Gentlemen:

Please let it added to the record that I do not approve of the proposed ordinance regarding the restriction of lawn and garden watering on either existing properties or future properties in the upper Kittitas County area. I don’t think you have a right to offer up this water usage or incorporate such rules in the county growth plan for the future. You are not truly addressing the problem with water that exists in this area and the reason for our current dilemma with exempt wells which is overdevelopment. That is the issue you need to address and restrict.

I believe the lawn and garden watering issue could be handled on a voluntary schedule similar to what is done on the west side of the mountains: i.e., odd #’d houses water M, W, F, and even #’s houses water T/Th/S. Most people would gladly comply with this, and language could be created that would provide for warnings and penalties for repeated violations of the agreement.

The real moratorium should be placed on further short platting at least temporarily. A plan should be developed for the next 2 years, then 5 years, and so on. We need to be proactive about what the real problem is and address it ourselves so the DOE doesn’t continually need to ride rough shot over us all. We as a community need to demonstrate our ability...
to lead in this arena and create a common sense type approach, considering the needs of current land owners with vested interests first, then create plans that address future growth. The present rate of development has done much to devalue parcels already in existence. We have way more inventory of properties than we have buyers for it. It makes no sense to keep on developing more properties until the present water issues are addressed and surplus land inventory (of developed parcels) is reduced.

Karla Schoon  
4587 Airport Road  
Cle Elum, WA 98922

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message id: 386b4591c20c8db4bc21bb671930034a14
Jan and Jennifer,
Good Morning!
I would be most appreciative if you added the attached letter to the record for the Comprehensive Plan Amendments for 2009 - Transfer of Development Rights CP 09-08.
Thank you,
Jan Sharar
Date: December 10, 2009

To: Jan Ollivier - Kittitas County Public Works

From: Jan Sharar
390 Cattail Rd.
Ellensburg, WA. 98926

Re: Transfer of Development Rights CP 09-08

I support the inclusion of a Transfer of Development Rights Program into the Kittitas County Code. Availability of the TDR will give rural land owners who make their living, at least in part, from farming and timber production on the county’s valuable rural lands another option for financial security and comfort in knowing the land will continue to be productive.

It is my hope that Kittitas County will further recognize the value of such a program by strengthening it through better land use policies for all rural lands. Those would include: repeal of harmful practices such as cluster plats without real public benefit or adequate safeguards for location in rural lands, the urban densities created by Planned Unit Developments in rural lands without the public benefits needed to offset the urban densities created through multiplying underlying densities and the by withdrawing from the Court of Appeals process on these matters.

These practices threaten the ability of working farms and forests to operate with minimal interference from more intense development and therefore may threaten these TDR sending sites in the same manner. This issue is a concern already to some who are considering the TDR process for their land. Without a clearly compliant land use and zoning policy, these concerns will likely remain and reduce the number of people willing to take the risk. Although they may claim hardship and reverse the TDR agreement, that can hardly be said to be a proactive policy.

Finally, the TDR program should be adopted as it represents a positive step forward in land use policy for the county. Even with these outstanding problems, it is my hope we the public can have an opportunity for perfecting it in the future.

Sincerely,
Jan Sharar

C: Alan Crankovich, BOCC Chairman
   Paula Jewell, Commissioner
   Mark McClain, Commissioner
   Jill Arango CLC
Mandy Weed

From: deidre link [mailto:linkdal@televar.com]
Sent: Friday, December 11, 2009 5:42 AM
To: CDS User
Cc: Paul Jewell; Alan Crankovich; Mark D. McClain
Subject: CP-09-01

Gentlemen:

For the record, I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You,

Deidre Link

560 Hawk Haven Rd., Cle Elum, WA 98922
Mandy Weed

From: Pico Cantieni [mailto:pico@eburg.com]
Sent: Friday, December 11, 2009 6:14 AM
To: CDS User
Subject: RE: CP-09-01, Community Wind Energy Ordinance;

To Whom It May Concern;

I would like to weigh in here with my support for the adoption of CP-09-01 BEFORE THE END OF 2009. It is my understanding that there is federal incentive money available for communities which signal their support for community wind energy THIS YEAR. While I realize that there may be unintended consequences and unforeseen legal snarls related to the construction of mid-sized wind turbines on smaller parcels of land, it seems to me that the time is NOW to get something on the books. A community wind ordinance is not written on stone tablets. Changes can be made as the need arises. Please adopt CP-09-01 THIS YEAR!

Pico Cantieni
5920 Red Bridge Rd.
Cle Elum

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message id: 36eb452c2f09c5b5b32b4b8e74560040a1
Jan Ollivier

From: Mandy Weed on behalf of CDS User
Sent: Friday, December 11, 2009 10:50 AM
To: Dan Valoff, Jan Ollivier
Subject: FW: CP-09-01, Community Wind Energy ordinance

Mandy Weed

From: Bonnie Reay [mailto:drbonniereay@gmail.com]
Sent: Friday, December 11, 2009 8:27 AM
To: CDS User; Paul Jewell; Alan Crankovich; Mark D. McClain
Subject: CP-09-01, Community Wind Energy ordinance

To elected officials representing all citizens of Kittitas county,

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas

County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You

Dr Bonnie Reay

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message id: 3e8b45316c6dc0b3e2b4b87199d004a14
Gentlemen:

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You,

Frank Miller
Mandy Weed

From: Melinda Campbell [mailto:gcounrtygal@yahoo.com]
Sent: Friday, December 11, 2009 9:08 AM
To: CDS User; Paul Jewell; Alan Crankovich; Mark D. McClain
Subject: Wind Ordinance

Gentlemen:

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas

County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You

Melinda Campbell
PO Box 541
Kittitas, WA 98934

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Jan Ollivier

From: Mandy Weed on behalf of CDS User
Sent: Friday, December 11, 2009 11:22 AM
To: Jan Ollivier, Dan Valoff
Subject: FW: WIND energy

Mandy Weed

From: Barb King [mailto:dragonwood1@hotmail.com]
Sent: Friday, December 11, 2009 11:16 AM
To: CDS User
Subject: WIND energy

Gentlemen:

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You

Barb King
Dragonwood
dragonwood1@hotmail.com
www.dragonwoodbreeding.com

Notice. All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916d1c000dce246b9715d9044a14
Laura Wilson  
Permit Technician  
Kittitas County Community Development Services  
411 N Ruby Street Suite 2  
Ellensburg, WA 98926  
laura.wilson@co.kittitas.wa.us  
P: 509.962.7506  
F: 509.962.7682  

"Building Partnerships-Building Communities"

-----Original Message-----  
From: John Meyer [mailto:john@highlandenergysystems.com]  
Sent: Friday, December 11, 2009 12:27 PM  
To: Paul Jewell; Alan Crankovich; Mark D. McClain; CDS User  
Subject: Community Wind Ordinance, CP-09-01  

Gentlemen:  

From both a professional perspective, and a personal perspective, I am writing to express my support for the Community Wind Ordinance, CP-09-01, now under consideration by the Board of County Commissioners.  

Kittitas County is fortunate to be located in a area with a tremendous, and valuable, wind resource. Community Wind allows individuals who can't otherwise own an individual wind system to participate in and support renewable wind energy by investing/owning a portion of a wind system with a small group of other interested individuals. The Community Wind Ordinance, CP-09-01, now under consideration will facilitate this opportunity for individuals within Kittitas County as well as elsewhere, and will provide a stimulus for business growth within the County. Given the poor state of the current economy, and given the scheduled expiration of applicable Federal incentives next year, passing this ordinance this year is vitally important.  

Along with all of the others who want to see Kittitas County thrive in the renewable energy future, I urge you to please pass Community Wind Ordinance, CP-09-01, this year.  

Thank You.  

John Meyer
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message id: 38eb45916c6dcbbac24bb8719d004a14
From: Jan Ollivier
Sent: Friday, December 11, 2009 12:45 PM
To: Jan Ollivier
Cc: Jeff Watson
Subject: FW: Comments for Public Record re Wind Ordinance

Laura Wilson
Permit Technician
Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
laura.wilson@co.kittitas.wa.us
P: 509.962.7506
F: 509.962.7682

From: Peggy McCoy [mailto:peggy@conviviumre.com]
Sent: Friday, December 11, 2009 11:47 AM
To: CDS User; Paul Jewell; Alan Crankovich; Mark D. McClain
Subject: Comments for Public Record re Wind Ordinance

To CDS and BOCC:
We would like to submit this email along with the attached letters to be included in the public record regarding the community wind ordinance amendment. The letters were provided to us in support of applications for REAP grants for the community wind projects we are developing in Kittitas County. These letters from the Department of Commerce and Puget Sound Energy show state-wide support of renewable energy projects due to their many current and long-term benefits.

Our efforts this past year in Ellensburg to develop renewable energy projects have resulted in considerable expenditures for many of our business needs, including food and lodging. The passing of the community wind ordinance would allow us to continue developing wind projects in Kittitas County with the support of very favorable government grants and stimulus dollars. Without the ordinance in place, and with the expiration of government grants and stimulus dollars at the end of 2010, we would look to develop projects in other counties.

Peggy McCoy
Accounting & Administration
Cascade Community Wind Company LLC
Ph 360-306-5331/Fx 805-823-2778
www.cascadecommunitywind.com
From: Boyd Pro [mailto:boydpro@hotmail.com]
Sent: Friday, December 11, 2009 11:40 AM
To: Mark D. McClain; Alan Crankovich; Paul Jewell; CDS User
Subject: Support the Community Wind Ordinance

Hello,
I'm writing to express my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I urge you to approve this ordinance to support community wind in Kittitas County! This ordinance will allow community members to benefit from renewable energy now and into the future.

Thank you

Boyd Pro

Hotmail: Trusted email with powerful SPAM protection. Sign up now.
Jan Ollivier

From: Mandy Weed on behalf of CDS User
Sent: Friday, December 11, 2009 1:10 PM
To: Dan Valoff, Jan Ollivier
Subject: FW: Community Wind Ordinance, CP-09-01

Mandy Weed

From: Desmond Knudson [mailto:desmond@elltel.net]
Sent: Friday, December 11, 2009 1:00 PM
To: CDS User
Subject: Community Wind Ordinance, CP-09-01

Gentlemen & Gentlewomen:

I am writing to indicate my support for the, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank You

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

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message id: 36eb459f6e6dcd5cc24d3b7109d004a14
Mandy Weed

-----Original Message-----
From: Anne Watanabe [mailto:annew@inlandnet.com]
Sent: Friday, December 11, 2009 1:19 PM
To: Catherine Dunn; Dan Valoff; Mandy Weed
Subject: Comments on Comp Plan 2009

Catherine:
Please include the attached comments into the public record for the Board's consideration on the 2009 Comprehensive Plan Amendments.

Thank you and have a wonderful weekend, Anne Watanabe

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message id: 38eb45916c6dcbdac24bb8719d004a14
December 12, 2009

Board of County Commissioners
Kittitas County
411 N. Ruby Street, Suite 1
Ellensburg, WA 98926

Re: 2009 Comprehensive Plan Amendments

Dear Honorable Commissioners:

Thank you for the opportunity to comment on the proposed 2009 Comprehensive Plan Amendments. Easton Ridge Land Company (ERLC) previously submitted comments dated November 10, 2009, to the Planning Commission on some of the proposed amendments and those comments are herein incorporated by this reference.

Our comments pertain to three proposed amendments:

1. CP-09-08, Transfer of Development Rights (TDR) add to KCC 17.13
2. CP-09-09, Amendment to KCC 16.18 (Irrigation & Sprinkling)-adding new Chapter III Upper Kittitas County
3. CP-09-05, Code Change to Allow Hearing Examiner to take over duties of the Board of Adjustment-amendment to KCC 2.11

The proposed TDR program has perpetual ramifications for all involved and we would like to reiterate some key concerns we have about the proposed TDR program.

1. **CP-09-08, Transfer of Development Rights (TDR) add to KCC 17.13**

   Generally, it seems that there are many outstanding issues that the County is addressing that impact the utility of the TDR program in Kittitas County. In addition to our opposition to the proposed changes to the Performance Based Cluster Plat code, there are several issues that we do not believe have been adequately considered that should be before the TDR program is codified. Namely, the well moratorium and impact of available development rights on lands within the moratorium boundary; the lack of defined criteria for the designation and de-designation of commercial lands of long term significance; excluding Rural-3, Rural-5, Ag-#, and Ag-5 zoned lands as potential sending sites; and the County’s lack of resources to implement the program. In addition, there has been no discussion of what the conservation easements will cost the owner of the sending site, i.e., the cost of a stewardship endowment for perpetual maintenance and enforcement of the easement.

   In addition, there has been no discussion of the TDR pilot project that has apparently been started in the County, i.e., how it was funded, who funded it, how many rights were acquired by whom and what will happen to those development rights.
We understand that the designation and de-designation criteria are being simultaneously considered during the Comprehensive Plan Amendment process but that does not give the public time to understand how the TDR program may or may not impact their ownership rights.

The County Code currently has a chapter “reserved” for TDRs. This issue could be addressed at any other time as a code amendment rather than rushed through the Comprehensive Plan Amendment process.

While the TDR program generally has merit, its utility in Kittitas County needs to be better vetted. We would recommend that the County approach any possible TDR program in phases starting with the pilot project that has already been instituted in the County.

2. CP-09-09 - Amendment to KCC 16.18 (Irrigation & Sprinkling)-adding new Chapter III Upper Kittitas County

We oppose this unnecessary restriction on upper county residents. The recent Attorney General’s opinion unequivocally states, “The statutory exemption from the permitting requirement for use in watering lawns and noncommercial gardens is not included within the [5,000 gallon per day] exemption for domestic use.”

3. CP-09-05, Code Change to Allow Hearing Examiner to take over duties of the Board of Adjustment-amendment to KCC 2.11

We support this proposed amendment and believe that replacing review by the Board of Adjustment (BOA) with review by the Hearings Examiner will be a more effective and efficient process. We have appreciated the Hearings Examiner’s review procedures and development of the public record and believe that applications otherwise heard by the BOA will be well served through the Hearings Examiner process.

In sum, we urge you to not recommend approval of the proposed TDR program at this time but to move forward more slowly in phases and complete some pilot projects in the County. We also urge you to deny the proposed amendment that makes it a crime for a property owner in the upper county to have a lawn or garden. This is another unnecessary restriction on property owners in the upper county. And lastly, we support the Hearings Examiner taking over the duties of the Board of Adjustment.

Respectfully Submitted,

[Signature]
Nathan R. Weis
Vice President
November 10, 2009

Community Development Services  
and the Planning Commission  
c/o Ms. Jan Ollivier  
Kittitas County  
411 N. Ruby Street, Suite 1  
Ellensburg, WA 98926


Dear Ms. Ollivier:

Thank you for the opportunity to comment on the proposed 2009 Comprehensive Plan Amendments. Our comments pertain to three proposed amendments:

1. CP-09-08, Transfer of Development Rights (TDR) add to KCC 17.13
2. CP-09-09, Amendment to KCC 16.18 (Irrigation & Sprinkling)-adding new Chapter III Upper Kittitas County
3. CP-09-05, Code Change to Allow Hearing Examiner to take over duties of the Board of Adjustment-amendment to KCC 2.11

1. **CP-09-08, Transfer of Development Rights (TDR) add to KCC 17.13**

We have reviewed the proposed amendment along with the report developed by the Cascade Land Conservancy (CLC) entitled “Conserving Kittitas County Farmlands and Working Forests: Transfer of Development Rights Program” Report (Updated) – Research Findings and Program Recommendations, prepared for the BOCC by the Cascade Land Conservancy and dated May 19, 2009 (the “Report”).

We oppose institutionalizing the **mandatory** TDR program in Kittitas County as proposed in amendments CP-09-08 for numerous reasons: the proposed amendment predates the recent moratorium on new groundwater wells; it is not voluntary; it amends the Performance Based Cluster Plat Code (PBCP) (KCC 16.09) with out any public notice, and with full disregard for the well moratorium; it suggests that the Planned Unit Development (PUD) zone and future LAMIRDs are sending sites but offers no code revisions for those zones; the criteria for sending and receiving sites is flawed and not thought out; and the county does not have the resources to implement this program.

In addition, the county’s foundational land use planning tools (the Comprehensive Plan and the Development Code) are subject to on-going legal challenges and to add this layer of restrictive planning seems very premature. Importantly, we do not believe that the public has been adequately informed about the impacts of this TDR program and we recommend that there be a more thorough analysis and opportunity for public comment on this proposed program.
In Appendix B to CLC’s Report, which provides a table of TDR Programs in Washington, it is clear that TDR programs have a terrible success rate in Washington communities and there is no reason to believe nor none provided, as to why Kittitas County will fare any better.

The program will make development cost-prohibitive because a developer will now have to buy the land, buy the water and buy development rights. Clearly, this is another attempt by a west-side organization (CLC) to dictate how growth in the county should occur, just like Futurewise has done. This program has to be mandatory otherwise it will not work because no property owner will elect to participate in this program if another option is available. To suggest that this program is “voluntary” is deceitful to the general public.

The TDR program and the research done by CLC was done prior to the revisions to WAC 173-539A which withdrew from appropriation all unappropriated ground water within Upper Kittitas County during the pendency of a ground water study (to be done in 3 years); and only allows new ground water withdrawals when they are water budget neutral (“DOE Moratorium”).

The proposed amendment gives no consideration to the fact that all lands in the Upper Kittitas County subject to the DOE Moratorium have no development rights to be transferred. A parcel without water and without the owner’s ability to obtain water (by purchasing water rights) is not developable and therefore none of that land can be considered appropriate for a “sending site.” PBCP code provisions in KCC 16.09.030 states that, “No [public benefit] points shall be awarded for land which is already protected through the Critical Areas Ordinance.... or other regulatory requirement.”

Similarly, any potential density that goes to a “receiving site” in the unincorporated areas that are within the DOE Moratorium boundary will have to comply with the requirements of WAC 173-539A and purchase water rights to serve the receiving site. Also, because lands within the DOE Moratorium Boundary are now effectively considered a “critical area,” any “receiving site” in the DOE Moratorium Boundary would not be available to meet the open space requirement of the PBCP code, just as hazardous slopes and flood areas cannot be considered in the open space acreage (see KCC 16.09.030 Criteria). However, unlike hazardous slopes and flood areas which are localized areas, the DOE Moratorium applies to the entire area of ground, making it impossible to designate open space within the DOE Moratorium Boundary, unless water rights are purchased to serve the property.

The proposed language in KCC 17.08.545 states that the term “TDR Credit,” “reflects the number of units a seller has a right to build or sell on a sending site based on zoning.” If lands subject to the DOE Moratorium are deemed to have development rights strictly in accordance with zoning, for purposes of TDRs, then this needs to be explicit in the rule.

The new language proposed in the PBCP code, KCC 16.09.030(3), would require that anywhere from 50%-100% (depending on the zone of the receiving site) of the bonus density be obtained from TDRs. This is an unnecessary restriction that appears to exacerbate the problem already experienced by the implementation of the PBCP code—small amount of open space set aside, haphazardly and with no real public or natural resource benefits.

We also disagree with the proposed sending site criteria in the proposed KCC 17.13.02. As proposed, the criteria does not allow for consideration of any Rural-3, Rural-5, Ag-3 or Ag-5
zoned land to be a sending site. This seems short sighted and unnecessarily limiting unless the County and TDR proponents believe that all land currently zoned Rural-3, Rural -5, Ag-3 or Ag-5 in Kittitas County has no “sending site” value. The glut of rezones that have been done over the past several years were challenged by certain groups as being inappropriate rezones. It seems highly possible that vacant land zoned Rural-3, Rural -5, Ag-3 or Ag-5 could be viable sending sites except for zoning, which may or may not have been appropriately designated at the time.

The criteria that are based on whether or not a parcel qualifies for Open Space Tax or Designated Forest Land taxation status is not an accurate criteria. Does this mean such a parcel “qualifies” or is in fact designated as such for tax purposes? Using this criteria points to the fact that the criteria for sending and receiving sites is not well thought out in terms of what the impact will be once lands are stripped of their development value forever. In addition, the County also does not currently have finalized criteria for the designation of forest land and agricultural land of long term commercial significance.

The criteria for “receiving sites” in KCC 17.13.030 identifies Planned Unit Developments, PBPC, and future LAMIRDS as candidates, but no corresponding code provisions are provided for the PUD or LAMIRDS for public review. What percentage of density within a PUD or LAMIRD would have to come from the purchase of TDRs? What is the feasibility of a Type I LAMIRD being a “receiving site” when growth is limited to infill only?

We also seriously question the county’s expertise and human resources to implement this amendment and make determinations about TDR Sending Site Certificates.

And finally, any sending site must be forever encumbered with a conservation easement to be held and managed by “an appropriate land management nonprofit or quasi-governmental organization....” CLC and other potential holders of conservation easements typically require a substantial financial contribution from the property owner to manage and enforce the conservation easement in perpetuity. The amendment makes absolutely no mention of the possibility that the owner of a “sending site” will have to pay CLC or some other entity to hold and manage the conservation easement. The public should be fully informed of the implications of this TDR program.

2. CP-09-09 - Amendment to KCC 16.18 (Irrigation & Sprinkling)-adding new Chapter III Upper Kittitas County

We oppose this unnecessary restriction on upper county residents. What possible reason could the County have for promoting a restriction on lawn and gardens in the upper county that flies in the face of the Attorney General Opinion (AGO 2009 No. 6), which was made at the County Commissioners’ own challenge to such a restriction when put forth by the Department of Ecology? The AG’s opinion unequivocally states, “The statutory exemption from the permitting requirement for use in watering lawns and noncommercial gardens is not included within the [5,000 gallon per day] exemption for domestic use.”

The only reason that this restrictive provision would make any sense would be if DOE unequivocally agreed to lift the DOE Moratorium.

3. CP-09-05, Code Change to Allow Hearing Examiner to take over duties of the Board of Adjustment-amendment to KCC 2.11
We support this proposed amendment and believe that replacing review by the Board of Adjustment (BOA) with review by the Hearings Examiner will be a more effective and efficient process. We have appreciated the Hearings Examiner’s review procedures and development of the public record and believe that applications otherwise heard by the BOA will be well served through the Hearings Examiner process.

In sum, we urge you to not recommend approval of the proposed TDR program. There have been significant changes in the County since this amendment was docketed and since CLC submitted their report on the issue. The DOE Moratorium makes this program essentially moot in the upper county. The criteria for sending and receiving sites is crucial to a successful TDR program and it’s clear that the TDR program as proposed, will only benefit the lower county, and will leave a legacy of “sending sites” that have no future development value or assurances of any public benefit. TDR programs in Washington State have been unsuccessful in other Washington communities and there is no evidence as to why Kittitas County, with all its other issues (GMA non-compliance, well moratorium) will support a successful TDR program. Implementing this program will only harm property owners and our economy even more. We also urge you to deny the proposed amendment that makes it a crime for a property owner in the upper county to have a lawn or garden. This is another unnecessary restriction on property owners in the upper county.

Respectfully Submitted,

[Signature]

Anne Watanabe
Vice President
Acquisitions and Development
Mandy Weed

From: Regina Reese [mailto:regina@swiftwatersissies.com]
Sent: Friday, December 11, 2009 1:17 PM
To: CDS User
Cc: Paul Jewell; Alan Crankovich; Mark D. McClain
Subject: Community Wind Ordinance

Gentlemen:

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank you for your consideration,

Regina Reese

Cle Elum, Wa
Gentlemen:

I am writing to indicate my support for the Community Wind Ordinance, CP-09-01, currently being considered by the Board of County Commissioners.

I feel it is critical to the economic future of the county and all its residents that this proposed amendment be adopted this year so that Kittitas County may begin reaping the benefits of its substantial renewable energy resources as soon as possible.

Thank you for your consideration,

Paul Ostbo
Cle Elum, Wa
Mandy Weed

-----Original Message-----
From: Melissa and Jim Briggs [mailto:peohpoint@eburg.com]
Sent: Friday, December 11, 2009 2:10 PM
To: CDS User; Paul Jewell; Alan Crankovich
Subject: Community Wind Ordinance

To the Kittitas County Community Planning Dept. and Board of County Commissioners;

We are writing in support of the Community Wind Ordinance, CP-09-01, currently under
consideration by the Board of County Commissioners.
This is a great opportunity for Kittitas County to become leaders in alternative energies
while offering economic advantages to it's citizens. Please adopt this important and highly
beneficial amendment.

Sincerely, Jim and Melissa Briggs, Cle Elum, WA 98922

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and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14
July 28, 2009

Mary Traxler, Energy Coordinator  
State Business Programs Specialist  
USDA Rural Development  
1835 Black Lake Blvd. SW, Suite B  
Olympia, WA 98512

RE: Cascade Community Wind Company's REAP proposals

Dear Ms Traxler:

I am writing on behalf of the Energy Policy Office located within the Washington Department of Commerce in support of the REAP grant proposals for projects assisted by Cascade Community Wind Company. Our office works with the renewable and emerging energy industries within the State of Washington. The State of Washington is very supportive of renewable energy investment to diversify our energy supply and generate electricity in local and particularly rural areas.

We have a budding cluster of renewable energy companies ranging from companies that grow and slice silicon to three inverter makers and a module maker. In addition, wind development and support industries continue to expand in our state. The State legislature has adopted an aggressive renewable production program to entice homeowners and small businesses to develop local renewable energy resources and required utilities to standardize grid interconnection procedures. We continue to believe that system installations in a diverse array of settings are needed to help develop consumer awareness, build the installer base, overcome installation challenges and drive prices down.

In 2006 voters in the state voted in favor of Initiative 937, a renewable portfolio standard (RPS), that that requires 15% of electricity in 2020 to come from new renewable resources. Distributed generation projects under 5 MW such as the ones Cascade Community Wind Company is assisting are especially valued and are credited with double compliance credit for the RPS.
We support the REAP grant applications for the community wind projects Cascade Community Wind Company is assisting. These projects are at several sites throughout Washington including projects in at several ranches, farms, and a dairy in Kittitas County. The projects will sell power back to the utility but also allow community members to ‘subscribe’ to a project receiving power and renewable energy credits from a local turbine via a virtual net metering arrangement. The Department of Commerce for the State of Washington supports efforts to diversify energy production with renewable resources that will reduce our dependence on fossil fuels and help reduce green house gas production. We urge the USDA to approve this community wind project’s REAP application.

Sincerely,

Tony Usubelli
Assistant Director Energy Policy Office
Washington State Department of Commerce
July 29, 2009

Mary Traxler  
USDA  
1835 Black Lake Blvd. SW Suite B  
Olympia WA 98501  

Re: Cascade Community Wind Company, LLC

Ms Traxler:

Puget Sound Energy (PSE) is pleased to support Cascade Community Wind Company, LLC in its grant application for small wind projects. PSE is committed to supporting the development of local small renewable energy projects within our service territory. PSE currently has five dairy digesters and two waste water methane capture cogeneration systems either in service or under development in our service territory.

Cascade Community Wind Co. LLC is a great example of entrepreneurship that we continue to encourage. To facilitate their financial needs, PSE rewrote its Schedule 91 tariff to offer a ten-year fixed price contract for renewable energy projects of 2 megawatts or less. Developers are guaranteed those rates and can use them for their long term financial analysis and planning. The rate PSE pays for these small renewable projects is higher than forecasted wholesale market rates, and is available to the developer without the time and cost of negotiating a rate.

PSE will work with Cascade Community Wind Co. LLC to enable the initiation of project construction activities. Construction will commence subject to the parties mutual agreement of the cost estimates, safety and reliability requirements and timeline developed in the Interconnection Facilities Study. Federal and state regulations require that developers pay for all of the necessary safety and reliability requirements.

PSE anticipates a new era of small distributed renewable energy resource development, and is working to improve the interconnection process. The USDA’s support for the unique projects proposed by Cascade Community Wind Co. LLC will help them succeed and will blaze the trail for others who learn from their efforts. We appreciate the USDA’s timely support for these developments.

Sincerely,

Thomas F. MacLean, PhD  
Manager Customer Renewable Energy Programs
Dear Commissioners,

Please find attached a plain English version of CP-09-01 with friendly amendments included in red. In one reconciliation meeting with Staff I believe we can address any further concerns and be able to go forward with a reasonable amended ordinance. Furthermore I have been informed that you have the authority to tweak the ordinance in the course of the year if an unexpected concern arises. Also the Administrative Review called for in this amended version should be able to deal with special circumstances within the process.

We have been working for a year on our two permitted projects. Currently we have two more on Thorp Prairie and one at the Scott Diary in process. Puget Sound Energy's interconnection takes about a year, turbines have a minimum six month lead time, the grants available take a huge effort, and of course there is the building permit. This is all to say that it is impossible for there to be a rush of turbines going in at the beginning of the year. You will have plenty of time to 'study' community wind energy before seeing more applications than the three mentioned above. At which point you will likely have become more comfortable with the ordinance and can make any modifications needed. At the same time members of the community will be able to get a project started before the end of the year and be able to get the stimulus treasury grant covering 30% of their system cost before it expires. The other federal grant, a USDA grant covering 25% of a renewable project in rural counties, has 4x funding next year due to the stimulus package. In short next year the federal government will pay for half of a wind turbine bringing the county, and the owner a steady income over the next decades.

Currently PSE has a good distributed generation policy (and Kittitas PUD is working on one) The rest of the utilities in Washington do not. Kittitas is the windiest area in PSE's service territory. The State is working on a statewide program for all utilities. Kittitas County has this small window of opportunity to build the foundations of what will become a statewide distributed generation industry with the various maintenance and service providers establishing themselves here and bringing in income from the rest of the state. If you counter your current advantage having PSE serve your windy land with a prohibitive permitting environment then all of that industry will end up in a more forward looking central Washington county just as the Columbia dams did.

I hope you can see that the assured benefit of millions of dollars in Federal investment in the county, along with using your advantage to become the hub for independent wind energy service providers, far exceeds the potential risk of impacting the view of one or two residents.

You have the ability to modify the ordinance, the administrative review, generous setbacks to residences, my commitment to working with neighbors to make sure projects are appropriate, and the landowners' sense of
neighborliness to protect against that risk.

You have Cascade Community Wind, PSE’s program, Kittitas PUD’s program in development, the support of the state department of commerce, the USDA, the IPZ, the EDG, and the entrepreneurial spirit of the citizens of Kittitas County to help ensure the benefit.

You have heard and read the public comment overwhelmingly in favor of CP-09-01. The very few criticisms expressed have been addressed in the friendly amendments.

The old anti-wind farm sentiment is not being heard in reference to this Community wind proposal. Carrying that baggage over into CP-09-01 when it is evidently absent from the public record would be unjust, and in the face of such overwhelming public support, negligent of your duty to the welfare of Kittitas County.

There is a low risk high return opportunity for the County before you. Please don’t pass it up. Let’s put together a reasonable compromise now and commit to improving it over the next year.

Sincerely

Terrance Meyer P.E.

Convivium Renewable Energy
Cascade Community Wind Company
1155 N. State St.
Suite 426
Bellingham WA, 98225
Terry@ConviviumRE.com
Office: 360 306 5331
Cell: 785 865 8758
Fax: 805 823 2778
www.ConviviumRE.com
www.CascadeCommunityWind.com

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message id: 38eb458916c50b06ac24bb8719d004a14
DRAFT RESIDENTIAL AND COMMUNITY WIND ENERGY GENERATOR POLICY
FOR KITTITAS COUNTY
PROPOSED FOR 2009 LEGISLATIVE COMPREHENSIVE PLAN/CODE CYCLE

Revisions on 12-10-09

KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES
NORTH RUBY STREET SUITE #2 ELLensburg, WA 98926
PHONE (509) 962-7598 FAX (509) 962-7682

RESIDENTIAL AND COMMUNITY WIND ENERGY GENERATOR POLICY

1. PURPOSE: The purpose of this POLICY is to facilitate the installation and construction of single turbine wind energy systems in Kittitas County for private landowners, subject to reasonable restrictions.

2. FINDINGS: Kittitas County finds that wind energy is an abundant, renewable and nonpolluting energy resource and its conversion to electricity will reduce our nation’s dependence on nonrenewable energy resources, as well as water and air pollution that results from the use of conventional energy sources. In Washington State, distributed small wind energy systems, designed and installed for on-site home, farm and small commercial use are an excellent technology to help achieve the goal of increased in the power grid, increase consumer energy independence, and create non-polluting energy. Locally owned single and small cluster commercial-scale wind turbine projects can provide cost-effective clean energy providing additional income to rural landowners and to the broader community. Therefore, it is necessary to standardize and streamline the proper issuance of building permits for small and community wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner to provide needed local economic stimulus and preserve resource-based lands (e.g., lands related to farming, stock ranching, grazing, timber, mineral, wildlife habitat, etc.), whether privately owned or public owned.

3. DEFINITIONS: As used in this POLICY.

Administrative Review (insert definition consistent with process for communications towers) (solicit comment from all neighbors within six times the total height of the proposed project?) SEPA?

Community Wind Energy System (CWES) shall mean wind energy conversion system which converts wind energy into electricity through the use of one or more wind turbine generators within the limits of Distributed Generation but larger than a Small Wind Energy System including a wind turbine, rotor blades, tower, foundation, and associated control or conversion electronics, which is connected to a local utility grid and which is intended to primarily to provide ecological benefit and local economic benefit beyond lease payments and tax revenue associated with commercial projects, including local financing, local employment, and income to local owners of the CWES. The term Met Tower will be used when referring to these specifically, otherwise, the acronym CWES shall be inclusive of Met Towers.

Conditional Use Permit (CUP) shall mean a special use permit that allows a specific exception to the regulations. Public notification of adjoining property owners and public hearings are required.

County shall mean Kittitas County Government.

Distributed Generation shall have the same meaning as in the Revised Code of Washington: an eligible renewable resource where the facility or any integrated cluster of generating units has a generating capacity of not more than five megawatts. An eligible renewable resource or group of similar

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Residential and Community Wind Energy Generator Policy – 12-10-2009
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FAA shall mean the Federal Aviation Administration.

Met (short for Meteorological) Tower shall mean a temporary tower erected to measure wind speed and other atmospheric characteristics including all booms, guy wires, sensors, cables, power supply, and data logging equipment. The tower may be guyed or free-standing.

Primary Wind Direction shall mean the direction which the preponderance of wind energy enters the site which will have a default value in Kittitas County of 300 degrees from true north (west by northwest), but a site-specific direction which can be proven by measurement, computer modeling, or the preponderance of free flagging may be used instead of the default.

Rotor Diameter shall mean the diameter of a circle swept by a wind energy system’s rotor.

Setback Easement shall mean a legal document from a neighboring property owner granting the owner of a CWES a waiver of one or more of the setback requirements in this policy or other municipal county, state, or federal rule for the duration of the life of the CWES (including repowering with a substantially similar system). A variance is one form a setback easement may take.

Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this POLICY.

Small Wind Energy System (SWES) shall mean wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes a wind turbine, rotor blades, tower, foundation, and associated control or conversion electronics, which is shorter than 120 feet Total Height.

Total Height shall mean, when referring to a Wind Turbine, the distance measured from the grade plane to the rotor blade tip when extended vertically to its highest point.

Wind Turbine shall mean the parts of the Small or Community Wind Energy System, including the rotor blades, generator, housing and tail.

Wind Farm shall mean wind energy projects exceeding the State definition of Distributed Generation. This definition supersedes and replaces the definition of Wind Farm given in Kittitas County Zoning Code, Chapter 17.61A Wind Farm Resource Overlay Zone, 17.61A.020 Definitions.

4. APPLICABILITY: The requirements set forth in this POLICY shall govern the siting and permitting of Small and Community Wind Energy Systems used to generate mechanical or electrical energy to perform work, and which may be connected to the utility grid, such as pursuant to the Revised Code of Washington, Chapter 80.60 (Net Metering of Electricity), and serve as an independent source of energy, serve as part of a hybrid system, or feed the local electrical distribution system.

The requirements of this POLICY shall apply to Small Wind Energy Systems (SWES) and Community Wind Energy Systems (CWES) proposed after the effective date of this POLICY. Any CWES for which a required permit has been properly issued prior to the effective date of this POLICY shall not be required to meet the requirements of this POLICY. No modification that increases the height of the system shall be allowed without full compliance with this POLICY.
DRAFT RESIDENTIAL AND COMMUNITY WIND ENERGY GENERATOR POLICY
FOR KITTITAS COUNTY
PROPOSED FOR 2009 LEGISLATIVE COMPREHENSIVE PLAN/CODE CYCLE

5. REGULATORY FRAMEWORK:

5.1. Principal or Accessory Use: A CWES may be considered either a principal or an accessory
use. A different existing use or an existing structure on the same lot shall not preclude
the installation of a CWES or a part of such facility on such lot. Any CWES that is constructed and
installed in accordance with the provisions of this POLICY shall not be deemed to constitute the
expansion of a nonconforming use or structure.

5.2. Land Use and Zoning:

A CWES may be installed in any land use type outside a UGA in any zoning type in Kittitas
County per the requirements as outlined in Table 5.3 with a CUP unless it is a SWES which are a
permitted use, and except that in Forest and Range, Commercial Forestry, Commercial
Agriculture, AG, Minerals of Long Term Significance, and General Industrial, Zoning Types
outside a UGA per the requirements as outlined in Table 5.3 may go forward under an
administrative review process. Inside a UGA projects will meet the requirements of the associated
urban area.

<table>
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<tr>
<th>PARCEL SIZE</th>
<th>TOWERS ALLOWED W/O CUP</th>
<th>TOWER TYPE</th>
<th>TOTAL HEIGHT</th>
<th>SETBACKS</th>
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<td>1 per 20 Acres</td>
<td>MONOPOLE, GUYED, LATTICE</td>
<td>MAXIMUM 240 FEET</td>
<td>3 TIMES HEIGHT</td>
</tr>
</tbody>
</table>

Footnotes 1, 2, and 3 above:

1 Rotors shall not exceed 40 feet in diameter in an Urban Growth Area (UGA) without a CUP.
2 Total Height shall be the distance measured from the grade plan to the tip of the rotor blade
when extended vertically to its highest point. A CUP is required to exceed proscribed Total Height
limitation. For effective CWES operation, the bottom of the rotor should be 30 feet above all other
objects within 500 feet.
3 Each CWES shall be set back from the nearest residence a distance no less than 3 times the
Total Height, unless appropriate easements are secured from adjacent property or other
acceptable mitigation is approved administratively by the Director of Community Development
Services or quasi-judicially by the Board of Adjustment.

6. GENERAL REQUIREMENTS FOR SMALL and COMMUNITY WIND ENERGY SYSTEMS:

6.1. Visual Appearance; Lighting; Power lines;
The following visual appearance, lighting and power-line requirements shall apply to all CWES.

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1) Wind Turbines shall be painted a non-reflective, non-obtrusive color or be as provided by the manufacturer. CWES towers shall maintain a galvanized steel, brushed aluminum, or white or gray finish, unless FAA standards require otherwise, or it can be proven that some other finish is preferable to the local community.
2) At CWES sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the CWES to the natural setting and the existing environment.
3) No CWES shall be artificially lighted, except to the extent required by the FAA or other applicable authority.
4) No CWES shall be used for displaying any advertising except for reasonable identification of the manufacturer, owner, or operator on the nacelle of the turbine. Any other display or advertisement shall follow the same rules as those for water towers.
5) Electrical controls, control wiring and power lines shall be wireless or underground after reaching grade from the turbine and extending away from the base of the tower. Wiring may be exposed vertically from the turbine to the base of the tower.
6.2. Tower Type:
Guyed, lattice, and monopole towers are allowed to support Wind Turbines per the limitations as outlined in Table 5.3. If possible, free-standing lattice tower members shall be angled to prevent bird roosting.
6.3. Setbacks and Tower Height:
The following setback and tower height requirements shall apply to all CWES:
1) Total Height: The total Height of a CWES shall not exceed the limitations as established in Table 5.3 without a Conditional Use Permit (CUP).
2) Property Lines: Each CWES shall be set back from the nearest property line a distance no less than one Rotor Diameter, unless a signed setback easement from the neighboring landowner is provided.
3) Neighboring Residences: At the time of application, each CWES shall be set back from the nearest nonparticipating residential structure a distance no less than three (3) times its Total Height as established in Table 5.3, unless a signed setback easement from the neighboring landowner is provided.
4) Neighboring Non Residential Buildings: At the time of application, each CWES shall be set back from the nearest nonparticipating building structure (i.e., buildings on neighboring land) a distance no less than its Total Height unless a signed setback easement from the neighboring landowner is provided, unless a signed setback easement from the neighboring landowner is provided or the owner of the CWES obtains an insurance policy covering any incidental damage to the neighboring non-residential buildings caused by the CWES.
5) Communication and Electrical Lines: Each CWES shall be set back from the nearest aboveground public or private non-participating electric power line or telephone line a distance no less than its Total Height.
6) Other Community Wind Energy Systems: A CWES may not be placed such that it substantially disturbs the wind flow into another CWES. A new CWES may not be placed such that another non-participating CWES falls within an egg-shaped exclusion zone around the new CWES defined by an axis along the primary wind direction. In the upwind direction the exclusion zone shall have a semicircular shape with a radius three times the Rotor Diameter of the new CWES. In the downwind direction the exclusion zone shall have a semi-elliptical shape extending eight times the Rotor Diameter of the new CWES along the axis downwind and extending three times the Rotor diameter of the new CWES in a direction perpendicular to the axis. In this way the new CWES will be at least three of its rotor diameters behind, three to the side of, and eight in front of a pre-existing CWES. A new CWES may be placed closer to a pre-existing CWES if a setback easement is provided by the owners of the pre-existing CWES.
6.4. Sound Levels and Measurement:
Audible sound due to CWES operations shall not exceed (60) dBA for any period of time, as measured at the closest neighboring inhabited dwelling on the date of approval of any CWES.
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Siting Permit, unless the owner of said dwelling signs a setback easement relieving the CWES owner of these noise requirements. The sound level may, however, be exceeded during short-term events such as utility outages and severe wind storms.

6.5. Minimum Ground Clearance:
For effective Wind Turbine performance, the bottom of the rotor should be 30 feet above any obstacles within 500 feet. If for some reason a Wind Turbine is installed counter to this requirement, in no case shall the bottom of the rotor come within 15 feet of ground level unless acceptable safety measures are applied.

6.6. Safety:
The following safety requirements shall apply to all CWES:
1) Wind Turbine towers shall not be climable up to 15 feet above ground level.
2) All electrical equipment shall be safely and appropriately enclosed from unintentional access by means such as barrier fencing, equipment cabinetry, or similar means. All access doors to electrical equipment shall remain locked, unless access is necessary.
3) Appropriate warning signage (i.e., electrical hazards) shall be placed on CWES equipment.
4) All CWES shall be equipped with manual and/or automatic overspeed controls to limit rotation of the rotor blades to a speed below the designed limits of the system.

6.7. Compliance With International Building Codes:
The Siting Permit for a CWES shall comply with all applicable sections of the Washington State Building Code and adopted International Building Codes.
1) Siting Permit applications for CWES and Met Towers using standard equipment provided by a national manufacturer shall include standard drawings and an engineering analysis of the system's Foundation, showing compliance with the Washington State Building Code and International Building Code. A standard analysis as provided by the manufacturers engineering department will be sufficient. A Washington State licensed engineer is required to certify variations from the manufacturer provided engineering analysis. A “wet” stamp shall not be required, provided that the engineering demonstrates that the system is designed to meet the most stringent requirements at the site for wind speed and exposure, seismic class, and the weakest condition with a soil strength of not more than 1,000 pounds per square foot.
2) Siting Permit applications for CWES that do not qualify as SWES shall include standard drawings and an engineering analysis of the system, showing compliance with the Washington State Building Code and International Building Code. The engineering must include an analysis of the tower, the tower foundation, and the connection of the tower to the foundation. The engineering analysis must be certified by a licensed engineer, licensed to practice in the State of Washington.

6.8. Compliance With National Electrical Code:
All CWES shall comply with requirements per the Washington State Department of Labor & Industries (L&I) and the current adopted edition of the National Electrical Code (NEC).

6.9. Compliance with FAA Regulations:
All CWES must comply with all regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.

6.10. Other Federal, State and Local Requirements:
1) All CWES shall comply with all current adopted Federal, State and Kittitas County Laws, Regulations, Codes and POLICY(ies).
2) All CWES that are connected to the utility grid shall comply with the appropriate electrical codes.

6.11. Removal of Defective or Abandoned Community Wind Energy Systems:
Any CWES found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or be removed within 6 months. If any CWES is not operational for a period of 12 consecutive months or more, the County will request by registered mail and provide 45 days such response for the landowner to provide corrective action. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, it must notify the landowner and such landowner shall remove the turbine at his
or her own expense within 120 days of receipt of notice from the County. The County shall have the authority to pursue legal action if necessary.

Comment [LU7]: This is the same as CDS Version the scrap is valuable so it should be sufficient.
Kittitas County Commissioners

c/o Jeff Watson, Planner 1
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Gentlemen:

I am writing to recommend that lands zoned “17.29 Agriculture 20” NOT be included in the proposed change to KCC Chapter 17 Zoning whereby “shooting ranges” would be defined as a “conditional use” that you will be considering at your meeting on Tuesday, 12/15/09.

The language developed by staff at the request of the commissioners that was discussed at the 12/9/09 should be, I believe, limited to providing for “shooting ranges” to be a “conditional use” in the “17.31 Commercial Agriculture, 17.56 Forest and Range and 17.57 Commercial Forest” zones only.

My reason for this recommendation is that the siting of a “shooting range” with the “lawfully possessed, lawful firearms” could include guns whose discharge could constitute an inappropriate risk to people and animals within the range of the weapons. It is my understanding that the “NRA Range Sourcebook” used to define the acceptable practices does not limit the power and/or range of the guns permitted to be fired at the “shooting range.” Therefore, rifles as diverse as a single shot .22 caliber youth target rifle (max. effective range 270 ft), a .270 Winchester hunting rifle (max effective range 915 ft.) and, conceivably, a .50 caliber Browning Machine Gun (BMG) round in a Barrett M82 semiautomatic rifle (max effective range 5906 ft) could be used. I believe the last two rifles are too powerful to be used at an open shooting range in an “Agriculture 20” zone due to the risk of injury because of the distance their rounds could carry and the population density in the area. This is a generally accepted conclusion supported by the present limitation on hunting only with shotguns below the Kittitas Reclamation District canal north of Ellensburg; rifles are excluded.

In preparing my remarks, I looked at the National Rifle Association website and found that the “NRA Range Sourcebook” was only available when purchased by mail. I then asked for a copy of the “NRA Range Sourcebook” to review the proposed standards for “shooting ranges,” and found that there was not a copy available at the Kittitas County Community Development Services office, the Ellensburg Public Library, the Kittitas County Trading Company (local Ellensburg gun shop) or the Kittitas County Sheriff’s office. I question the degree to which we are familiar with the proposed standards suggest that the
"Agriculture 20" zone issue be examined before making a decision on its inclusion in the change.

As a gun-owning Navy veteran whose family is a member of the NRA, I believe that the "shooting range" site being proposed for the area near Exit 11 from I-82 (at the "Military Area") south of the summit of Manashtash Ridge is a good idea. The population in the area is minimal and safety issues could be well handled. The noise issues at the site are unlikely to be a problem because it is south of Manashtash Ridge and northwest of the U. S. Army Yakima Training Center. I understood that this area was zoned "17.31 Commercial Agriculture," but if it is not, then I suggest that rezoning it to be "17.31 Commercial Agriculture, 17.56 Forest and Range or 17.57 Commercial Forest" is a far better idea than adding approximately 50,000 acres of "Agriculture 20" land already populated in the area around Ellensburg to those locations where "shooting ranges" could be considered a "conditional use." While it is unlikely that conditional use applications for "shooting ranges" would be approved in the "Agriculture 20" zone, the wasted effort and cost of considering proposals should be avoided in this time of economic stress.

Sincerely,

William P. Woods, Jr.
From: Mandy Robinson  
Sent: Friday, December 11, 2009 4:36 PM  
To: Jeff Watson; Dan Valoff; Kirk Holmes; Mark D. McClain; Alan Crankovich; Paul Jewell; Jan Ollivier  
Subject: FW: 2009 Comp. Plan Update  
Attachments: 2009-Comp Plan Comments.pdf

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Mandy Robinson  
Deputy Clerk of the Board  
Kittitas County Commissioners Office  
205 West Fifth Street Suite #108  
Ellensburg, WA 98926  
509-962-7508 Phone  
509-962-7679 Fax  
mandy.robinson@co.kittitas.wa.us  
http://www.co.kittitas.wa.us/  

"Do not go where the path may lead, go instead where there is no path and leave a trail." Ralph Waldo Emerson

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From: Wayne Nelsen [mailto:wnelsen@encompasses.net]  
Sent: Friday, December 11, 2009 2:29 PM  
To: Alan Crankovich; Paul Jewell; Mark D. McClain  
Cc: Kittitas County Commissioners Office  
Subject: 2009 Comp. Plan Update

Please see the attached comments regarding the 2009 Annual Comp. Plan Docket.

Thanks,

Wayne Nelsen  
WNelsen@EncompassES.net

---

Encompass Engineering & Surveying  
Together With  
Baima & Holmberg  

Western Washington Division | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055  
Eastern Washington Division | 108 East 2nd Street | Cle Elum, WA 98922 | Phone: (509) 674-7433 | Fax: (509) 674-7419

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messageId: 38ebfe5916e8dc0bdc24bb8719d004a14
December 10, 2009

Kittitas County
Board of Commissioners
205 W 5th AVE Suite 108
Ellensburg WA 98926

Re: 2009 Annual Comprehensive Plan Docketed Map and Text Amendments
(File Numbers: CP-09-08; CP-09-09; and, CP-09-11)

Dear Honorable Commissioners:

Thank you for the opportunity to comment on the above referenced docket items. I recognize the long hours you and your staff have dedicated to the amendment process and truly appreciate your continued efforts.

**CP-09-08 – Transfer of Development Rights (TDR)**

The proposed TDR program is generally valuable in concept and easily supported by most interested parties, including myself. However, I believe much has been lost in the details.

First, examination of the eligible receiving sites clearly reveals that the net result of the TDR program will effectively prevent any future rezones, cluster plats, PUD’s and/or MPR’s. Recognizing that the TDR program also includes provisions for cities and UGA’s, the existing densities permitted within those areas are such that the need for TDR’s are likely decades away, if ever. While preventing higher densities in rural areas may in fact be the goal of the county, I believe there will be unintended consequences to consider.

For example, a common transfer will likely involve farm and agricultural land in the lower county as a sending site and rural land in the upper county as a receiving site. To achieve this, it is presumable that any water rights associated with the farm or agricultural land would also be transferred to facilitate the development. The end result will still be a loss of agriculture lands and an introduction of new development or densities that neighbors continue to protest. The only difference is that the additional premium for a TDR will likely result in developers being resigned to traditional subdivisions under the existing zoning.

Second, assuming the TDR program is adopted, there does not appear to be any specific provisions or code amendments related to rezones, PUD’s and/or MPR’s, as compared to cluster plats. In other words, should we assume that a 1:1 transfer is required for any and all such applications? Or, how would one calculate total densities allowed in any given situation?

Lastly, the November 3, 2009 staff report presented to the Planning Commission for the November 10, 2009 public hearing states, “These amendments were docketed with CDS prior to the June 30th docketing deadline. Subsequent to June 30th, CLC and County presented the TDR program at two public meetings on September 21 and 23, 2009. At a BOCC study session on October 3, 2009, additional amendments were discussed for the effectiveness of the transfer of development rights program, including the provision of TDR for rural cluster plats. The proposed amendments, which include all the above described amendments [emphasis added], were docketed with CDS prior to the June 30th docketing deadline and transmitted to the State Department of Commerce for the required 60-day review on October 15, 2009.”

My primary issue is with respect to the timing of the addition or inclusion of “rural cluster plats” in the proposed TDR program. I was present at the September 23, 2009 public meeting and had the opportunity to review the materials and discuss the TDR program in depth with CLC staff. As indicated in the staff report and quoted above, the proposed amendments to Kittitas County Code Chapter 16.09 only occurred after the public meetings.
and were not docketed prior to the June 30th docketing deadline. In fact, I don’t believe the proposed amendments specific to KCC Chapter 16.09 were available for review prior to the preparation of the November 3, 2009 staff report. While this may or may not constitute a procedural error, it certainly should warrant additional consideration by the Kittitas County Board of Commissioners (BOCC) prior to adopting such amendments.

I fully agree that Kittitas County Code Chapter 16.09, as it exists today, is flawed and in immediate need of revision. However, adding the TDR element at this time is not the solution. Please suspend or delay the proposed amendments until the entire chapter can be fully evaluated; I would even support a temporary moratorium on cluster plats during such process.

**CP-09-09 – Irrigation & Sprinkling**

It is my understanding that the BOCC will only consider such an extreme measure as declaring lawns and gardens as nuisances in order to release the upper county from the Upper Kittitas County Emergency Ground Water Rule (Chapter 173-539A WAC) as currently adopted by Washington State Department of Ecology (DOE). It is my further understanding that the BOCC has not received an acceptable MOA or proposed rule amendments from the DOE and as such, will not adopt the proposed irrigation and sprinkling ordinance. If my assessment is correct, I fully support the BOCC’s position related to this docket item. If not, I do not support the ordinance under any circumstances.

**CP-09-11 – Extension for Preliminary Plats**

In addition to the need for extensions to preliminary plats due to financial circumstances, as has previously been testified, please also consider the ever-increasing regulatory environment. It is not uncommon for a given development to require multiple engineered plans and studies, biological assessments, archaeological surveys, water rights transfers, etc., any of which can take years to complete. I support the staff report’s findings and Planning Commission’s recommendation for a minimum two-year extension.

Thank you again for your time and consideration of these matters. Please do not hesitate to contact me if I may provide any additional information or comment.

Sincerely,

Wayne A. Nelsen
December 11, 2009
To: Kittitas County Board of Commissioners
From: Lila Hanson, 674-2748
Re: Current Land Use Decisions especially for 12/15/09

Dear Commissioners,

According to last night’s newspaper, you will begin making decisions next Tuesday on a number of land use issues, some of which have been before you for a long time. As you know, I was active in some of the earlier stages re TDRs, state compliance problems, and ag issues, especially as they relate to our generational (Centennial) family farm on Swauk Prairie. It has been difficult for us to keep current on all these deliberations. Sheer numbers of land issues and meetings (also re Teanaway sub and DOE water grabs), my reluctance to do the night driving to meetings, some family health issues and the oddity of local newspaper coverage all contributed to our limited participation.

But perhaps most of all, is the feeling that we old frogs have been so often boiled by the tactics of bureaucrats and their well-financed local columnists, that it appears fruitless to attempt the heavy burden required just to maintain a reasonable amount of freedom and flexibility in our use of property and resources that we have paid for, defended, and labored on for generations. The sadness that brings is not just for the unfairness of our sacrifices but also for the loss of real stewardship that will occur as unexperienced but arrogant outsiders tamper with systems that they will ruin to the expense of us all. We already see that taking place. It seems more and more useless to try to stem that tide.

In that light, my comments to you may not be all that helpful. First I want to thank the county for everything they have done and hopefully will continue to do to keep land use decisions as local as possible. If the 3 hearings boards become one, that may be even more difficult but with the political appointees on each board, I suppose it doesn’t matter. The portrayal of county policy in the newspapers is so jaundiced and still the electorate returns to our board of commissioners, folks with basic understanding of property rights and economics. In that there is hope, even as less astute but very rich voters move into our county and seek to control their neighbors through politics.

As to a few specifics, be sure that TDR’s are voluntary and that farmers not able to make them work on their farms are not penalized nor defamed because the TDR process exists. Frustrating to call GMA “local” planning and then not to allow “rural neighborhood” or nodes (or whatever local jurisdictions want to call them) to exist by any other than the state mandated name and rules. And however “commercial” ag is designated or de-designated or re-de-designated, it would be only common sense that it should be profitable – something on a scale that would allow a “family-wage” living for the farmer. Please insist on that at a minimum. And agriculture is not a resource land that exists independent of the farmer; it does not belong to the general public unless they buy it.

Please make this communication part of the record of these processes. Your attention to these matters, as always, is appreciated.