



Snoqualmie Pass Utility District

May 5, 2008

Kittitas County Board of Commissioners
Kittitas County Courthouse
205 West Fifth, Suite 108
Ellensburg, Washington 98926

Re: Snoqualmie Pass Utility District's Comments for May 6, 2008, Public Hearing on Comprehensive Plan Compliance

Dear Chairman McCain:

On behalf of the Snoqualmie Pass Utility District (District), I submit these comments regarding Kittitas County's proposed re-designation of the Snoqualmie Pass area from "Urban Node" to "Rural". The District urges the County to take the time necessary to review and designate the Snoqualmie Pass area as a Limited Area of More Intensive Rural Development (LAMIRD).

The District understands that the Eastern Growth Management Hearings Board (GMHB) has determined that the County is not in compliance with the Growth Management Act (GMA) with its designation of Snoqualmie Pass area as an "Urban Growth Node". *Kittitas Conservation v. Kittitas County*, EWGMHB Case No. 07-1-0004c (FDO, Aug. 20, 2007). However, designating the Snoqualmie Pass area as a LAMIRD would be more appropriate under the GMA, than a rural designation.

The GMA authorizes the LAMIRD designation under RCW 36.70A.070(5)(d). That statute authorizes the designation of LAMIRDs in the rural areas, including public facilities and public services to serve the limited area as follows:

- (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

The GMHB has interpreted RCW 36.70A.070(5)(d)(i)-(iii) to provide for three separate LAMIRD categories: (1) a Type I LAMIRD, which must consist of certain "existing areas" defined by the statute; (2) a Type II LAMIRD, which allows small-scale recreation or small-scale tourist LAMIRDs; and (3) a Type III LAMIRD, which authorizes intensification or creation of "isolated cottage industries and isolated small-scale businesses." *Whitaker v. Grant County EWGMHB* Case No. 99-1-0019 (2nd Order on Compliance, Nov. 1, 2004).

The District has adopted a Comprehensive Water System Plan Update and a Sewer Comprehensive Plan, which identify the District's water and sewer planning and service areas. Pursuant to RCW 57.16.010(6), the District's comprehensive plans have previously been "deemed approved" by the County by way of statute.¹ Thus, the District is concerned how the County's proposed designation of "rural" for the Snoqualmie Pass area may impact the District's approved planning and service areas.

¹ The County's Capital Facilities Element does not reference the District's comprehensive plans, or the services provided by and facilities owned by the District.

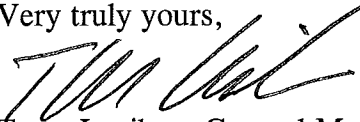
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To avoid potential impacts, the District requests the County take the necessary time to review the existing areas and land uses at Snoqualmie Pass, consider the District's approved comprehensive plans, and designate the Snoqualmie Pass area as an appropriate Type I LAMIRD. Further, the District requests that the water and sewer utility services that it provides to the area be reflected in the County's Capital Facilities Element per RCW 36.70A.070(3).

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Lenihan", written over a horizontal line.

Terry Lenihan, General Manager
Snoqualmie Pass Utility District