

**EXHIBITS  
JUNE 11, 2007  
DEVELOPMENT CODE PUBLIC HEARING**

<b>Exhibit #</b>	<b>Document</b>	<b>Submitted by</b>	<b>Date</b>
1	Guide to Proposed Revisions to KC Development Code per PC Recommendations	Joanna Valencia, CDS Staff Planner	6/11/07
2	Letter from Mary Burke – proposed language for Wind Farm Resource Overlay Zone	Mary Burke	6/11/07
3	Letter from Roger B. Olsen – comments on Zoning Code	Roger B. Olsen	6/11/07
4	Letter from Dale Dyk	Dale Dyk	6/11/05
5	CD with documents provided by Tim Trohimovich, AICP Planning Director (Futurewise)	Tim Trohimovich	6/7/07
6	Letter from Melissa Bates	Deidra Link	6/11/07
7	Letter from Jan Sharar for the Kittitas County Conservation Coalition	John Jensen	6/11/07
8	Letter from Roger Olsen – EWGMHB Order regarding 3 acre zoning	Roger Olsen	6/11/07
9	Large Map – Kittitas PUD Transmission & Distribution Systems	Catherine Clerf	6/11/07
10	Map of Kittitas County – Public Land, Township/Range Section	Catherine Clerf	6/11/07
11	FEMA Map	Vincent Tomaso	6/11/07
12	Letter from Jerry Martens	Jerry Martens	6/11/07
13	Wide Support for Development of Wind Farms Information	Desmond Knudson	6/11/07
14	17 signed declaration regarding pre-identified areas for wind farms	Desmond Knudson	6/11/07
15	Public Hearing Sign In Sheets for 6/11/07	Julie Kjorsvik	6/11/07

**GUIDE TO KEY PROPOSED REVISIONS TO THE KITTITAS COUNTY  
DEVELOPMENT CODE PER PLANNING COMMISSION RECOMMENDATIONS**

*June 11, 2007*

<ul style="list-style-type: none"> <li>• <b>Title 17 Zoning</b></li> </ul>	
1. Addition and clarification of Definitions section (17.08)	
2. Addition and clarification of uses/conditional uses/administrative uses for each zone.	<ul style="list-style-type: none"> <li>▪ Staff has included and listed the various uses/conditional uses/administrative uses for each zone, and removed references for clarity.</li> </ul>
3. Addition of 17.60B Administrative Uses process. Removes requirement for Conditional Use Permit process for Accessory Dwelling Unit outside of UGA/UGN.	<ul style="list-style-type: none"> <li>▪ Transfers process in an Administrative Use Process with option to public hearing before the Board of Adjustment.</li> </ul>
4. Change from Trailer Court Zone to Historic Trailer Court Zone. Limits development to existing. (17.24)	<ul style="list-style-type: none"> <li>▪ Recognizes and addresses existing use throughout the County, and restrict new development of such.</li> </ul>
5. Change from Suburban and Suburban II to Rural Residential (outside UGA/UGN) and Urban Residential (within UGA/UGN). (17.20 and 17.22)	<ul style="list-style-type: none"> <li>▪ Name change to address densities and location within specific land use designations. Previous differences in designation were use of mobile homes.</li> </ul>
<del>6. Change from Rural-3 and Agricultural-3 to Historic Rural-3 and Historic Agricultural-3. Includes requirements for clustering per 1 unit/3 acres and development standards. (17.28 and 17.30)</del>	<ul style="list-style-type: none"> <li><del>▪ Allowing for historical 3-acre zoning and bringing zones into conformance with the Growth Management Act.</del></li> <li><del>▪ Addition of standards for proposed developments in the zones.</del></li> </ul>
7. Addition of the determination of H-R-3 and H-A-3 boundaries as established by the County. (17.04.060, 17.12.030(6), 17.28, 17.30)	<ul style="list-style-type: none"> <li>▪ Allowing for logical infill of existing R-3 and A-3 zones.</li> </ul>
8. Clarification of the process for one-time split provisions in the Agriculture-20 and Commercial Agriculture Zones and increase of parent parcel from 10 and 8	<ul style="list-style-type: none"> <li>▪ Allows for a clear definition of the one time split.</li> </ul>

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 HEARING: Dev. Code  
 DATE: 6/11/07  
 SUBMITTED BY: Joanna Valencia

acres to 20 acres. (17.29.040 and 17.31.040)	
9. Identification of maximum acreage/percentages for H-R-3, H-A-3, A-5, and R-5 zones. (17.04.060)	<ul style="list-style-type: none"> <li>▪ Identification of goals to keep the mixture of densities in the rural land use zone.</li> </ul>
10. Clarification and inclusion of Intervening Ownership. (17.08.322)	<ul style="list-style-type: none"> <li>▪ Consistent definition of intervening ownership applicable to all zones that specifies use of such provision.</li> </ul>
11. Addition and clarification of items in the Planned Unit Development Code. (17.36)	<ul style="list-style-type: none"> <li>▪ Clarification of requirements. Addition of sunset clause and limiting PUD to certain zones.</li> </ul>
12. Addition of condominiums and fractionally owned uses in the Planned Unit Development Code and as an allowed residential use for Performance Based Cluster Platting. (17.36)	<ul style="list-style-type: none"> <li>▪ Allow for diverse types of ownership in PUD and Cluster Plats.</li> </ul>
13. Addition of additional process for pre-identified areas for wind farms. (17.61A.035)	<ul style="list-style-type: none"> <li>▪ Allow for a more stream line approach for permitting wind farms in designated areas.</li> </ul>
14. Addition of Urban Growth Areas and identified areas for inclusion of the development of interlocal agreements. (17.11)	<ul style="list-style-type: none"> <li>▪ Streamlining development agreements to ensure a consistent approach for development in the UGA area.</li> </ul>
15. Change in rezone process, which identifies rezones to be processed as part of the Annual Comprehensive Plan Docketing Process and/or a process for rezones submitted with a related development specific application. (17.98.020)	<ul style="list-style-type: none"> <li>▪ Allow for a more consistent approach for rezones.</li> </ul>
16. Recognition of Easton State, Cle Elum Municipal and DeVere Field airports, and clarification of airport zone areas and requirements (17.58)	<ul style="list-style-type: none"> <li>▪ Allow for consistency with recent Comprehensive Plan Update recognizing Easton State, Cle Elum Municipal, and DeVere Field Airports.</li> </ul>
17. Increase notice requirement from 300 feet to 500 feet. (17.57.140)	<ul style="list-style-type: none"> <li>▪ Allow for consistency with state requirements.</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Chapter 16.09 Performance Based Cluster Platting</b></li> </ul>	
<ol style="list-style-type: none"> <li>1. Revise cluster to remove Agriculture-3 and Rural-3 zones from code.</li> <li>2. Clarify open space usage.</li> <li>3. Clarification of requirements for points earned for access to public lands and connectivity to wildlife corridors.</li> </ol>	<ul style="list-style-type: none"> <li>▪ Removal in order to remain consistent with proposed revision in Title 17, Zoning Code.</li> <li>▪ Clarification in order to establish appropriate open space definitions.</li> <li>▪ Clarification in order to address requirements needed for points earned for the use of such elements.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Title 15A Project Permit Application Process</b></li> </ul>	
<ol style="list-style-type: none"> <li>1. Update to 'Community Development Services'</li> </ol>	<ul style="list-style-type: none"> <li>▪ Consistent language change to reflect the new department name.</li> </ul>
<ol style="list-style-type: none"> <li>2. Extension of noticing from 300' to 500' for adjacent property owners. (15A.03.030(4))</li> </ol>	<ul style="list-style-type: none"> <li>▪ Increase buffer for public notification</li> </ul>
<ol style="list-style-type: none"> <li>3. Addition of requirement to logically extend boundary of noticed properties for areas served by common ingress/egress. (15A.03.060(1)(d)).</li> </ol>	<ul style="list-style-type: none"> <li>▪ Increase public notification to impacted property.</li> </ul>
<ol style="list-style-type: none"> <li>4. Establishment of including notices via the Kittitas County Website (15A.03.060(1)(f))</li> </ol>	<ul style="list-style-type: none"> <li>▪ Allow for more public notification</li> </ul>
<ol style="list-style-type: none"> <li>5. Publishing in Upper County Newspaper for projects located in Upper County. (15A.03.060(1)(a))</li> </ol>	<ul style="list-style-type: none"> <li>▪ Ensure that Upper County residents are notified of impending land use decisions.</li> </ul>
<ol style="list-style-type: none"> <li>6. Addition of requirement for Posting Sites not processed administratively. (15A.03.110)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Ensure more public notification.</li> </ul>
<ol style="list-style-type: none"> <li>7. Clarification of projects exempt from Notice of Applications (15A.03.080)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Codifying notification of short plat applications and application for road variances.</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Proposed Title 17B Forest Practice Ordinance</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishes the minimum standards and requirements associated with local government review and jurisdiction over Class IV general forest practices in accordance with RCW 76.09 (Washington State Forest Practices Act)</li> <li>▪ Identify a process and provide criteria for lifting a six-year development moratorium. It establishes a public notification process, with criteria and standards by which the county may lift a six-year development moratorium.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Title 14.08 Flood Damage Prevention</b></li> </ul>	
<ol style="list-style-type: none"> <li>1. Clarification on when Elevation Certificates are required. (14.08.115)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Identifies process for submittal of elevation certificates consistent with FEMA guidelines.</li> </ul>
<ol style="list-style-type: none"> <li>2. Clarification of definition of 'Agriculture' (14.08.020)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Limits definition of agriculture activities consistent with FEMA regulations.</li> </ul>
<ol style="list-style-type: none"> <li>3. Allowing Pit Crawl Spaces (below grade crawl spaces) for residential construction. (14.08.250)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Code change required to allow pit crawl spaces (below grade) in compliance with FEMA regulations.</li> </ul>
<ol style="list-style-type: none"> <li>4. What to require at the time of unidentified/unstudied A Zones: 14.08.120 Use of other base flood data. (14.08.120)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Code change to require base flood elevations to be identified in unstudied areas.</li> </ul>
<ol style="list-style-type: none"> <li>5. Clarification of Floodway encroachments. (14.08.300)</li> </ol>	<ul style="list-style-type: none"> <li>▪ Deletion of provision one to comply with Washington Administrative Code, WAC 173-158-070.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Proposed Chapter 17.99 Design Standards</b> (Note: Forwarded to the Board with <i>No Recommendation</i> from Planning Commission)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishes design standards and guidelines for single-family, multi-family, commercial and industrial developments in Kittitas County located within Urban Growth Areas.</li> </ul>

RECEIVED

JUN 11 2007

1ST 2ND 3RD  
BOARD OF KITTITAS COUNTY COMMISSIONERS

Mary Burke  
1351 Smithson Road  
Ellensburg, Washington 98926  
June 10, 2007

Alan Crankovich, Chairman  
David B. Bowen  
Mark McClain  
Kittitas County Board of Commissioners  
Kittitas County Courthouse  
205 West 5<sup>th</sup> Room 108  
Ellensburg, Washington 98926

ROUTED TO:
DPW _____
PROSECUTOR _____
CDS _____ ✓
DEPT. _____

Gentlemen:

I submit the following request for an addition of language to your proposed WIND FARM RESOURCE OVERLAY ZONE 17.61A at 17.61A.035.

Insert in the first sentence between "County" and "meeting" the words:

or located in areas adjacent to existing or approved wind farms in Kittitas County

That sentence would then read thus:

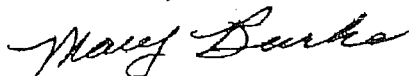
For proposed wind farms located in identified areas in Kittitas County or located in areas adjacent to existing or approved wind farms in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

I would also call your attention to the definition of Intervening Ownership at 17.08.322 which is an error. There are other legal intervening ownerships such as some ditches, canals, and railroad rights of way, for example, and not all "public roads" are rights of way nor county roads.

Please include this letter for the record and your consideration at your hearing on June 11, 2007.

Thank you for this opportunity to comment.

Most Sincerely,



Mary Burke

EXHIBIT #: 2  
HEARING: Dev. Code  
DATE: 6/11/07  
SUBMITTED BY: MARY BURKE

Planning Commission Recommendation: Title 17: Development Code Update  
May 31, 2007: Final

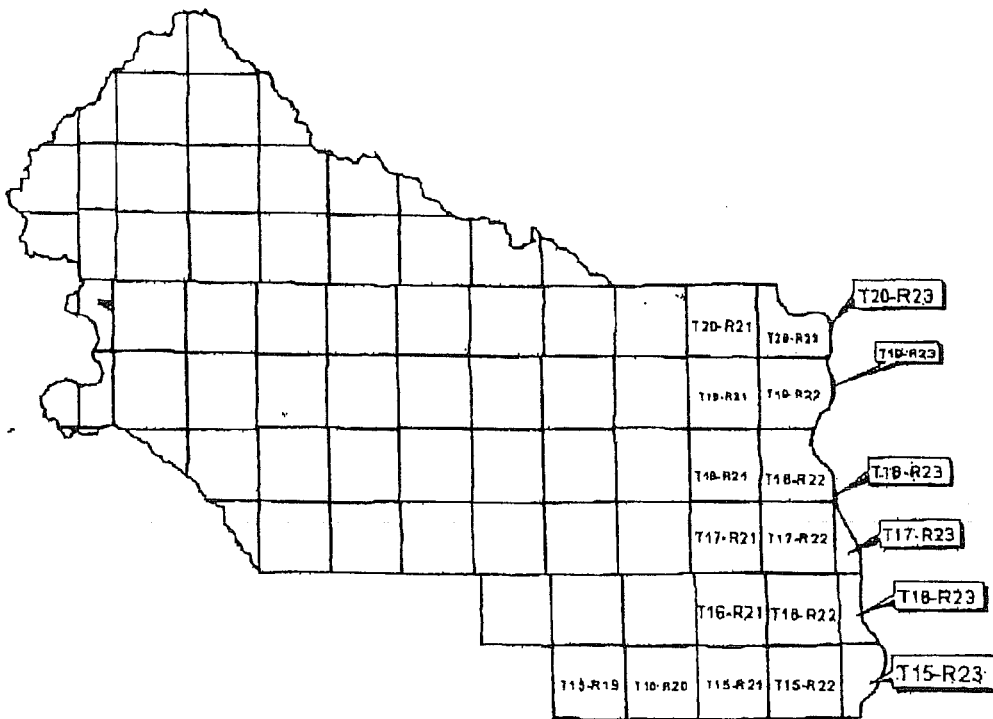
**17.61A.030 Development uses, requirements, and restrictions.**

Development uses, requirements, and restrictions. All listed permitted uses in the underlying zoning district of this overlay zone are permitted. All listed conditional uses in the underlying zoning district of this overlay zone are subject to conditional use permit process and review. Wind farms are a permitted use in a wind farm resource overlay zoning district, subject to the additional approval requirements and restrictions set forth in KCC 17.61A.040. (Ord. 2002-19 (part), 2002).

**17.61A.035 Pre-identified areas for siting.**

\* For proposed wind farms located in identified areas in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process. This includes T.15N., Ranges 19E., 20E., 21E., 22E., 23E., T.16N., Ranges 21E., 22E., 23E., T.17N., Ranges 21E., 22E., 23E., T.18N., Ranges 21E., 22E., 23E., T.19N., Ranges 21E., 22E., 23E., T.20N., Ranges 21E., 22E., 23E. W.M. in Kittitas County.



The following siting standards are established for these areas: a minimum 1/2 mile setback from existing structures at the time of application shall apply. If not attainable,

Planning Commission Recommendation: Title 17: Development Code Update  
May 31, 2007: Final

**17.08.300 Hospital.**

"Hospital" means an institution specializing in and providing facilities and services in surgery, obstetrics, and general medical practice for human beings and licensed by state law for that purpose. (Res. 8310, 1983).

**17.08.310 Hospital, ~~small-animal~~ or veterinary.**

~~"Small-animal~~Animal or veterinary hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets. ~~Small-animal hospital or veterinary hospital is the same as small-animal or veterinary clinic, and where there is a licensed veterinarian on the premises.~~ (Res. 8310, 1983).

**17.08.320 Hotel.**

"Hotel" means a building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. (Res. 83-10, 1983).

**17.08.321 Infill.**

Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area.

**17.08.322 Intervening Ownership.**

A parcel of land which is physically separated from a main tract by a public road. Identification of intervening ownership shall be processed consistent with Kittitas County Code 17.60B Administrative Uses.

**17.08.329 Junk**

Junk means storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material.

**17.08.330 Junkyard.**

"Junkyard" means any lot, parcel, building, structure or portion thereof, used for the storage, collection, processing, purchase, sale, exchange, salvage or disposal of scrap materials, unlicensed or inoperable vehicles, vehicle parts, used appliances, machinery or parts thereof. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment, means the use of any property for the storage, keeping or abandonment of junk, including scrap material, used appliances, automobiles, machinery or parts thereof. The accumulation of three or more unlicensed or inoperable automobiles or appliances constitutes a junkyard. This shall not be interpreted to include the normal storage or accumulation of farm equipment. (Res. 83-10, 1983).

**17.08.340 Kennel.**

"Kennel" means any lot on which dogs are bred or boarded as a commercial. (Res. 83-10, 1983).



**Joanna F. Valencia**

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**From:** Julie Kjorsvik  
**Sent:** Monday, June 11, 2007 8:53 AM  
**To:** Darryl Piercy; Allison Kimball; Joanna F. Valencia  
**Subject:** Comment for Hearing  
**Attachments:** im55200706110752.PDF

I have provided the BOCC with a copy of this.

Julie Kjorsvik  
Clerk of the Board  
Kittitas County Board of Commissioners  
509-962-7508  
509-962-7679 Fax  
<http://www.co.kittitas.wa.us/>

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**From:** bocc@co.kittitas.wa.us [mailto:bocc@co.kittitas.wa.us]  
**Sent:** Monday, June 11, 2007 8:50 AM  
**To:** Julie Kjorsvik  
**Subject:** Subject-GetError

**TO:** *Kittitas County Community Development Services*

**TTN:** *BOCC (Board of County Commissioners)*

**RE:** *For the Record-Zoning Code Update*

**Date:** *June 11, 2007*

**FROM:** *Roger B. Olsen  
2130 Nelson Siding Road  
Cle Elum, WA. 98922  
(509) 674-3881*

EXHIBIT #: 3  
HEARING: Dev. Code  
DATE: 6/11/07  
SUBMITTED BY: Roger Olsen

Kittitas County is allowing its rural areas to be urbanized. PUD's (Planned Unit Developments), FCC's (Fully Contained Communities), PBCP's (performance based cluster plats) and 3-acre zoning are planning policies that urbanize rural areas. These are inconsistent with the KCCP (Kittitas County Comprehensive Plan) and they violate the GMA (Growth Management Act). Also, by stalling the designation of the outdated UGN's (Urban Growth Nodes) into LAMIRD's (Limited Areas of More Intensive Rural Development), the County is not preventing or containing urban sprawl. Kittitas County should place a moratorium and stop accepting applications for development involving the above until those policies are found to be consistent with the KCCP and in compliance with the GMA.

Some do not like State mandated laws like the GMA. But it is there for the protection of all the citizens. National laws protect all women's right to vote in all states and all localities. We have national laws that apply to all that make it illegal to hold slaves and to engage in practices that we have defined as discrimination. Our GMA serves to protect citizens from the kind of political and economic influence that can be exerted upon local government for the benefit of, for example, the development community. Good developers can work with any rules and regulations that benefit the community as a whole. Poor developers need "special" rules and government "give a ways" in order to make a buck. Let's take Kittitas County down the higher road.

**Windmills**-Many wave the flag as a symbol of freedom but when REAL symbols of freedom are proposed, many do not want to put them where they might be seen and certainly not "in their backyard". Windmills symbolize freedom, freedom from Middle East oil and they contribute to energy independence. It might be a relatively small contribution in the big picture but windmills dotting the landscape are a small price to pay for that contribution. The price paid is a bargain considering the freedom that is gained. The proposed project near Hwy 97 will provide power for the equivalent of more than two Kittitas Counties and we rejected the opportunity to once again be one of the true home front HEROES in the war on terror. If it weren't for oil in the Middle East, we would have no interest in the Middle East and the Middle Eastern terrorists would have no interest in us. The best way to win the war on terror is eliminate our need for their oil.

Not to take away from the flag's symbol of freedom, but when I see windmills on the landscape producing clean, "free" energy, I see not only symbols of freedom, I also see real, tangible instruments of freedom that a flag cannot produce. Windmills should be allowed wherever it is reasonably practical. The present criteria of siting windmills where they will not destroy "the view" of the valley and its surroundings is extremely short sighted and self serving given that much of the opposition comes from people who want to destroy "the view" with their houses. There is room for both. Both windmills and homes change the landscape but the reality is that windmills for power best serve homes.

**JD's**-We should not allow PUD's in rural areas primarily because they typically require a density greater than 1 du(dwelling unit)/5 acres. Whenever we get into "community" wells, water systems and septic systems we are really talking about "urban" services. By requiring urban services we are crossing that line in the GMA that says if urban services are required in rural areas, then that is urban development.

FCC's-I see no need for FCC's at this time or in the near future. Our cities and urban growth areas are more than large enough by a factor of 2-4 to accommodate the expected growth for decades to come.

PBCP's-These should be restricted in such a way that density does not exceed 1 du/5 acres even after all the bon density has been allowed. They should also be limited so as to prevent urbanization. Some examples of limits are a maximum number of home sites per cluster, limit how close individual clusters can be to each other and limit how many clusters can be created in any given area.

UGN's-They should have been converted into LAMIRD's years ago.

I am pleased to see the KCCC (Kittitas County Conservation Coalition), Futurewise/Ridge/KCCC and CTED (Washington State Department of Community Trade and Economic Development) put forth documents, in the form of petitions for review, that come to the same conclusion as I did regarding minimum densities in rural areas. I have read the documents and I support the changes and comments that have been made. I am convinced their proposals will make the Kittitas County Zoning code much better than it currently is.

There are currently three petitions for review before the EWGMHB regarding growth issues in Kittitas County and all three questions the validity of 3-acre zoning, among many other things. The KCCC's petition for review with the EWGMHB is at the stage of a finding and order being given. The two basic issues were the validity of the 2006 PBCP (Performance Based Cluster Plat) and whether the 3-acre zoning in Kittitas County was adopted in accordance with the GMA. The Board basically found that KCCC was not timely in filing regarding the PBCP, that the KCCC was really asking whether the 2005 ordinance was valid or in compliance with the GMA. There is little difference between the 2006 and 2005 ordinances. The KCCC should have filed back when the 2005 ordinance was first approved but the KCCC did not exist at that time.

The Board did have this to say about the 2005 ordinance, which is virtually the same as our current 2006 ordinance. ***"The Board finds the Petitioners' arguments compelling and, had they been made in a timely manner, might have persuaded this Board that the County was in error and the performance based cluster platting provisions violate the GMA requirements for rural densities. There must be controls in place to limit clustering to prevent urbanization of the rural areas."***

**This is a sign, a warning and a red flag.** The current zoning code before you still has the PBCP allowing clustering 5-acre parcels at a density of 1 du/2.5 acres. Both the 3-acre zoning and PBCP's are part of Futurewise's and CTED's petitions for review of the Comp Plan update. Given what the Board has already said about the 2005 ordinance, I doubt clustering in 5-acre zoning will survive the petition for review process.

The remaining question is whether 3-acre zoning will be found in compliance with the GMA. In KCCC vs. Kittitas County, the Board found that....***"the County failed to act by failing to adopt regulations implementing its Comprehensive Plan (CP), failing to review Agriculture-3 and Rural-3 regulations for consistency with its Comprehensive Plan, and failing to provide for proper notice and public participation."*** This zoning code update is considered by the county to be the remedy regarding 3-acre zoning and the Board's order. I don't think this is going to satisfy GMA requirements or the Board's order. I do not see AG-3 and RU-3 zoning being consistent with the Comp plan. The County has not justified and harmonized 3-acre zoning nor have they said how it is consistent with their own Comprehensive Plan let alone how it complies with the GMA.

From the Kittitas County Comp Plan page 1: ***"The Plan contains...A Rural Element that ensures the protection of rural lands and provides for a variety of rural densities."*** Clustering on 5-acre parcels yields 1 du/2.5 acres and this density does not protect rural lands nor does 3-acre zoning protect rural lands. Urban development in rural areas does not protect rural lands.

From the Kittitas County Comp Plan Chapter Eight: Rural Lands  
8.1 Introduction...

***"The State of Washington defines rural character, rural development and rural governmental services in the Revised Code of Washington (RCW) 36.70A.030 (15), (16), and (17) as follows:***

*“Rural Character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:*

- a. In which open space, the natural landscape, and vegetation predominate over the built environment; That foster traditional rural lifestyles, rural based economies and opportunities to both live and work in rural ... eas;*
- c. That provide visual landscapes that are traditionally found in rural areas and communities;*
- d. That are compatible with the use by wildlife and for fish and wildlife habitat*
- e. That reduce the inappropriate conversion of undeveloped land into sprawling, low density development*
- f. That generally does not require the extension of urban governmental services.*
- g. That is consistent with the protection of natural surface water flows and ground water and surface recharge and discharge areas.””*

HA-3 HR-3, or any 3-acre zoning does not ensure the protection of rural lands because open space, natural vegetation and the natural landscape don't predominate the over the built environment at densities greater than 1 du/5 acres. Traditional rural lifestyles are endangered, the visual landscape is urbanized, the inappropriate conversion of undeveloped land in to sprawling, low density development is increased, not decreased, urban services will be increasingly needed in rural areas. We are already seeing requirements for community water systems and community septic systems in rural areas. Also, who knows what is going to happen to natural surface water flows and ground water and surface recharges, particularly in the upper county where ground water is the headwaters for the Yakima Basin and ground water is just in its beginning route downstream. We have many instances where the built environment dominates the natural environment in rural areas because of zoning densities greater than 1 du/5-acres. As the already existing 3-acre and small lots already created get developed, the “natural environment” as we know will cease to exist. Kittitas County government is urbanizing its rural areas.

For many of the same reasons as above 3-acre zoning doesn't satisfy the GMA goals of...

***W 36.70A.020 Planning goals.***

- (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.*
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*

First of all, where are we with regard to 3-acre zoning? According to the latest figures of 4-17-07, there are 18,591 acres already zoned A-3 (Agriculture-3) and 25,521 acres zoned R-3 (Rural-3) for a total of 44,112 acres. According to the Comp Plan, Kittitas County has 1,486,132 acres and from that I will subtract Commercial Agriculture, Commercial Forest-80, residential zones and commercial zones in order to get a rough estimate of how much rural land we are talking about and that figure comes to 449,384 acres. The reason I subtracted those classifications is because according to the GMA RCW 36.70A.070 Comprehensive plans — Mandatory elements.

*“(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources.”*....In other words, when calculating available rural lands...urban lands, commercial agriculture, forest, mineral and commercial industry are not included in the calculations. King County has a very draconian CAO (Critical Areas Ordinance) and I fear Kittitas County may have to severely restrict uses on at least the less than 5-acre parcels in order to protect critical areas. It only makes sense that if all parcels were 80 acres or more, the impact on any one parcel owner will be much less than the impact on owners of small parcels primarily because of the sheer numbers of people involved and the adverse effects they have on critical areas.

We have 44,122 acres zoned three acres and that amounts to almost 10% of our rural land ALREADY zoned 3-acres. This doesn't include lands that are not zoned 3-acre but are 3 acres and less in size nor does it include the proposed HR-3 and HA-3 “logical infill”. I don't have those figures.

Secondly, if we take the 44,112 acres already zoned and divide that by 3 to get the total number of potential lots we come up with 14,704 lots. If we assume 2.3 people per household and multiply 14,704 by 2.3 we get 33,819 people potentially living on just those acres, which is almost the population of the whole county in 2007. This is just 3-acre zoning. We have 288,444 acres of FR-20 (Forest and Range-20), which can be divided into 20-acre parcels, which adds 14,422 lots or 33,171 people. There are 110,828 acres of Agriculture-20, which can also be divided into 20-acre parcels and gives us 5,541 parcels or 12,744 people. All totaled between 3-acre, F&R, and Ag-20 we can accommodate 79,734 people. That is more than twice the current population of the County. Add to that Suncadia and numerous PUD's and PBCP's already in the works and we are talking about the rural areas being able to accommodate all of the County's projected growth for more than the 80 years at the rate of about 1,000 per year which has been the case in recent years. How can Kittitas County direct growth into urban areas when they encourage so much growth in rural areas?

Thirdly, if we look at the population allocation figures for rural areas that are planned for 2025, we have ALREADY exceeded those figures also. I am reprinting some information I submitted in my comments of September 21, 2006 regarding the Comp Plan update. I don't know if any of this has changed since then but certainly nothing would not have changed nearly enough to totally stop growth in rural areas to meet these population figures nor could the figures have been revised upward enough to come anywhere near the actual population growth that will be allowed in rural areas by 2025 GIVEN the policies currently advocated. I am certain the EWGMHB is going to want to see how the County "did it's homework" and arrived at the current planning for rural areas given the huge growth in rural areas without the proper protections

**BEGINNING OF 9-1-06 REPRINT**

One of the GMA goals is to direct most growth towards urban areas and away from rural areas until those rural areas are needed to accommodate urban growth. From what I have gathered, Kittitas County has already met its 2025 population allocation for rural areas. The following is from the Washington State OFM (Office of Financial Management).

**April 1 Population of Cities, Towns, and Counties  
Used for Allocation of Selected State Revenues  
State of Washington**

<u>County Municipality</u>	<u>Census 2000</u>	<u>Estimate 2001</u>	<u>Estimate 2002</u>	<u>Estimate 2003</u>	<u>Estimate 2004</u>	<u>Estimate 2005</u>	<u>Estimate 2006</u>
Kittitas	33,362	34,000	34,800	35,200	35,800	36,600	37,400
Unincorporated	13,614	14,120	14,520	14,785	14,910	15,375	15,780
Incorporated	19,748	19,880	20,280	20,415	20,890	21,225	21,620
Cle Elum	1,755	1,755	1,775	1,775	1,785	1,800	1,810
Ellensburg	15,414	15,460	15,830	15,940	16,390	16,700	17,080
Kittitas	1,105	1,105	1,100	1,120	1,130	1,135	1,135
Roslyn	1,017	1,017	1,020	1,020	1,020	1,020	1,020
South Cle Elum	457	543*	555	560	565	570	575

As you can see the estimated 2006 unincorporated population estimate is 15,780. The following table is taken from a Kittitas County CDS memorandum dated April 27, 2006 regarding population allocation.

Jurisdiction	Allocation %	2025 Population
Roslyn/UGA	2.5%	1,320
S. Cle Elum/UGA	2%	1,056
Kittitas/UGA	3%	1,584
Cle Elum/UGA	19%	10,034
Ellensburg/UGA	45%	23,764
<b>Kittitas County Urban Growth Nodes</b>	<b>10%</b>	<b>5,281</b>

Non Urban County	18.5%	9,771
Totals	100%	52,810

These projections should be used as a basis for planning as you update your comprehensive plans.

*If we add Urban Growth Nodes to Non Urban County we get the number of people in Unincorporated Kittitas County and that projected number for the year 2025 is 15,052 which is 728 people fewer than we currently have. Technically, there should be no growth in the rural areas until after 2025 or the allocation/population figures change. If the OFM figures are correct for growth between 2000-2006 then their figures for 2025 are correct also.*

END OF 9-1-06 REPRINT

You don't have to be a land use planner, County Commissioner, Fire Marshal, Police Officers or School administrator to realize that beyond a certain point, growth in rural areas becomes very costly. We will be going beyond that point, if we haven't already, and all we can do now is limit how far we go overboard. All one has to do is acknowledge 30,000 people spread over half a million acres of rural land cost much more than 30,000 people within the few square miles of the city limits of Ellensburg. Police and Fire responses will be slower and more costly as rural areas are developed far from historic and established rural routes. School busing will consume more time, money, wages and fuel. Roads will cost more to maintain beyond what is collected from rural residents because fewer people live on them than in urban areas. I know, currently the "PLAN" is to make all these new road private roads. But we all know what will happen when school buses, police and fire can't get down poorly maintained roads. The County will have to take over the maintenance because the developers will be long gone. The cost of snow removal is born by all county residents and all the new rural roads will eventually end up being the responsibility of the County. When the ground water becomes polluted because of urbanization and or drought, the County will have to take over the water supply in rural areas. After all, the county is allowing urban development in rural areas and when rural systems fail, urban systems will be requires and that is costly in rural areas.

Just last year, summer of 2006, the Commissioners were saying that much of the new growth in Kittitas County is from second homes and that those people will be paying taxes on their land and houses and not adding to our current costs for services. If the is true, WHY are they asking for a tax increase for law enforcement "because of increased growth in the county?"

The County, which is all of us citizens, will be responsible for our health, safety and welfare. We should be planning for the future in order to avoid harm and dangers to our citizens. A certain amount of growth in rural areas is good for the County but when it crosses that line into urban type growth, the costs in terms of health, safety, welfare and financial become greater than they should.

I would urge you to eliminate any new 3-acre zoning but allow for the development of already platted 3-acre lands. And all land currently zoned as 3-acres be rezoned as 5-acres and the existing platted land be non-conforming uses. I would recommend eliminating cluster plats that provide for densities greater than 1 dwelling unit per 5-acres. In other words, I would ask that 1-du/5 acres be a maximum allowed density in rural areas. I would ask that you recommend that any rezones be a part of the yearly comp plan amendment process regardless of whether they are project or non project and thus subject to review by the citizens of Kittitas County. By definition, **17.08.470 Rezone.** "Rezone" means an amendment to the zoning ordinance, requiring the same enactment as an original zoning. (Res. 83-10, 1983). I would think an amendment to the zoning ordinance is an amendment to the Zoning Code and thus a change in the development regulations which equates to a Comp Plan change.

Sincerely,

Roger Olsen

The following are references to materials I used in my comments:

Page 22 Counties should establish land use designations and residential densities that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area. The primary purpose of rural areas is not to accommodate growth. That is the function of urban areas.

Minimum lot sizes relating to viable resource use should be designated in rural areas where agriculture, forestry, and other resource uses predominate. These lot sizes may be especially appropriate in a transition area adjacent to designated resource lands of long-term commercial significance or critical areas. CTED and the Department of Natural Resources generally recommend residential densities of 1 dwelling unit/20 acres in rural agricultural and forest lands.

Page 33 Cluster development can be a useful tool for allowing rural development if it is done carefully and overall density remains low. Too much density in the rural area, even if it is clustered, can lead to sprawl and uses incompatible with rural character and adjacent land uses.

### **From the GMA**

#### **RCW 36.70A.020 Planning goals.**

- (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.
- (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.

#### **RCW 36.70A.030 Definitions**

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

## RCW 36.70A.070 Comprehensive plans — Mandatory elements.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

### From the Kittitas County Comprehensive Plan

*GPO 2.3 The encouragement of urban growth and development to those areas where land capability, public roads and services can support such growth.*

*GPO 2.5 Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services.*

#### *Aquifers*

*Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult if not impossible to clean and resulting costs can be prohibitive.*

*GPO 2.67 Critical Aquifer Recharge Areas should be mapped as soon as practical so as to warn the public of possible development restrictions. We feel this is of the highest priority for the public health and safety.*

*GPO 2.68 In areas of Critical Aquifer Recharging effect only limited densities, based on that which would not impair the functions of the Aquifer Recharge area, shall be allowed.*

*GPO 2.69 Kittitas County shall give high priority to the protection of known aquifers that have a Critical Recharging effect, as identified by technical data, on potable water aquifers for reasons of public health and safety.*

### From Growth Management Hearings Boards

*aturewise vs. Pend Oreille-EWGMHB-11/1/2006*

*"the Board finds the Petitioner has carried their burden of proof in Issue No. 1, regarding the County's adoption of its Rural-2.5 designation. This low-density rural designation fails to comply with RCW 36.70A.020(1), RCW 36.70A.020(2) and RCW 36.70A.070(5), creating an urban-like density in the rural areas. The Growth Boards have repeatedly opined that rural densities of less than one dwelling unit per 5 acres creates sprawling, low-density development, fails to protect water quality and quantity, and fails to protect the natural resource environment."*



### **1000 Friends vs. Chelan County-EWGMHB-9/2/2004**

*"It is clear from the decisions cited in the parties' briefs and in argument that this Board, together with the Western and Central Puget Sound Boards, has held that the Growth Management Act makes lot sizes smaller than five acres urban density."--Only 24 acres were involved and the petitioners could not fulfill the burden of proof that 3 acre zoning was out of compliance with the GMA. 1000 Friends, now know as Futurewise, will have the opportunity to challenge any development that involves less than 5-acres after the County updates its comprehensive plan. I have heard that is what they plan to do.*

### **Moses Lake vs. Grant County-EWGMHB-11/20/2001**

*"The Boards have held that five-acre lots in rural areas of a county will be subject to "increased scrutiny" by the Board to assure, among other things, that the number, location, and configuration do not constitute urban growth."*

### **1000 Friends v Thurston County 5-2-2005 final 7-20-05**

**Conclusion:** *The County's high density rural residential designations (SR – 4/1; RR 2/1; RR 1/1; and RR 1/2); Housing and Residential Densities Policies 1 and 2, and Rural Land Use and Activities Policy 8; and the County's development regulations implementing these designations (T.C.C. Ch. 20.10; T.C.C. Ch. 20.11; T.C.C. Chapter 20.13; and T.C.C. Chapter 20.14) fail to comply with RCW 36.70A.070(5). The residential density levels allowed in these designations are too intensive for rural areas unless they are designated as limited areas of more intensive rural development (LAMIRDs) pursuant to RCW 36.70A.070(5)(d). If the County is to allow such areas of more intensive rural development, it must establish them in accordance with RCW 36.70A.070(5)(d). T.C.C. 20.09.040(1)(a) also fails to comply with RCW 36.70A.070(5)(c) and (d) by effectively increasing the rural residential density in the RR 1/5 zone from one dwelling unit per five acres to one single family dwelling unit per four acres.*

### **Futurewise vs Whatcom 05-2-0013 final 9-20-2005**

*Whatcom County adopted its update of its comprehensive plan in Resolution 2005-006 pursuant to RCW 36.70A.130(1) and (4) on January 25, 2005. In its update, the County primarily determined to retain its existing designations as established in its 1997 comprehensive plan and apply new provisions of the GMA (Growth Management Act, Ch. 36.70A RCW) to future designations only. Resolution 2005-006. In our Order on Dispositive Motions issued in this case on June 15, 2005, we determined that the update requirements of RCW 36.70A.130 impose an obligation upon the County to revise its comprehensive plan to comply with the GMA, and that the County may not refuse to revise noncompliant plan provisions on the basis that it adopted them some time ago.*

*We find that the rural residential densities allowed in the RR1 zone (1 dwelling unit per acre); RR2 zone (2 dwelling units per acre); RR3 zone (3 dwelling units per acre); EI zone (3 dwelling units per acre); R2A zone (1 dwelling unit per 2 acres); and RRI zone (1 dwelling unit per 3 acres) are not rural densities but suburban densities encouraging sprawl. Except within properly designated LAMIRDs, such intensive residential densities in the rural area fail to comply with RCW 36.70A.070(5)(b) and 36.70A.020(2).*

**Conclusion:** *The rural zones: RR1 zone (1 dwelling unit per acre); RR2 zone (2 dwelling units per acre); RR3 zone (3 dwelling units per acre); EI zone (3 dwelling units per acre); R2A zone (1 dwelling unit per 2 acres); and RR' zone (1 dwelling unit per 3 acres); allow residential densities that are not rural in the rural areas that are not in limited areas of more intensive rural development pursuant to RCW 36.70A.070(5)(d). They do not, therefore, comply with RCW 36.70A.070(5). The County failed to revise these zones as required by RCW 36.70A.130.*

## Futurewise vs Walla Wall 05-1-0001 final 8/10/05

ge 6

The development regulations found in Ordinance No. 308 provide as follows:

1. Clustering is allowed in all agricultural designations except Exclusive Agriculture.
2. Development is only allowed at the density permitted by the assigned zoning.
3. The minimum land area needed for clustering in each zone is
  - a. AG-40: 80 acres.
  - b. AG-20: 40 acres.
  - c. AG-10: 20 acres.
4. Cluster development lot width shall be a minimum of 150 feet.
5. At least 70% of the overall development site shall be maintained and preserved for agricultural use.
6. There is no limit to the number of clustered parcels in the AG-10 zone, so long as the underlying overall density is met (i.e., 400 acres could accommodate a cluster development of 40 units).
7. No clustered parcel shall exceed 3 acres and the average lot size in the cluster development shall not exceed 2 acres. Clustering is allowed, under the challenged enactments, on all but 21,000 acres of the County's agricultural land of long-term commercial significance.

page 10

Agricultural lands -- Innovative zoning techniques -- Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. A county or city should encourage nonagricultural uses to be limited to lands

with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

The Board has a serious concern about the potential impact of clusters on the viability of the remainder of agricultural land. If cluster development patterns are going to work, the density in the cluster cannot cause a drastic change in the character of the surrounding area and the remaining farmland has to be large enough to accommodate a true commercial farming operation.

The GMA, in RCW 36.70A.177(1), requires that non-agricultural uses be on poor soils or soils not suited for farming. In the County's newly adopted amendments allowing clustering on Agricultural Resource lands, the County makes no mention of the soils upon which the clusters would be located. It is clear clusters are non-agricultural uses and must be located upon poor soils.

In this context, note the Washington State Supreme Court's finding that:

The statute encourages counties to limit innovative techniques 'to lands with poor soils or otherwise not suitable for agricultural purposes.' The trial court found this requirement 'discretionary' rather than 'mandatory' because the statute uses the word 'should.' This interpretation misplaces the discretion.

Page 13

While Walla Walla County's policies contain a unit cap in some zones, the Western Board's conclusions in *Smith v. Lewis County*, above, are worth restatement:

the size of a rural development project increases, the demand for urban governmental services inevitably increases. Likewise, as the size of a project site increases, the more likely it is that it will exhibit the characteristics of urban growth. *Id.*

It is clear to the Board that having no limit on Agricultural Residential-10 clustering density or allowing the "clustering" of clusters is clearly erroneous. Until limits are placed upon all clusters and the "clustering" of clusters, the Board must find the County's actions clearly erroneous and out of compliance with the GMA.

**Conclusions:**

The Board finds that the Petitioners have carried their burden of proof and that the County's actions are clearly erroneous due to the following reasons:

1. Failure to limit the number of clusters in Agricultural Residential-10 parcels;
2. Failure to limit the location of clusters adjacent to one another and the County's;
3. Failure to require the authorized clusters be located upon poorer soils or soils unsuited for agriculture.

### **CFFC v Ferry 01-1-0019 third order 6-14-2006-quoting from other board decisions-density issues**

The Respondents did not argue that they are in compliance on Issue No. 2. The County continues to be in non-compliance by not protecting agricultural resource lands of long-term significance and for allowing urban-like densities within the agricultural zone.

**Issue No. 2:**

Did the County fail to comply with RCW 36.70A.040, .060, and .120 and interfere substantially with GMA goals (RCW 36.70A.020) by not adopting implementing regulations to restrict subdivision and density of development adequate to conserve designated agricultural lands of long-term commercial significance?

In *Bremerton, et al. v. Kitsap County*, CPSGMHB Case No. 95-3-0039c FDO (October 6, 1995), the Central Board dealt with urban densities and concluded (Eastern Board emphasis):

*"A pattern of 1 and 2.5-acre lots meets the Act's definition of urban growth...However, a pattern of 1 or 2.5-acre lots is not an appropriate urban density either...An urban land use pattern of 1 or 2.5-acre parcels would constitute sprawl; such a development pattern within the rural area would also constitute sprawl."*

The Western Board, in *Durland v. San Juan County*, WWGMHB Case No. 00-2-0062c, FDO (May 7, 2001), seemed to indicate five-acre lots as the minimum for rural density:

*"In determining a rural density, statistical averaging of existing and projected average lot sizes has value primarily as a starting point for the analysis. Five acre lots are often a guideline to showing a rural density, but are not a bright line determination."*

In another case, *Smith v. Lewis County*, WWGMHB Case No. 98-2-0011, FDO (April 5, 1999), the Western Board indicated density below five-acre lots was not rural:

*"Densities that are more intense than 1 du per 5 acres are not typically rural in character and exist in the rural environment, in the main, as part of [L]AMIRDS."*

On the other hand, The Central Board also passed on setting a "bright line" for agricultural lands in *City of Gig Harbor, et al., v. Pierce County*, CPSGMHB Case No. 95-3-0016c, FDO (October 31, 1995):

*"The Board declines the invitation to establish a minimum lot size for agricultural parcel sizes."*

This Board notes a pattern in these decisions and others by the Growth Boards. Five acre lots are generally considered the minimum lot size in the rural/agricultural areas and only when a variety of larger lot sizes are available, while 2.5-acre lot sizes are more urban and promote sprawl. The most important criterion for establishing minimum lot sizing in agricultural resource lands is establishing a process. How did the county or city establish the lot size, is there a variety of lot sizes available and is the process outlined in the record?

**Joanna F. Valencia**

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**From:** Kittitas County Commissioners Office  
**Sent:** Monday, June 11, 2007 3:38 PM  
**To:** Allison Kimball; Darryl Piercy; Joanna F. Valencia  
**Cc:** David Bowen; Alan Crankovich; Mark D. McClain  
**Subject:** FW: Zoning Code Update  
**Attachments:** BOCC Zoning Code Update 6-11-07-Record1.doc

For the record

Julie Kjorsvik  
Clerk of the Board  
Kittitas County Board of Commissioners  
509-962-7508  
509-962-7679 Fax  
<http://www.co.kittitas.wa.us/>

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**From:** ROKW [mailto:rokw@cablespeed.com]  
**Sent:** Monday, June 11, 2007 3:28 PM  
**To:** Kittitas County Commissioners Office  
**Subject:** Zoning Code Update

Please find attached a document for the Board of County Commissioners.

Also please reply back to me that you received this document.

Thank you in advance,

Roger Olsen

To: Kittitas County Commissioners

Subject: Zoning Changes

As I read and understand the changes proposed, I see minor word changes which result in major changes in direction for the county. These changes will dramatically change the development and make of the county in the future. I wonder if the long term implications have been considered. Following are my observations, comments and suggestions:

The major changes as I try to understand a very complicated document are:

1. Change in minimum lot size: it looks like the smaller lot size in the urban areas closest to the cities are being changed to 5 acres.
2. One time split is being restricted to 20 acre and above lots in both the Agricultural and Commercial agricultural zones, changed from 8 and 10 acre minimum.
3. The section on "administrative use" gives broad powers to CDC Director for both interpretation of the code and approval of any applications.
4. The revision also goes back in time and applies to lots created in the past.

Why are we trying to limit growth closer to the cities? This just puts more pressure on the other areas. Growth is happening. We must plan for it. This seems to be an attempt to try and stop growth.

It is my experience that one acre is difficult for most families to care for. The irrigated land in this county is different than that in the range, forest or on the west side of the mountains. It must be cared for irrigated, weed control, harvested-mowed or grazed, etc) or it will turn brown, turn into weeds and become a fire danger.

Increasing to larger lots will raise lot prices, making it prohibitive for the middle and lower middle class to move to the country. If they do, most will not have the resources to adequately take care of the acreage. It will not stop the wealthy from buying larger lots and taking them out of commercial agriculture into, what I call maintained agricultural land. This change will affect who will be able to afford to live in the country. This is social engineering by zoning

Increasing lot sizes resulting in increased land prices will not preserve agriculture but will have the opposite effect. Real-estate costs make it financially impossible to buy or sell for commercial agriculture. Let's be honest, this is not about saving agriculture but rather saving 'MY' view and open space.

There will be little difference between ag-20 and commercial ag zones if this is approved. If you are going to combine them, be honest and put them together, instead of changing code to make them the same. It would eliminate a lot of words. I am not advocating this. I see the need for two different zones with different rules.

EXHIBIT #: 4  
HEARING: dev. code  
DATE: 10/10/07  
SUBMITTED BY: Dale Dyk

The section on 'Administrative Use' opens our government to graft and corruption. The code must be clear and understandable, not open to interpretation by administration. We should not have to consult Planning to understand the current interpretation of the Code. The major issues should be clearly stated with rules to follow. Staff's duty should be to follow and apply the code, not interpret it.

Code Changes that are retroactive hurt those who chose not to divide land earlier. Each time a new code is considered it causes more land divisions. When a new code is adopted it should apply to the future. Choose a date 30 to 90 days after the adoption to make it effective. This should be a planning document not an emergency stop gap measure. This process makes it very difficult and costly for land owners who want to do what is right with their land, when the rules and codes are continuing to change or are rumored to change.

At one of the past hearings, I was under the impression that the Ag community would be involved in the planning process. I have not heard of any input from ag land owners other than the hearing process. Is there an ag committee?

I would like to recommend the following:

1. If the adoption must be done by July 1, don't make 'Major' changes now. If it can wait, put together a group of people from all different points of view to consider the long term affects of the proposals. I do believe there is common ground. All the vital issues have not been considered. We can adopt new code at any time.
2. The 'Administrative Use' section be taken out, or completely rewritten, with clear parameters on interpretations and decisions that staff is able to do. The unclear nature of this section is not good.
3. Make the effective date for new code 30 to 90 days after adoption.
4. Timing is stacked against agriculture. The busiest time of the year is in the late spring and early summer. I wonder if the timing is not planned to minimize the ability for ag to have input in the process. In the last two years it seems that all the major changes happen at this time. It causes a lot of stress in a very stressful time.

Because of the season I may not be able to attend the hearing, but will try. Please excuse the hurried nature of this letter. Thank you for considering these issues.

Dale Dyk  
3171 Weaver Road  
Ellensburg, Wash. 98926  
(509) 856 -7386

**Joanna F. Valencia**

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**From:** Kittitas County Commissioners Office  
**Sent:** Monday, June 11, 2007 11:23 AM  
**To:** Darryl Piercy; Allison Kimball; Joanna F. Valencia  
**Subject:** FW: Planning  
**Attachments:** Planning.doc

For the record

Julie Kjorsvik  
Clerk of the Board  
Kittitas County Board of Commissioners  
509-962-7508  
509-962-7679 Fax  
<http://www.co.kittitas.wa.us/>

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**From:** Dale Dyk [mailto:ddyk@fairpoint.net]  
**Sent:** Monday, June 11, 2007 11:12 AM  
**To:** Kittitas County Commissioners Office  
**Subject:** Planning

Kittitas County Commissioners,

Attached is a letter explaining my concerns with the planning document.

Thanks,

Dale Dyk  
509 856 7386

# futurewise

Building communities  
Protecting the land

June 1, 2007

Honorable David Bowen, Chairman  
Honorable Alan A. Crankovich  
Honorable Mark McClain  
Kittitas County  
Board of Commissioners  
205 West 5th Avenue, Suite 108  
Ellensburg Washington 98926

RECEIVED  
JUN 05 2007  
1ST X 2ND X 3RD X  
BOARD OF KITTITAS COUNTY COMMISSIONERS

ROUTED TO:  
DPW \_\_\_\_\_  
PROSECUTOR Caulkins  
CDS Piercy, Kimball  
DEPT. \_\_\_\_\_  
P.H. Folder

Dear Chairman Bowen and Commissioners Crankovich and McClain:

Subject: Data CD to support our forthcoming comments on the Planning Commission May 31, 2007 Recommendation for the Kittitas County Development Code Update

Enclosed please find a data CD that contains documents referenced in our forthcoming comment letter on the Planning Commission May 31, 2007 Recommendation for the Kittitas County Development Code Update.

Thank you in advance for considering these documents. If you require additional information, please contact me 206-343-6081 to [tim@futurewise.org](mailto:tim@futurewise.org)

Sincerely,



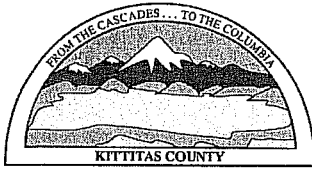
Tim Trohimovich, AICP  
Planning Director

cc: Darryl Piercy, Kittitas County Community Development Services w/enclosure

Enclosure

EXHIBIT #: 5  
HEARING: Dev. Code  
DATE: 6/1/07  
SUBMITTED BY: Tim Trohimovich





## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

---

Copies of submitted Futurewise CD available  
at Community Development Services Office,  
411 N Ruby St. Suite 2, Ellensburg, WA 98926,  
(509)962-7506

---

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

11 June, 2007

To the Board of County Commissioners

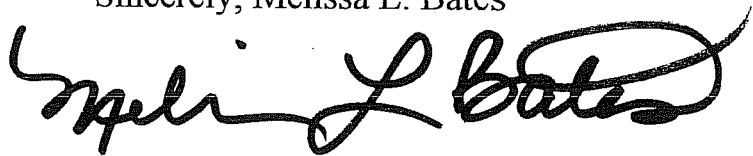
Dear Mr. McClain, Mr. Crankovich and Mr. Bowen,

I wish to reiterate several points made during the public hearings before the Planning Commission. During this time of increased development and land speculation, Kittitas County must revise the codes to eliminate vast loopholes that allow unfettered development – the type of development that the county will pay heavily for in years to come.

First, the code must be updated to require that every application include all members in a Corporation. This is to assist in determining when projects should be considered in a cumulative manner. This requirement must have a perjury clause included to address false statements that are made on an application. At this time, it is common for many applicants to put false statements in their applications to utilize some of these very loopholes. Kittitas County's legal staff is well aware of this problem.

Another issue I wish to address is the Cluster Plat and Performance Based Cluster Plat codes. The idea of clustering homes and leaving open space is a good idea - in theory. However, in Kittitas County this has meant urban densities in rural areas and "open spaces" that are completely meaningless. PBCPs, PUDs and FCCs – these types of development by any other name is still allowing urban densities in rural locations without properly addressing major problems such as water, sewage, traffic, schools and EMS. The nature of these massive projects negate the very essence of what it means to be rural. Please help to provide sustainable development for the future of Kittitas County and leave the type of legacy for which you can be proud.

Sincerely, Melissa L. Bates



Melissa Bates  
120 Elk Haven Rd.  
Cle Elum, WA 98922

EXHIBIT #: 6  
HEARING: Dev. code  
DATE: 6/11/07  
SUBMITTED BY: Deidra Link

June 11, 2007

Kittitas County Board of Commissioners

Hearing on the Planning Commission Recommendation  
On the Update to Development Codes

### FULLY CONTAINED COMMUNITIES

Commissioners,

Pertinent to the inclusion of the new chapter in the zoning code allowing Fully Contained Communities (FCC) in Kittitas County the Kittitas County Conservation Coalition submits the following questions:

1. Has Kittitas County formed a stakeholders committee or anything similar for study of the need for such communities in Kittitas County?
2. Has Kittitas County identified what portion of the cities' UGA's estimated growth for the Comprehensive Planning Period will be dedicated to FCC's?
3. Has Kittitas County determined to what level financial commitment and long term planning will be required to develop FCC's?
4. Has Kittitas County identified what public review processes would be appropriate in consideration of FCC proposals?
5. Has Kittitas County taken steps to assure that a logical, multi-phased review process that takes into account the scope and significance of every individual application for a FCC?
6. Has Kittitas County identified a capital facilities plan for location of FCC's in the county jurisdiction?
7. Will a master plan and development agreement process be used by the county to regulate and enforce conditions of individual FCC's?
8. Has Kittitas County considered policies which will assure that FCC's can be incorporated into cities in the future with provisions for jobs, government facilities, schools, retail services, etc. as required by law?
9. Has Kittitas County decided if an EIS is to be a requirement for all FCC proposals?
10. Has Kittitas County decided policy on how the build out of a FCC will affect infilling of designated urban areas outside the FCC?
11. Has Kittitas County discussed expectations regarding community quality and sustainability?
12. Has Kittitas County decided what minimum acreage may be required for a FCC?
13. Has Kittitas County addressed the need for balance of housing, services, and jobs and monitoring for achievement of this balance?

EXHIBIT #: 7  
HEARING: Dev. Code  
DATE: 6/11/07  
SUBMITTED BY: John Jensen

14. Has Kittitas County determined the minimum distance for location of a FCC from existing urban areas and the policies for land use between the locations to assure communities remain distinct from one another?
15. Has Kittitas County determined the location of FCC in terms of attracting significant employer(s)?
16. Has Kittitas County considered policies pertaining to FCC's versus expansion of existing UGAs;
17. How will FCC's impact agricultural and natural resource activity within the community? and
18. Has Kittitas County determined what regulations and standards relative to vesting and the length of time to realize the full community build out will apply?

This list of questions is not exhaustive but is meant to underscore the need for careful and deliberate consideration of adoption of such a land use policy in Kittitas County and more importantly raises the question of whether Fully Contained Communities are appropriate for Kittitas County.

The Coalition asks you to delete this provision from your consideration for inclusion in the county code as not appropriate for Kittitas County. Kittitas County has recently approved major increases to Urban Growth Area boundaries, has several Urban Growth Nodes that are not built out and we believe FCC's cannot be justified given the very high costs of building Fully Contained Communities and the increased burden on the taxpayers associated with these costs

Thank you for this opportunity to testify.

Sincerely,  
Jan Sharar for the KCCC

Roger Olsen 2130 Nelson Siding Road, Cle Elum  
Speaking for Myself

**TO:** **Kittitas County Community Development Services**

**ATTN:** **BOCC (Board of County Commissioners)**

**RE:** **Public Hearing-Zoning Code Update**

**Date:** **June 11, 2007**

**FROM:** **Roger B. Olsen**  
**2130 Nelson Siding Road**  
**Cle Elum, WA. 98922**  
**(509) 674-3881**

Once again I am confused. Last summer I spoke to the fact that small lot rural growth costs more in services than it pays in taxes, that even urban residential taxes don't pay for all the services they receive and that governments rely upon business and farm operations to make up the shortfall. The response I got was that the excise tax revenue from new home sales and property taxes on higher property values would more than cover the costs incurred. Not much more that 6 months later I read in the paper that Commissioner McClain is asking for a sales tax increase to cover the increased law enforcement costs due to growth. This is clearly a sign that the County is on the wrong path regarding land use issues.

Also confusing...the EWGMHB issued an order stating that Kittitas County had not adopted its 3-acre zoning per the GMA. I have looked in newspapers and on the County's website for some notice that the County was going to go through the process of reviewing the 3-acre zoning and presumably any other zone that has not been implemented according to GMA rules. As I understand it, "what the County must do, is provide public notice; clearly indicating its intention to use pre-GMA regulations to comply with its comprehensive plan; specify which pre-existing regulations or ordinances it is relying upon; hold at least one public hearing; and publish notice of the adopted ordinance. I have not yet seen any reference between the Board's order and any corresponding public process discussing 3-acre zoning and the GMA. I recently called CDS and was told by a planner that he thought the zoning code update process was covering that issue. Well, that helps to clear up the county's thinking but does little to shed light on how 3-acre zoning is justified, how it implements Kittitas County's Comp Plan, how it is compliant with the GMA and how it will satisfy the board's order.

I have looked into the GMA requirements and it is my conclusion that densities greater than 1 dwelling unit per 5 acres are always found to be urban in nature with very few exceptions and when it is compliant it is very limited in scope and size. Certainly the more than 44,000 acres currently zoned 3-acres would not be consider small or limited in scope. GMA Boards have consistently found densities greater than 1 du/acre to be characterized as urban in nature and as such they do not comply with the goals of the GMA.

EXHIBIT #: 8  
HEARING: Dev Code  
DATE: 12/11/07  
SUBMITTED BY: Roger Olsen

It appears to me the current zoning code update is an attempt at stalling the inevitable loss of 3-acre zoning. I can't say for sure the EWGMHB will rule as I expect but all the evidence points in that direction. The safest course of action and the best course of action for Kittitas County would be to rezone all 3-acre zoning into 5-acre zoning and any existing platted 3-acre parcels would be grandfathered in. Even at 5-acres, there may be some question as to whether that would meet the requirements of the GMA given the fact that so much of Kittitas County's usable rural lands are already platted into parcels of 3 acres and less. I have a feeling the EWGMHB will look very closely at how much has already been platted and how any zoning code will comply with the GMA requirement that "*open space, the natural landscape, and vegetation predominate over the built environment*". (KCCP, rural lands 8.1 Introduction). Look and feel is not good enough, the built environment cannot predominate (have more importance) over open space, natural landscape and vegetation. Board decisions tend to accept 5-acre as a minimum as long as the 5-acre zoning is limited and there is a lot of land in the larger acreage zones that contribute to diversity of densities.

I would caution the County to avoid any stalling techniques because the consequences can be severe. While sanctions are not imposed often, neither does CTED file petitions for review very often. I took the following from the CTED website  
<http://www.cted.wa.gov/site/401/default.aspx>.

### **Are there other consequences for not complying with the GMA?**

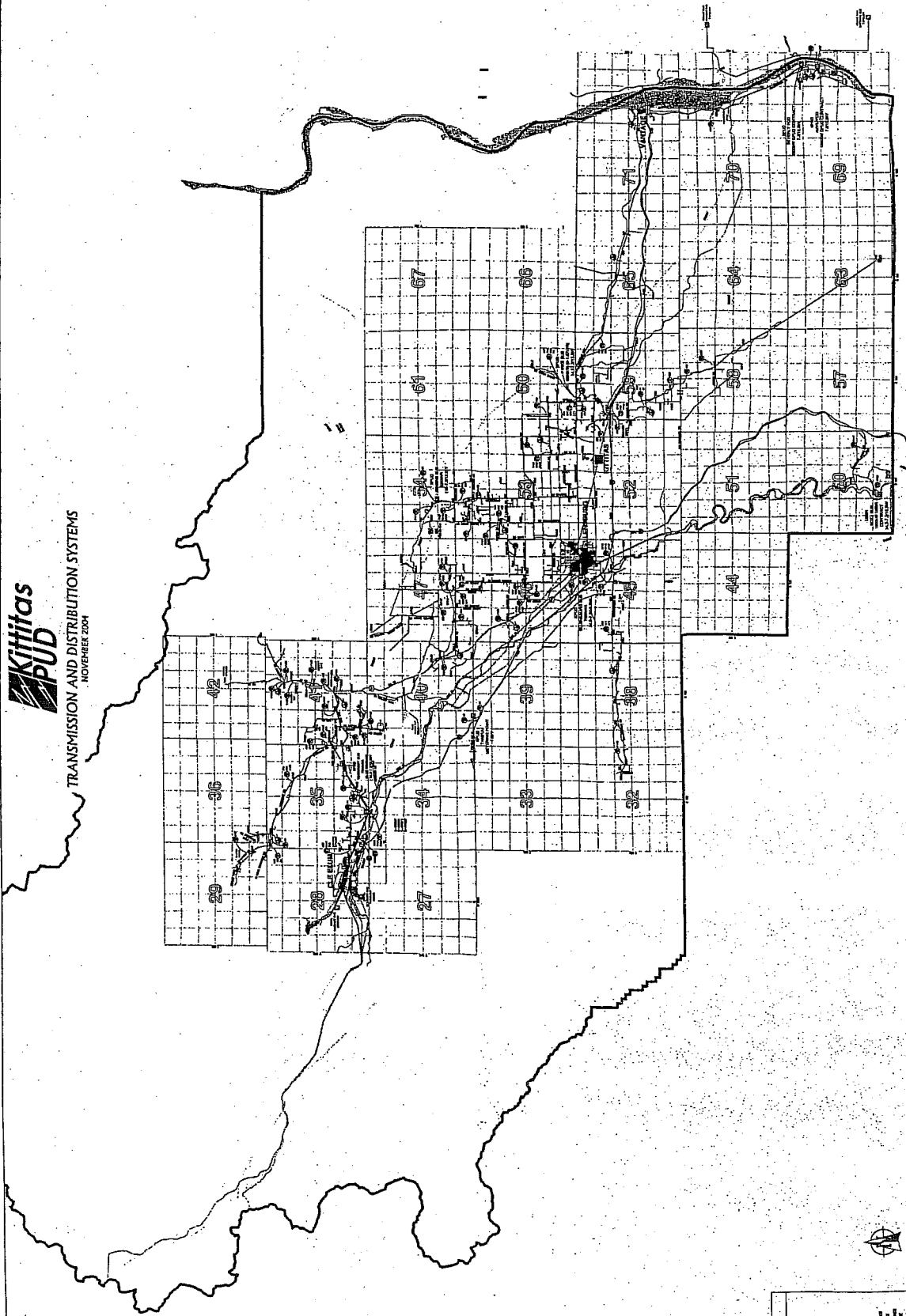
Yes. In addition to finding noncompliance and remanding, or possibly invalidating, the local enactment, a board may also recommend to the Governor that sanctions be imposed on the non-compliant local government. These could include withholding local government revenues including the motor vehicle fuel tax, the Urban Arterial Trust Account, the sales and use tax, the liquor excise tax and real estate excise tax. Only the Governor decides if, when, and which of such sanctions will be imposed or removed.

Kittitas County cannot afford to lose any state money or money the state has collected on behalf of the County. Compliance is not that hard to do. Most counties have gone through this process and the litigation is substantial enough to make it clear what is required. Stalling and delaying the protection of our rural areas will only make the process of creating a workable Critical Areas Ordinance more difficult. What was done in the past has created some major problems today and what we do today will cause major problems in the future if we don't do a better job today than we have done in the past.

Sincerely,

Roger Olsen

**Kititas**  
**PUD**  
 TRANSMISSION AND DISTRIBUTION SYSTEMS  
 NOVEMBER 2004



**LEGEND**

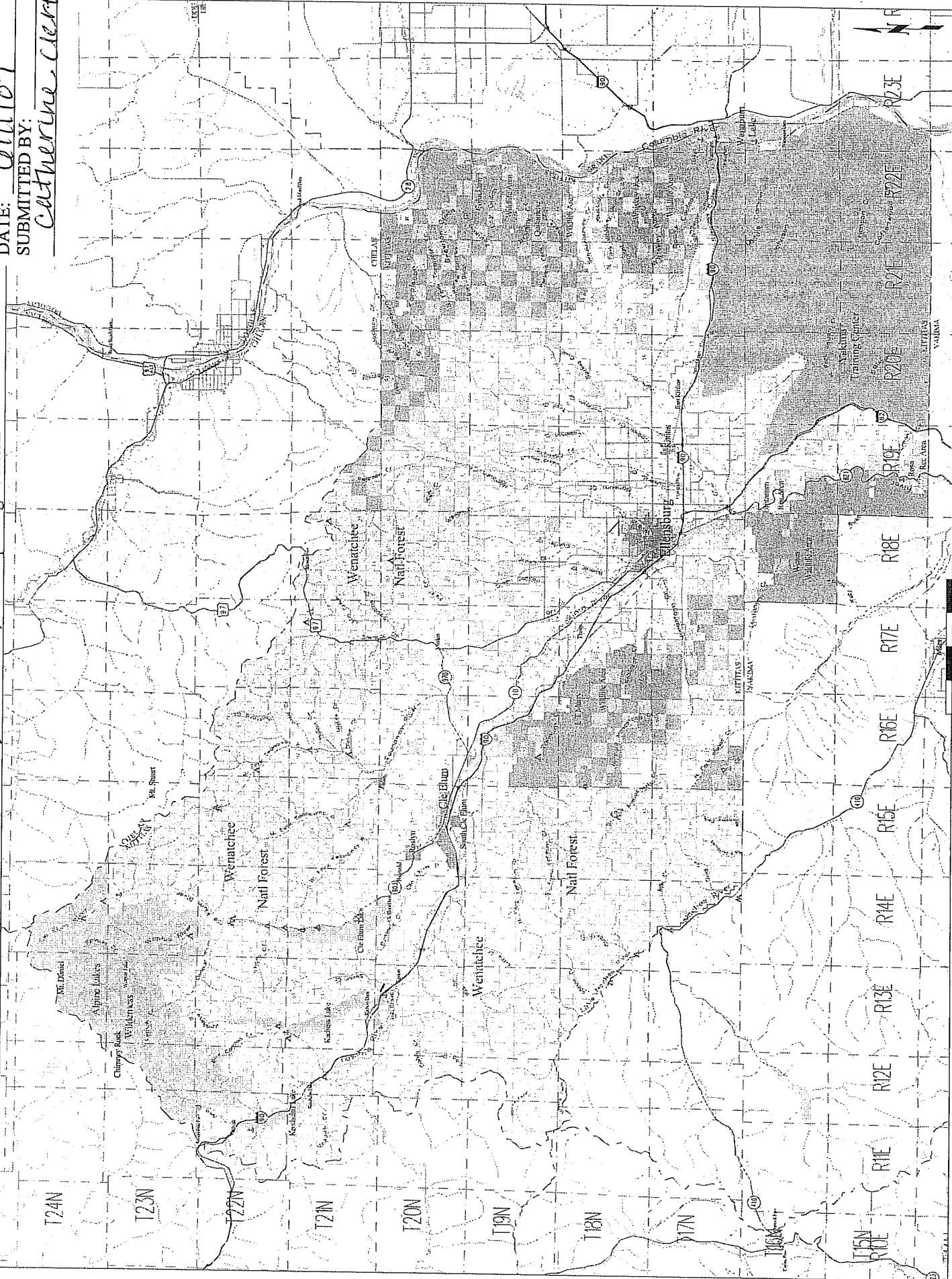
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DATE: 11/15/04  
 DRAWN BY: J. H. HARRIS  
 CHECKED BY: J. H. HARRIS

Kititas PUD  
 November 2004

EXHIBIT #: 10  
HEARING: Den code  
DATE: 11/11/07  
SUBMITTED BY:  
Catherine Cleef

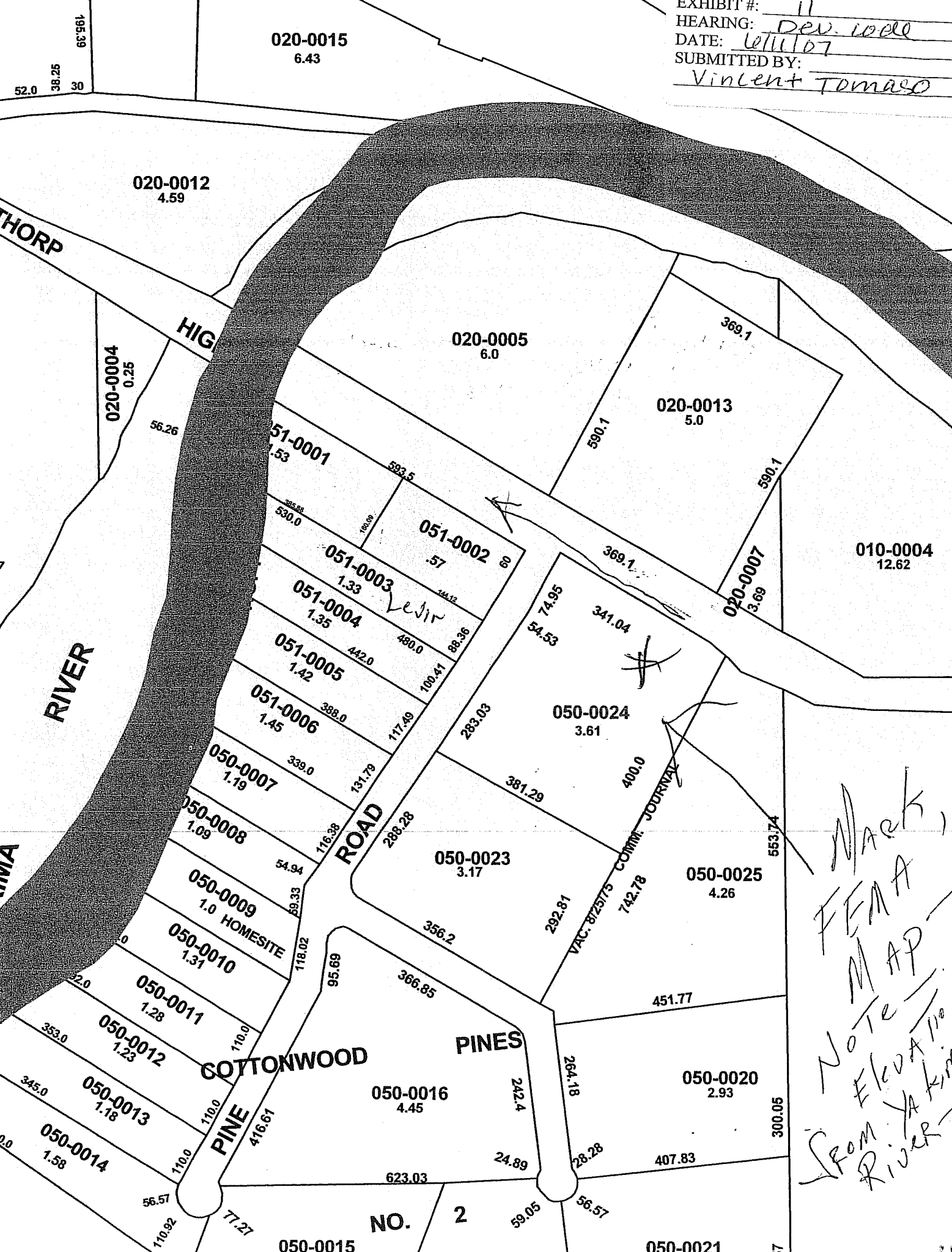
Kittitas County - Public Land, Township/Range Section



Catherine Cleef



EXHIBIT #: 11  
HEARING: Dev. Code  
DATE: 11/11/07  
SUBMITTED BY: Vincent Tomaso



Mark,  
FEMA  
Note  
MAP  
Elevation  
from  
River

June 4, 2007

Board of County Commissioners  
Kittitas County

Re; proposed changes to Kittitas Zone regulations

Dear Commissioners,

I appreciate the opportunity to address you regarding the proposed changes to our counties zoning regulations and impact that these changes may incur. My primary interest is the preservation of the 3 acre zone in both Rural and Agricultural areas. As you are aware, the 3 acre zoning was put in place at the same time and in accordance with the Growth Management Act. This zone was in response to GMA guidelines to set parcel sizes that were consistent with Ag and Rural lands; this was done at the cost of losing the prior one acre zoning which it replaced.

At the time these zones were put in place, there was much debate as to their validity and value. The commissioners at that time felt that 3 acre zoning was consistent and did meet the specification of state mandates and the GMA. My question is what has changed? Have the 3 acre zones failed to show consistency with the Rural and Ag designation? If so, how? I believe this question should be asked and answered before there is any consideration of their elimination.

Over the past ten to twelve years, the 3 acre zones have been some of the most developed, used, and prevalent parcels within the county. It has been very clear that the market trends within the state see these zones as beneficial or desirable. There can be no disputing that these zones have carried our county from the repressed status of 5 to 8 years ago to the growing and viable community we enjoy today. As working citizens of this great County, we don't want to return to those days. Are we going to stop something that has demonstrated its success, or rather, is it the success of these zones that is under consideration? Again, you must take in all the rhetoric and come back with a decision which will affect us all as county citizens. Your decision will affect our counties future growth and prosperity. Much discussion has recently taken place about affordability housing within our county.

Does the elimination of possible future home sites make any sense? Does the reduction of available future parcels serve our counties interest? In making your decision, please remember that it was your own planning department's report which showed that approximately 85% of our county is currently protected from development and growth. Why shouldn't the remaining 15% be available for our population growth.

In summary, I would suggest that 3 acre zoning is consistent with and has demonstrated its value to our community within these zones. As our country grows, it is our responsibility to accomodate some of this growth. Please acknowledge the fact that not

EXHIBIT #: 12  
HEARING: Dev. Code  
DATE: 6/11/07  
SUBMITTED BY: Jerry Martens

everyone has a desire to live in an urban environment. The use of 3 acre parcels has served us well in the past and will continue into the future with your blessing. Demographics show that population will continue to increase and expansion into our county is inevitable. We must accept this future and make wise use of the tools and applications which will guide and direct this growth. The use of 3 acre zones and the tools provided for under the Public Benefit Rating System are positive steps toward that goal. Please retain the 3 acre zoning designation and allow the PBRS to be used within this classification.

Yours truly,

Jerry T. Martens  
P O Box 458  
Cle Elum, Wa 98922

# Wide Support for Development of Wind Farms

"Do you support or oppose the development of wind farms in Kittitas County?"

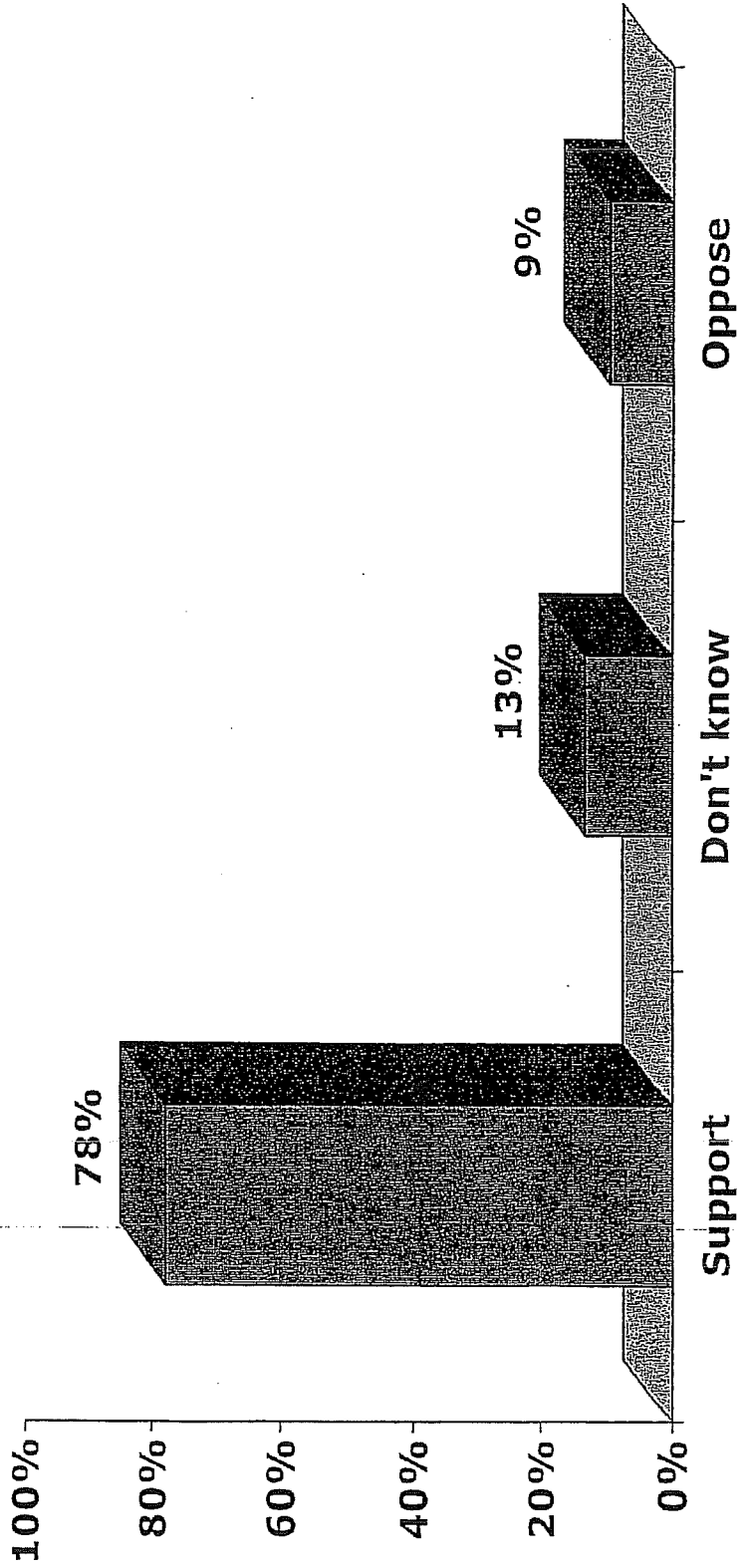
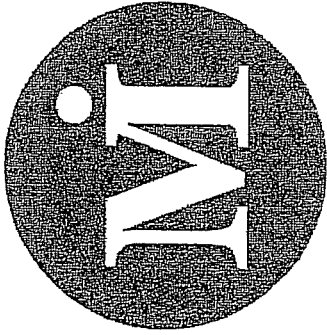


EXHIBIT #: 13  
HEARING: DEVL LOBLE  
DATE: 6/11/07  
SUBMITTED BY: Desmond Vaidich



**MOORE INFORMATION**

OPINION RESEARCH • STRATEGIC ANALYSIS

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# **Kittitas County Voters and Wind Farms**

February 2007

# Survey Methodology

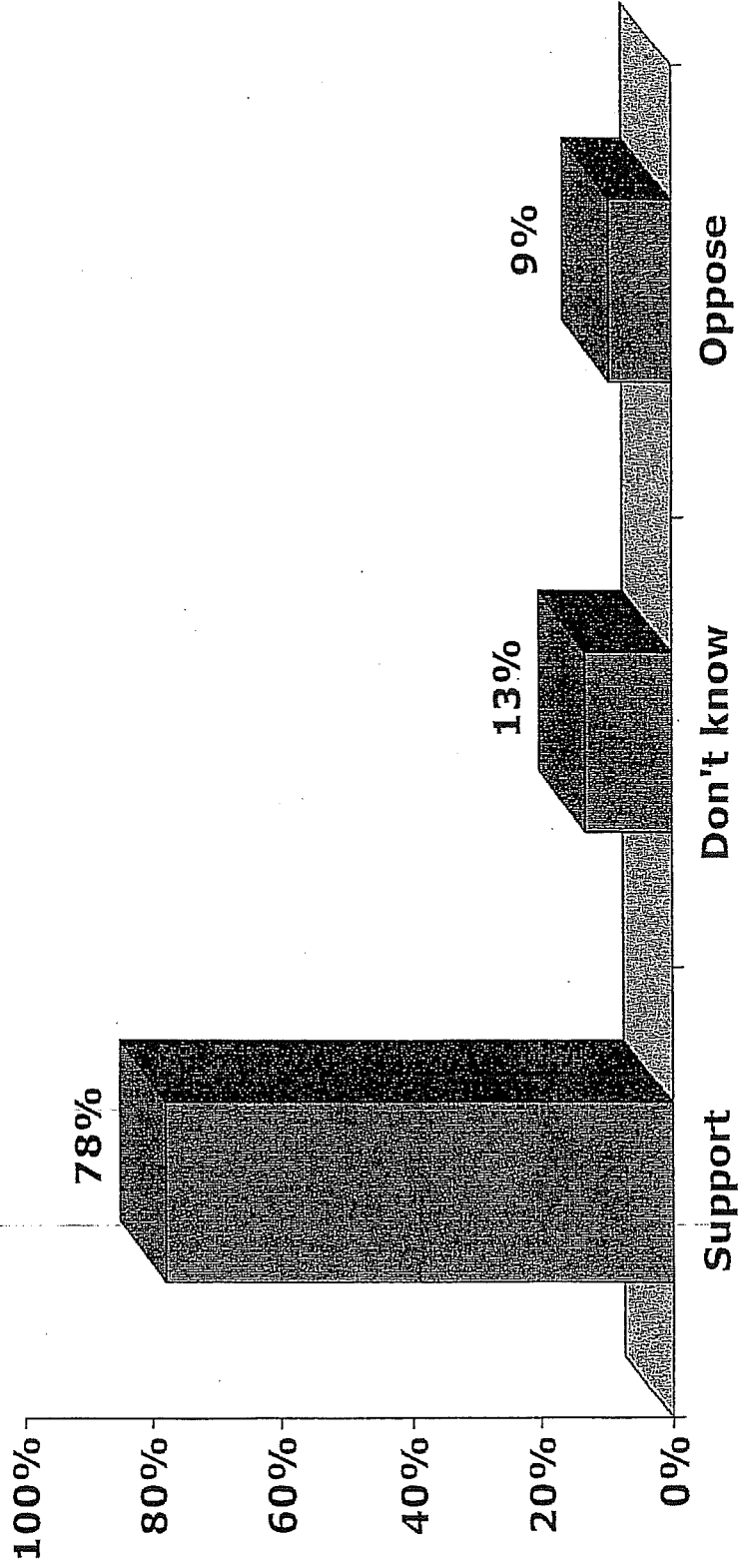
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- Sample
  - 300 interviews among a representative sample of voters in Kittitas County, Washington
- Method
  - Telephone interviews conducted February 22-23, 2007
- Sampling error
  - Plus or minus 6% at the 95% confidence level



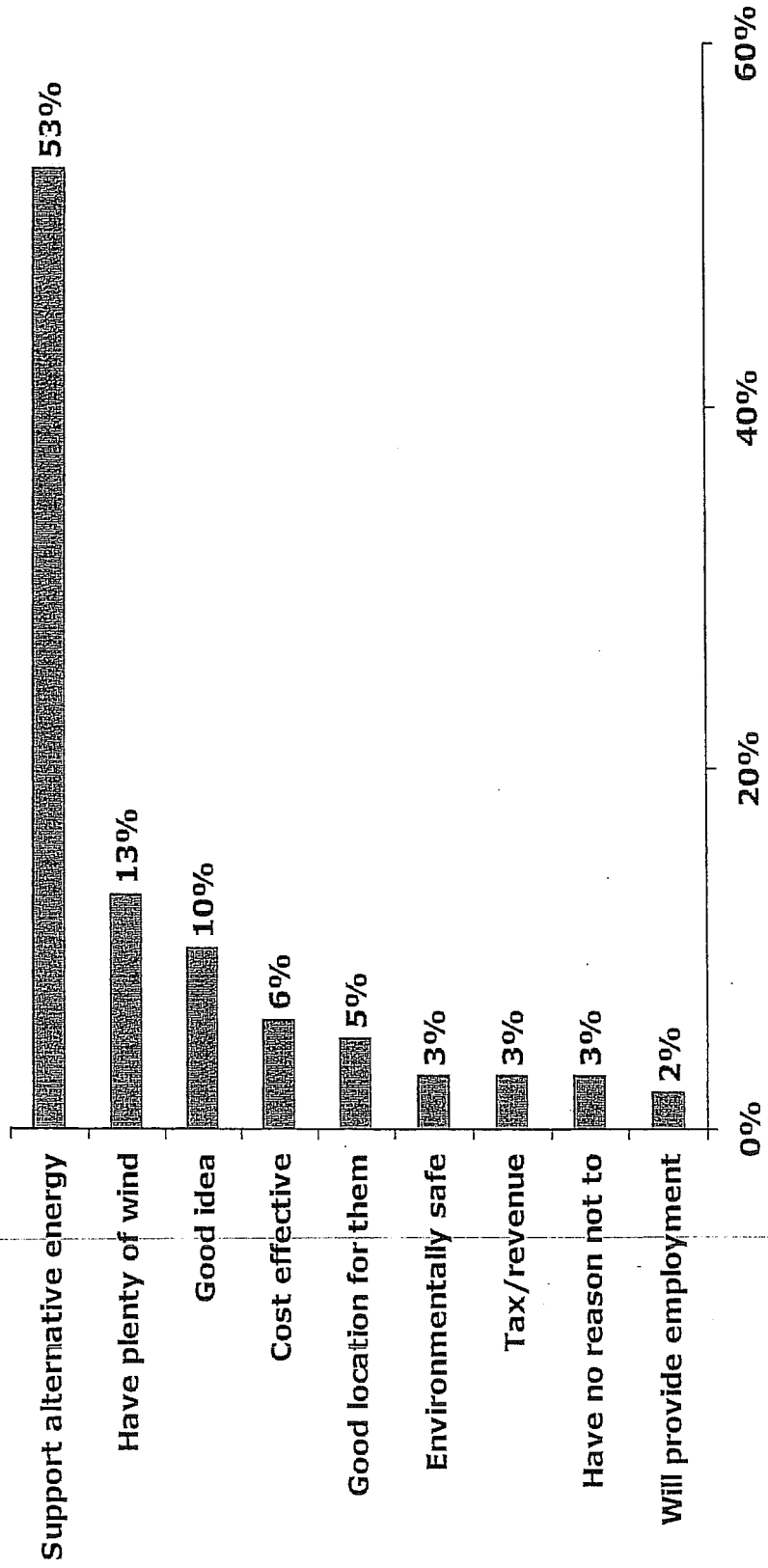
# Wide Support for Development of Wind Farms

"Do you support or oppose the development of wind farms in Kittitas County?"



# Support for Wind Farm Development

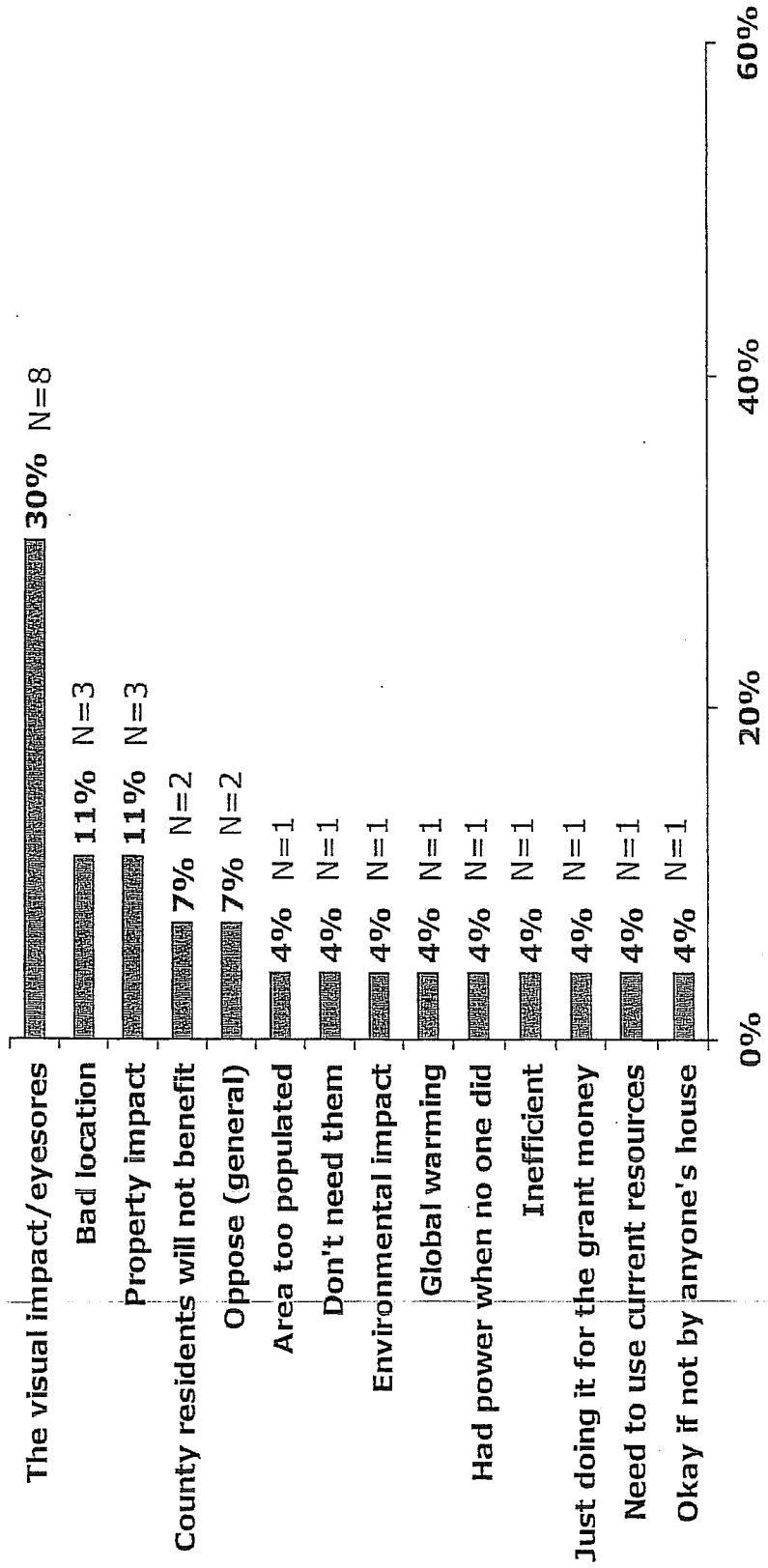
IF SUPPORT IN Q2: "Why do support wind farms in Kittitas County?" (N=235)





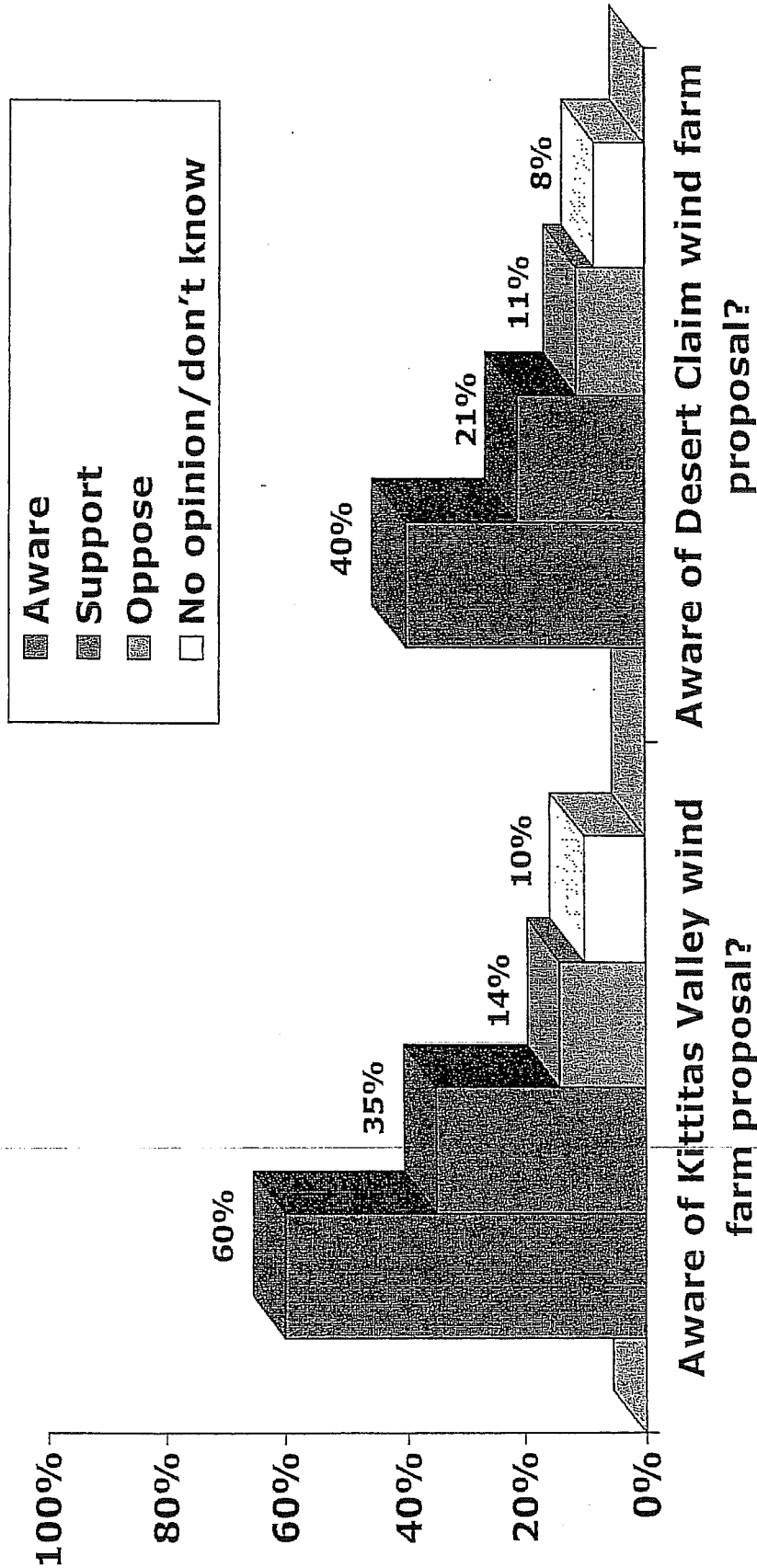
# Opposition to Wind Farm Development

IF OPPOSE IN Q2: "Why do oppose wind farms in Kittitas County?" (N=27)



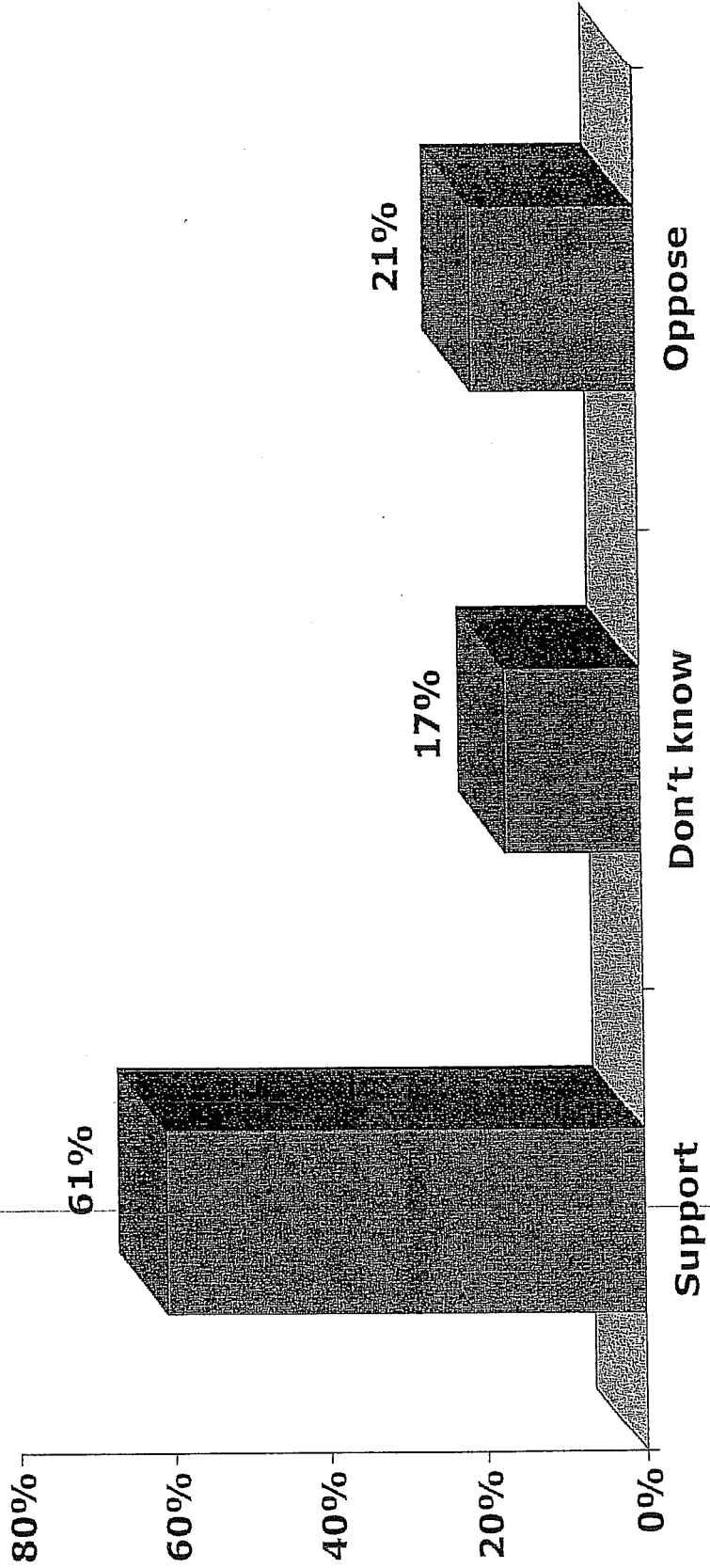
# Awareness of Wind Farms Developments and Proposals

"Are you aware or not aware of the \_\_\_\_\_? IF AWARE: Based on what you know or have heard, do you support or oppose the Kittitas Valley wind farm proposal?"



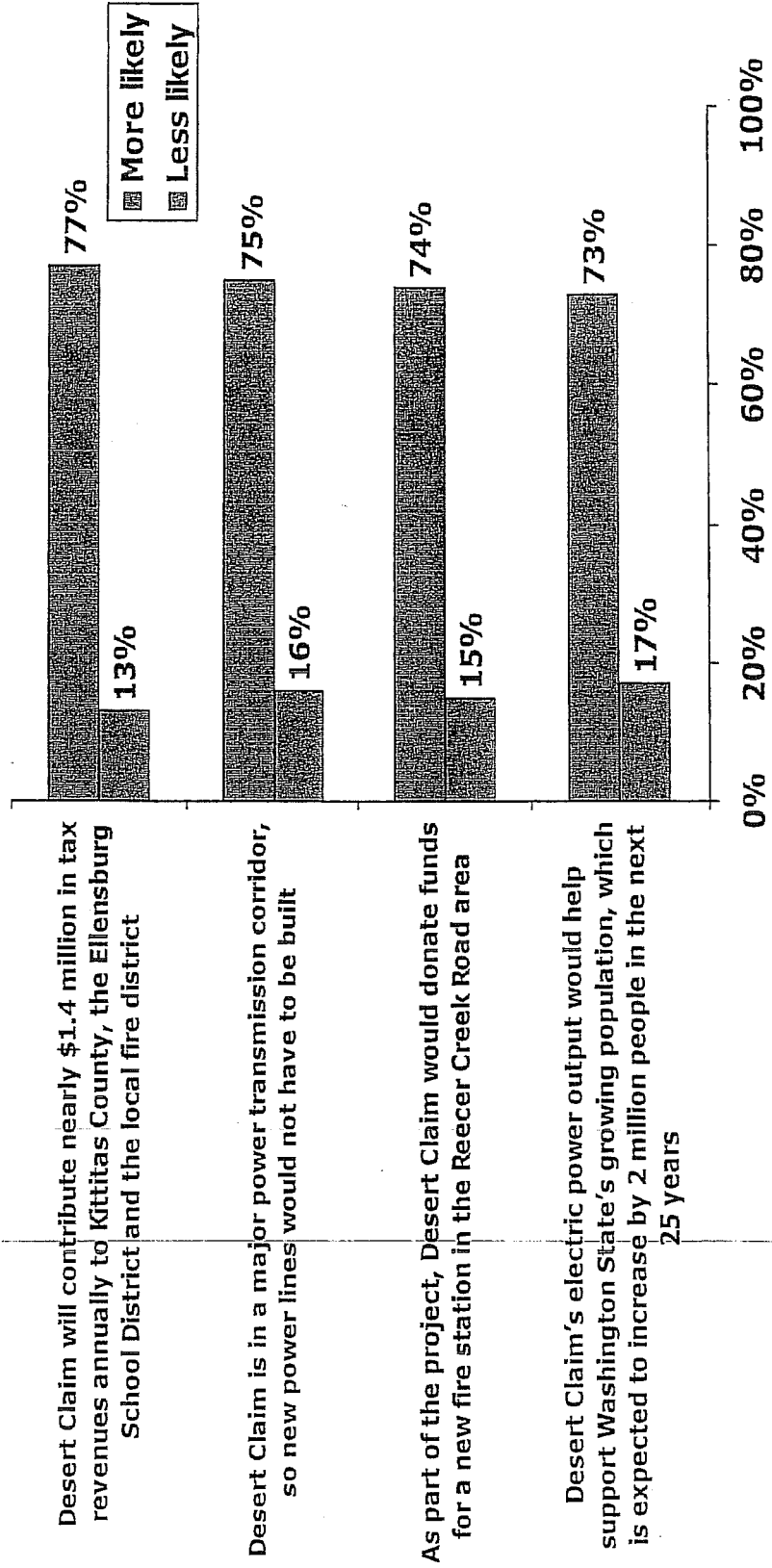
# Reaction to Desert Claim Proposal

"The Desert Claim wind farm would be located on rural land about eight miles Northwest of Ellensburg. After hearing this, do you support or oppose the Desert Claim wind farm proposal?"

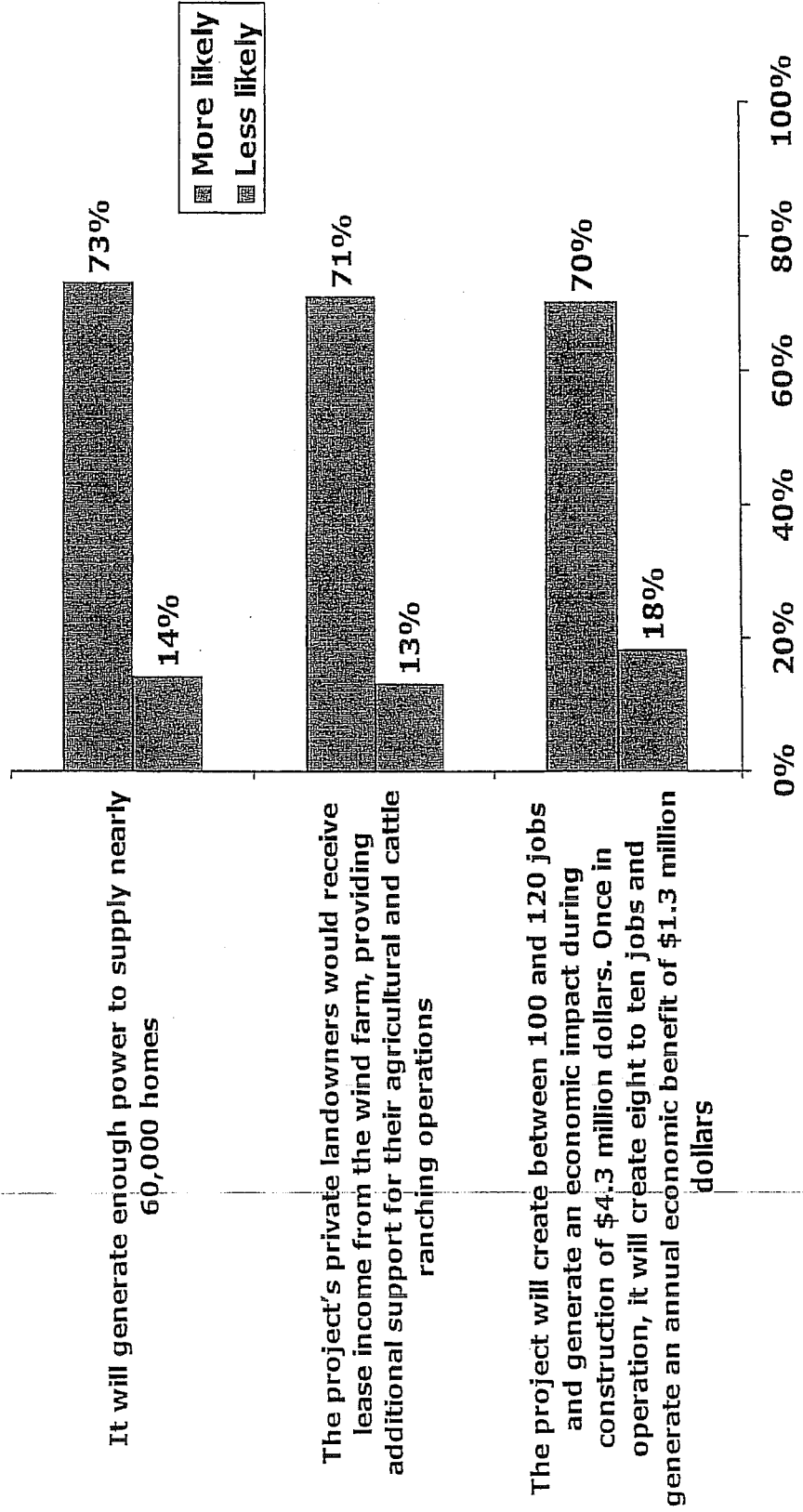


# Desert Claim Message Testing-1

"I am going to read some statements about the Desert Claim wind project. After hearing each, please tell me if you are more likely or less likely to support the Desert Claim wind project."



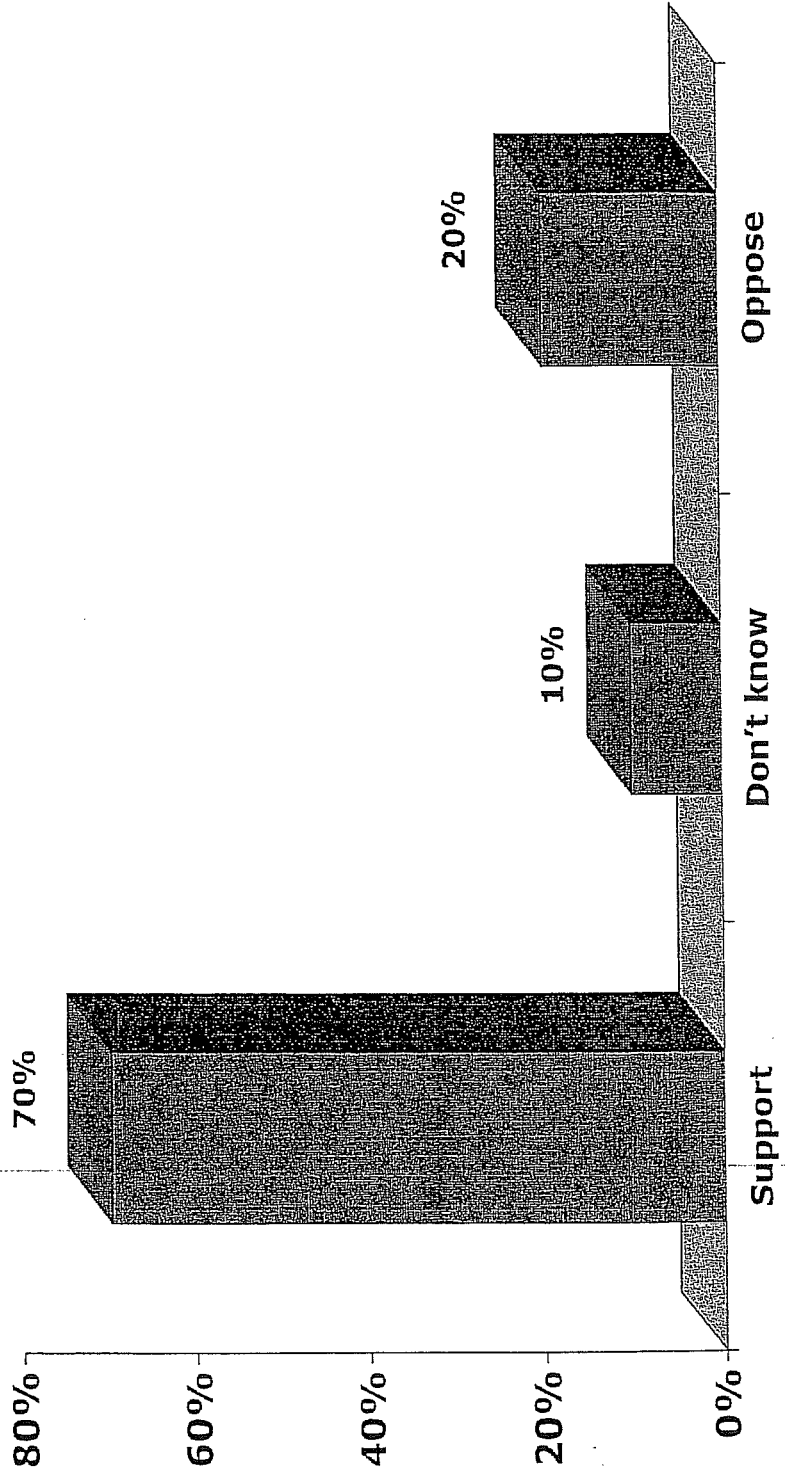
# Desert Claim Message Testing-2



# Post Message Test Reaction to Desert Claim

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"Now that you have heard these statements about the Desert Claim wind farm, would you support or oppose the project?"



180,000  
amount in this  
MTC

### RCW 36.70A.530 Land use development incompatible with military installation not allowed — Revision of comprehensive plans and development regulations.

- (1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.
- (2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4).
- (3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulation is compatible with the installation's ability to carry out its mission requirements.
- (4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.
- (5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.
- (b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

[2004 c 28 § 2.]

#### Notes:

Finding -- 2004 c 28: "The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions." [2004 c 28 § 1.]

David Black moved to pass forward Chapter 17.60B to the Board of County Commissioners as written with a recommendation of approval. Grant Clark seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.61.

Piercy stated we have changed Forest and Range back throughout the code.

Black asked if any comments or changes and additions.

Grant Clark moved to pass forward Chapter 17.61 to the Board of County Commissioners as written with corrections with a recommendation of approval. Kim Green seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.61A.

Black stated we had considerable testimony about this issue, and asked for clarification.

Piercy stated this would expedite the process of locating the wind farms and under the current process anything outside of this area would have to go through a public process and we are trying to identify the locations up front to allow that process to move more quickly.

Daugherty asked if the revenue would benefit all the schools.

Piercy stated this would have to be clarified with the Assessor's office and this is an issue outside of the code.

Black asked if we could have the information from the Assessor's office by the Findings of Fact.

Piercy stated this is the same issue as light industrial located in the city and the city gets the benefits. Black stated there was testimony to broaden this group to follow the utility corridor.

Fuller stated he objects to stopping someone to put one that meets all the requirements in an area they choose.

Piercy stated there is no restriction within the code to prevent individual project as long as they are less than 100 feet.

Black stated this speeds up the process.

Daugherty stated he would like to see that all the schools benefit.

Piercy stated there was some testimony to add language to #1 stating except as noted in 17.61A.035.

Rick Daugherty moved to pass forward Chapter 17.61A to the Board of County Commissioners as written with corrections with a recommendation of approval. Grant Clark seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.62.

discussion.

Schwartz  
5/1/11  
hm



**Desmond**

**From:** "Desmond Knudson" <desmond@ellitel.net>  
**To:** "Darryl Piercy" <darryl.piercy@co.kittitas.wa.us>  
**Cc:** "Julie Kjorsvik" <JULIE@co.kittitas.wa.us>  
**Sent:** Thursday, May 10, 2007 6:56 PM  
**Subject:** Re: Piercys Documentation to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

Mr. Piercy,  
I guess I am confused,

"We have cassette tapes that need to be transferred from the 2006 hearings. There are 17. Does Desmond want cassette tapes because we do not have the capability to put them on to cd's here. Also - Dept. Otherwise, all the CD's for 2005 are ready."

In one sentence she is saying "Does Desmond want cassette tapes because we do not have the capability to put them on to cd's here" and the next sentence she says "Otherwise, all the CD's for 2005 are ready". I also believe that we are dealing with "Comprehensive Plan Update 2006" that has nothing to do with 2005 when the commissioners shot down Mr. F. Steve Lathrops failed attempt to update the comp plan with his language regarding the wind farm pre-siting and/or only location. Prior to the April 10th 2007 Draft of the Development Code update of 17.61A.035 pre identified area for siting, .035 did not exist. Now if there is documentation you would like to submit to support your 17.61A.035 language, I would be thrilled to see it.....

Sincerely,

Desmond Knudson  
desmond@ellitel.net  
DPK Consultants  
1661 Vantage Hwy  
Ellensburg WA 98926  
509-925-9002

----- Original Message -----

**From:** Darryl Piercy  
**To:** desmond@ellitel.net  
**Sent:** Thursday, May 10, 2007 3:32 PM  
**Subject:** FW: Piercys Documentation to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

Desmond  
Please see below regarding your request

## of those audio recordings

The proposed change to the development code does not preclude application elsewhere in the county, rather it pre-identifies an area in the county in which the review process is streamlined as a result of improved information and knowledge based on review of at least three wind farm proposals and accompanying environmental data

Darryl Piercy

Director

Community Development Services

---

**From:** Desmond Knudson [mailto:desmond@ellitel.net]

**Sent:** Wednesday, May 02, 2007 12:24 PM

**To:** David Black; Darryl Piercy

**Cc:** Mike Johnston, Daily Record

**Subject:** Documentation to review "17.60A, 17.6B, 17.61-A Wind Farm Resource Overlay Zone."

05-02-07 12:24 pm

Mr. Piercy's and Mr. Black,

I must of missed the public out cry for this amendment to the comprehensive plan, and believe that the commissioners are, going to have a public appointed advisory committee, to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

You both keep referring publicly to this "East of Wind Horse", also you have both called it "Lathrop Amendment" publicly.

I would please request to see all of these public records, documents and citizens written signed list and/or comments, that have asked, requested, for this amendment. Would you please let me review this documentation ASAP, and the time line when I can review, that you believe the citizenry is asking for. Since the planning commission seems to jump wily nelly thru the time line process, I should have this quick so I can "publicly" respond to Mr. Blacks hearings!

Desmond Knudson

[desmond@ellitel.net](mailto:desmond@ellitel.net)

DPK Consultants

1661 Vantage Hwy

Ellensburg WA 98926

509-925-9002

**Desmond**

**From:** "Kittitas County Assessors Office" <Assessors@co.kittitas.wa.us>  
**To:** "Desmond Knudson" <desmond@ellitel.net>  
**Sent:** Monday, June 11, 2007 11:31 AM  
**Subject:** RE: Planning Comm Min 5-22-07, Assessor's office Question?

Good morning,

Marsha Weyand is attending the Assessor's Conference and out of the office until Thursday of this week. I will attempt to contact her today regarding your questions and will let you know if I'm successful.

Thank you,  
Cindy Adams, Admin. Assist.  
(509) 962-7547

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**From:** Desmond Knudson [mailto:desmond@ellitel.net]  
**Sent:** Sunday, June 10, 2007 6:12 AM  
**To:** Kittitas County Assessors Office  
**Subject:** Planning Comm Min 5-22-07, Assessor's office Question?

June 10, 2007

Marsha Weyand,  
Kittitas County Assessor  
205 W 5th AVE Suite 101  
Ellensburg WA 98926

Ms. Weyand,  
During the recent Planning Commission meeting, one of the members, Daugherty asked, Mr. Darryl Piercy, Director of CDS, "If the revenue would benefit all the schools."

Piercy stated "this would have to be clarified with the Assessors office and this is an issue outside of the code."

Chairman Black stated, "If we could have that information from the assessor's office by the finding of facts."

Daugherty stated, "he would like to see that all schools benefit."

Ms. Weyand my questions is, did Mr. Piercy clarify this information, as I have seen nothing in the record from you or your office, memo, phone record, regarding these question? If so or not so can you clarify this for the record, for testimony at the Board of County Commissioners, going on and starting Monday June 11, 2007 at 6:00 pm.

This is in reference to 17.61A.035, development code update, commonly know as the Lathrop Amendment, which would make the permitting process of wind farms, to the eastern most part of the county less restrictive than any where in the county including the transmission corridor. It is my understanding by state law, that schools, fire districts and special taxing districts, only benefit, if the taxable property is in their taxing district?

Sincerely,  
Desmond Knudson

6/11/2007

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 205 W 5th AVE Suite 101  
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June 10, 2007

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Desmond

Sincerely,  
Desmond Knudson  
[desmond@ellitel.net](mailto:desmond@ellitel.net)  
DPK Consultants  
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Ellensburg WA 98926  
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BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON

RESOLUTION

No. 2007-14

KITTITAS COUNTY LEVIES FOR 2007 TAX COLLECTION

**WHEREAS:**

On this 20th day of February, 2007, the Board of County Commissioners of Kittitas County, pursuant to the laws of the State of Washington providing for the assessment of taxes, do hereby levy a tax on all taxable property in Kittitas County and all taxable property within the various taxing districts, as shown by the assessment rolls of the County, said taxes being for the purpose of defraying the expense of the State, County, road, municipalities, school districts, and all other taxing districts within Kittitas County, and it appearing that the amount to be levied for State purposes as determined by the State of Washington Department of Revenue has been certified to the County, and it appearing that the municipalities, school districts, and other taxing districts have certified to the County the amounts needed to meet expenses for 2007, and it appearing that the Board of County Commissioners have determined the amount to be levied for County purposes;

**NOW, THEREFORE, BE IT RESOLVED:**

With all members concurring, that for the purposes of raising revenues for the State, County, road, municipalities, school districts, and all other taxing districts, there is hereby levied on all taxable property in the County of Kittitas, State of Washington, and on all taxable property within the various taxing districts, as shown by the assessment rolls for the year 2007, taxes in the amounts hereinafter indicated.

**KITTITAS COUNTY LEVIES FOR 2006-2007**

KITTITAS COUNTY TAX BASE FOR REGULAR LEVIES .....	\$3,936,776,085.00
LESS SENIOR CITIZEN REMAINING VALUES .....	\$30,959,027.00
PLUS TIMBER ASSESSED VALUE (TAV) .....	\$111,863,506.00
<hr/>	
KITTITAS COUNTY TAX BASE FOR EXCESS AND BOND LEVIES .....	\$4,017,680,564.00
<hr/>	
TOTAL TAXES (LOCAL COLLECTION) .....	\$36,237,735.28
TOTAL TAXES (TIMBER EXCISE TAXES) .....	\$197,382.00
<hr/>	
TOTAL .....	<u>\$36,435,117.28</u>

\*100% District Timber Assessed Value - For Voted Bonds and Capital Project Levies

\*\*50% District Timber Assessed Value or 80% of 1983 Timber Roll - For School Maintenance and Operation Levies

\*\*\*State Department of Wildlife Land - In Lieu of Property Tax (RCW 77.12.203)

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
STATE (PUBLIC SCHOOLS)	\$3,918,440,851	\$2.718623	\$10,652,763.42		
REFUND FUND (RCW 84.68.040)	\$3,918,440,851	\$0.007205	\$28,292.37		
<b>TOTAL</b>		<b>\$2.725828</b>	<b>\$10,680,995.79</b>		<b>\$10,680,995.79</b>
<b>County Funds</b>					
Current Expense	\$3,936,776,085	\$1.055765	\$4,156,310.40		
Community Services	\$3,936,776,085	\$0.022429	\$88,297.95		
Veterans Assistance	\$3,936,776,085	\$0.019051	\$74,999.52		
<b>TOTAL</b>		<b>\$1.097245</b>	<b>\$4,319,607.87</b>		<b>\$4,319,607.87</b>
Road District No. 1	\$2,781,960,011	\$1.223011	\$3,402,367.70		
Co. Road Diverted (RCW 36.33.220)	\$2,781,960,011	\$0.030553	\$84,997.22		
<b>TOTAL</b>		<b>\$1.253564</b>	<b>\$3,487,364.92</b>		<b>\$3,487,364.92</b>
<b>Cities and Towns</b>					
Cle Elum Regular Levy	\$180,771,821	\$2.163066	\$391,021.38		
<b>TOTAL</b>		<b>\$2.163066</b>	<b>\$391,021.38</b>		<b>\$391,021.38</b>
Ellensburg Regular Levy	\$812,208,120	\$2.504246	\$2,033,968.94		
BOND (2004-2022)	\$803,147,100	\$0.159064	\$127,751.79		
<b>TOTAL</b>		<b>\$2.663310</b>	<b>\$2,161,720.73</b>		<b>\$2,161,720.73</b>
Kittitas Regular Levy	\$45,117,126	\$2.581964	\$116,490.80		
<b>TOTAL</b>		<b>\$2.581964</b>	<b>\$116,490.80</b>		<b>\$116,490.80</b>



TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
Roslyn Regular Levy	\$82,288,038	\$2.054552	\$169,065.05		
BOND (2002-2011)	\$81,246,728	\$0.303027	\$24,619.95		
*100% TAV	\$288,711	\$0.303027		\$87.49	
<b>TOTAL</b>		<u>\$2.357579</u>	<u>\$193,685.00</u>	<u>\$87.49</u>	<u>\$193,772.49</u>
South Cle Elum Regular Levy	\$34,430,969	\$2.563822	\$88,274.88		
<b>TOTAL</b>		<u>\$2.563822</u>	<u>\$88,274.88</u>		<u>\$88,274.88</u>
School Districts					
No. 7 Damman M&O (2007-2008)	\$76,725,394	\$1.303349	\$99,999.96		
****Qwest Refund	\$76,725,394	\$0.001025	\$78.65		
<b>TOTAL</b>		<u>\$1.304374</u>	<u>\$100,078.61</u>		<u>\$100,078.61</u>
No. 28 Easton Bond (2001-2020)	\$406,938,406	\$0.779900	\$317,371.26		
*100% TAV	\$16,192,695	\$0.779900		\$12,628.68	
****Qwest Refund	\$406,938,406	\$0.001178	\$479.38		
M&O Levy (2007-2010)	\$406,938,406	\$0.602137	\$245,032.66		
**80% TAV of 1983 Timber Roll	\$8,249,464	\$0.602137		\$4,967.31	
****Qwest Refund	\$406,938,406	\$0.000781	\$317.82		
<b>TOTAL</b>		<u>\$1.383996</u>	<u>\$563,201.12</u>	<u>\$17,595.99</u>	<u>\$580,797.11</u>
No. 400 Thorp Bond (1990-2010)	\$161,427,701	\$0.802809	\$129,595.60		
*100% TAV	\$12,959,905	\$0.802809		\$10,404.33	
****Qwest Refund	\$161,427,701	\$0.001178	\$190.17		
M&O Levy (2007-2008)	\$161,427,701	\$2.769379	\$447,054.48		
**50% TAV	\$6,479,953	\$2.769379		\$17,945.44	
****Qwest Refund	\$161,427,701	\$0.002904	\$468.79		
<b>TOTAL</b>		<u>\$3.576270</u>	<u>\$577,309.04</u>	<u>\$28,349.77</u>	<u>\$605,658.81</u>

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
No. 401 Ellensburg Bond (1991-2008; 2002-21)	\$1,483,725,232	\$1.526782	\$2,265,324.97		
*100% TAV	\$22,710,557	\$1.526782		\$34,674.07	
****Qwest Refund	\$1,483,725,232	\$0.000168	\$249.27		
M&O Levy (2007-2008)	\$1,483,725,232	\$2.802162	\$4,157,638.46		
**50% TAV	\$11,355,279	\$2.802162		\$31,819.33	
****Qwest Refund	\$1,483,725,232	\$0.000258	\$382.81		
<b>TOTAL</b>		<b>\$4.329370</b>	<b>\$6,423,595.51</b>	<b>\$66,493.40</b>	<b>\$6,490,088.91</b>
No. 403 Kirtitas Bond (1991-2007)	\$289,279,019	\$2.035846	\$588,927.53		
*100% TAV	\$2,982,714	\$2.035846		\$6,072.35	
****Qwest Refund	\$289,279,019	\$0.000428	\$123.82		
M&O Levy (2007-2008)	\$289,279,019	\$2.617185	\$757,096.70		
**50% TAV	\$1,491,357	\$2.617185		\$3,903.16	
****Qwest Refund	\$289,279,019	\$0.000624	\$180.52		
<b>TOTAL</b>		<b>\$4.654083</b>	<b>\$1,346,328.57</b>	<b>\$9,975.51</b>	<b>\$1,356,304.08</b>
No. 404 Cle Elum-Roslyn Bond (1992-2011)	\$1,477,530,181	\$0.482602	\$713,059.01		
*100% TAV	\$55,822,637	\$0.482602		\$26,940.12	
****Qwest Refund	\$1,477,530,181	\$0.000784	\$1,158.39		
M&O Levy (2005-2007)	\$1,477,530,181	\$0.896746	\$1,324,969.28		
**50% TAV	\$27,911,319	\$0.896746		\$25,029.36	
****Qwest Refund	\$1,477,530,181	\$0.001254	\$1,852.83		
<b>TOTAL</b>		<b>\$1.381386</b>	<b>\$2,041,039.51</b>	<b>\$51,969.48</b>	<b>\$2,093,008.99</b>
No. 3-I Naches Bond	\$298,236	\$0.706736	\$210.77		
M&O Levy	\$298,236	\$2.826360	\$842.92		
<b>TOTAL</b>		<b>\$3.533096</b>	<b>\$1,053.69</b>		<b>\$1,053.69</b>

TAXING DISTRICT	VALUATIONS	LEVY	LOCAL TAX	TIMBER TAX	TOTAL TAX
		DOLLARS PER THOUSAND			
No. 119 Selah Bond	\$9,892,889	\$1.441100	\$14,256.64		
***Owest Refund	\$9,892,889	\$0.054550	\$539.66		
M&O Levy	\$9,892,889	\$3.297031	\$32,617.16		
***Owest Refund	\$9,892,889	\$0.107402	\$1,062.52		
<b>TOTAL</b>		<u>\$4.900083</u>	<u>\$48,475.98</u>		<u>\$48,475.98</u>
<b>Fire Districts</b>					
No. 1 Thorp Regular Levy	\$146,088,368	\$1.000000	\$146,088.37		
Bond (2001-2020)	\$145,019,893	\$0.153613	\$22,276.95	\$42.33	
*100% TAV	\$275,591	\$0.153613	\$42.33	\$42.33	
<b>TOTAL</b>		<u>\$1.153613</u>	<u>\$168,365.32</u>		<u>\$168,407.65</u>
No. 2 Ellensburg Area Regular Levy	\$893,913,190	\$1.267016	\$1,132,602.31		
<b>TOTAL</b>		<u>\$1.267016</u>	<u>\$1,132,602.31</u>		<u>\$1,132,602.31</u>
No. 3 Easton Regular Levy	\$105,713,381	\$0.535543	\$56,614.06		
Bond (2004-2013)	\$105,360,801	\$0.312734	\$32,949.91	\$194.95	
*100% TAV	\$623,377	\$0.312734	\$194.95	\$194.95	
<b>TOTAL</b>		<u>\$0.848277</u>	<u>\$89,563.97</u>		<u>\$89,758.92</u>
No. 4 Vantage Regular Levy	\$12,516,568	\$0.712639	\$8,919.79		
<b>TOTAL</b>		<u>\$0.712639</u>	<u>\$8,919.79</u>		<u>\$8,919.79</u>
No. 51 Snaqualmie Pass Regular Levy	\$155,174,746	\$0.770074	\$119,496.04		
<b>TOTAL</b>		<u>\$0.770074</u>	<u>\$119,496.04</u>		<u>\$119,496.04</u>
No. 6 Ronald Area Regular Levy	\$227,709,001	\$0.478446	\$108,946.46		
<b>TOTAL</b>		<u>\$0.478446</u>	<u>\$108,946.46</u>		<u>\$108,946.46</u>

TAXING DISTRICT	VALUATIONS	LEVY	LOCAL TAX	TIMBER TAX	TOTAL TAX
		DOLLARS PER THOUSAND			
No. 7 Upper County Area Regular Levy	\$824,495,658	\$0.635059	\$523,603.39		
<b>TOTAL</b>		<b>\$0.635059</b>	<b>\$523,603.39</b>		<b>\$523,603.39</b>
No. 8 Kachess Plats Regular Levy	\$97,691,570	\$0.757253	\$73,977.23		
Bond (2002-2021)	\$97,691,570	\$0.162194	\$15,844.99		
<b>TOTAL</b>		<b>\$0.919447</b>	<b>\$89,822.22</b>		<b>\$89,822.22</b>
<b>Hospital Districts</b>					
No. 1 Lower County Area Regular Levy	\$2,290,584,726	\$0.002549	\$5,838.70		
Bond (1999-2019)	\$2,269,487,771	\$0.338657	\$768,577.92	\$22,673.08	
*100% TAV	\$66,949,993	\$0.338657		\$22,673.08	
<b>TOTAL</b>		<b>\$0.341206</b>	<b>\$774,416.62</b>		<b>\$797,089.70</b>
No. 2 Upper County Area Regular Levy	\$1,645,893,123	\$0.215004	\$353,873.61		
EMS Regular Levy (2004-2009)	\$1,645,893,123	\$0.193433	\$318,370.04		
<b>TOTAL</b>		<b>\$0.408437</b>	<b>\$672,243.65</b>		<b>\$672,243.65</b>
<b>Cemetery District</b>					
No. 1 Thorp Regular Levy	\$155,028,876	\$0.061357	\$9,512.11		
<b>TOTAL</b>		<b>\$0.061357</b>	<b>\$9,512.11</b>		<b>\$9,512.11</b>
<b>GRAND TOTAL ALL DISTRICTS</b>			<b>\$36,237,735.28</b>	<b>\$197,382.00</b>	<b>\$36,435,117.28</b>
***State Department of Wildlife Land	\$14,979,241				\$116,574.36

The figures in this report are based on the total budget for each taxing entity. They will differ slightly from reports based on taxes distributed by tax parcel.

KITTITAS COUNTY LEVIES FOR 2006-2007

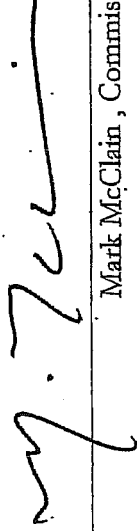
ADOPTED this <sup>22nd</sup> 20th day of February 2007

BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

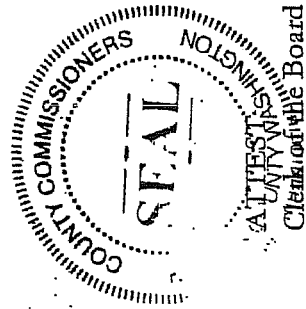


Alan Crankovich, Chairman

David B. Bowen, Vice Chairman



Mark McClain, Commissioner



Julie K. Jorsvik

Actual figures will be developed by the Assessors Office once the project is completed.  
 2005 assessed valuations -- Levies and taxes to be collected in 2006

## Kititas Valley Wind Power Project Tax Impacts

Estimated Project Value \$190,000,000  
 Estimated tax bill year 1 \$1,507,228

Tax Code Area 12 (Thorp School District)  
 Tax Code Areas 32 & 34 (Cle Elum School District)

District	Levy rate/1000	Current Assessed value	Project value in district	New assessed value	2005 Tax Revenue	Revenue after project built
County CE	\$1.192675	\$3,000,309,391	\$190,000,000	\$3,220,312,485	\$3,578,394.00	\$3,840,786.19
State School	\$2.951747	\$2,983,338,632	\$190,000,000	\$3,203,172,018	\$8,806,060.86	\$9,454,953.40
Road #1	\$1.416916	\$1,948,510,016	\$190,000,000	\$2,157,995,116	\$2,760,875.02	\$3,057,697.81
Hospital #1	\$0.002674	\$1,820,871,468	\$190,000,000	\$2,029,080,183	\$4,869.01	\$5,425.76
Fire #1	\$0.762359	\$109,886,374	\$51,300,000	\$162,285,238	\$83,772.87	\$123,719.61

Voted Excess levies Levy rate/1000 Assessed value New assessed value Certified Levy Amount New rate

### Maintenance & Operations

School 400 - Thorp	\$2.678138	\$152,800,523	\$178,458,528	\$409,221	\$2.293087	Code 12
School 404 - Cle Elum	\$1.010110	\$1,237,488,738	\$1,415,733,625	\$1,250,000	\$0.882934	Codes 32, 34

### Bonds

Hospital #1	\$0.421536	\$2,079,298,302	\$2,151,391,285	\$876,499	\$0.407410	
Fire #1	\$0.135626	\$131,206,319	\$156,648,382	\$17,795	\$0.113598	Codes 12, 34
School 400 - Thorp	\$0.847823	\$159,231,297	\$326,693,610	\$11,029	\$0.033760	Code 12
School 404 - Cle Elum	\$0.576859	\$1,266,473,363	\$1,278,128,097	\$730,000	\$0.571148	Codes 32, 34

Estimated Taxes Levy rate/1000 Project value in district Taxes

District	Levy rate/1000	Project value in district	Taxes	Definitions
County CE	\$1.192675	\$190,000,000	\$226,608.25	Taxing district
State School	\$2.951747	\$190,000,000	\$560,831.93	Figure from the Kititas County Assessor's Report
Road #1	\$1.416916	\$190,000,000	\$269,214.04	Valuation listed in the Kititas County Assessor's Report
Hospital #1	\$0.002674	\$190,000,000	\$508.06	Value of the project located in this particular taxing district
Fire #1	\$0.762359	\$51,300,000	\$39,109.02	Assessed value + project value in district = new assessed value
School 400 - Thorp	\$2.678138	\$24,130,000	\$64,623.47	Figure from the Kititas County Assessor's Report
School 404 - Cle Elum	\$1.010110	\$165,870,000	\$167,546.95	2006 legislation now considers 100% of project new construction
				New construction is exempt from the 1% tax lid
Hospital #1	\$0.407410	\$190,000,000	\$77,407.97	Voted Excess Levies
Fire #1	\$0.113598	\$51,300,000	\$5,827.59	As assessed values rise in a taxing district, the voted excess levy rates decline
School 400 - Thorp	\$0.033760	\$24,130,000	\$814.64	Assessed value increased by 1% + project value in district = new assessed value
School 404 - Cle Elum	\$0.571148	\$165,870,000	\$94,736.24	Certified levy amount divided by the new assessed value divided by 1,000
Total Taxes			\$1,507,228.15	

Based on turbine locations	8 in Code 12	12.7% of project	\$24,130,000
	46 in Code 32	73% of project	\$138,700,000
	9 in Code 34	14.3% of project	\$27,170,000
		100% of project	\$190,000,000

# Wild Horse Wind Power Project Tax Impacts

This spreadsheet developed with input from the Washington State Department of Revenue and Puget Sound Energy Assumption is that Puget Sound Energy will be the owner of the project. Actual figures will be developed by DOR once the project is completed. 2005 assessed valuations. Levies and taxes to be collected 2006.

Estimated Capital Investment \$380,000,000 (January 2007 per PSE)  
 PSE Discount Rate 0.5045596  
 Estimated Tax Bill \$1,727,686.48  
 Entire Project in Tax Code Area 25

Taxing district	Levy Rate/1000	Current Assessed value	Project value in district	New assessed value	2006 tax Revenue	Revenue after project built	PSE levy payment
County CE	\$1.1927	\$3,333,464,639	\$191,732,648	\$3,525,197,287	\$3,975,740	\$4,204,415	\$228,675
State School Road #1	\$2.9517	\$3,314,800,530	\$191,732,648	\$3,506,533,178	\$9,784,453	\$10,350,399	\$565,946
Hospital #1	\$1.4169	\$2,240,780,295	\$191,732,648	\$2,432,512,943	\$3,174,997	\$3,446,667	\$271,669
	\$0.0027	\$2,032,872,896	\$191,732,648	\$2,224,605,544	\$5,436	\$5,949	\$513
	\$5.5640				\$16,940,626	\$18,007,429	1,066,803
Voted Excess Levies	Levy rate/1,000	Assessed value	New Assessed Value	Certified Levy Amount	New rate		PSE payment
Maintenance & Operation School 403	\$3.0344	\$223,414,057	\$415,146,705	\$682,000.00	\$1.6428		\$314,977
Bonds	Bond Rate/1000						
Hospital #1 School 403	\$0.4215	\$2,013,973,070	\$2,205,705,718	\$676,499.00	\$0.3974		\$76,190
	\$2.5830	\$223,414,057	\$415,146,705	\$584,000.00	\$1.4067		\$269,716
	\$6.0390				\$1.8041		\$345,907
Total tax	\$11.6030						\$1,727,686

## Definitions/Assumptions

**District**  
 Levy rate/1000  
 Assessed value  
 Project value in district

**Taxing district**  
 Figure from the Kittitas County Assessor's Report 2005 Assessed Valuations  
 Valuation listed in the Kittitas County Assessor's Report 2005 Assessed Valuations  
 As a utility, PSE is "centrally assessed" by the Department of Revenue for tax purposes.  
 Based on conversations with Department of Revenue, the method they will use to tax this project is to determine based on PSE holdings throughout the state the value of the project in Kittitas County. It should be fairly close to capital cost. Using a discount rate (usually very close to 50%), DOR determines the assessed value. There may be very slight fluctuations, but the percent should not vary from year to year by more than a few percentage points. This method means that the assessed value of the project will not significantly change in value as does a depreciated project but remain fairly constant over its predetermined life. The discount rate for 2003 of 0.5045596 was used for this spreadsheet.  
 This discount rate times the assessed value gives you the figure to use for project value in district.

**2006 revenue**  
 Revenue after project built  
 This is simply calculating tax based on the new assessed value of the taxing district  
 Calculation is made by dividing new assessed value by \$1,000 and multiplying by levy rate.

**Bonds**  
 Bond yearly payments do not change.  
 As assessed values rise in a taxing district, the rates decline  
 Assessed value plus the project value in district is the new assessed value  
 Yearly payment divided by the new assessed value divided by 1,000

**New assessed value for bonds**  
 New rate

**Note**  
 New tax money is paid through the levies that are collected in the top group of taxing districts.  
 Increasing the assessed value for the bonds decreases individual tax bills but does not increase revenue.

# Desert Claim Wind Power

Approximate value of project \$200,000,000  
 Estimated tax bill \$2,027,905

20% of project in Tax Code Area 19  
 80% of project in Tax Code Area 22

District	Levy rate/1000	Assessed value	Project value in district	New assessed value	2006 Tax Revenue	Revenue after project built	New Tax revenue
County CE	\$1.0558	\$3,333,464,639	\$200,000,000	\$3,533,464,639	\$3,519,355	\$3,730,508	\$211,153
State School	\$2.7186	\$3,314,800,530	\$200,000,000	\$3,514,800,530	\$9,011,693	\$9,555,418	\$543,725
Road #1	\$1.2230	\$224,078,295	\$200,000,000	\$424,078,295	\$274,050	\$518,652	\$244,602
Hospital #1	\$0.0025	\$2,032,872,896	\$200,000,000	\$2,232,872,896	\$5,182	\$5,692	\$510
Fire #2 (22 only)	\$1.2670	\$778,597,115	\$160,000,000	\$938,597,115	\$986,495	\$1,189,218	\$202,723
					\$13,796,775	\$14,999,487	\$1,202,712

Maintenance & Operations	Levy rate/1000	Assessed value	Project value in district	New assessed value	Certified Levy Amount	New rate	Tax savings
School 401 - Ellensburg	\$2.8022	\$1,483,725,232	\$200,000,000	\$1,683,725,232	\$4,157,638	\$2.4693	\$0.3329

Bonds	Levy rate/1000	Assessed value	Project value in district	New assessed value	Certified Levy Amount	New rate	Tax savings
Hospital #1	\$0.3387	\$2,269,487,771	\$200,000,000	\$2,469,487,771	\$768,578	\$0.3112	\$0.0274
School 401 - Ellensburg	\$1.5268	\$1,483,725,232	\$200,000,000	\$1,683,725,232	\$2,265,325	\$1.3454	\$0.1814

Estimated Taxes	Levy rate/1000	Project value in district	Taxes	Definitions
County CE	\$1.0558	\$200,000,000	\$211,153.00	District Taxing district
State School	\$2.7186	\$200,000,000	\$543,724.60	Levy rate/1000 Figure from the Kittitas County Assessor's Report 2005
Road #1	\$1.2230	\$200,000,000	\$244,602.20	Assessed value Valuation listed in the Kittitas County Assessor's Report 2005
Hospital #1	\$0.0025	\$200,000,000	\$509.80	Project value in district Value of the project located in this particular taxing district
Fire #2	\$1.2670	\$160,000,000	\$202,722.56	New assessed value Assessed value plus the project value in district is the new assessed value
subtotal	\$6.2670		\$1,202,712.16	2006 revenue Figure from the Kittitas County Assessor's Report 2005
Hospital #1 bond	\$0.3112	\$200,000,000	\$62,245.94	Revenue after project built 100% of project considered new construction
School 401 - M & O	\$2.4693	\$200,000,000	\$493,861.87	New construction is exempt from the 1% limit
School 401 - bond	\$1.3454	\$200,000,000	\$269,084.89	From Kittitas County Assessor's Report 2005
Total Taxes	\$10.3929		\$2,027,904.84	Assessed value plus the project value in district is the new assessed value

Yearly payment divided by the new assessed value divided by 1,000  
 As assessed values rise in a taxing district, the rates decline



This whole document submitted by:

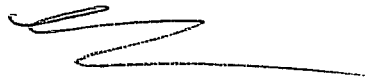
**Desmond Knudson  
1661 Vantage Hwy.  
Ellensburg, WA 98926  
509-925-9002**

**On**

**Monday, June 11, 2007**

30 pages in doc.

6-11-07



Dated this 3<sup>rd</sup> day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners  
Honorable Board of the Planning Commission  
5<sup>th</sup> and Main Room 108  
Ellensburg, WA 98926

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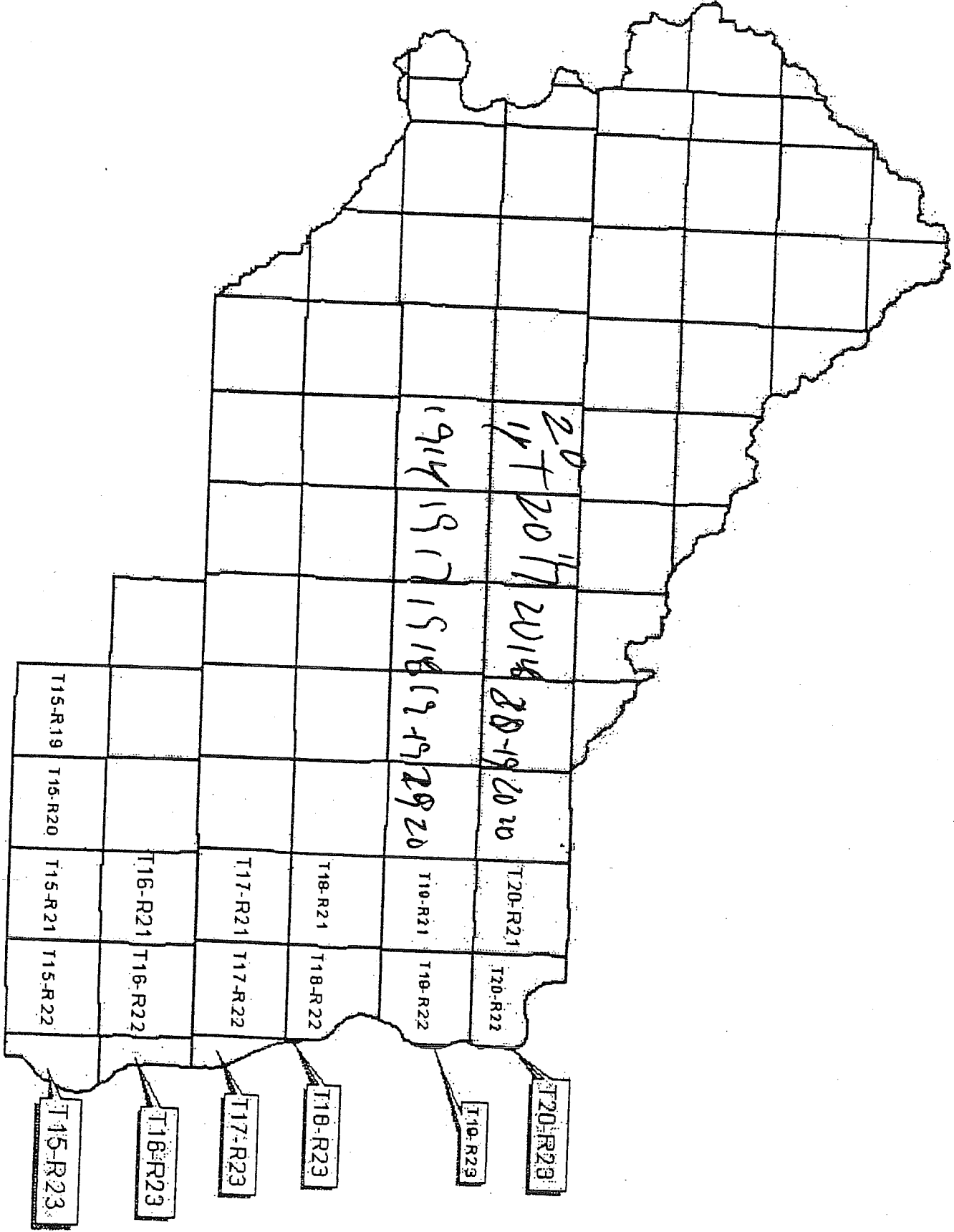
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EXHIBIT #: 14  
HEARING: Dev. Code  
DATE: 6/11/07  
SUBMITTED BY: Jillie Kjosvik





T20-R23

T19-R23

T18-R23

T17-R23

T16-R23

T15-R23

20-19-20-20

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T19-R22

T18-R21  
T18-R22

T17-R21  
T17-R22

T16-R21  
T16-R22

T15-R19  
T15-R20  
T15-R21  
T15-R22

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Sincerely,



(Legal Signature)

Chester J Morrison

(Legal name) print

2607 Judge Ronald Rd

(Legal Voting Address) print

Ellensburg Wash. 98926

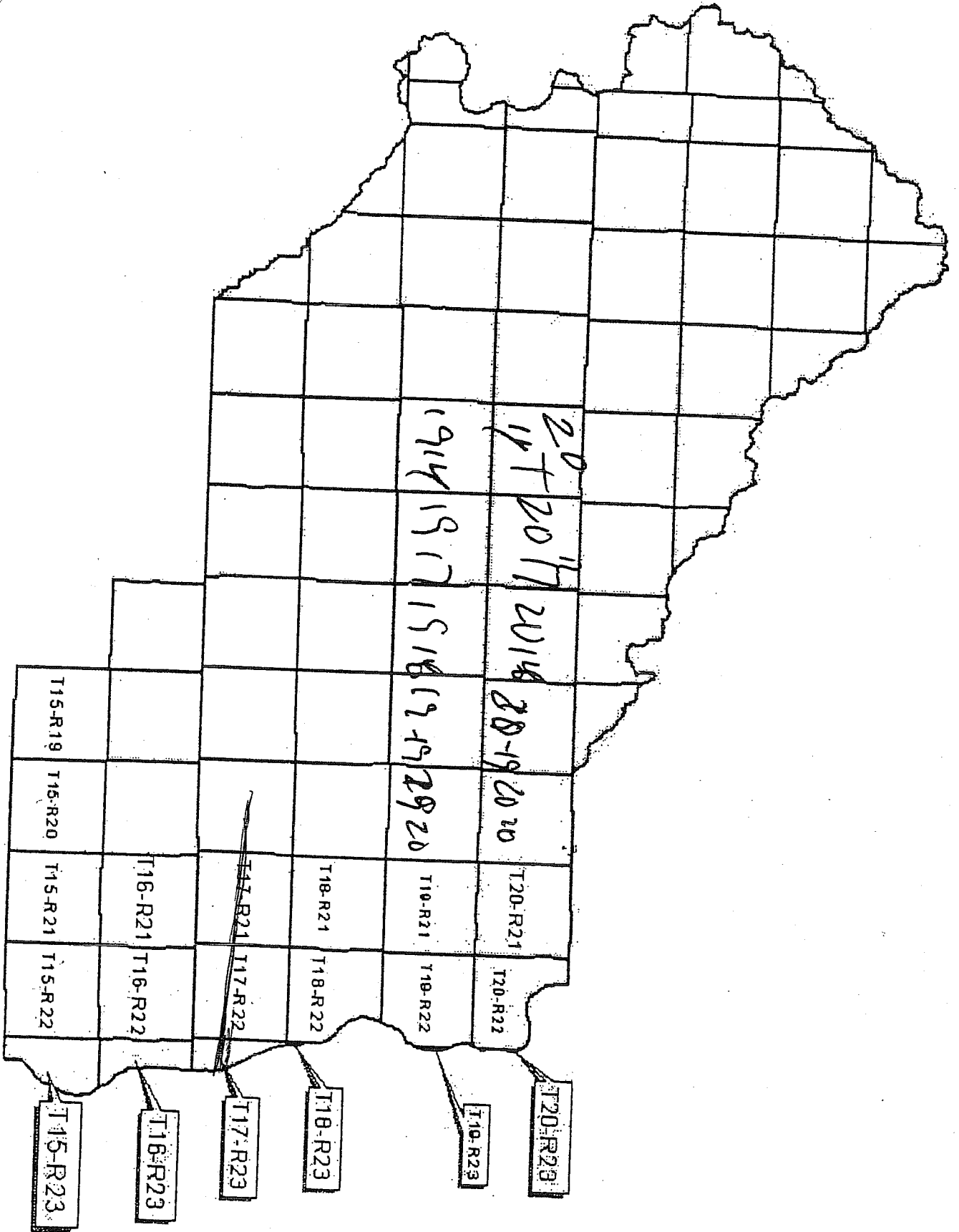
(City) print

(State & Zip) print

Townships 15, 16 and Half of 17 (south  $\frac{1}{2}$ )  
are in the

The commissioners have no jurisdiction  
over these Townships.

There is no way there can be any  
wind Turbines on this land which would  
be 184,320 acres



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Sincerely,

*Bertha Morrison*

(Legal Signature )

Bertha Morrison

(Legal name) print

9131 Nanem Rd

(Legal Voting Address) print

Ellensburg Wash 98926

(City) print

(State & Zip) print

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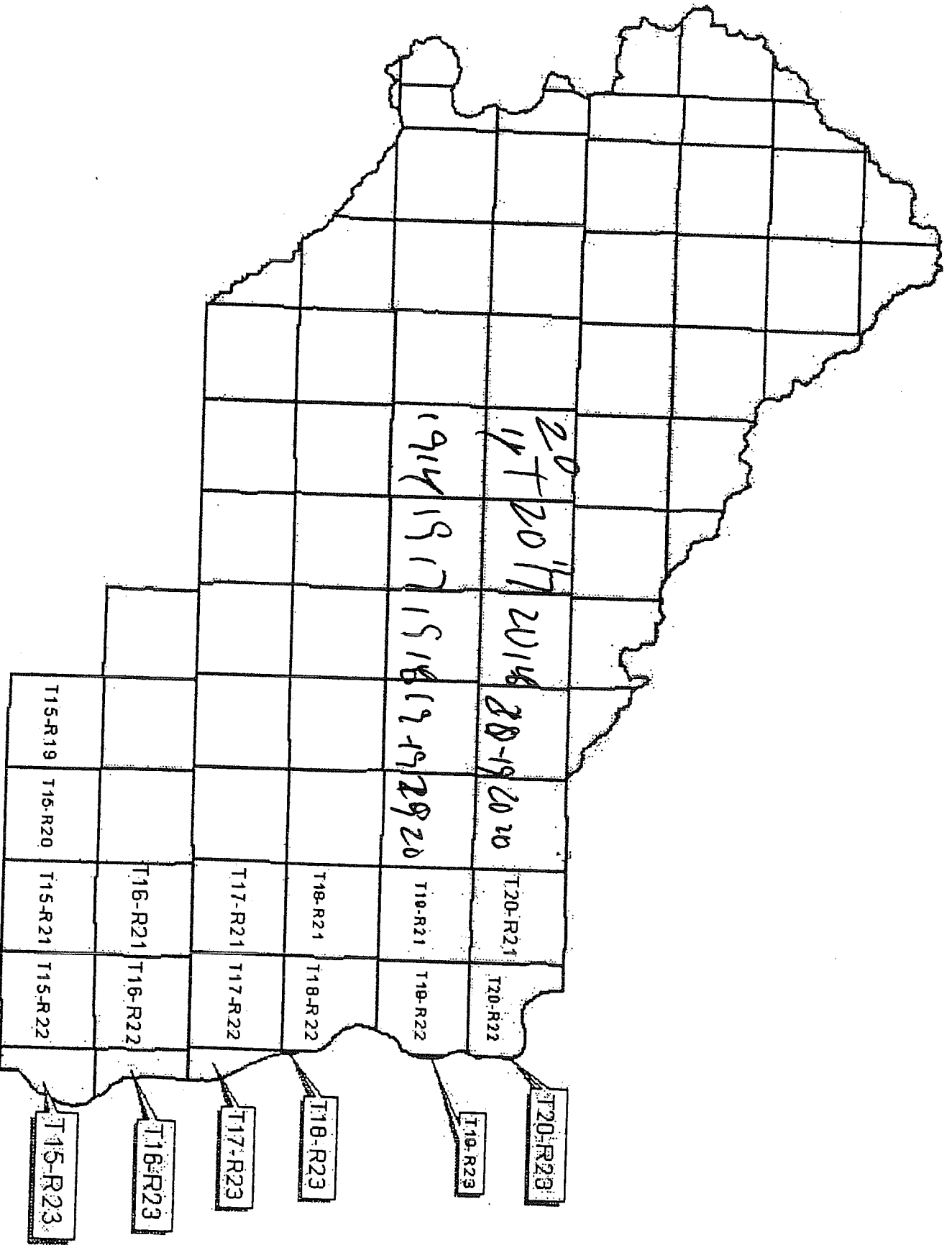
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Sincerely,

Nancy Frederick  
(Legal Signature)

Nancy Jo. Frederick  
(Legal name) print

1300 Clerf Rd.  
(Legal Voting Address) print

Kittitas WA. 98934  
(City) print Ellensburg WA. 98926 (State & Zip) print

I would like to see Ellensburg and  
the upper county to have monies for  
school projects and education

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Sincerely,

Terri L Hatch  
(Legal Signature)

TERRI L HATCH  
(Legal name) print

PO Box 1304  
(Legal Voting Address) print

Kittitas WA 98934  
(City) print (State & Zip) print

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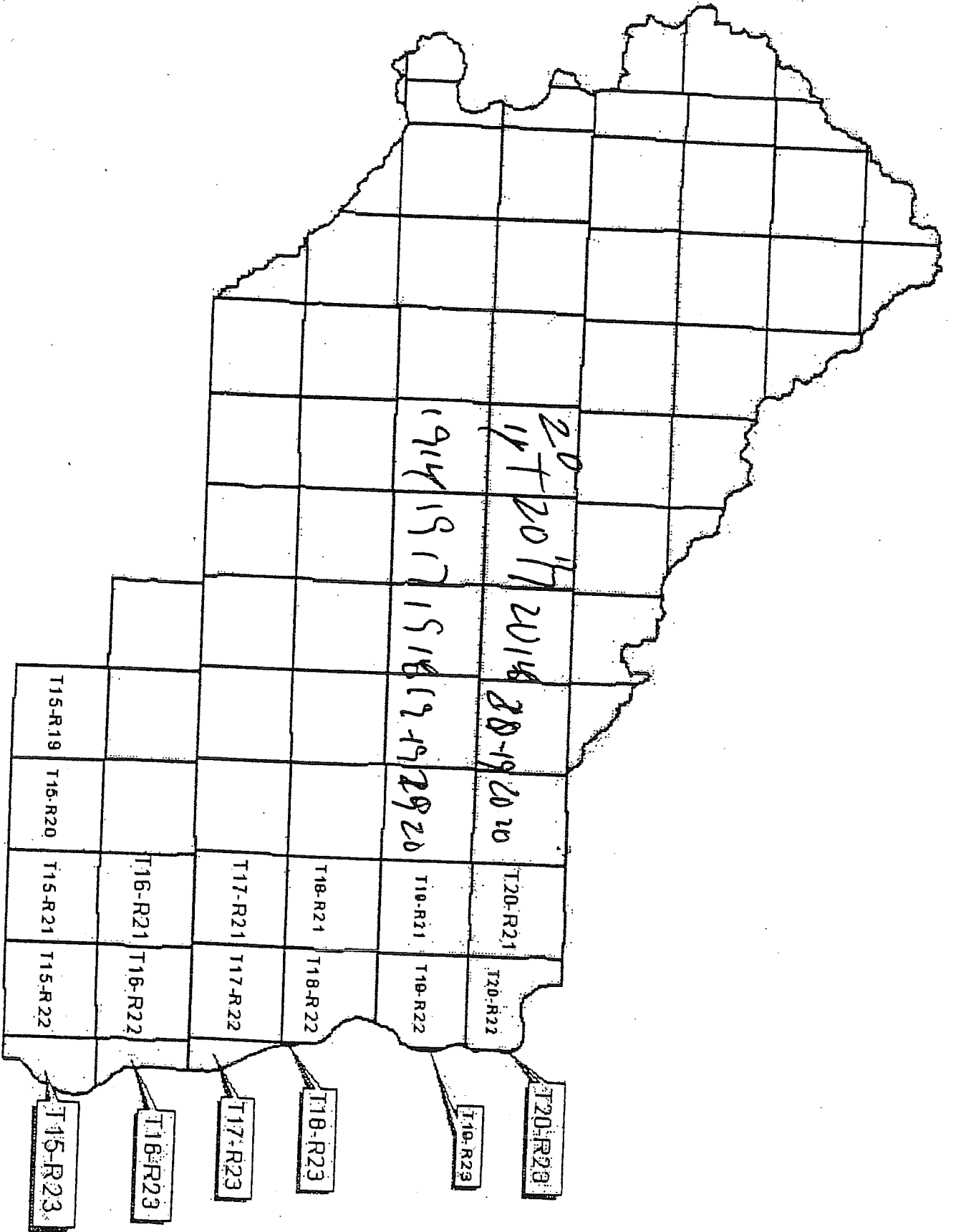
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Richard Aarstad  
(Legal Signature)

Richard Douglas Aarstad  
(Legal name) print

1110 Jennie Circle  
(Legal Voting Address) print

Ellensburg WA 98926  
(City) print (State & Zip) print

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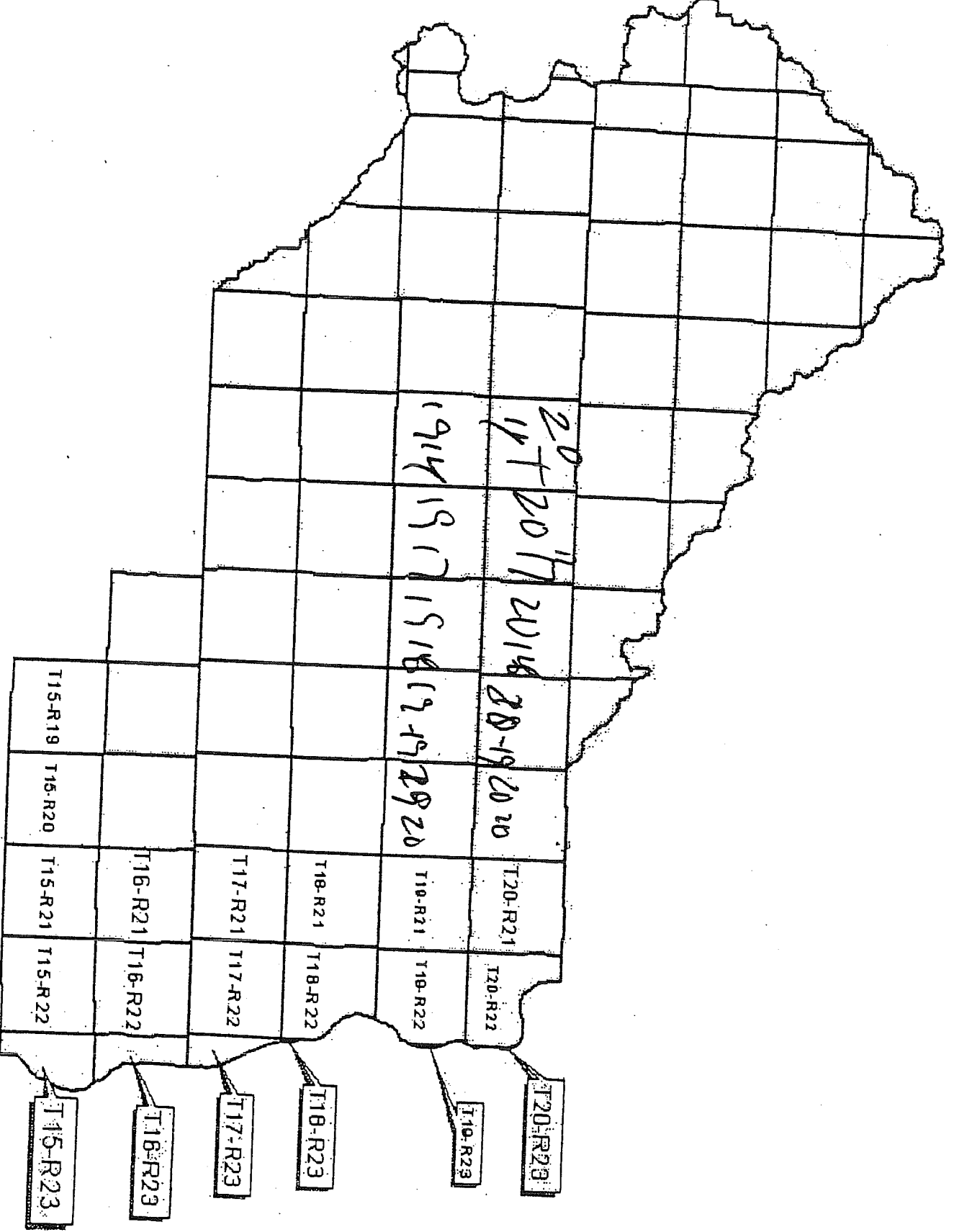
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Dated this 3<sup>rd</sup> day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners  
Honorable Board of the Planning Commission  
5<sup>th</sup> and Main Room 108  
Ellensburg, WA 98926

RE: Update of the Development Code  
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10<sup>th</sup>, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

**17.61A.035 Pre-identified areas for siting;**

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

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development agreement shall be consistent as authorized in Kittitas County Code 15A.11. Development Agreements.

Sincerely,

Miles Westhoff  
(Legal Signature)

Miles S Westhoff  
(Legal name) print

406 Sacajawea Ct.  
(Legal Voting Address) print

Kittitas Wa 98934  
(City) print (State & Zip) print

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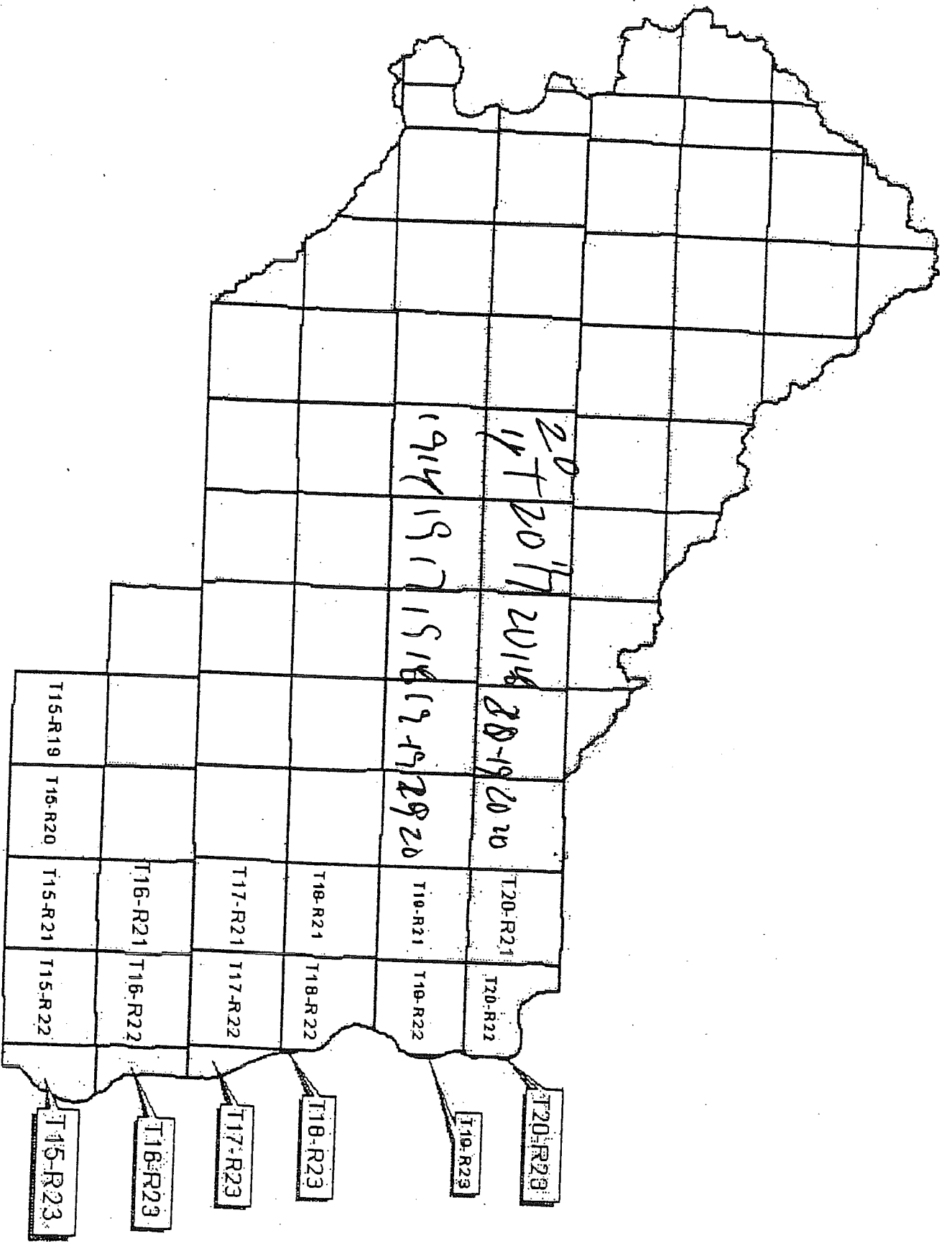
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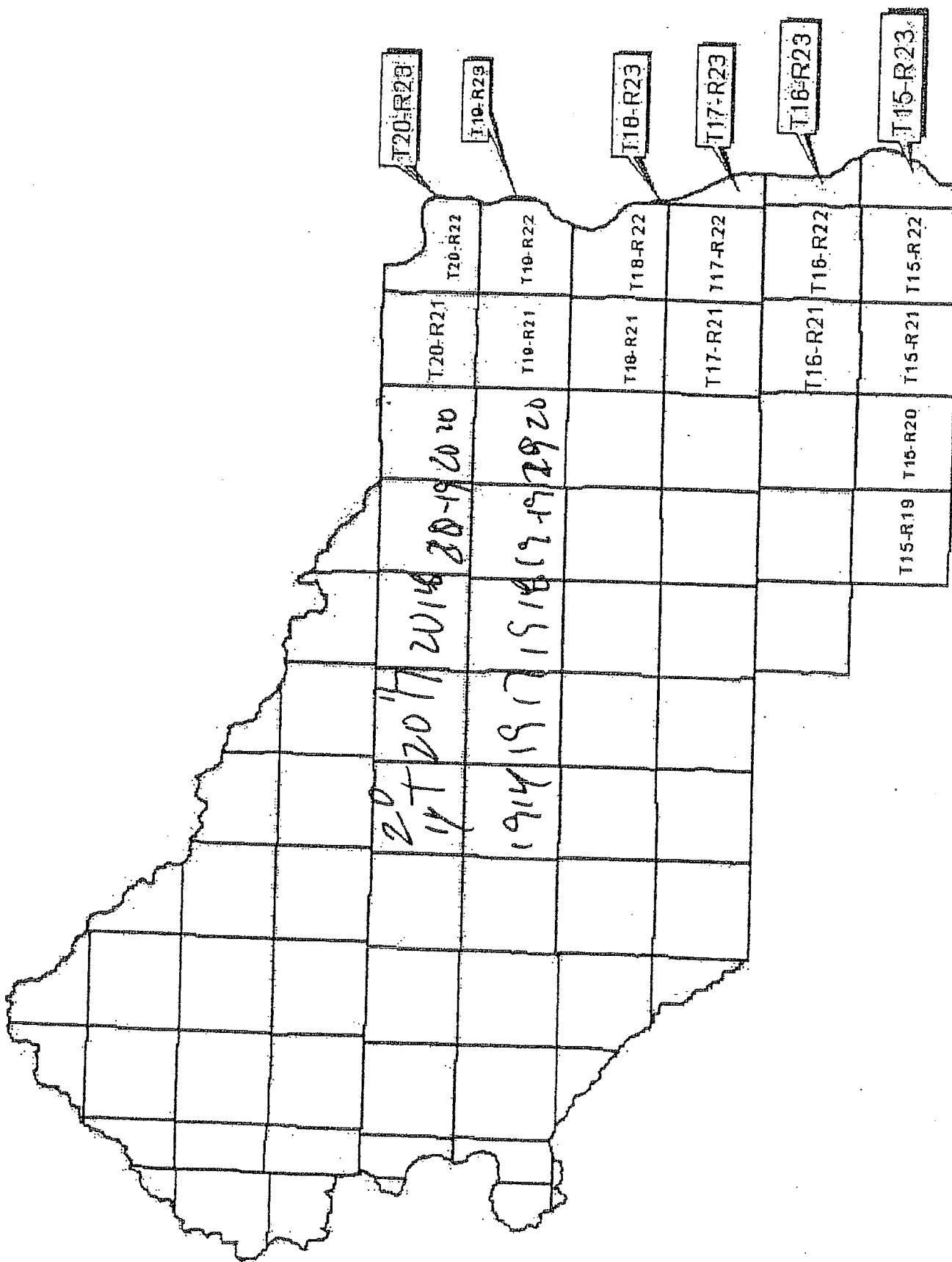
James P. Jacobson  
(Legal Signature)

James P Jacobson  
(Legal name) print

P.O. Box 931 Kittitas, Wa. 98934  
(Legal Voting Address) print

\_\_\_\_\_  
(City) print (State & Zip) print

\_\_\_\_\_  
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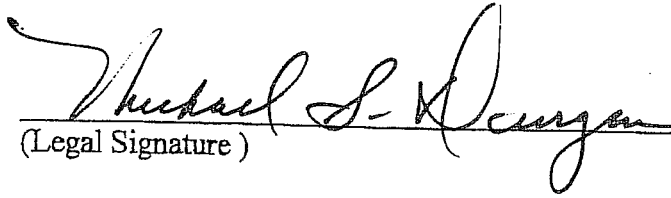
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Sincerely,

  
(Legal Signature)

Michael S. Durgan  
(Legal name) print

10760 Brick Mill Rd  
(Legal Voting Address) print

Ellensburg WA 98926  
(City) print (State & Zip) print

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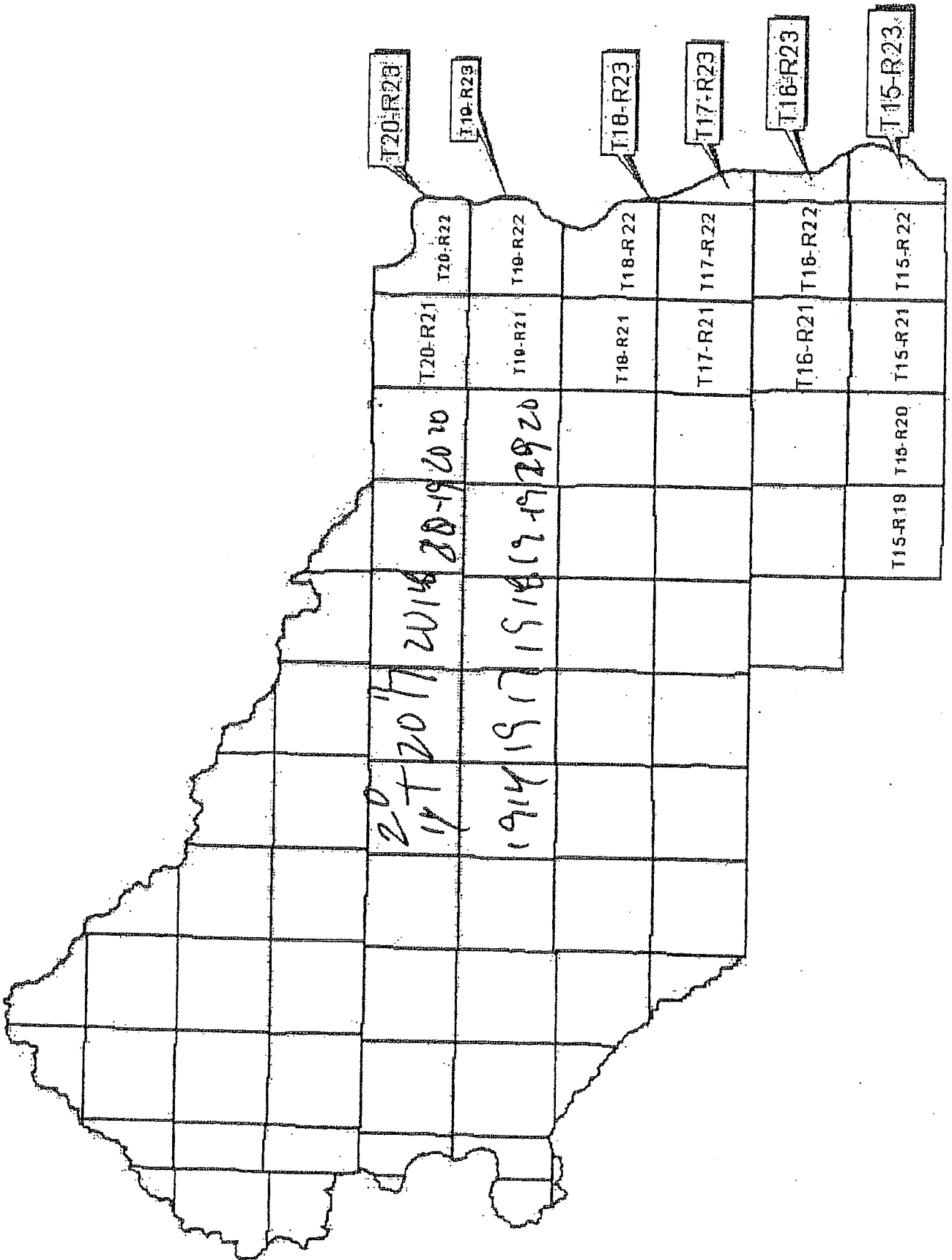
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Sincerely,

*Rochelle A. McCollum*

(Legal Signature)

*Rochelle A. McCollum*

(Legal name) print

*100 N. Clark*

*P.O. Box 772*

(Legal Voting Address) print

*Kittitas, WA. 98934*

(City) print

(State & Zip) print

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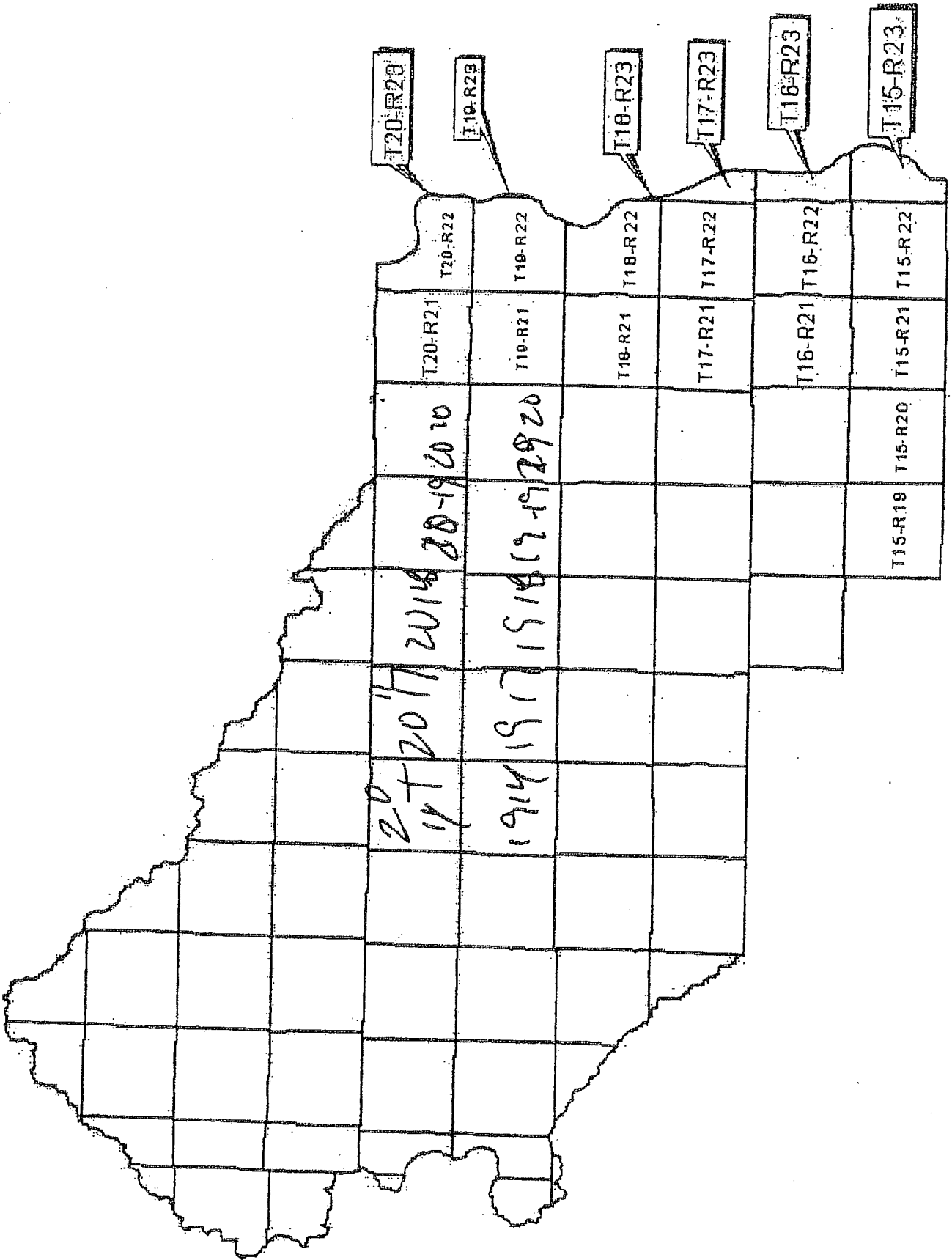
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Sincerely,

Kelly K Wuesthoff  
(Legal Signature)

KELLY K Wuesthoff  
(Legal name) print

406 Sacajawea Ct  
(Legal Voting Address) print

Kittitas Wa 98934  
(City) print (State & Zip) print

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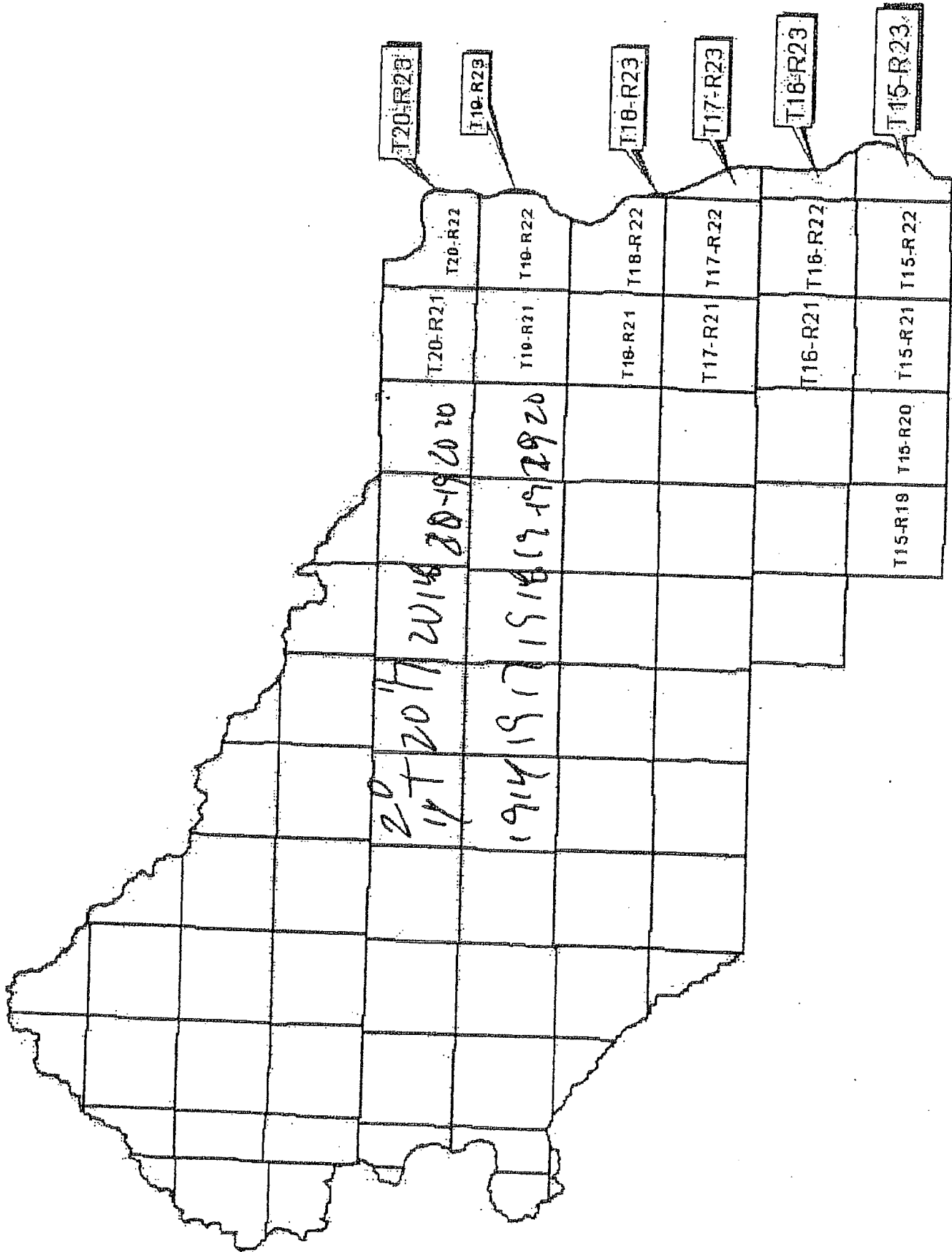
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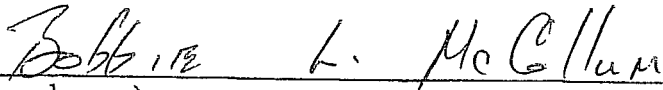
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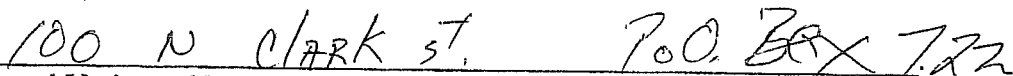
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Sincerely,

  
\_\_\_\_\_  
(Legal Signature)

  
\_\_\_\_\_  
(Legal name) print

  
\_\_\_\_\_  
(Legal Voting Address) print

  
\_\_\_\_\_  
(City) print

  
\_\_\_\_\_  
(State & Zip) print

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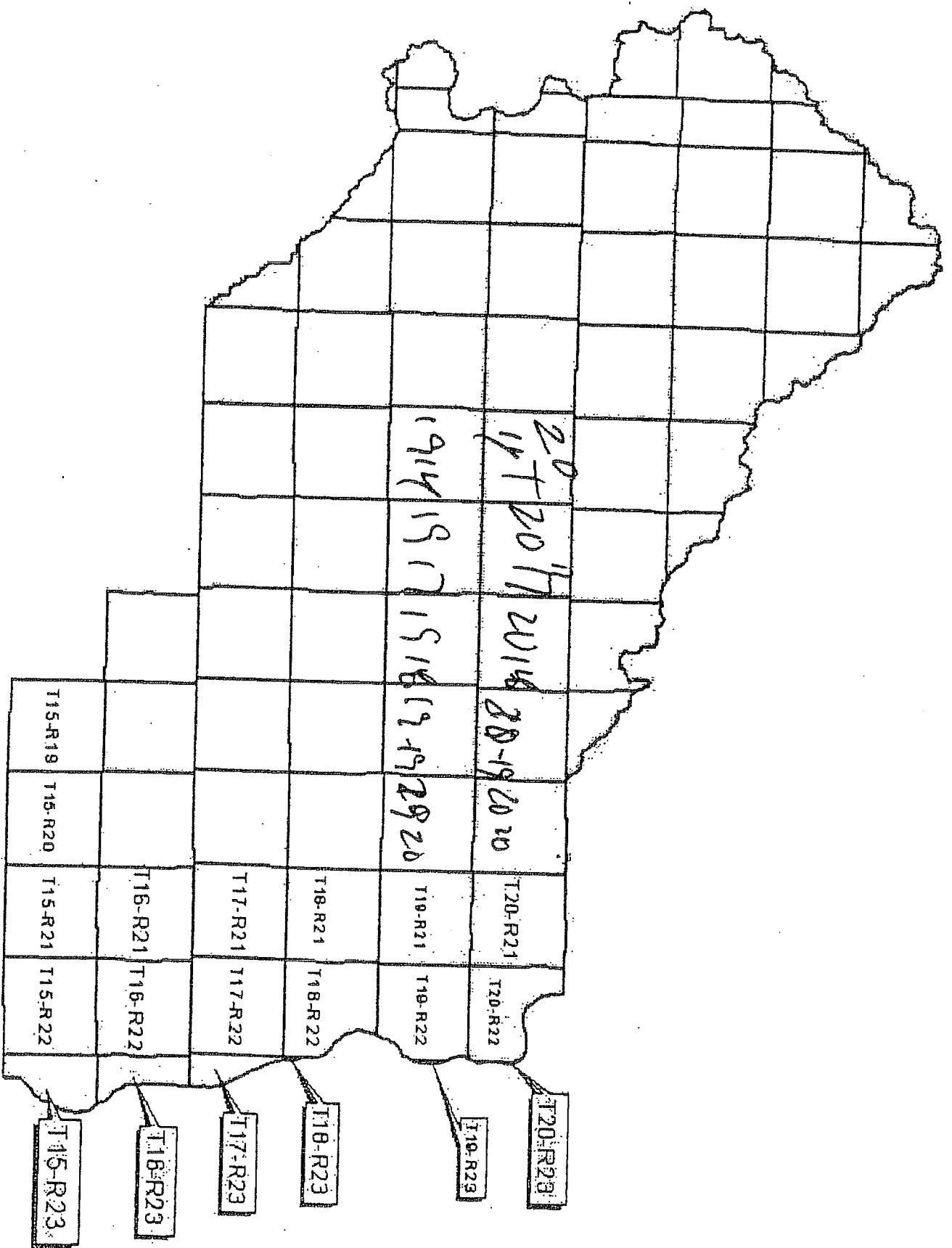
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David Thacken  
(Legal Signature)

DAVID L. THACKEN  
(Legal name) print

270 Coyote Rd  
(Legal Voting Address) print

Ellensburg WA. 98926  
(City) print (State & Zip) print

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Sincerely,

Kenneth O'Neal Johnson  
(Legal Signature)

Kenneth O'Neal Johnson  
(Legal name) print

4981 Sorenson Rd  
(Legal Voting Address) print

Ellensburg  
(City) print

Wash 98926  
(State & Zip) print

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Sincerely,

Danny Louis Hull Danny L. Hull  
(Legal Signature)

Danny Louis Hull  
(Legal name) print

1280 Grindrod Rd  
(Legal Voting Address) print

Elensburg, Wash 98926  
(City) print (State & Zip) print

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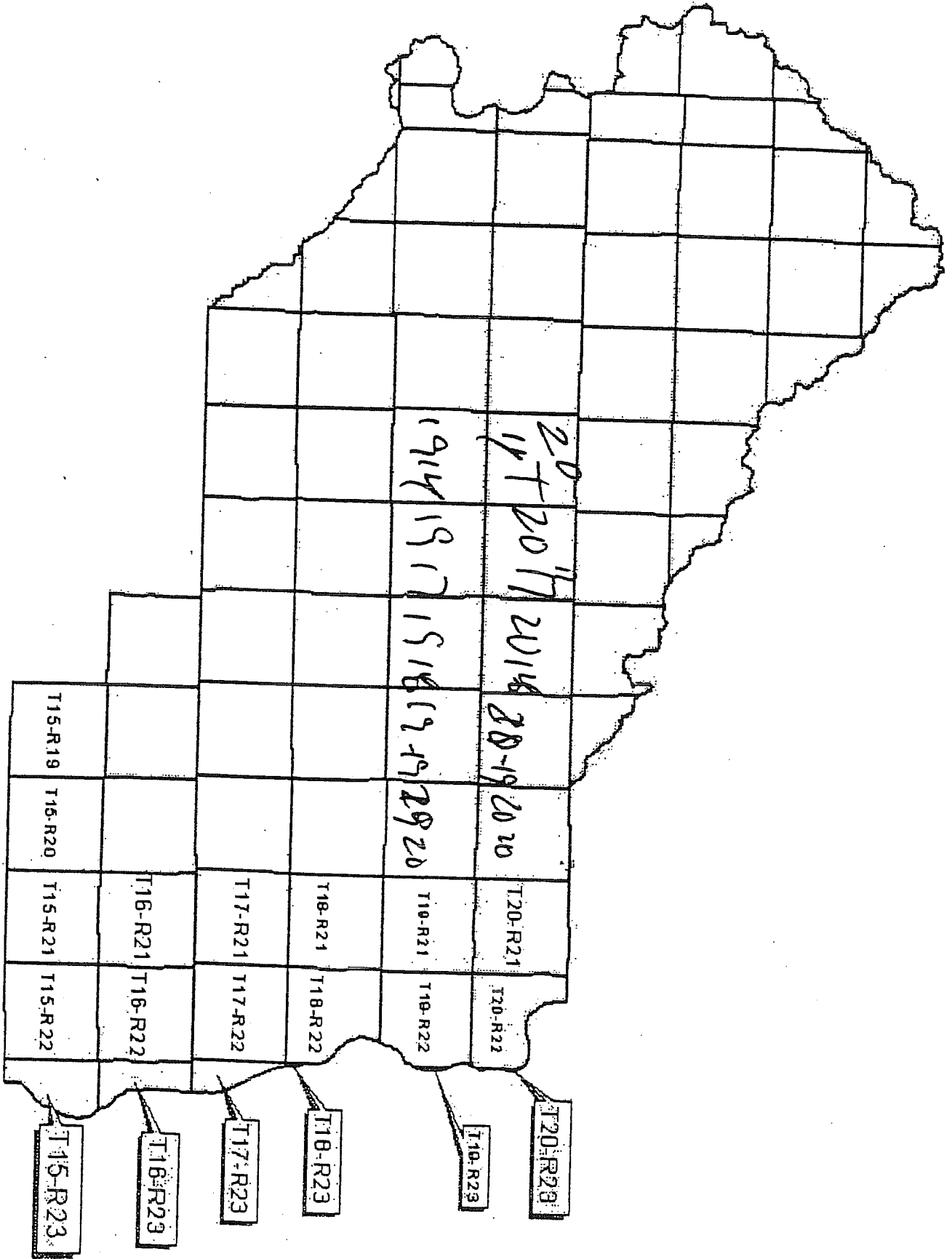
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Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10<sup>th</sup>, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

**17.61A.035 Pre-identified areas for siting;**

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: \*The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes: \*The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by professional analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,

*Neil H Wilson*

(Legal Signature)

Neil H Wilson

(Legal name) print

9640 Vantage Hwy

(Legal Voting Address) print

Ellensburg

(City) print

WA 98926

(State & Zip) print

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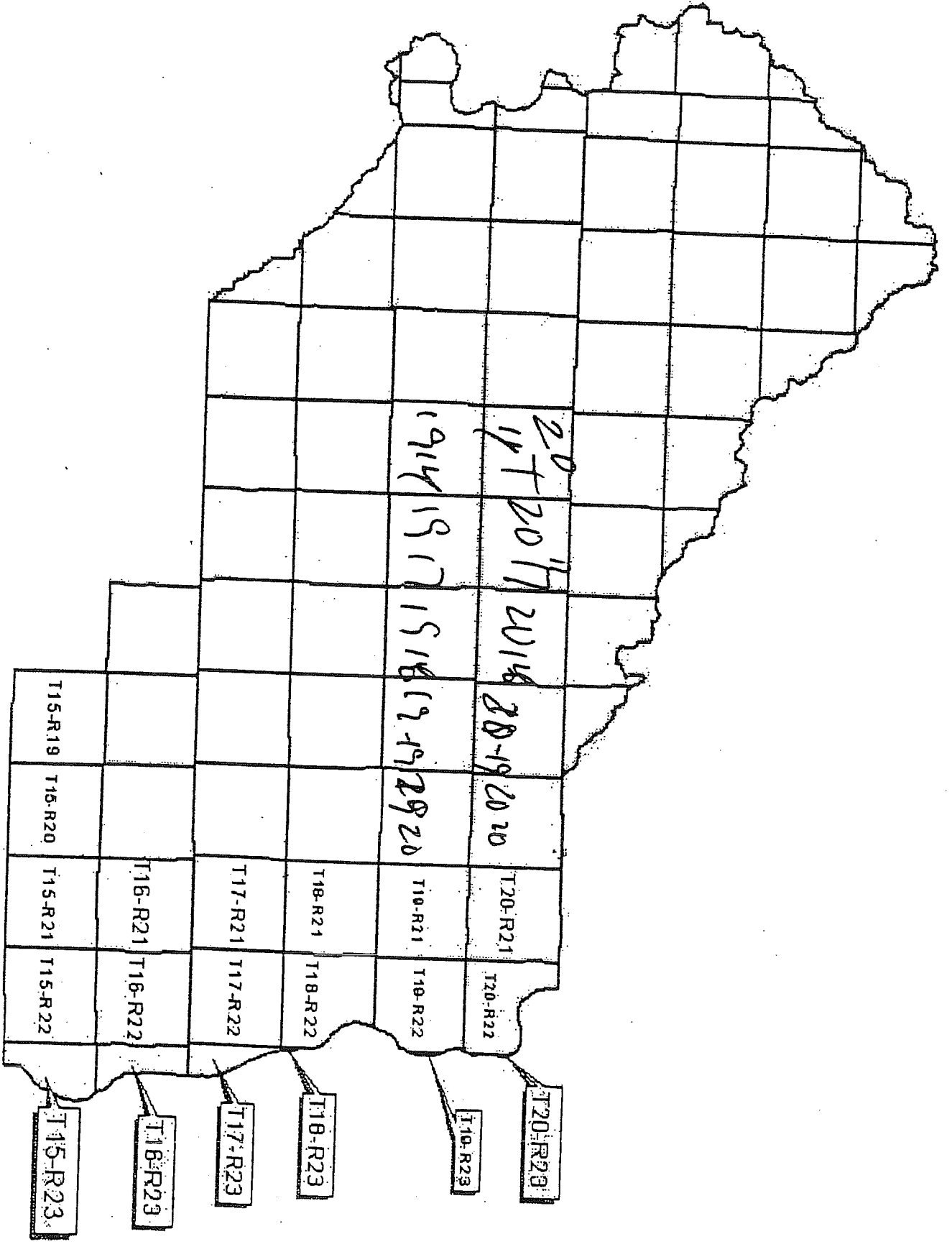
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KITTITAS COUNTY BOARD OF COMMISSIONERS  
\*\*\*\* PUBLIC HEARING SIGN UP SHEET \*\*\*\*

Public Hearings are an opportunity for citizens to give their views to the Board of County Commissioners for consideration in their decision making process. If you wish to speak, please PRINT YOUR NAME CLEARLY below.

When you are recognized:

1. STEP TO THE MICROPHONE and give your name and address.
2. Your comments will be limited for each individual.
3. If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

MEETING: DEVELOPMENT CODE  
DATE: JUNE 11, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)	
STEVE LATHROP	PO BOX 1088	other	YES	✓
Kerri Woehler	WSDOT Aviator	WSDOT	Yes	✓
<del>DEA</del> LILA HANSEN	1302 SWANCK PRAIRIE RD 98922	self	yes	✓
PAULA J THOMPSON	PO Box 23 Thorp WA	kecc/self	yes	✓
Lindsay Ozbolt	PO Box 686 Cle Elum	terra design	maybe	LATER
Dendree Link	500 Hawk Haven Rd Cle Elum		yes	✓
John Jensen	P.O. Box 602 Easton			✓
KARIN MOONEY	P.O. Box 537 EASTON	self	no	✓
Marge Brandsrud	PO Box 638 Easton	self	maybe	LATER
Catherine Arne Cleff	600 Moe Road Ellensburg	SELF	YES	✓
Howard Carlson	802 E 3RD ST CLE ELUM	SELF	NO	✓
Noah Goodrich	102 W 2nd ST Cle Elum	FES	NO	✓
Roger Olsen	2130 Nelson Sid Rd Cle Elum	set	?	✓
DAVID LEHMAN	211 W. dot Hwy G E-100	CWHPA	YES	✓
WM. D. SCHMIDT	310 MISSIONVIEW ROAD	SELF	MAYBE	✓
Dale Dyk	3171 Weaver Rd Ellensburg	self	YES	✓
BEN FRUBIAS	530 Allegro Way E.	SELF	NO	✓

EXHIBIT #: 15  
 HEARING: DEN LOBE  
 DATE: 6/11/07  
 SUBMITTED BY: Julie Kjarvik

KITTITAS COUNTY BOARD OF COMMISSIONERS  
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MEETING: DEVELOPMENT CODE  
 DATE: JUNE 11, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)	
Art Schlarv	2912 Faust RD	self		✓
Louise Sinter	2910 FAUST RD	SELF		✓
URBAN EBERHART	Ellensburg	Farm Bureau		✓
Chris Bala	Cle Elum WA	TH Corp		✓
Helen Wise	4106 E 3rd	self		✓
Vincent Tomaso	P.O. Box 355	Self	yes	✓
Wayne Nicks	P.O. Box 22 Cle Elum	self	yes	✓
Andy Rosbach	E-Burg	Farm Bureau		LEFT
Mike Moore	181 Purger loop	Self		✓
John Vikes	P.O. Box 499 Ellensburg	self	No	✓
JOHN HANSON	1322 8th Rd 98933	Self	maybe	LEFT
HARVEY DODGE	1150 LEANS RD.		NO	✓
Kevin Estinger	2421 Denmark Rd	Self	NO	LEFT
MAREN SANDALL	P.O. Box 954 E-Burg	Self		✓
SANDY SANDALL	" " "	"		✓
Jill Arango	609 1/2 N Anderson	Self	NO	✓
Jerry Martens	P.O. Box 458, Cle Elum, Wa	Self	Yes	✓

(3)

# KITTITAS COUNTY BOARD OF COMMISSIONERS

\*\*\*\* PUBLIC HEARING SIGN UP SHEET \*\*\*\*

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MEETING: DEVELOPMENT CODE  
DATE: JUNE 11, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)
William F Woods, Jr	350 BARTLETT Rd. Evansville, WA 98926	SELF	NO
Karen Weaver	627 MADISON RD	SELF	YES

✓  
✓





**KITTITAS COUNTY COMMISSIONERS  
SPECIAL MEETING**

**MONDAY JUNE 11, 2007**

**6:00 P.M.**

**Kittitas County Fairgrounds Event Center  
Teaway Hall**

- 1. Call to Order**
- 2. Public Hearing continued from June 4, 2007, to consider the Planning Commissions Recommendations for the Kittitas County Development Code Update.**

**3. Review of Schedule**

**Monday June 11, 2007 6:00 p.m.** – Title 17 Zoning Code; (if time permits) Chapter 16.09 Performance Based Cluster Platting

**Wednesday June 13, 2007 6:00 p.m.** – Performance Based Cluster Platting; (if time permits) Title 17B Forest Practices

**Thursday June 14, 2007 6:00 p.m.** – Title 17B Forest Practices; Title 15A Project Permit Application Process; Chapter 17.99 Design Standards; Chapter 14.08 Flood Damage Prevention

\* The above hearings will be held at the Kittitas County Fairgrounds Event Center /Teaway Hall

\* The schedule is dependant on the amount of public testimony and will be adjusted accordingly at the discretion of the Board of County Commissioners. The Public Hearing may be continued to specific dates and time as determined by the Board of County Commissioners.

- 4. Other Business**
- 5. Adjourn**