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September 15, 2014

VIA EMAIL SMPUpdate@co.kittitas.wa.us
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Kittitas County Board of Commissioners
Kittitas County Courthouse
205 W 5th Ave STE 108
Ellensburg, WA 98926

Anna Nelson, AICP
Community Development Services
Kittitas County
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Kittitas County Shoreline Master Program Update
Kittitas County Board of Commissioners Hearing
September 16, 2014 6:00 p.m.

Dear Board of County Commissioners:

I represent Ellensburg Cement Products, Hutchinson Properties, LLC, and JH Properties, L.L.C. My clients own and operate sand and gravel extraction and processing facilities throughout Kittitas County. These facilities includes upland locations that are not subject to shoreline jurisdiction and historical, active sites near Easton, within the South Cle Elum UGA, and near the west I-90 interchange just outside Ellensburg.

On August 12, 2014 I provided a comment letter and oral testimony to the Kittitas County Planning Commission. Those comments and testimony are in the public record and included in Attachment 2 to your hearing materials in the section addressing "Scope and Jurisdiction."

The Kittitas County Planning Commission and the Community Development staff have recommended that you select the "minimum" shoreline jurisdiction option and not expand shoreline jurisdiction to the maximum jurisdiction, which would add floodplains. We agree.

Rather than repeat the testimony that is already documented and supported in the record, I am providing the following summary of the opposition to expanded jurisdiction:

- Expanding shoreline jurisdiction to the optional, "maximum" jurisdiction is not supported in the record.

- No separate criteria are proposed to distinguish issues unique to floodplain regulation from restrictions that properly should apply within 200 feet of the shoreline and within associated wetlands.

- Floodplains may be located miles away from the water's edge. For instance, Table 3.10-1 prohibits "non-water oriented uses" even though many of the floodplain locations could not support water use, water views, water enjoyment, or water access. In many locations, the added floodplains extend a half mile to several miles from the water's edge.

- Appropriately, floodplain issues are now being addressed as part of the critical areas update. Treatment under the SMP is not required and produces conflicts.

- Because projects that are within shoreline jurisdiction require the applicant to file a Joint Aquatic Resource Permit Application (JARPA), extended shoreline jurisdiction subjects a much larger number of minor, purely local land use decisions to delay and review by state, federal, and tribal governments.

- Extended jurisdiction may double or triple the costs to landowners and the public of implementing the Shoreline Management Act without providing any identified benefit. Minimum jurisdiction is a misnomer. The minimum jurisdiction is the "standard" or "typical" jurisdiction in Washington.

Kittitas County has regulatory powers that are more direct and better suited to address flood hazard reduction and protection of floodplains without extending shoreline jurisdiction. Please adopt the recommendation of the Planning Commission and staff and select the "minimum" jurisdiction option.

Very truly yours,

McELROY LAW FIRM, PLLC

Gregory S. McElroy