

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

June 13^h, 2007 Development Code Hearing BOCC Comments Transmitted

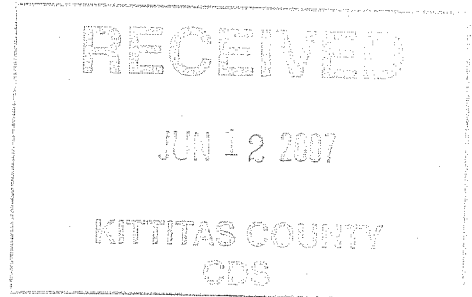
DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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

June 12, 2007

Honorable Alan A. Crankovich, Chairman
Honorable David Bowen, Vice Chairman
Honorable Mark McClain
Kittitas County Board of Commissioners
205 W 5th AVE Suite 108
Ellensburg WA 98926



Re: Kittitas County Development Code Update

Dear Chairman Crankovich and Commisssoners Bowen and McClain:

Thank you for the opportunity to comment on the proposed amendments to the Kittitas County Development Code. The following is submitted for the Board's consideration.

Title 17 Zoning

KCC Chapter 17.04 "General Provisions and Enforcement."

- **17.08.321** should be clarified to recognize infill can be appropriate in all areas of existing higher density, whether physically build up or not. The provision should be revised as follows:
 "Infll means the development of new housing or other buildings on scattered vacant parcels in otherwise higher density areas."
- **17.12.030(3)** should be revised to allow for properties with split zoning to be designated the zoning to which the majority of the property is zoned. For example, if a 20-acre parcel is split between Ag-20 (15 ac.) and Ag-3 (5 ac.), then the Ag-20 would apply to the entire parcel.
- **17.12.030(6)** provides for logical infill within the proposed Historic Agricultural-3 and Historic Rural-3 zones. Parcel number 20-14-28000-0007 is currently zoned Forest and Range and is located directly adjacent to R-3 and Ag-3 zones. The subject property is only 18.5 acres in area, which is nonconforming in the Forest and Range zone. Parcel number 20-14-28000-0007 should be included within the Logical H-A-3/H-R-3 Infill Areas on the Official County Map. An attached map is included for your reference.
- **17.36.010** suggests that PUD's will not be allowed outside UGA's. This confuses the type of application allowed with the density limits. There is no reason to limit PUD's so long as they otherwise conform to the underlying zone, subject to the benefits of flexibility afforded PUD's. The language suggesting a limit on where PUD's can be implemented should be deleted.
- **17.36.090** needs to be clarified so that the 5-year period applies to each phase of a PUD. The following language is suggested:
 "Within a period of five years following the approval of a preliminary development plan by the Kittitas County Commissioners, the applicant shall file with the Kittitas County Community Development Services a final development plan for one or more phases of the planned development. In order to preserve the continuing validity of the preliminary development plan thereafter, the applicant must file a final

development plan for one or more additional phases within a period of 3 years after the initial final development plan and within 3 years after each successive final plan filing. The director of Community Development Services, for good cause shown, may extend for one year the period for filing the original and each successive final development plan. If the applicant fails to apply for final approval for any reason within the specified time frame(s), as may be extended by the director, the rezone shall become void. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned development is submitted and approved.”

Chapter 16.09 Performance Based Cluster Platting

KCC 16.09.100(E): Cluster Subdivision definition of “Open Space.”

- The change to this definition is unclear. The phrase “otherwise encumbered” is not appropriate terminology when referencing other governmental regulations. A more clear way to phrase this change is as follows:
 - “or areas that are subject to regulation by federal, state or other local jurisdictions and where such regulations prohibit any private development or use.”

Title 15 A Project Permit Application Process

KCC 15A.03.030(3): Identification of “[a]ll LLC owners or responsible officers of a corporation and/or any legal entity” in the application

- As a threshold matter, it is not clear why this amendment is being considered at all. It has not been identified by any legal authority as a problem in the existing County regulations.
- There is no basis for this requirement in the Plat Statute, RCW Chap. 58.17.
- This proposed provision is not consistent with State Corporate and Limited Liability Company laws, which do not require the type of extensive disclosure of ownership/membership in formation contemplated for a simple permit.
- A corporation is required to maintain a list of shareholders, RCW 23B.16.010(3), and shareholders are entitled to review all corporate records, RCW 23B.16.020(2) but there is no public or government right to inspect those records. The initial and annual reporting requirements for corporations do not include disclosure of all shareholders, only the officers and directors. RCW 23B.16.220.
- With respect to LLC’s, the initial certificate of formation requires information regarding location, identity and location of registered agent and disclosure as to whether the entity is managed by one or more managers. RCW 25.15.070. The initial and annual reports do not call for disclosure of members’ identities, unless the company is *not* manager managed. If the company is manager managed, the reports need only disclose the identity of the manager. Like corporations, LLC’s must maintain information regarding their membership, but that information is for the benefit of the members and managers only, not the general public. RCW 25.15.135(1)(a), (2) & (3).

- These State corporate laws reflect a balance struck at the State legislative level between appropriate public disclosure and the legitimate interests people have in privacy of their business dealings. The County does not have the legislative authority to alter this State law balance.
- It would appear that one possible purpose of this change is to facilitate identification of related projects for environmental review purposes. The State Environmental Policy Act (“SEPA”), however, does not support this overly broad disclosure requirement. Indeed, although SEPA does not allow parties to break up single projects into smaller components to avoid SEPA review, the regulations do not define or determine the relationship between projects for this purpose based on ownership. And those regulations clearly reject the notion that mere coincidence of ownership of otherwise unrelated projects does not lead to concurrent review.
- In order to require concurrent review of multiple “Proposals,” the lead agency must determine that the proposals are “related to each other closely enough to be, in effect, a single course of action.” To be found that closely related, the proposals must be such that they:
 - (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or
 - (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

WAC 197-11-060(3)(b). Mere ownership of other plats, short plats, or PUDs that are in the pipeline does not justify a requirement of concurrent review. Thus the proposed regulation not only goes to far under existing laws related to corporate entities, but it also is not grounded in any meaningful objective.

- Finally, the proposed requirement is too vague and imprecise. For example, it does not define what it means by “owners.” If the applicant is a publicly traded corporation, does that mean *all* shareholders? That would be absurd, unduly burdensome and of no value to anyone. What if the “owners” are other corporate entities or limited liability companies? Are those the “owners” of the applicant under the new proposal? They certainly would be as a legal matter. Moreover, what does “responsible officer” mean?
- A far better way to address this issue is to make the disclosure requirements consistent with State Law. For Corporations, identify the officers and directors of the Corporation, as required in annual reporting. For LLC’s, require disclosure of managers, unless the LLC is not manager managed, in which case then required disclose the members or member entities, also as required by State Law. Making the disclosure requirements consistent with State Law will ensure consistency in terminology, avoid ambiguity and ensure that local requirements do not conflict with controlling State Laws that reflect broader, historical legislative determinations.

KCC 15A.03.050: Fee Refund

- Rebating unused appeal fees and not rebating unused fees for withdrawn projects is unbalanced and unfair. It shows a bias toward appellants that is not appropriate. It is questionable under applicable equal protection and due process requirements. If the goal

is to refund money that is in fact not spent, a better solution would be to have a minimum component of both fees that is non-refundable to cover the basic charge of getting the process started (application or appeal), but that both types of fees can be partly refunded to the extent not used.

KCC 15A.03.060(1)(d): Expanded notice Requirement

- This provision is not consistent with the State platting statute, RCW 58.17.090, which specifically calls for notice to “adjacent landowners,” not every landowner that might be affected in some remote way by a project. To require more than that is to create the very types of problems reflected in the proposed change.
- The standard in the proposed change for notice is too vague. The standard for who might be given notice appears to be defined as any location “where other *possible* development impacts *may* affect” the property. The two key words here are “possible” and “may.” Under this “standard” the impact that requires notice can be purely speculative and remote. The proposed change goes on to expressly indicate that any property owner on the same “public roads” or “private easements” could be included. Note the use of the plural form. The implication here is that the applicant might be required to give notice to everyone on any public road, including any public road roads that connect to the road the project is on, which receive *any* additional traffic from the project. That could lead to the absurd result of an applicant being required to give notice to thousands of remote landowners miles away, merely because the project might generate a few car trips on the road they live on.
- The application of standard is too subjective. It is left up to the staff to determine who will get this additional notice and where to draw the lines between who does and does not receive mailed notice. That undefined discretion, combined with the extremely vague standard (or non-standard) for who should or might get notice, is inappropriate. It is not only unfair to applicants, who could be subjected to a wide range of inconsistent notice requirements, but it is also unfair to staff, who will not be forced to make yet another decision that is largely non-substantive, but will inevitably become a bone of contention where there is any opposition, including opposition from people who do not live near the project.
- The lack of meaningful standard and the broad discretion opens up *every* application to appeals by remote owners who claim they should have received notice because they were affected, perhaps by a as little as one or two additional vehicle trips per day on their public access road, and did not have the opportunity to appear and object. This argument could be made regardless of whether the person’s interests were effectively represented by others in the process.
- Combinations of public notices in papers, web postings, and normal mailings to adjoining property owners etc. are deemed to be adequate by State standards.

Proposed Title 17B Forest Practice Ordinance

17B.06 states that a County Forest Practices Permit shall be required for Class IV general forest practices. Will an applicant be required to obtain forest practices permits from both the county

and DNR for Class IV general forest practices? Or, will the county permit be the only permit required?

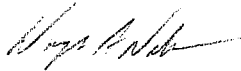
17B.07(e) provides that it will be the applicant's responsibility to arrange for on-site inspection. Does this mean that CDS staff will not be reviewing the site activities and that the applicant will need to hire a forester? Or, is it simply stating that the applicant will be responsible for scheduling a site visit with staff?

17B.13 provides for a two-year expiration of the County Forest Practices Permit. 17B.07(d) provides for phasing of the timber harvest when the project is phased. 17B.13 needs to be clarified so that the two-year period applies to each phase of a project. The following language is suggested:

“Approval shall be valid for two years following the approval of each phase of a project and shall expire thereafter.”

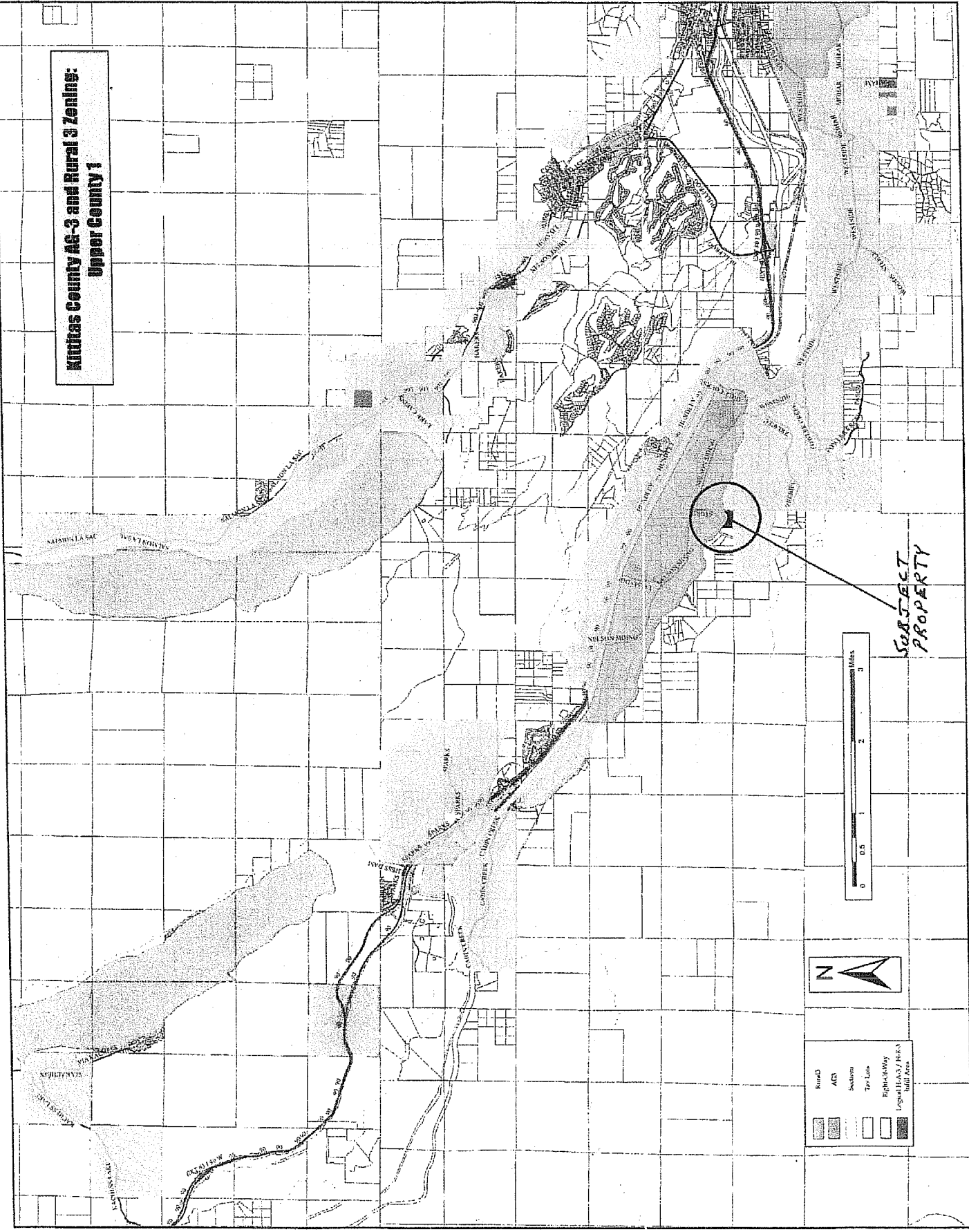
Thank you again for this opportunity to comment and please do not hesitate to contact me if you should have any questions.

Sincerely,



Wayne A. Nelsen
206 West 1st Street
Cle Elum, WA 98922

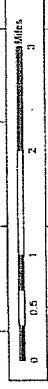
**Kittitas County AG-3 and Rural 3 Zoning:
Upper County 1**

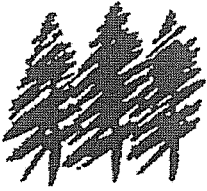


**SUBJECT
PROPERTY**

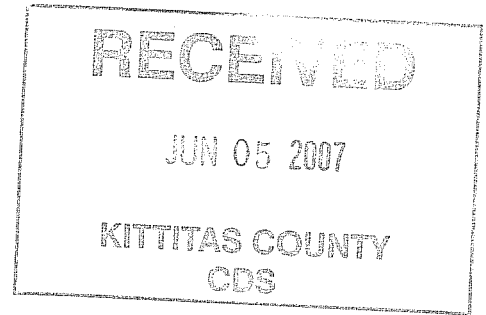


	Rural 4D
	Agriculture
	Suburban
	Top Land
	Equestrian
	Legal Heavy Home





American Forest Land Company, LLC



June 4, 2007

Kittitas County Board of Commissioners

Alan A. Crankovich
David B. Bowen
Mark McClain
205 West 5th Ave, Suite 108
Ellensburg, WA 98926

Dear Mssrs. Crankovich, Bowen, and McClain :

On behalf of American Forest Land Company ("Company"), thank you for this opportunity to provide the following general and specific comments on the proposed revisions to the Kittitas County Code.

As you know, the Company has over 50,000 acres in the Upper Kittitas County with a zoning mix of Commercial Forest, Forest and Range, and Rural-3. Due to a variety of reasons, such as the shutting down of local mills, international competition, high taxes, changing regulatory constraints, and other factors, the current and long-term economic environment for the forest products industry, especially in Eastern Washington, is dire.

The Company, like all other forestland owners, is currently in a process of evaluating what additional revenue streams are available in order to keep its doors open. The Company has no immediate plans for development of its property. Along with its principles of stewardship, the Company is committed to land use planning that is lawful, practical, and makes sound sense for owners of forest and agricultural lands. We are dedicated to the Forest Lands Advisory Committee and the planning process agreed upon for commercial forestlands in Kittitas County. Until these planning processes are completed, however, existing land use planning provisions that would be used to help keep a portion of our lands in commercial forestry must remain in place.

The Company strongly disagrees with the proposed changes to the Code involving three-acre zoning. We see no reason for the County's proposal to render all current rural and agricultural three acre zoning as "historical" and unavailable for future designation. See, e.g., KCC 17.04.060, KCC 17.28 (Ag-3), KCC 17.30 (R-3) (as proposed). We understand from the County's "Guide to Key Proposed Revisions to the Kittitas County Development Code" that the changes are necessary to bring the Code "into conformance with the Growth Management Act." But this is simply not true; there is nothing in the GMA which prohibits three-acre zoning. To

suggest otherwise is misleading, and entirely at odds with the County's own defense of three acre zoning before the Eastern Washington Growth Hearings Board.

Especially troubling is the County's proposal to do away with clustering in three acre zoning, "historic" or otherwise. See 17.030.040 (as proposed); KCC 16.09 (as proposed). This proposal would significantly impact the Company, yet is presented by the County without any foundation. Clustering is an acknowledged creative land planning tool, endorsed by the GMA, as a means for minimizing the footprint of development, preserving open space and avoiding rural sprawl in balance with equitable economic returns. Some of the Company's three-acre property contains steep slopes, wildlife habitat, riparian areas, and other features that may make clustering an attractive alternative to separately parceling such property. Removal of clustering for three-acre zoning makes little sense, and is actually contrary to the public interest.

As it moves forward, the option of clustering is also important to the Company for its other properties. In addition to removal of three acre zoning, we oppose the County's other proposals to modify Chapter 16.09 – Performance Based Cluster Platting. Specifically:

- Proposed KCC 16.09.080(F): "Prior to final plat approval, any features incurred as a result of bonus density shall be fully constructed or bonded for." Given that some performance criteria make take longer to fully develop, such as those dealing with habitat or wetlands, than the five year period allowed for obtaining final platting approval, the Board should not adopt this change without clarifying this potential conflict.
- Proposed KCC 16.09.080(G). "Documentation shall be submitted by the applicant stating how the proposed development meets the intent of Chapter 16.09, and shall also demonstrate consistency with the bonus density awarded for such development prior to final approval." This is overly subjective, and not necessary as the County already possesses the authority to evaluate the consistency of an application with applicable requirements.
- Proposed 16.09.090: "Proposed access points [to public lands] shall be in conformance with and approved by requirements as identified by federal, state, and local agencies having jurisdiction over said public lands. Documentation demonstrating such shall be submitted as part of the project application." This places an inappropriate approval authority over the clustering application, and over private property, to an outside state or federal agency.
- Proposed 16.09.090: "Proposed wildlife corridors shall be consistent with the requirements of the Washington State Department of Fish and Wildlife or any other government agency. Documentation demonstrating such shall be submitted as part of the project application." This places an inappropriate approval authority over the application to an outside state or federal agency. And while agencies, such as WDFW, may be helpful in assisting in the design of a wildlife corridor, the GMA's standard of "best available science" does not frontload one particular view over another.

We also see no reason for the proposed change to setbacks on properties designated in Commercial Forestlands. In KCC 17.57.050(1) (Yard Requirements), the County proposes that "[f]or instances where the subject property is bordered by zones other than Commercial Forest, the two hundred foot setback shall be maintained at the property lines located bordering the Commercial Forest Zone." In its current form, KCC 17.57.050(1) combines a two hundred feet

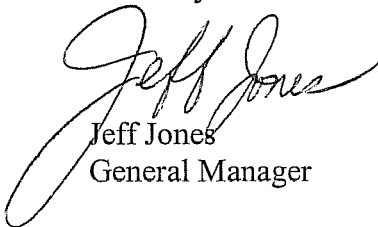
setback requirement with the necessary flexibility for managing the unique landscape challenges presented by commercial forestland. The County's proposed change needlessly strips this flexibility by requiring a two hundred feet setback for any designated Commercial forestlands bordering any differently zoned property, irrespective of the actual size, configuration, or landscape conditions of the subject property.

Moreover, it is not clear from the County's proposed language in KCC 17.57.050(1) where the two hundred feet is to be located. If entirely located on the subject property, we would oppose based on the reasons above. If not, does the County mean to require all or a portion of the setback to be located on the adjacent bordering property? If so, by what authority does the County have to require a private landowner to encumber the property of another? Such a condition appears constitutionally infirm, and cannot be considered to have a reasonable nexus to the underlying land use application. Further, this requirement is internally inconsistent with other provisions of the County Code. See, e.g., KCC 17.30.050 (minimum setbacks for R-3 properties are 25 feet front yard, and 15 feet side and rear yard); KCC 17.30A.040 (minimum setbacks for R-5 properties are 25 feet front yard, and 15 feet side and rear yard); KCC 17.56.060 (minimum setbacks for F&R-20 properties are 25 feet front yard, and 10-15 feet side and rear yard).

Finally, we oppose the County's proposed changes to KCC 15A.03.080(1). By adding "large lot" to subdivisions exempt from the notice requirements, the County could unnecessarily eliminate the expedited process currently available for administrative segregations. Although this result is not clear in the County's proposed language, we note the following definitions: (1) a "large lot subdivision" means "any subdivision of land into two or more parcels the smallest of which is twenty (20) acres or greater, KCC 16.08.100, and (2) an "administrative segregation" means "the division of land within the boundaries of a legal description into fewer than ten lots or tracts where no lot or tract is less than twenty (20) acres . . . ", KCC 16.08.015. In other words, an administrative segregation into two to nine twenty-acre lots could arguably be considered a large lot subdivision. If the County intends to eliminate administrative segregations, it should solicit the public's input based on clear and adequate notice.

In sum, we see no reason for the proposed changes cited above, and ask that you not adopt them. The ability to reasonably plan the future of our property largely depends on a stable regulatory environment. And as the old adage goes, "if it ain't broke, don't fix it." If you have any questions, please don't hesitate to call me anytime.

Sincerely



Jeff Jones
General Manager

Cc: John Rudey, CEO AFLC,LLC
Darryl Piercy, KCCDS

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 8:13 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Cc: Alan Crankovich; Mark D. McClain; David Bowen
Subject: FW: County Letters add to DCU
Attachments: KV County Public Disclosure Request.pdf; KV EFSEC Public Disclosure Response.pdf

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/>

From: Desmond Knudson [mailto:desmond@elltel.net]
Sent: Monday, June 11, 2007 9:51 PM
To: Kittitas County Commissioners Office
Subject: County Letters add to DCU

To the Honorable Board of County Commissioners,
This need's to be entered into the public record of the Development Code Update (DCU), to address chapter 17.61A.035 and how our county elected officials ignore our citizens will to have wind farms sited. This was also forward to over 100 citizens of Kittitas County.

Desmond Knudson
desmond@elltel.net

Sent: Tuesday, June 05, 2007 12:58 PM
Subject: County Letters

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

From: [Desmond Knudson](#)
To: [Desmond Knudson](#)
Sent: Tuesday, June 05, 2007 11:34 AM
Subject: Fw: County Letters

To all,

This is how your county is spending your money now!

Nothing illegal here, but do you want your tax dollars paying for this, for what? Can not afford new schools, can not afford fireman, can not afford infrastructure, want to increase the sales tax to pay for police, what the heck spend it on lawyers to bring suit to the state!

What the heck is wrong with this county and who is advising them!

Let us spend good money after bad again. I guess it is a good thing they made all that money off wild horse wind project to pay for fighting a losing battle of another wind "tax producing" project, that the state agreed with them and gave them a "compromised set back". County wanted 2000-2500 feet, Horizon wanted 1350 feet, state said 4 times the blade height or 1640 feet.

6/13/2007

Compromise and get on with life county!

I am and will be outraged.....

<<KV County Public Disclosure Request.pdf>> <<KV EFSEC Public Disclosure Response.pdf>>

Here you go! Do as you see fit.....

Desmond Knudson

desmond@elltel.net

DPK Consultants

1661 Vantage Hwy

Ellensburg WA 98926

509-925-9002

Kittitas County Prosecuting Attorney



GREGORY L. ZEMPEL
KITTTITAS COUNTY COURTHOUSE
205 WEST FIFTH, ROOM 213, ELLENSBURG, WA 98926-3129
TELEPHONE (509) 962-7520
FAX (509) 962-7022
SCAN 460-7520

Deputies:
L. Candace Hooper
James E. Hurson
Douglas R. Mitchell
Dovie M. Sigle
Paul R. Sander
Neil A. Caulkins
Jennifer J. Mullin

RECEIVED
MAY 08 2007

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

May 4, 2007

PUBLIC RECORDS REQUEST

Allen J. Fiksdal
EFSEC
PO Box 43172
Olympia, WA 98504-3772

Dear Mr. Fiksdal:

This public records request is made pursuant to Chapter 42.17 RCW and the documents received will not be used for any commercial purposes or any purposes prohibited by law.

1. Please produce a copy of the "Public Record Index" maintained by EFSEC provided for in WAC 463-06-080(3)(b).
2. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, Governor Christine Gregoire or her office.
3. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by other EFSEC members or staff to, or received from, Governor Christine Gregoire or her office.
4. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, members of the EFSEC council.
5. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, the applicant for the Kittitas Valley wind project.

Thank you for your attention in this matter.

Sincerely,

Neil A. Caulkins
Deputy Prosecuting Attorney

cc: Alan Crankovich
Mark McClain
David Bowen
Darryl Piercy



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

May 15, 2007

Mr. Neil A. Caulkins, Assistant Prosecutor
Kittitas County
205 West Fifth, Room 213
Ellensburg, WA 98926

RE: PUBLIC DISCLOSURE ACT REQUEST

Dear Mr. Caulkins:

The Energy Facility Site Evaluation Council (EFSEC) is in receipt of letter dated May 4, 2007, received May 8, 2007, regarding your public disclosure request for information relating to EFSEC and the Kittitas Valley Wind Power Project.

EFSEC staff will be compiling copies of the following list of documents related to your request.

1. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, Governor Christine Gregoire or her office.
2. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by EFSEC members or staff to, or received from, Governor Christine Gregoire or her office.
3. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, members of the EFSEC Council.
4. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, the applicant for the Kittitas Valley Wind Project.
5. EFSEC does not maintain a Public Records Index as provided in WAC 463-06-080(3)(b).

As we do not know the extent of the number of documents related to this request, and the small staff available to research and copy the records, EFSEC anticipates that



Mr. Neil A. Caulkins
Public Records Request
May 15, 2007
Page 2 of 2

we would be able to begin sending groups of these documents to you beginning June 1, 2007 and every two weeks thereafter, until all of the records requested have been provided. It is our hope that we would be able to fulfill this request by December 1, 2007, if not sooner. As the number of documents is unknown, it would be hard to determine the exact timeframe of completion. Below is a schedule of times documents would be released.

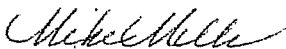
June 1, 2007	June 15, 2007	June 29, 2007
July 13, 2007	July 27, 2007	August 10, 2007
August 24, 2007	September 7, 2007	September 21, 2007
October 5, 2007	October 19, 2007	November 2, 2007
November 16, 2007	November 30, 2007	

If you could narrow the timeframe or be more specific on the subject material, that would be greatly appreciated. We anticipate that the number of documents requested under items 3 and 4 will be extensive.

Pursuant WAC 463-06-110(2) (b), the Council will be charging \$.15 per page for copying of the documents. You will be invoiced with each group of records and a monthly statement will be provided for you. In the alternative, if you chose to not have copies made we will make the records available to you here in our office.

EFSEC's Public Records officer, Allen Fiksdal, is unavailable until June 4, 2007. Further correspondence regarding this request can be sent directly to me at the EFSEC Office. Please contact me at (360) 956-2151 if you have any questions.

Sincerely,



Mike Mills
Acting EFSEC Manager

Cc: Matt Steuerwalt, OFM
Kyle Crews, AAG
Karen Dunn, CTED
Tammy Talburt, EFSEC

Joanna F. Valencia

From: Woehler, Kerri [WoehleK@wsdot.wa.gov]
Sent: Tuesday, June 12, 2007 11:04 AM
To: Alan Crankovich
Cc: Joanna F. Valencia; Phillips, Joyce; Wiebe, Bill; Julie Kjorsvik
Subject: Kittitas County Development Code Update
Attachments: DevCodeUpdate_wsdot_6-11-07.pdf

Attached are WSDOT Aviation's comments on Kittitas County's proposed amendments to Chapter 17.58, *Airport Overlay Zone*. We support the proposal, and believe the proposed revisions are an important step in protecting the county's public use airports from incompatible development. Please contact me at 360.651.6312 if you have any questions. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11 public hearing.

Thank you,

Kerri Woehler
Aviation Planner
WSDOT Aviation Division
360.651.6312
www.wsdot.wa.gov/aviation



Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Aviation Division
3704 172nd Street, Suite K2
P.O. Box 3367
Arlington, Washington 98223-3367
360-651-6300 / 1-800-552-0666
Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 12, 2007

Commissioner Alan A. Crankovich, Chairman
Kittitas County Board of County Commissioners
205 W. 5th Ave, Suite 108
Ellensburg, WA 98926

RE: Kittitas County Development Code Update, Chapter 17.58

Dear Commissioner Crankovich:

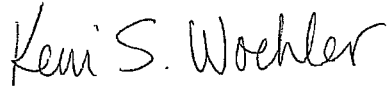
Thank you for the opportunity to comment on the proposed amendments to Kittitas County Development Code. In a letter dated April 27, 2007, WSDOT Aviation recommended that Kittitas County make changes to the code to implement comprehensive plan goals adopted to protect public use airports. The amendments to Chapter 17.58 *Airport Overlay Zone*, as recommended by the planning commission, recognize Easton State, Cle Elum Municipal and DeVere Field airports and clarify the county's existing airport overlay zone. We support the proposal and view it as an important step towards protecting the county's public use airports from incompatible development. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11th public hearing.

In 1996, the Washington State Legislature amended the Growth Management Act to require all towns, cities and counties to protect public use airports from incompatible land uses through comprehensive plan policies and development regulations. WSDOT Aviation's role, as defined in the Act, is to review proposed and adopted comprehensive plans and regulations and provide technical assistance to help jurisdictions address aviation issues. The overall objective of our program is to protect public use airports from encroachment by incompatible land use activity.

In its 2006 comprehensive plan, Kittitas County recognized Easton State, Cle Elum Municipal and DeVere Field airports as Essential Public Facilities. The amended goals and policies signaled the county's intent to protect the airport from airspace obstructions and development of incompatible land uses. The proposed revisions to Chapter 17.58, *Airport Overlay Zone*, recognize airport airspace, prohibit development of special-function land uses and limit residential density adjacent to the airports, and require an aviation activity notice be recorded on new development within the airport influence area. These amendments will assist the county in implementing its comprehensive plan.

Thank you again for the opportunity to comment on the proposed amendments. We offer our continued assistance to address aviation issues, and we look forward to working with Kittitas County in the future. Please do not hesitate to contact me at 360.651.6312 or woehlek@wsdot.wa.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kerri S. Woehler". The signature is written in a cursive, flowing style.

Kerri Woehler
Aviation Planner

Cc: Joanna Valencia, Kittitas County Community Development Services
Joyce Phillips, CTED Growth Management Services
Bill Wiebe, WSDOT Planning

Joanna F. Valencia

From: Julie Kjorsvik
Sent: Tuesday, June 12, 2007 11:06 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Cc: David Bowen; Alan Crankovich; Mark D. McClain
Subject: FW: Kittitas County Development Code Update
Attachments: DevCodeUpdate_wsdot_6-11-07.pdf

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/>

From: Woehler, Kerri [mailto:WoehleK@wsdot.wa.gov]
Sent: Tuesday, June 12, 2007 11:04 AM
To: Alan Crankovich
Cc: Joanna F. Valencia; Phillips, Joyce; Wiebe, Bill; Julie Kjorsvik
Subject: Kittitas County Development Code Update

Attached are WSDOT Aviation's comments on Kittitas County's proposed amendments to Chapter 17.58, *Airport Overlay Zone*. We support the proposal, and believe the proposed revisions are an important step in protecting the county's public use airports from incompatible development. Please contact me at 360.651.6312 if you have any questions. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11 public hearing.

Thank you,

Kerri Woehler
Aviation Planner
WSDOT Aviation Division
360.651.6312
www.wsdot.wa.gov/aviation

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 11:07 AM
To: Mark D. McClain; David Bowen; Alan Crankovich
Cc: Joanna F. Valencia; Darryl Piercy; Allison Kimball
Subject: FW: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update

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

From: Desmond Knudson [mailto:desmond@elltel.net]
Sent: Tuesday, June 12, 2007 10:55 AM
To: Kittitas County Commissioners Office
Cc: Desmond (elltel) Knudson; Darryl Piercy
Subject: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update

Commissioners,

RE: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update.

At last nights hearing Mr. F. Steven Lathrop testified that "...he does not remember 30-60 days ago during their meeting, this language of one time split not being allowed or on the table or taken away and it concerns him and farmers..."

After talking with people who were there last night. we don't remember this meeting and/or when and where it was held. What was your take on it?

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

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 11:53 AM
To: Alan Crankovich; Mark D. McClain; David Bowen
Cc: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Subject: FW: Proposed zoning setbacks from Commercial Forest

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

From: Jim Miller [mailto:jbt@elltel.net]
Sent: Tuesday, June 12, 2007 11:50 AM
To: Kittitas County Commissioners Office
Subject: Proposed zoning setbacks from Commercial Forest

Gentlemen, It looks like we will have a problem and I will need you help. I just became aware that the Title 17 Zoning - Development Code Update proposes to change the building setbacks from Commercial Forest land to 200 feet.

Our problem is this: We have two lots bordered by the Forest Service. These lots are steep with limited building area. We prepared the lots in anticipation of building a cabin for our use on one lot and possibly building another cabin on the other lot for guest when/if we will be able to afford to do this. We have excavated the building sites, brought in power, permitted and installed a septic system, had a well drilled and brought phone line in. We planned the utilities in a way that could serve both lots. We have done this a little at a time as we could afford to do it. Having no idea that the county was considering this type of zoning code change we developed these sites in areas based on easy access, minimal building slope, clearance from drainages, and low on the hillside for fire control. We planned these sites with the zoning setbacks in effect at that time. Unfortunately for us, it appears that both building sites are well within the 200 foot setbacks that are proposed. Both lots are triangular five acre pieces. One lot has seasonal drainage at the bottom and is too steep to build anywhere else than where we planned.

These types of zoning changes remove huge amounts of useable acreage from our existing lots. We have neighbors in the area whose land values will be effected by loss of useable area as well. Often the most valuable building sites are close to the edges of the properties. These properties were bought and building sites selected or anticipated with the knowledge of the zoning codes in place at that time. This is a huge impact on us and others in our situation. Please reconsider this proposal and contact me if you can offer a solution.

Thank You,

Jim Miller

6/13/2007

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Wednesday, June 13, 2007 8:50 AM
To: Darryl Piercy; Allison Kimball
Cc: Joanna F. Valencia; Mark D. McClain; David Bowen; Alan Crankovich
Subject: FW: please reconsider 200-foot setback

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/>

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

From: Jan Naragon [mailto:fourcallingbirds@hotmail.com]
Sent: Wednesday, June 13, 2007 8:47 AM
To: Kittitas County Commissioners Office
Subject: please reconsider 200-foot setback

Dear sirs,

I am a homeowner in an inholding above Liberty that is surrounded by Forest Service land. I am writing to weigh in on a proposed 200-foot setback for new structures from commercial forests (Title 17 Zoning - Development Code Update). While I am not affected directly by this proposal, I am struggling to understand the purpose behind such an arbitrary change.

Normally, I am not opposed to government stepping in in situations that my mother used to describe with the phrase, "What if everybody did it?" But this setback idea does not seem to fit that category. It is counterproductive to neighbors who have worked hard to develop their small acreages by the book, and it is counterproductive and contradictory to the county's best interests.

Recent county zoning changes seem to favor subdivision of large tracts into smaller and smaller parcels. Many landowners who own small pieces of property in the Upper County would be immediately and negatively impacted by the proposed setback requirement. I can imagine the worst problems being in the checkerboard area near Cle Elum and Roslyn, an area that would seem vital to the county's future tax base.

Please reconsider this requirement. At the very least, please consider an alternative that allows a grandfather clause or a request for variance from this requirement based on individual circumstance. Most of us are trying to play by the rules and are frustrated when the rules keep changing with little notice.

Thank you for your kind attention.

Very truly yours,
Jan Naragon
743 Harkness Road
Cle Elum, WA 98922
509-857-2010

Play games, earn tickets, get cool prizes. Play now-it's FREE!
http://club.live.com/home.aspx?icid=CLUB_hotmailtextlink1

RECEIVED

JUN 11 2007

1ST ✓ 2ND ✓ 3RD ✓

BOARD OF KITTITAS COUNTY COMMISSIONERS

ROUTED TO:

DPW _____

PROSECUTOR _____

CDS _____ ✓

DEPT. _____

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.

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

RECEIVED

JUN 12 2007

BOARD OF KITTITAS COUNTY COMMISSIONERS
1ST 2ND 3RD



Washington State
Department of Transportation

AVIATION DIVISION

CDS

FACSIMILE TRANSMITTAL SHEET

To: Commissioner Alan Crankovich From: Kerri Woelter
 Company: Kittitas Co. Date: 6/12/07
 Fax Number: 509.962.7679 Total # Of Pages Including Cover: 3
 Phone Number: 509.962.7508 Re: Development Code Update

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

3704 172ND STREET NE STE K2
 PO Box 3367
 ARLINGTON, WA 98223-3367
 OFFICE 360.651.6300 FAX 360.651.6319 TOLL FREE 800.552.0666



**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

Aviation Division
3704 172nd Street, Suite K2
P.O. Box 3367
Arlington, Washington 98223-3367
360-651-6300 / 1-800-552-0666
Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 12, 2007

Commissioner Alan A. Crankovich, Chairman
Kittitas County Board of County Commissioners
205 W. 5th Ave, Suite 108
Ellensburg, WA 98926

RE: Kittitas County Development Code Update, Chapter 17.58

Dear Commissioner Crankovich:

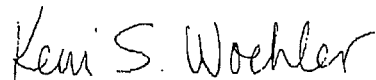
Thank you for the opportunity to comment on the proposed amendments to Kittitas County Development Code. In a letter dated April 27, 2007, WSDOT Aviation recommended that Kittitas County make changes to the code to implement comprehensive plan goals adopted to protect public use airports. The amendments to Chapter 17.58 *Airport Overlay Zone*, as recommended by the planning commission, recognize Easton State, Cle Elum Municipal and DeVere Field airports and clarify the county's existing airport overlay zone. We support the proposal and view it as an important step towards protecting the county's public use airports from incompatible development. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11th public hearing.

In 1996, the Washington State Legislature amended the Growth Management Act to require all towns, cities and counties to protect public use airports from incompatible land uses through comprehensive plan policies and development regulations. WSDOT Aviation's role, as defined in the Act, is to review proposed and adopted comprehensive plans and regulations and provide technical assistance to help jurisdictions address aviation issues. The overall objective of our program is to protect public use airports from encroachment by incompatible land use activity.

In its 2006 to the comprehensive plan, Kittitas County recognized Easton State, Cle Elum Municipal and DeVere Field airports as Essential Public Facilities. The amended goals and policies signaled the county's intent to protect the airport from airspace obstructions and development of incompatible land uses. The proposed revisions to Chapter 17.58, *Airport Overlay Zone*, recognize airport airspace, prohibit development of special-function land uses and limit residential density adjacent to the airports, and require an aviation activity notice be recorded on new development within the airport influence area. These amendments will assist the county in implementing its comprehensive plan.

Thank you again for the opportunity to comment on the proposed amendments. We offer our continued assistance to address aviation issues, and we look forward to working with Kittitas County in the future. Please do not hesitate to contact me at 360.651.6312 or woehlek@wsdot.wa.gov if you have any questions.

Sincerely,



Kerri Woehler
Aviation Planner

Cc: Joanna Valencia, Kittitas County Community Development Services
Joyce Phillips, CTED Growth Management Services
Bill Wiebe, WSDOT Planning

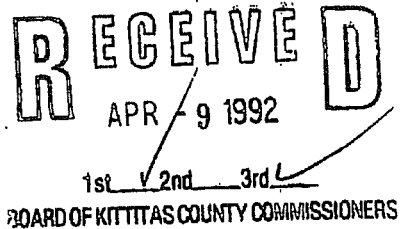


MAR 2 1992

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

February 21, 1992



Mr. Bill Ramsdale
Kittitas County Solid Waste
507 Nanum Street
Ellensburg, WA 98926

Dear Mr. Ramsdale:

Your Hazardous Waste Implementation Grant application has been approved for funding through the Department of Ecology.

By authority of this letter, you may proceed at your own risk on planning and organization of the Kittitas County Household Hazardous Waste Collection event and Task 1 of the Hazardous Waste Implementation Grant application (dated June 25, 1991), prior to execution of the grant agreement. The Department will reimburse the state's share of eligible costs incurred on or after February 24, 1992, in the event that: 1) a grant agreement is subsequently executed; 2) such costs are incurred on tasks specifically identified in the executed grant agreement; 3) such costs are substantiated by audit; and 4) such costs comply with the procurement and contracting requirements of either the local adopted requirements or the Administrative Requirements for Ecology Grants and Loans, WDOE 9-18, March 1991 (the Yellow Book). The state's share of eligible costs will not exceed \$45,000.

If you have any questions, please call Mike Drumright, Project Officer, at (206) 459-6297 (SCAN 585).

Sincerely,

Narda Pierce
Assistant Director
Office of Waste Management

NP:md

cc: Mike Drumright
Dick Granberg, Moderate Risk Waste Coordinator, Department of
Ecology - CRO
File

4092017

Appendix A

REQUEST FOR PROPOSALS

KITTITAS COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS

Kittitas County, State of Washington, wishes to contract with a qualified contractor to receive, package, treat, store, transport, recycle, and/or dispose of materials collected from the Kittitas County Household Hazardous Waste Collection Events. The Events are tentatively scheduled for Saturday, April 25, 1992 and Saturday, May 2, 1992 at two different locations.

The proposals must be submitted to: Kittitas County Solid Waste, 507 N. Nanum, Ellensburg, WA 98926, on or before 5:00pm, March 17, 1992 to be eligible for consideration by the Kittitas County Board of Commissioners. The Kittitas County Board of Commissioners reserves the right to accept or reject any or all proposals and to waive any minor irregularities or discrepancies.

For further information, contact: Gordon Kelly or William Ramsdell
Kittitas County Solid Waste
507 N. Nanum
Ellensburg, WA 98926
(509) 962-7515

SECTION I KITTITAS COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT

Kittitas County encompasses all areas between Vantage on the Columbia River in the east to Snoqualmie Pass on the west. The County is bisected by Interstate-90, west-to-east and begins Interstate-82 at Ellensburg. The County comprises the cities of Ellensburg (12,570), Cle Elum (1780), Kittitas (902), Roslyn (870), South Cle Elum (465), and the unincorporated area (10,813), for a total population of 27,400.

SECTION II PURPOSE OF THE REQUEST FOR PROPOSAL (RFP)

The purpose of this RFP is to obtain a qualified consultant to receive, package, treat, store, transport, recycle, and/or dispose of materials collected from the Household Hazardous Waste Collection Events (HHWCE). The HHWCE are tentatively scheduled for Saturday, April 25, 1992 and Saturday, May 2, 1992 and will be held at two sites. On April 25th, the HHWCE will be held in the parking lot of Cle Elum/Roslyn High School (located on Hwy 903, between Cle Elum and Roslyn) from 9:30am until 4:30pm. On May 2nd, the HHWCE will be held in the parking lot of Super 1 Foods (no final approval given for this location as yet) located at Mountain View and Main Streets in Ellensburg from 9:30am until 4:30pm.

SECTION III CONTRACTOR SCOPE OF WORK

The scope of work for the contract will include the following provisions and any provisions agreed to during the contract negotiation process. The contractor chosen for this project shall:

1. Receive, package, manifest, load, treat, recycle, store, transport, and dispose of all materials collected at the HHWCE designated in this document. The performance of these services shall be in full compliance with all applicable federal, state and local laws, rules, regulations and orders, including but not limited to, U.S. Department of Agriculture, the federal Resource Conservation and Recovery Act, and

regulations, rules and orders of the U.S. Environmental Protection Agency (EPA), the U.S. Department of Transportation (U.S.DOT), the Washington State Department of Ecology (DOE), and the Washington State Department of Transportation (WDOT) and the Washington State Department of Agriculture.

2. Meet with the project coordinator at least three weeks before the events to coordinate the design and presentation of training materials and finalize site layout and design. Provide two training sessions (one in each event area for County staff and volunteers other than contractor staff), make presentations, and answer questions as required.
3. Provide U.S.DOT approved barrels and utilize U.S. DOT packaging and shipping specifications at each site on the day before the event is to occur. The number of barrels will be determined by the contractor, and the contractor is responsible for providing any additional barrels necessary on the day of the events.
4. Supply (in addition to barrels), absorbent, labels, appropriate shipping papers, and provide for the transportation, recycling, reclaiming, and/or disposal of materials. All barrels shall be clearly marked as containing hazardous waste and clearly labeled.
5. Work with the project coordinator to provide a mechanism for disposing of empty containers and other non-hazardous waste generated at the collection sites.
6. Select the appropriate treatment, storage, recycling and disposal facilities for all hazardous materials collected at the event. The facilities shall be fully permitted, EPA and DOE approved hazardous waste treatment, storage and disposal facilities. The contractor shall be responsible to provide lawful disposal of all materials collected.
7. Assist in decreasing the actual number of barrels that will be disposed at a hazardous materials landfill and thereby assist in reducing costs. The contractor shall provide bulking for compatible hazardous materials on-site before final disposal options are used. The contractor shall not labpack or landfill materials if recycling or treatment alternatives are available. The contractor shall not pack materials that can be managed as a non-hazardous waste. Non-hazardous waste will be disposed in regular solid waste containers to be supplied at each site by the contractor.
8. Remove all materials from the sites on the day of the HHWCE. The contractor will provide storage until final disposal options are secured.
9. Manage and properly dispose of "unknown" or unidentifiable substances.

The contractor's project team leader will coordinate and supervise the activities of its subcontractors. A project manager will oversee the day-to-day activities and coordinate the team relationship with the Kittitas County staff.

SECTION IV PROPOSAL REQUIREMENTS

A. General Instructions

1. Proposals should respond to previously stated scope of work.
2. A successful proposal will:
 - a. provide at least one person trained in hazardous

- materials management at each site.
- b. provide a statement of how many personnel will be provided and their qualifications.
 - c. provide copies of any notices of violations, administrative orders, other enforcement actions taken by regulatory agencies or a comprehensive compliance history for all facilities owned or operated by the contractor. Also provide copies of any letters of commendation or other awards or recognition.
 - d. provide a paragraph summarizing all similar programs the contractor has participated in, including any innovative programs the contractor is involved in that exceed regulatory requirements and a list of names of regulators familiar with the program.
 - e. suggest innovative programs and ideas that the contractor can supply to increase the amount of recycling of wastes collected in these events.
 - f. provide a project work plan describing how the work will be done within the given time frame including the following:
 1. site layout and/or set-up plan
 2. method for spill and leak containment
 3. safety equipment provided and when it will be used
 4. traffic flow pattern and vehicle queuing
 5. number of personnel provided at each site
 6. role and responsibility of site personnel
 7. methods of packaging for transportation off site
 8. site clean-up plans
 9. method of disposal for each type of material listed under item 7 below
 - g. provide a list of materials that the contractor will not accept. Please identify what methods could be used to reduce the amount and identification of unacceptable wastes that are brought to the sites. Kittitas County will require contractors to dispose of all materials accepted at each site.
 - h. contain a description of procedures for handling and identifying "unknown" materials brought to the site for collection.
 1. identify cost reduction measures, additional safety methods, and recycling options which could reduce the cost of managing the waste and promote the goals of environmentally sound recycling and reuse of hazardous materials.
3. This contract may be awarded to a single contractor or to a group of contractors. The cost proposals must be submitted on the basis of handling two sites processing approximately 150 vehicles at Cle Elum/Roslyn and 300 vehicles in Ellensburg.
4. Recycling of waste materials will be a key criterion in the evaluation of the proposals. Please explain how each element of the waste stream will be processed. Please pay special attention to the following categories:
- a. usable latex paint
 - b. unusable latex paint
 - c. usable solvent-based paint
 - d. unusable solvent based paint
 - e. halogenated solvents
 - f. batteries other than automotive

- g. acids and bases
 - h. pesticides
 - i. any other items that can be recycled
5. Kittitas County intends to provide at least one staff person plus some volunteers per site to assist with traffic control, information surveying and/or processing of the waste (like waste oil, antifreeze, automotive batteries). Please include in the proposal your price list for safety equipment for these staff and volunteers including gloves, respirators, cartridges, pesticide prefilters, tyvek booties or equivalent, tyvek coveralls or equivalent, safety glasses and goggles, and neoprene coveralls or equivalent.
6. Each site will be required to be set up and ready for operation one hour prior to the announced opening time.
7. Please indicate the unit cost for management and disposal of each type of waste described below:
- a. oil paints
 - b. adhesives
 - c. paint strippers
 - d. latex paints
 - e. automotive products (except oil, antifreeze, batteries)
 - f. halogenated solvents
 - g. non-halogenated solvents
 - h. pentachlorophenol
 - i. household batteries
 - j. aerosol cans
 - k. PCB's
 - l. acids
 - m. bases
 - n. oxidizers
 - o. reactives
 - p. dioxin-containing materials
 - q. lab packs
 - r. other anticipated materials based on experience (please specify)
 - s. empty pesticide containers

Also include a fixed cost for all expenses and fees of whatever nature, plus labor costs, which the contractor will incur in performing services under the scope of work if those costs are not already included in the per barrel cost.

The contractor will be bound to both fixed and per barrel costs regardless of the quantity of waste collected or any other unforeseen costs.

8. Please provide a cost for two, one day HHWCE's. Assume 150 vehicles at Cle Elum/Roslyn and 300 vehicles at Ellensburg, delivering the following quantities of materials split proportionally between the two sites:
- a. 20 drums of bulked latex paint
 - b. 20 drums of lab-packed pesticides
 - c. 60 drums of bulked oil based paint
 - d. 10 drums of loose packed adhesives and resins
 - e. 5 drums of lab-packed acid
 - f. 5 drums of lab-packed base
 - g. 10 drums of loose packed aerosol paints
 - h. 5 drums of loose packed aerosol cleaners
 - i. 5 drums of loose packed aerosol pesticides

- j. 5 drums of bulked non-halogenated solvents
- k. 5 drums of lab-packed halogenated solvents
- l. 5 drums of loose packed household batteries
- m. 5 drums of lab-packed pentachlorophenol
- n. 5 drums of lab-packed dioxin-containing materials
- o. 5 drums of lab-packed oxidizers

Please include in your cost all unit charges for labor, packaging, testing, transportation, long and short term storage of both acceptable and unacceptable materials and final disposal, or any costs that would be associated to the project cost.

This is a hypothetical case for purposes of comparative evaluation. Costs should be itemized and labeled as fixed costs or unit costs.

B. Contents of the Proposal

In order to be given full consideration, proposals must contain the information shown below:

1. Management Organization/Structure
 - a. Describe the project team structure, providing information on the type of firm/organization acting as the consultant. Provide an organizational chart showing team members and areas of responsibility. Identify the project manager proposed for this project. State whether the contractor qualifies as a state approved minority- or woman-owned business.
 - b. Describe the firm's qualifications and experience that make it particularly suited for this project.
 - c. Describe the qualifications and experience of any sub-consultants in the area of work assigned.
 - d. Cite examples of any relevant studies or pertinent work your firm has completed in the recent past. You may be asked to submit examples of documents during the evaluation and selection process.
 - e. Provide a specific statement of availability of key individuals to be committed to this project.
2. Qualifications of Personnel
 - a. Describe the relevant experience and qualifications of the key personnel who will be assigned to this project, including any subcontractor.
 - b. Provide brief resumes for each of the personnel above.
3. Statement of Cost

All proposers must complete and submit a statement of cost. The statement of cost should include all overhead, profit, benefits, fees, subcontractor mark-up and any other cost components. If overhead and other costs are included in the hourly rate, please so indicate. Total anticipated project costs must be identified. Project costs shall also be broken down by major tasks [fixed equipment cost per site (equipment, mobilization, demobilization, per diem), waste management costs based on contractor estimated drums in RFP including transportation, and labor for the HHWCE based on contractor estimate of labor needs].
4. Proposed Scope of Work

For applicable projects, describe how your firm will complete the scope of work described in Section IV of the

RFP. Please address the following areas:

- a. Clearly indicate the scope of work that the firm will complete for the applicable budget amounts. Include a list of projects and a schedule for their completion.
- b. Provide a breakdown of the proposed budget by major tasks within each phase of work.
- c. Describe the approach and methodology that will be used in completing the scope of work described above.
- d. Describe any proposed modifications to the scope of work and/or schedule.

5. Insurance Requirements

The contractor shall procure and maintain for the duration of this contract insurance against claims for injuries to persons or damage to property which may arise from, or in connection with, the performance of work herein described by the contractor, its agents, representatives, and employees. The contractor shall require all subcontractor(s) to obtain insurance similar to that required for the contractor or shall fully insure the subcontractor(s) to the level described. The cost of such insurance shall be paid by the contractor and subcontractor(s).

a. Minimum Limits of Insurance

The contractor shall maintain limits no less than:

- 1) Comprehensive General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage, and, for those policies where aggregates are applicable, a \$2,000,000 aggregate limit and identical limits for pollution liability if pollution coverage is provided separately.
- 2) Vehicle Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage to include pollution liability.
- 3) Employer's Liability: \$1,000,000 limits.

b. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

- 1) Kittitas County, Cle Elum/Roslyn School District #404, Super 1 Foods, their officers, officials, employees and agents are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the contractor; premises owned, leased or used by the consultant; or vehicles owned, leased, hired or borrowed by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to Kittitas County and other collection site property owners, their officers, officials, employees or agents.
- 2) The contractor's insurance coverage shall be primary insurance as respects Kittitas County and other collection site property owners, their officers, officials, employees and agents. Any insurance or self-insurance maintained by Kittitas County or other collection site property owners, their

SECTION V SELECTION PROCESS

A Contractor Evaluation Board (CEB) will be assembled to evaluate proposals and conduct interviews. The selection of a contractor will be a three step process. First proposals will be checked to see if they are complete and satisfy minimum qualifications. Proposers will be notified at this step if their proposal is found to be non-responsive.

Second, proposals will be evaluated and ranked according to the criteria listed below. Based on this evaluation, between two and five firms may be asked to provide more information at an oral interview or an alternative evaluation process.

Third, the selected finalists will make presentations and be interviewed by the CEB. The oral presentation is to be made by the key members of the proposed team. At the interview the CEB will ask questions about the firm's proposal. After interviewing the finalists the CEB will recommend one or more firms to the Kittitas County Board of County Commissioners for selection. The selected firm will be notified and negotiations for a contract will begin. If a satisfactory contract cannot be negotiated, Kittitas County will terminate negotiations with the firm and begin negotiations with the next highest rated firm. Kittitas County reserves the right to terminate all negotiations and re-advertise the project if necessary.

Finalists, other than the firm(s) initially selected for negotiations, will be notified they were not selected.

SECTION VI SELECTION CRITERIA

In this project, the following criteria will be used by the CEB to rank the proposals:

- 1) Qualifications of the Firm (30 points)
Relevant experience in managing collection events similar in scope to those described in this RFP. Also to be considered will be regulatory compliance, equipment availability and ability to manage waste
- 2) Qualifications of Personnel (30 points)
Relevant experience and qualifications of the professional personnel to the proposed scope of work. Emphasis will be placed on the experience and qualifications of the proposed project manager.
- 3) Proposal (40 points)
Evaluation of the proposal will be based on the quality of the response to the objectives and tasks outlined in this RFP. Consideration will include: 1) clarity and organization, 2) adequacy and appropriateness of the methodology for delivering the service needed, 3) efficiency in scheduling tasks to meet the desired schedules, 4) adequacy and accuracy of costs and budget (proposer demonstrates an understanding of the project through the budget) and the cost effectiveness of the project and 5) strength.

officers, officials, employees or agents shall be excess of the contractor's insurance and shall not contribute with it.

- 3) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Kittitas County or other collection site property owners, their officers, officials, employees or agents.
- 4) The contractor's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.
- 5) Coverage shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to Kittitas County and other collection site property owners.
- 6) Contractor's insurance shall be provided to protect each insured or additional insured in the same manner as though a separate policy had been issued to each except that the amount or amounts for which the company would have been liable has only one insured or additional insured been named.

c. Acceptability of Insurers

Insurance is to be placed with insurers with a Bests' rating of no less than A:VII, or if not rated by Bests', with minimum surpluses the equivalent of Bests' VII rating.

d. Verification of Coverage

The contractor shall furnish Kittitas County and other collection site property owners with certificates of insurance and with endorsements effecting coverage required by this contract. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy are to be received and approved by Kittitas County before work commences. Kittitas County and other collection site property owners reserve the right to require complete, certified copies of all required insurance policies at any time.

6. References

Provide the names and telephone numbers of at least three references each, for your firm and subcontractors, for whom you have performed similar services. References provided should be capable of commenting on the work of the key team members proposed for this work.

Proposals should not exceed 25 pages in length. Five copies of each proposal should be submitted to Kittitas County and printed on recycled paper.

Proposals received shall be considered final and used as the basis to select a contractor for contract negotiations. No reimbursement will be made for any cost incurred prior to contract approval and authorization by Kittitas County.

June 12, 2007

Kittitas County Board of County Commissioners
Commissioner Alan Crankovich
205 W 5th Suite 108
Ellensburg WA 98926

RECEIVED
JUN 13 2007
1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS
CDS

RE: Planning Commission Recommendation for County Development Code Update
CHAPTER 17.61A Wind Farm Resource Overlay Zone

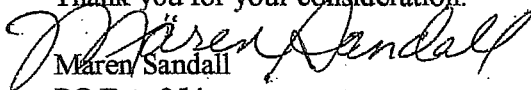
Dear Commissioner Crankovich,

I would like the following comments to be put into the public record. I strongly agree with the Planning Commission's recommendations to the changes in the County Development Code, specifically regarding Chapter 17.61A Wind Farm Resource Overlay Zone.

The proposed location for a pre-identified area suitable for wind farm facilities is the most viable. The area is largely unpopulated and receives its' share of wind. The general populace of Kittitas County will not be inflicted with irreversible damages to health, welfare, and quality of life by having huge industrial wind energy facilities sited in this region of the county. If you have not already done so, take a short journey to Royal City after nightfall. On your return trip you will see first hand the unsightly light show created by turbines from the Wild Horse project. This visual impact is what will be seen all across the valley if wind energy facilities are allowed outside the proposed overlay zone. Isolating this adverse phenomenon to the area described in Chapter 17.61A will protect the tranquility of the life we all enjoy in this valley.

It is pure common sense to have an area already designated for the purpose of wind energy projects. This will eliminate the need for countless hours and money spent on trying to determine whether or not one area or another is suitable and consistent with the current land use zoning. I commend the Planning Commissioners for their great effort in attempting to resolve a very complex problem that has overshadowed this valley for the past six years. Please support their efforts by approving Chapter 17.61A as written. I would also ask that you do not approve to extend the overlay boundaries to include the entire power line corridor along the northern edge of the county. By doing so you would violate the quality of life for thousands of residents living in that region of the county.

Thank you for your consideration.


Maren Sandall
PO Box 954
8560 Elk Springs Road
Ellensburg WA 98926
509-899-4668
eburghills@hotmail.com

June 12, 2007

Kittitas County Board of County Commissioners
Commissioner Alan Crankovich
205 W 5th Suite 108
Ellensburg WA 98926

RECEIVED
JUN 13 2007
1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS

CDS

RE: Planning Commission Recommendation for County Development Code Update
CHAPTER 17.61A Wind Farm Resource Overlay Zone

Dear Commissioner Crankovich,

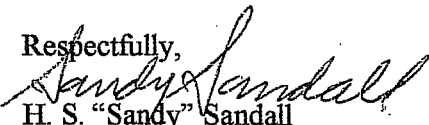
Thank you for this opportunity to comment on the current proposed changes by the Planning Commission and their recommendations concerning a Wind Farm Resource Overlay Zone. I am in favor of the proposal as described under Chapter 17.61A. This pre-identified area is suitable for large industrial power generating plants. The area is massive, uninhabited for the most part, and provides for an abundant amount of "wind". This is evident with the construction of the Wild Horse project and the exploratory research by Invenergy Wind LLC of a second wind farm 20 to 25 miles east of Ellensburg between I-90 and the Vantage Hwy.

Monday night, during the June 11th hearing, we heard testimony that the wind was not suitable in the proposed overlay zone on the east end of the county. This is just not true. I spent a few days volunteering for Search & Rescue in the Vantage area this past Memorial Day holiday, and can tell you first hand the wind in fact blows there! To say that the only suitable wind for a wind energy facility is in the northern section of Kittitas County is ludicrous. When the wind blows, it blows in all sections of the county. The same holds true during the times of year when the wind is quiet. The wind is not reliable nor is it consistent in any part of this valley.

We also heard testimony that the wind energy facilities must be located in the corridor of major power lines. This is also not true. It is cheap for the wind energy companies to have the facility close to the power grid, but it is not essential. Wind energy companies have constructed sites as far away as 90 miles from major power lines. Cost is the motivating factor for the company in siting near the grid, regardless of any health or welfare issues that are inflicted upon nearby residents.

I urge you to approve and implement Chapter 17.61A as recommended by the Planning Commission.

Respectfully,


H. S. "Sandy" Sandall
PO Box 954
8560 Elk Springs Road
Ellensburg WA 98926
509-899-0201
eburghills@hotmail.com

RECEIVED

JUN 13 2007

June 13, 2007

1ST 2ND 3RD

BOARD OF KITTITAS COUNTY COMMISSIONERS

Kittitas County Commissioners,
411 N. Ruby St.
Ellensburg, Wa. 98926

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

Dear Commissioners:

I have been unable to attend the two meetings you held this week regarding land-use changes. I am however very concerned with your zoning code considerations for windfarms. I agree that the far eastern end of the county would be a good place for developers to apply, but please put a limit as to how far they can go along the east-west power line corridor. I live on Reecer Creek Road and the two proposed windfarms in the area have already been denied by you because of location. The area to be considered should at least be east of the present windfarm outside of Kittitas. The people who want the windfarms further west all have a personal financial stake in the outcome of your decision and therefore are pushing for an expanded area. Please keep these things in mind as you make your decision.

Chris and Lee Burtchett
12611 Reecer Creek Road
Ellensburg, Wa. 98926
(509) 962- 6009