been re-designated to Rural land use in the not to distant past. In addition, there is another large area to the south that was also re-designated to Rural land use.¹

Under the Growth Management Act (GMA) Counties are required to designate Agricultural Lands of Long-term Commercial Significance (Ag-Lands). When designating or re-designating Ag-Lands, Counties are advised to first consider the definition provided in the GMA. Ag-Lands are defined to mean:

“land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.”²

The subject property is not “primarily devoted to the commercial production of” any agricultural commodity. In addition, at 17.90 acres in size, neither of the parcels have “long-term commercial significance for agricultural production.”

¹ See Map 1
² RCW 36.70A.030(2)
A 2006 Washington State Supreme Court decision\(^3\) provides valuable insight into the requirements of the GMA as it relates to designating Ag-Lands. According to the Supreme Court, "counties must do more than simply catalogue lands that are physically suited to farming. They must consider development prospects--i.e., the 'possibility of more intense uses'--in determining whether land has the enduring commercial quality needed to fit the agricultural land definition."

Given their size of the parcels and proximity to more intensive uses, the subject parcels do not have the "enduring commercial quality needed to fit the agricultural land definition".

The County’s application for proposed Comprehensive Plan amendments includes several questions which must be answered. These include:

A. Why is the amendment needed and being proposed?

_The subject property is approximately 35.80 acres in size, well below the acreage necessary for long-term commercial agricultural practices or investment. The area has experienced significant residential development over the past several years, making to proposed land use map amendment consistent with surrounding land uses.\(^4\)_

B. How does the proposed amendment consistent with the County-Wide Planning Policies for Kittitas County?

_The proposed land use re-designation is consistent with the CWPP._

C. How is the proposed amendment consistent with the Kittitas County Comprehensive Plan?

_Kittitas County identified and designated Agricultural Lands of Long-Term Commercial Significance by considering the following designation criteria:_

- _The current zoning and parcel sizes of the area._
- _The availability of an adequate and dependable water supply._
- _The soil types (prime, unique, local, and statewide) of the area._
- _The criteria contained under WAC 365-190-050._

1. _The current zoning and parcel sizes of the area:_

_The current zoning of the area consists of Commercial Agriculture (20 acre minimum lot size) to Agriculture-20 (20 acre minimum lot size). Several parcels to the east and south of the subject property are below the twenty (20) acre minimum parcel size of both zoning classifications. In addition, approximately 320 acres to the north and south have been re-designated from Commercial Agriculture to Rural land use._

\(^3\) Lewis County v. The Western Washington Growth Management Hearings Board et. al. 57 Wn.2d 488; 139 P.3d 1096; 2006 Wash. LEXIS 609

\(^4\) See Map 2
There are 28 parcels designated Rural, under the Comprehensive Plan, within one-half mile of the subject property. These 28 parcels range in size from .38 acres to 98.20 acres, with the average parcel size being 12.69 acres. The subject properties' parcel sizes (i.e. 17.9 and 17.9 acres) more closely resemble rural densities than the densities of property designated as Commercial Agriculture.

2. The availability of an adequate and dependable water supply:
The subject property is located in and is served by the Cascade Irrigation District. Although water supply has been adequate and dependable in the past, continued competing uses (i.e. listed salmonid species, instream flows, etc.) have made irrigation supply less dependable.

3. Soil types of the area:
Soil types are fairly consistent throughout the area and are alluvium. Attempts to gather additional soils information for the Natural Resources Conservation Service proved unsuccessful and web based research indicates that no updated soils map exists for the Kittitas Valley.

4. The criteria contained under WAC 365-190-050
   (a) The availability of public facilities:
The public property is located well away from public facilities (water and sewer).

   (b) Tax status:
The subject property is currently taxed as Agricultural Open Space. In discussing this issue with County staff, it is our understanding the property will retain this tax status until the actual use of the property changes, regardless of whether the property is designated as Commercial Agriculture or not.

   (c) The availability of public services:
The subject property is located in the rural Kittitas Valley and is served by the Kittitas County Sheriff’s Department and Fire District 2.

   (d) Relationship or proximity to urban growth areas:
The subject property is located away from the UGAs for the City of Ellensburg and Kittitas. However, the property is adjacent to approximately 320 acres previously re-designated from Commercial Agriculture to Rural.

   (e) Predominant parcel size:
Rural designated parcels within one-half mile of the subject property range from .38 acres to 98.20 acres in size, with an average parcel size being 12.69 acres. The subject property consists of two lots less than 20 acres in size.

   (f) Land use settlement patterns and their compatibility with agricultural practices:
The land use settlement patterns in the area include rural density residential development to the south and east of the subject property.
(g) Intensity of nearby land uses:

Neighboring land uses to the subject property range in intensity from rural density residential and agricultural land use.

(h) History of land development permits issued nearby:

Over the past several years, a significant increase in rural density residential development has occurred. In addition, several land use re-designation requests have been approved totaling approximately 320 acres, which removed the properties from Commercial Agriculture land use designation. The subject property totals 35.80 acres, well below the similar requests previously approved by Kittitas County.

(i) Land values under alternative uses:

The value of a particular piece of property can be directly attributed to the potential uses allowed on the property. Although the current uses allowed on the property would be similar to the uses allowed under the Agriculture-20 zoning classification, approval of this request could allow for higher and better uses through a subsequent rezone request. Higher density residential zoning also influences the value of property. In this case, the potential development of five (5) acre lots would substantially increase the value of the property.

(j) Proximity of markets:

The subject property has acceptable proximity to markets; however, due to the increased rural density residential development vehicular and pedestrian traffic can have negative impacts associated with harvesting and conflicting land uses can also lead to nuisance complaints and lawsuits.

D. How have conditions changed that warrant a comprehensive plan amendment?

The parcels are not currently in agricultural production. The combined 35.80 acre property is well below that necessary for continued agricultural economic viability. In addition, the increased residential development in the area has increased the difficulty of ongoing maintenance and management for agricultural purposes. Finally, approximately 320 acres were previously re-designated from Commercial Agriculture to Rural in the immediate area.

Planning Commission Public Hearing

During the Planning Commission’s public hearing the opposition to this application provided very few substantive comments and primarily focused on a similar application filed and denied by the Board of County Commissioners in 2006.

The opposition to this proposed amendment has repeatedly cited the recent EWGMHB decision invalidating the 2006 Comprehensive Plan Map Amendment and requiring Kittitas County to adopt new designation criteria to support their claims the request doesn’t meet the requirements of the GMA. However, the opposition has failed to note the application was filed prior to the EWGMHB decision and is vested under the rules in place at the time of the request. Under the GMA, “comprehensive plans and development regulations, and amendments thereto, adopted
under this chapter are presumed valid upon adoption.\textsuperscript{5} In addition, the GMA specifies "the determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the board's order ..."\textsuperscript{6}

Under the Growth Management Act (GMA) counties are required to designate Agricultural Lands of Long-term Commercial Significance (Ag-Lands). When designating or re-designating Ag-Lands, Counties are advised to first consider the definition provided in the GMA. Ag-Lands are defined to mean:

\begin{quote}
\textit{land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.}\textsuperscript{7} (Emphasis added)
\end{quote}

The subject property is not "primarily devoted to the commercial production of" any agricultural commodity. In addition, at 17.90 acres in size, neither of the parcels have "long-term commercial significance for agricultural production." In fact, the property is not in agricultural production whatsoever.

A 2006 Washington State Supreme Court decision\textsuperscript{8} provides valuable insight into the requirements of the GMA as it relates to designating Ag-Lands. According to the Supreme Court, "counties must do more than simply catalogue lands that are physically suited to farming. They must consider development prospects--i.e., the 'possibility of more intense uses'--in determining whether land has the enduring commercial quality needed to fit the agricultural land definition."

Given the size of the parcels and proximity to more intensive uses, the subject parcels do not have the "enduring commercial quality needed to fit the agricultural land definition".

Although the opposition failed to provide any factual information which supports denial of the proposed amendment, we believe certain issues need to be clarified for the record. First, the opposition indicated the County could not approve the proposed map amendment to the Rural designation and cited GPO 2.125 as the basis for their statement. GPO 2.125 states:

\begin{quote}
\textit{If any lands are reclassified out of the Commercial Agricultural designation, then the land reverts to the Agricultural designation.}
\end{quote}

Unfortunately, the opposition failed to provide the Planning Commission with the historical information to understand the basis for GPO 2.125. When Kittitas County adopted its

\textsuperscript{5} RCW 36.70A.320(1)
\textsuperscript{6} RCW 36.70A.302(2)
\textsuperscript{7} RCW 36.70A.030(2)
\textsuperscript{8} Lewis County v. The Western Washington Growth Management Hearings Board et. al. 57 Wn.2d 488; 139 P.3d 1096; 2006 Wash. LEXIS 609
Comprehensive Plan in 1996, the Land Use Map contained several rural land use designations, including Agricultural. The intent of GPO 2.125 was to provide a rural designation consistent with the Ag-20 zoning classification. This allowed land which was “reclassified out of the Commercial Agricultural designation” to be re-designated rural under the Agricultural Designation. Since the adoption of the Comprehensive Plan in 1996, Kittitas County has amended the Land Use Map to reduce the number of rural designations to one; Rural.

The opposition also questions the requested land use amendment’s consistency with the County Wide Planning Policies. As noted in the application, the project “is consistent with the CWPP.” Careful review of the CWPP reveals no policies related to agriculture or Agricultural Lands of Long-term Commercial Significance. The lack of pertinent policies does not render the application inconsistent with the CWPP.

**Response to Written Comments**

The opposition’s written comments, submitted during the Planning Commission review process, also failed to provide meaningful substantive information relevant to the application. The opposition also cites a statement\(^9\) contained in the Kittitas County Profile to support their assertions. This statement reads:

"The natural resource based industries continue to provide important employment and remain a vital part of the local economy. Agriculture in the rich Kittitas Valley is thriving. Its employment accounted for 7 percent of all covered employment in 2000. The manufacturing sector is also driven by the local natural resource base industries. The highest manufacturing employment is found in food processing, followed by lumber and wood products. Manufacturing in Kittitas County employed 700 workers in 2000." (Emphasis added)

Unfortunately, the opposition failed to provide far more telling information in their comments. The same article cited by the opposition includes several additional statements which reflect the true employment situation in Kittitas County. For example:

"Services and trade, combined, accounted for 46 percent of nonagricultural employment in Kittitas County in 2000. The bulk of these 5,470 workers were employed in relatively low-paying industries, such as restaurants, food stores, tourist and recreation related industries." (Emphasis added)

"The county’s strongest industry sector is government. It provides stability to Kittitas County that comes from a large number of relatively secure, relatively well paid jobs. The government sector employed 3,700 people in 2000, which comprised 31 percent of all nonfarm jobs in Kittitas County.” (Emphasis added)

Finally, according to the Kittitas County Labor Area Summary, November 2006\(^{10}\), “nonfarm employers in Kittitas County provided 14,900 jobs in November 2006, a 730-job increase over

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\(^9\) Kittitas County Profile, Labor Market and Economic Analysis Branch, Employment Security Department, November 2002

\(^{10}\) http://www.workforceexplorer.com/article.asp?articleId=7636&PAGEID=&SUBID=
the corresponding month in 2005.” The opposition’s attempt to portray agriculture as a main source of employment in Kittitas County is laughable and not supported by the facts.

The opposition relies on their “research” to support their claim that the property meets the criteria for designation as Agricultural Lands of Long-term Commercial Significance. Unfortunately, their “research” fails to note several significant facts associated with agriculture in Kittitas County.

According to the 2002 Census of Agriculture, the average farm size in Kittitas County is 248 acres. In contrast, the subject parcels are 17.90 acres each, significantly lower than the average farm size in Kittitas County.

The comments submitted by the opposition also states “[A]griculture relies on its land base.” We have to assume the opposition believes re-designating 35.80 acres of land as rural will somehow reduce viability of agriculture in Kittitas County. Once again, the opposition has failed to provide the Planning Commission with the facts. According to the 2002 Census of Agriculture, land in agricultural production INCREASED by 42,765 acres between 1997 and 2002.

**Planning Commission’s Findings of Fact**

In their recommendation for denial, the Planning Commission issued ten (10) Findings of Fact to support their recommendation. Of the ten (10) Findings of Fact, only two are substantive in nature. Finding of Fact number 8 states:

> “The Planning Commission finds that the burden of proof has not been met by the applicant for the change in designation. No proof regarding economic viability has been provided.”

The Planning Commission’s finding is inaccurate and not supported by the record. Substantial information was presented with regard to the size of the parcels (17.90 acres each), compatibility with surrounding lands uses and the current use of the property. All of these play a role in determining whether a parcel is economically viable for long-term commercial agricultural production. The Planning Commission failed to note two important facts in support of the re-designation. First, given the size of the parcels and proximity to more intensive uses, the subject parcels do not have the “enduring commercial quality needed to fit the agricultural land definition”. Second, the subject property is not used for the production of an agricultural commodity. It should be noted, the “Growth Management Hearings Boards have ruled that parcels containing fertile land can become non-viable agricultural land due to recent non-use.”

The second Finding of Fact of any substantive value is Finding number 9, which states:

> “The Planning Commission also recognizes that in light of the Eastern Washington Growth Hearings Board Decision (EWGMHB Case No. 07-1-0004c), an area-wide look of the County should occur for the Commercial Agriculture Land Use designation in order to determine appropriateness of such designation. Review of such should utilize the County’s Agricultural Lands Advisory Committee.”

11 http://www.cted.wa.gov/landuse/issue_papers/issue093.html
The Planning Commission’s finding fails to consider two important facts. First, the proposed land use re-designation was vested prior to the Eastern Washington Growth Management Hearings Board decision and must be considered under the rules and regulations in existence at the time the application was vested. Second, postponing consideration of the proposed land use re-designation until an “area-wide” review can occur would violate Mr. Graybill’s constitutional right to due process.

**Conclusion**

Based on the foregoing analysis, the subject property meets the criteria for re-designation from Commercial Agriculture to Rural and does not meet the designation criteria to keep the property designated as Commercial Agricultural land. We respectfully request the Board of County Commissioners approve the proposed re-designation of the property from Commercial Agriculture to Rural.

**Proposed Findings of Fact**

1. The subject property is approximately 35.80 acres in size, well below the acreage necessary for long-term commercial agricultural practices.

2. The area has experienced significant residential development resulting in the average parcel size of 12.69 acres.

3. The property is located within one-half mile of 320 acres previously re-designated from Commercial Agriculture to Rural land use.

4. Residential parcels in the area range from approximately .38 to 98.2 acres in size. The subject property consists of two lots, both less than 20 acres in size.

5. Over the past several years, a significant increase in rural density residential development has occurred. In addition, three land use re-designation requests have been approved totaling approximately 320 acres, which removed the properties from Commercial Agriculture land use designation. The subject property totals 35.80 acres, well below the similar requests previously approved by Kittitas County.

6. The value of a particular piece of property can be directly attributed to the potential uses allowed on the property. Although the current uses allowed on the property would be similar to the uses allowed under the Agriculture-20 zoning classification, approval of this request could allow for higher and better uses through a subsequent rezone request. Higher density residential zoning also influences the value of property. In this case, potential development of five (5) acre lots would substantially increase the value of the property.

7. Given the size of the parcels and proximity to more intensive uses, the subject parcels do not have the “enduring commercial quality needed to fit the agricultural land definition”. 

Graybill Land Use Amendment
November 28, 2007

Kittitas County Board of County Commissioners
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, Washington 98926

Re: 2007 Kittitas County Comprehensive Plan Amendment
    Docket - 07-01 Ellensburg Cement Products Map Amendment:
    Rural to Mineral Lands of Long Term Commercial Significance for 80 Acres

To Kittitas County Board of County Commissioners:

These comments are submitted on behalf of Jason and Laurie Moe, owners of 240 acres adjacent to the subject property. We have presented oral and written testimony on this proposal at the September 25, 2007 Kittitas County Planning Commission hearing, followed by supplemental written comments on October 3, 2007.

We support the Kittitas Planning Commission’s Finding of Fact and recommended denial of the proposal to designate 80 acres from Rural to Mineral Lands of Long Term Commercial Significance. The specific concerns and comments in opposition to the proposed map amendment are set forth below, along with a written statement from Laurie Moe and photographs of the area and elk herd.

1. The application does not meet the requirements of the Growth Management Act (GMA). RCW 36.70A.130(1) and (2). Major changes to the Comprehensive Plan, such as the ones proposed for this property, should have been adopted in 2006 when the County was planning for the next 20 years of its growth, not less than a year later at the request of a private entity that does not even own the land. Future changes to the comprehensive plan must be
adopted on a coordinated schedule, which for Kittitas county is in 7 years, as specified by RCW 30.70A.130(4)(c).

2. RCW 36.70A.050 et seq. requires the county to classify agriculture, forest, and mineral lands and critical areas. Chapter 365 of the WAC establishes minimum guidelines to assist counties and cities statewide in classifying agricultural lands, forest lands, mineral resource lands, and critical areas. The legislature required that counties and cities follow these guidelines in designating these lands. The Growth Management Act (GMA) and its regulations are intended to curtail sprawl and the unwise development of natural resource lands. In particular, the designation or classification of land within Kittitas county is critical to protecting the public against the development that may lead to inefficient use of limited public resources, jeopardize the environment, result in unsafe conditions or affect the quality of life. The purpose of the GMA is to ensure that wise resource decisions are made, since it is more costly to remedy the loss of natural resource lands or critical areas than to conserve and protect them from loss or degradation. The inherent economic, social, and cultural values of natural resource lands and critical areas should be considered in the development of strategies designed to conserve and protect lands. WAC 365-190-020

3. Additionally, RCW 36.70A.131 specifies that a County shall review its mineral lands designations consistent with the time period set forth in 36.70A.130 (e.g., by December 1, 2006 and every seven years thereafter). Accordingly, Kittitas County should have decided initially in 1996 or in the 2006 Comprehensive Plan Amendments, that this particular land should be designated as mineral lands of long-term commercial significance. The only exception to abiding by these procedures is if there is "new information made available since the adoption or last review of its designations and development regulations," such as:

(1) data available from the Department of Natural Resources relating to mineral resource deposits, and

(2) new or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of Community, Trade and Economic Development, or the Washington State Association of Counties. RCW 36.70A.131.

No such data or information exists in this case. There has been no showing of any change or justification for reclassifying this property from 2006 to 2007. The designation requested in this instance, which is being made at the request of a private gravel mining company, is a piecemeal spot zone type of designation which should not be granted without further study.
4. The land in question has historically been used for ranching and grazing, not only by cattle, but elk. A large track of land adjacent to the property was recently sold or donated to the state by the Rocky Mountain Elk Foundation for preservation of critical elk habitat. The Mountains to Sound Greenway also follows I-90 at the location of the proposed gravel pit.

5. The proposed reclassification does not meet the Goals, Policies and Objectives of the Kittitas County Comprehensive Plan. GPO 2.36 calls for the preservation of agricultural lands. Under GPO 2.46, a land reclamation plan, is required for mining. Furthermore, groundwater impacts must be considered under GPO 2.2F. No information has been made available on the impact to the aquifer. A GPO policy says that I-90 exits cannot be considered for new business sites unless an interchange zone classification is sought. No such interchange zone classification has been sought although one of the stated purposes for amending this particular property at the gravel pit is its location within 1,350 feet of the I-90 interchange.

6. There has been no environmental checklist or environmental impact statement prepared for this Comprehensive Plan designation under the State Environmental Policy Act. Without any attempt to identify environmental impacts associated with a gravel pit at this location, which include impacts on the existing elk herd and other wildlife, surface and stormwater runoff, impacts to groundwater aquifer, traffic, noise, dust suppression which cumulatively make this a bad choice for locating a gravel pit.

7. The Kittitas County Comprehensive Plan presently designates several dozen areas as mineral lands of long term significance throughout the county that are suitable for development as gravel pits. There has been no consideration as to whether one of these sites can be developed by Ellensburg Cement Products in accordance with the currently existing Comprehensive Plan and zoning designation. The proposal is also contrary to the resource Land Advisory Committee recommendations for the 2006 Comprehensive Plan update.
November 28, 2007
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In conclusion, the Planning Commission's recommended denial of the proposed Comprehensive Plan Amendment for this property should be upheld, and the map amendment proposed by Ellensburg Cement Products should be denied. There has been no showing or determination of need for the proposed change or lack of productivity of other sites designated by the county as mineral lands.

Very truly yours,

HANSON BAKER LUDLOW
DRUMHELLER P.S.

[Signature]
Allan Bakalian
ABB:cla
cc: Jason and Laurie Moe
Community Development Services
411 North Ruby St.
Ellensburg, WA 98926

October 3, 2007

My name is Laurie Moe and I live at 337 Elk Heights Rd. I'm writing to invite you to reflect and then refuse to accept the commercial proposal that would permanently harm the natural beauty of Elk Heights and the local residents.

To begin, I believe this place where I live was called Elk Heights for specific reasons. There are beautiful herds of Elk that roam this terrain as well as breath taking views. People driving the Mountain to Sound I-90 corridor stop every day to enjoy this beautiful area. I believe many people in the State of Washington are familiar with Elk Heights not only for the Elk that are spotted here year round but also for the other plentiful wild life animals that dwell in this area. Seven years ago I moved from the city and married Jason Moe who was well established and had lived here for almost 16 years. I had never seen such a beautiful site as Elk Heights. I gave him a hard time because it was so far from Seattle but now I could never move back to the city after living here. The hundreds of Elk that roam from the forest land to the Gregrich fields and cross over into our fields to graze our land are spectacular. We can, more often than not, sit on our porch and enjoy the Elk only 20 feet away, if that. We also watch the deer that visit frequently. It is quite majestic to sit and gaze at the stars, take in the peace and quiet of the land and breathe the fresh air, or to see the Eagles or the Hawks soar. Equally splendid is the owl that over sees this Elk Heights area. It’s picture perfect! Currently, our home sits just up above and it would be next door to the proposed gravel pit region. It can reasonably be presumed that the original size of a pit that ECP wants to put in these 80 acres will grow. They claim to start small, but by characterization, with erosion and constant removal from the land, it will eventually over take this whole entire hillside and become 100, 150, and perhaps 200 acres over time. The next thing you know the whole hillside of Elk Heights will be devastated. All the wild life; the Deer, Hawks, Eagles, Wild Turkeys Blue Jay's and even the Humming Birds will be driven off from loss of habitat. Eventually, the hundreds and hundreds of Elk and their Elk Calves in the spring will be driven off by the clamor of “progress” (i.e. profits) and gone for good. Gone!! Gone!!

Another concern I would like to assert is for the noise that accompanies a commercial environment and how it would impact the surrounding locale. I have lived in Washington my whole life. In 2001, I married Jason Moe and became a resident of Elk Heights. Prior to this, I lived north of Sea Tac International Airport for about 14 years. When I purchased my home north of the airport the air traffic wasn’t that bad. (You could still hear yourself think.) When I sold my home seven years ago the air traffic had grown to become so constant that you could not carry on a conversation with a person standing next to you or even talk on the phone. The Port of Seattle agreed and had a company come in for noise control to put new windows, doors and insulation in if you where in a particular zone. The zone was designated by an arbitrary line that ran down the middle of my street. Everyone across the street received this package but, unfortunately, I was on the wrong side of the street and was turned down. Ironically, a representative from the Port of Seattle gave me this news over the phone and while she spoke we had to stop our
conversation to allow for the noise of a plane flying above my home. She simply said
there was nothing she could do. Ideally, if I had visited this neighborhood and spent time
there I could have realized the horrible noise issue of the airplanes. In truth, I would most
likely not have purchased a home near the run way if I had known the airport was
planning on getting bigger. As for the environment issues, the landscape there is forever
changed which begs the question, "What about the wild life?" The answer: there is none!

Now imagine the home that you had invested your hard earned money in and had
chosen for the purposes of raising your family was threatened. We chose to have a family
at Elk Heights because we envisioned teaching our kids about values which included
nature, and preserving our natural resources and wildlife. Presently just 600 feet away
from our home those values and our way of life will be endangered by a noise polluted,
dust infested ugly visual site that I’m sure you would think twice before allowing to be
approved by your own home. There are currently three EPC pits in the outlying areas of
Ellensburg, Thorp and South Cle Elum. In each case, there are a tremendous amount of
trucks coming in and out every single day, and the dirt and rock on the road outside the
pits never ever stays clean. While these three sites are not so visible from the freeways,
the site proposed for Elk Heights would be highly visible. There are no trees to block this
proposed ECP site from the freeways or even trees to block this from my home. Piles of
rock and dirt and the haul roads and machinery would be clearly observable if we were to
sit on our front porch or even in my living room. Every room on the front side of my
home would have this view. In addition, building structures and the lights from dozers
and dump trucks would shine in our bedroom every single night. The ground would
shake with a constant vibration from the rock being crushed and back-up alarms on the
dozers and the dump trucks.

This scenario is not hard to imagine because we just experienced a similar
situation when the DOT recently grinded the Elk Heights Exit # 93 over pass as well as
the off and on ramps for resurfacing. They grated a few nights with lots of trucks, lights
and machinery. About a week later, they came back to grate a little more and then spent a
few nights paving. Our home is at the tree line just above this exit. The lights clear down
on the freeway were shining in my windows all night long and the vibration from the
roller kept me awake. Fortunately, this only went on for about 2 weeks. It’s over and
done now and the DOT is gone, but I can’t imagine this everyday and every night if this
80 acre pit is allowed to go in. It will never be over! It might be a small 80 acres in the
beginning but this operation will overtake this beautiful Elk Heights area. If allowed to
go through, you might as well budget in your plan to change the Area Name and Exit
Name to the beginning of ECP GRAVEL PIT ROW! Ultimately, three exits in a row will
belong to ECP. Would you want this in your front yard?

A final and most important concern is for the safety of our children. It is tragic
that we would consider a plan that allows our children to witness the devastation of our
land day after day when they are picked up or dropped off from their school bus. Instead
of seeing the Elk and deer and the birds soaring, they will be up close and personal with
the EPC site and be subject to breathing in dust pollution on a daily basis since their bus
stop will be located at the entrance to the pit. With these trucks zooming in and out of this
pit and heavy machinery operating close by, there is a huge risk for an accident and possibly a fatality. This is a tragedy waiting to happen.

In closing, Jason and I purchased our home seven years ago because we so admired this land. We have spent our life savings on our place we call home. Nobody lives to the East of us and no one could build behind us because of the forest land. Jason’s father just built a beautiful home to the west of our property and other families to the west of him. We built our homes here because we wanted peace and quite and to enjoy all the natural surroundings of this breathtaking Elk Heights area. The Stuart Mountain Range is our view far forward to the left of our front of the house and forward to the right are the rolling hills. We wanted a nice, quiet and safe place for our children to grow up. We moved from the city because we did not want the hustle and bustle or noise and pollution that living in the city presents. Originally, Elk Heights was not zoned for commercial use and that’s why we bought here. We did not purchase next to a gravel pit nor did any of us want to live next to a gravel pit. This is not about growing or improvement. For ECP, it’s simply about money. They don’t own here, and the end result will be to demolish Elk Heights and chase off the Elk and all the beautiful wildlife. Ultimately, in about 10 to 15 years when ECP has done all the damage and they are ready to clear out, I’m afraid of what will be left behind. The question remains, “What about the wildlife?” ECP cannot predict the future of this land for the animals and the residents, but with your help we can protect it!
View north toward I-90 and Elk Heights exit and overpass
View north toward I-90 and Elk Heights exit and overpass
View northeast toward
Sunlight Residential
Development
View northeast toward
Sunlight Residential
Development
the identified areas representing a 50-year supply of raw materials, it should at least keep supply flowing, Leita said.

"We want to avoid the emergencies," he said.

The plan was not spurred by the situation at Central Pre-Mix. In fact, it's been in the works since 1999, when a public-private task force first gathered to identify potential mining sites. But the supply scare caused by the August shutdown is exactly the sort of situation the plan is designed to prevent, Leita said.

"Obviously Pre-Mix shutting down was a sudden impact to this community," he said. "We want to avoid those sudden impacts.

Some of the sites identified in the county's proposal are owned by Central Pre-Mix or the valley's other main concrete company, Columbia Ready Mix, while others are owned by people who aren't yet in the mining business. Current mining sites are included in the overlay zone, which allows for expansion that planners expect to take place as early as 2008. County officials also hope new companies will join the mix, offering competition.

"Recently here, our materials for concrete aggregate have been going up (in cost), because of our limited supply," Leita said. "This process will open our supply line wider.

But the high cost of starting a new mining operation likely will preclude a rush of start-up gravel miners, said Tommy Carroll, long-range project planner for the county. What will probably happen is that existing companies will use the overlay zone to strengthen their existing supplies.

"There will be expansions," he said. "Whether or not a new company can come into the community is another story, because it's a very expensive process."

Ken Hunziker, who for years has wanted to rezone a site north of Interstate 82 between Wapato and Zillah for mining, said he has had offers in the past from mining companies who would have purchased the land. But he couldn't get it rezoned under the existing system. Now his site is among those listed in the county proposal, and he plans to apply for mining permits soon after the proposal is formalized.

He remains skeptical, though, about how much having his property designated as a mineral site will ease the process. It will still be the subject of a public hearing, and he's worried that its proximity to mid-Valley wineries could become an issue.

"We're quite certain there will be opposition to it," Hunziker said.

Had the mineral resources task force not stopped and started so often over the years as personnel shifted, his property might have been made available sooner, he said. It's possible the supply scare in August would have been averted, he said.

"The shortage of concrete aggregate in the Yakima Valley — the crisis — was created entirely by Yakima County in the slow progress of getting this completed," Hunziker said.

Despite others' skepticism, Leita believes the plan will allow the county to avoid such disruptions in the future.

"We would be in the same predicament five years from now as we were five months ago if we hadn't gone through this process," he said.

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County plan designates potential mining sites

By PAT MUNIV
YAKIMA HERALD-REPUBLIC

A few months ago, the name Central Pre-Mix didn’t mean much to people outside the construction industry.

Maybe drivers noticed the concrete company’s logo as they headed east from Yakima on Interstate 82, but to the average Yakima County resident it was off the radar.

That all changed in August when a permit dispute prompted Central Pre-Mix to shut down its Toppenish gravel mine — one of the few local sources of materials for concrete. Suddenly hundreds of construction projects were at risk of being halted. The potential crisis was averted within days when mining resumed, and the permit issues were smoothed over.

But the public hand-wringing by builders, state legislators and county officials gave the rest of us an inkling of gravel’s importance.

The whole mess could have been avoided with solid long-range planning, say county officials who are poised now to approve an inventory of potential mining sites that represents a 50-year supply of gravel.

Questions remain, though, about just how much the county’s mineral plan will accomplish.

Wayne Kalbfleisch, a Spokane-based vice president of Central Pre-Mix, said having additional mining sites identified wouldn’t have prevented the shortage in August. Any potential site could still get caught up in a long review by county, state or federal permitting agencies, said Kalbfleisch, who was a member of the county’s minerals task force.

That means the plan isn’t likely to produce an immediate bump in

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Yakima County is proposing a series of sites — with a combined total acreage equal to half the city of Yakima — as possible future gravel pits.

Gravel is mined near Toppenish on Aug. 15. Mining at this East McDonald Road site was temporarily shut down in a permit dispute that prompted concern over a shortage of gravel in Yakima County. To avoid such disputes in the future, a long-range plan that includes a list of potential mining sites is up for approval by county officials.