



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

RECEIVED

AUG 24 2006
KITITAS COUNTY
CDS

Tuesday, August 22, 2006

Kittitas County Planning Commission
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

RE: 2006 Comprehensive Plan amendments 06-18 and 06-19

Honorable Commission Members;

Please include this correspondence in the public record on the matter of Kittitas County Comprehensive Plan amendments.

I am writing to express concern regarding the approach taken toward review of the following proposals:

- 06-18 – American Forest Resources LLC, 6,257 acres from “Commercial Forest” designation to “Forest and Range” entirely in the Teanaway River watershed; and,
- 06-19 – American Forest Resources LLC, 640 acres from “Commercial Forest” designation to “Forest and Range” entirely in the Swauk Creek watershed.

The approach taken toward approval of these requests appears to be in violation of the State Environmental Policy Act, which requires review of land use actions that may have a significant adverse environmental impact (RCW 43.21C.030). If approved in their current form, these requests would result in conversion of large areas of commercial forest to residential development. Although these land use re-designations are non-project actions, they would lay the procedural groundwork to then apply for rezone and subsequent development opportunities.

The following adverse environmental impacts would occur:

1. **Loss of instream flow during summer base flow conditions.** Both the Teanaway River and Swauk Creek suffer from inadequate stream flows during the late summer. With residential development, exempt wells will be drilled to provide domestic and landscaping irrigation. Negative impacts to fisheries and wildlife resources as well as downstream irrigation interests will occur. The USDI Bureau of Reclamation and Bonneville Power Administration has expended over \$5 million toward improved instream flow in the lower Teanaway, through installing pressurized irrigation systems. These efforts would fail with poorly planned development, as would happen through this application.

2. **Loss of riparian corridors.** Residential development will fragment the corridor along both the Teanaway River and Swauk Creek. It is important to note that the proposal in the Teanaway would involve land adjacent to all three branches (west, middle and north forks), and the mainstem.
3. **Loss of wildlife migration corridors.** Elk, deer and other large species need winter range that occurs in the low lands, including land in these areas. Several years ago a local Ellensburg hunter harvested the second largest bull elk ever taken during the archery season in Washington State in the Teanaway watershed. Approval of these proposals would compromise future hunting opportunities.
4. **Increased challenges in addressing water quality problems.** Residential development will result in increased stormwater runoff, the potential for delivery of septic effluent to the stream, and increased siltation from riparian clearing. Both the Teanaway and Swauk already have significant water quality/quantity problems. Past mining and highway maintenance have elevated sediment levels in the Swauk (winter sanding of the roadway introduces sediment to the stream course). Summer water temperatures in the Teanaway are high enough that the Washington Department of Ecology has gone through a Total Maximum Daily Load (TMDL) planning and implementation process, which attempts to redress high temperature.

The most serious problem with these requests is that the process for approval is flawed. Public process for designating resource lands is described in WAC 365-190-040(2):

“Counties and cities shall involve the public in classifying and designating natural resource lands and critical areas.

(a) Public participation:

(i) Public participation should include at a minimum: Landowners; representatives of agriculture, forestry, mining, business, environmental, and community groups; tribal governments; representatives of adjacent counties and cities; and state agencies. The public participation program should include early and timely public notice of pending designations and regulations.

(ii) Counties and cities should consider using: Technical and citizen advisory committees with broad representation, press releases, news conferences, neighborhood meetings, paid advertising (e.g., newspaper, radio, T.V., transit), newsletters, and other means beyond the required normal legal advertising and public notices. Plain, understandable language should be used. The department of community development will provide technical assistance in preparing public participation plans, including: A pamphlet series, workshops, and a list of agencies available to provide help.”

Presumably, the process for de-designating almost 7,000 acres of resource lands would involve a similar process, however this has not occurred. The requests have been confusing, and have been forwarded separate from the review of the Resource Lands Advisory Committee, which has been meeting to develop strategies for protection and management of resource lands. Why have these

proposals not been included in the Resource Lands Committee process?

I would strongly recommend working through a sub-area planning process for both the Teanaway and Swauk watersheds, to evaluate **comprehensively** the following interests/concerns:

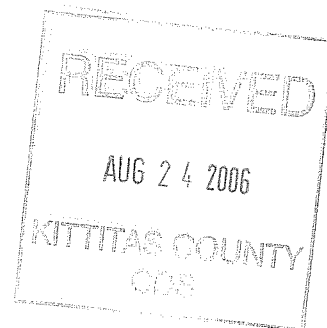
1. Development Impacts and Mitigation Options, (including infrastructure, transportation, etc.);
2. Cost to Public Services;
3. Need for additional rural development (based upon statistics from the Office of Financial Management);
4. Fish and wildlife habitat;
5. Recreation; and,
6. Water quality and quantity.

Sincerely,



Philip Rigdon
Deputy Director of Natural Resources
Yakama Nation

Kittitas County Planning Commission
411 N. Ruby St. Suite 2
Ellensburg, WA 98926



Attn: Joanna Valencia, Staff Planner

Dear Ms. Valencia,

Would you see that a copy of the attached letter regarding 06-18 application for a rezone is given to each member of the Planning Commission? Thank you very much.

Sincerely yours,

A handwritten signature in cursive script that reads "Jeri Downs".

Jeri Downs

3380 Teanaway Rd.
Cle Elum, WA 98922
August 24, 2006

Kittitas County Planning Commission
411 N. Ruby St. Suite 2
Ellensburg, WA 98926

Dear Planning Commission Members:

This is in regards to 06-18 (the application from American Forest Resources to redesignate approximately 6,256.91 acres in the Teanaway Valley from Commercial Forest to Rural and Forest and Range 20 zoning) which was discussed at the hearing last night.

I am a second generation farmer in the Teanaway and have lived in the Teanaway for 61 years. In the past, we have leased adjacent Boise Cascade land for cattle pasture. AFR currently owns this land. Our property is located at 20-16-13 and also 20-16-14 which is very near the most eastern portion of the requested zone change for 20-16-15. I am very familiar with the AFR land and the Teanaway.

I am asking you to deny the proposed change in zoning for the AFR land for a variety of reasons.

Something not brought out at the meeting last night was the fact that Boise Cascade selectively logged their property just prior to selling to US Timber. Almost immediately after the purchase, US Timber logged the property again. This time it was a more drastic cutting, almost a clear cut. The land was replanted with seedlings approximately 3 years ago. The seedlings in our neighboring AFR land are approximately 8 inches tall. AFR's allegation that they can no longer make a profit logging in the Teanaway due to lack of a nearby mill and the high cost of hauling does not tell the entire story. Most of their land has been stripped of any marketable timber for the next 20 plus years.

My other concerns are similar to those brought out last night. The water level of the Teanaway River continues to be low even with the heavier snow fall and spring rains. This is in part due to the lack of trees in the upper reaches of the Teanaway River and along its streams to hold the snow pack and the moisture. With new home sites, more land will be cleared for the buildings and land will "fire-wised" around the buildings which will result in even less tree cover.

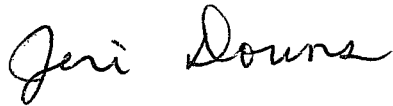
The Teanaway Road is a very narrow winding road up the valley. There is no room for vehicles to pull over since it has almost no shoulders. This road would have to have major improvements for the additional traffic brought on with the proposed development by AFR. Presently these 6200 plus acres could result in 86 additional home sites. If split into 20 acre sites this would result in 344 additional home sites with a high influx of daily

traffic.

Water levels for wells has been receding in recent years. Our 140 foot well no longer produces as much water as in the past. Last year our neighbors drilled a well and built a home. They had to drill 400 feet and to get 6 gallons per minute. 344 more home sites will only decimate the ground water level even more.

I want to thank you for the countless hours you spend on this Commission, especially this week with 4 night meetings. I applaud your efforts. Again, I urge you to deny this application 06-18 by AFR to redesignate lands to Rural and Forest and Range 20 zoning.

Sincerely yours,

A handwritten signature in cursive script that reads "Jeri Downs". The signature is written in black ink and is positioned below the typed name.

Jeri Downs

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AUG 23 2006
KITITAS COUNTY
CDS

Richard E & Leilani CJ Wilkins

3280 Carroll Rd.
Ellensburg Wa. 98926
(509)968-4783
lariat@elltel.net

Kittitas County Community Development Services

Requested recommendations for verifying the validity of rezone applications.

#1- Non Project Action.

As I see it, the problem is a slanted presentation to minimize the true and/or complete view of the area of application, and by doing so, to minimize or nullify any relationship to S.E.P.A requirements, thereby creating the M.D.N.S and D.N.S. from Community Development Services.

If an E.I.S were required with each S.E.P.A. application, that action would go a long way to removing the non-project action term from availability, there are some projects that do not fit within these categories, but very few, all projects need truthful review.

The G.M.A. provides the applicable statutes for these issues

R.C.W. 30.70B.20 Definitions

R.C.W. 30.70B.30 project review, required elements. Limitations

Case Law--Cecile Wood vs. Kittitas County states that Site specific rezones are a project action.

Another potential remedy for this problem might be implementing a 3 year development hold on approved sites

#2-- Incomplete &/or error ridden rezone applications.

This type of action is an attempt to cover up the possible impact that could result as a result of development, this also involves the S.E.P.A. impact possibilities.

If C.D.S,staff, K.C.P.C & B.O.C.C. had in hand an application that was complete, and factual, it would relieve all of them of trying to second guess the true meaning of the application, thereby saving valuable time and making land use decisions based on fact, not guesswork.

The current application, including S.E.P.A., contain enough questions of the proper type to make the right decisions, if it were properly completed.

My suggestions for resolving this problem are

#1-- That the completed application be signed by all applicable parties, UNDER THE PENALTY OF PERJURY, and that all ORAL TESTIMONY be taken and recorded after being sworn in to the same.

#2-- Retain the services of a professional, independent, certified, land use agency/person to review each application ON-SITE, for submittal.

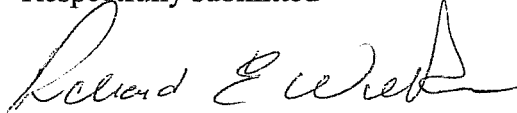
C.D.S. has neither the time or personel to accomplish this necessary requirement for proper decision making.

All of this does not come without costs, Application fees should be increased to or above the levels that were proposed and rejected by B.O.C.C. a few years ago.

At the current rate, there is no monetary deterrent for false application, If an application is returned for resubmitted due to incomplete or errors, a complete new application fee, plus penalty should be charged.

If there is still a need for funding, an excise tax of 1/10 of 1% of the purchase price of real estate, by the buyer could be imposed.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Richard E. Wilkins". The signature is written in black ink and is positioned below the typed name.

Richard E Wilkins
3280Carroll Rd.
Ellensburg Wa. 98926

(509)968-4783

CONE GILREATH LAW OFFICES

Reply to:

ELLENSBURG office:

200 EAST 3RD AVENUE
P.O. BOX 499
ELLENSBURG, WASHINGTON 98926
TEL (509) 925-3191
FAX (509) 925-7640

DARREL R. ELLIS
ERIN L. ANDERSON
DOUGLAS W. NICHOLSON
JENNIFER M. ELLIS
JOHN H.F. UFKES
JOHN P. GILREATH, *of counsel*

CLE ELUM office

105 EAST 1ST STREET
P.O. BOX 337
CLE ELUM, WASHINGTON 98922
TEL (509) 674-5501
FAX (509) 674-2435

Kittitas County Planning Commission
c/o Community Development Services
411 N. Ruby, Suite 1
Ellensburg, WA 98926

August 24, 2006

Re: 2006 Comprehensive Plan Proposed Amendment, GPO 6.35

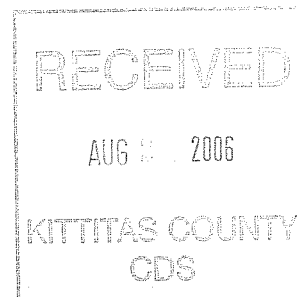
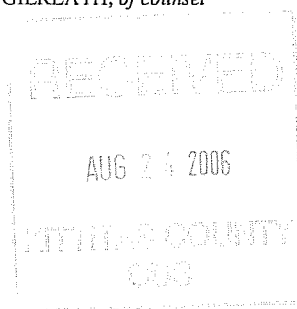
Honorable Planning Commissioners:

I write on behalf of Horizon Wind Energy, which has reviewed the changes proposed by staff, at the Kittitas County Board of Commissioners' direction, to the Comprehensive Plan's Utility Element. It is our understanding that the language as drafted, GPO 6.35, would designate Wind Farm Resource Overlay Districts as Major Industrial Developments (MIDs). This represents a significant change in the existing Comprehensive Plan language, GPO 6.34:

Wind farms may only be located in areas designated as Wind Farm Resource overlay districts in the Comprehensive Plan. Such Wind Farm Resource overlay districts need not be designated as Major Industrial Developments under Chapter 2.5 of the Comprehensive Plan.

The Washington Utilities and Transportation Commission (WUTC) defines electricity, along with standard telephone, as a critical service which utilities must extend or add to as needed. Wind farms, like other electrical generation facilities, are considered to be utility facilities and are not defined as industrial facilities. This point has been recognized by Kittitas County in its current Comprehensive Plan language.

Horizon urges the BOCC to reject the proposed change to the County's Comprehensive Plan language represented by GPO 6.35 because it is at odds with the legislative intent of RCW 36.70A.365, Major industrial developments; that it creates a burdensome permitting process at odds with Chapter 36.70B RCW; and that it may preclude the siting of essential public facilities and as such is at odds with RCW 36.70A.200. In addition, by



creating a process which adds further hurdles to wind farm development in Kittitas County, the Comprehensive Plan would create an inconsistency with GPO 6.7:

Decisions made by Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.

Legislative intent for RCW 36.70A.365, Major industrial developments, as stated in the 1998 Findings-Purpose section, is to expedite siting and promote economic development. When coupled with Kittitas County's unique Wind Resource Overlay Zone process (which Horizon opposed at the time it was adopted), that goal is reversed and a burdensome process at odds with the underlying concept of major industrial development statute is created. In addition, Horizon opposes the adoption of GPO 6.35 because the language is ambiguous with regards to "remote" areas, "minimal impacts" and "setbacks".

As stated in the Comprehensive Plan, power used by Kittitas County residents is currently imported from other areas. It is the County's relatively unique combination of existing transmission and strong, predictable winds that attract wind project investment and offers the potential to turn the County into a net exporter of electricity to the region. Wind farm siting offers local and regional benefits and should benefit from expedited siting procedures rather than the unpredictable permitting process and ambiguous standards being proposed. For these reasons, Horizon Wind Energy urges Kittitas County to not adopt the language proposed for GPO 6.35.

Very truly yours,


Erin L. Anderson

cc: client

Susan Barret

From: Darryl Piercy
Sent: Thursday, August 24, 2006 8:01 AM
To: Susan Barret; Joanna F. Valencia
Subject: FW: Planning Commission meeting

For the record

From: C. E. Hurrey [mailto:ceh@elltel.net]
Sent: Wednesday, August 23, 2006 4:16 PM
To: Darryl Piercy
Subject: Planning Commission meeting

Dear Darryl Piercy,

I ask that the Planning Commission:

- 1). Protect almost 7000 acres of forest land in the Teanaway from rezones that will lead to overdevelopment.
>
- 2.). Do not convert working farms and forests to subdivisions and strip malls.
>
- 3). Do not expand urban growth areas until the County shows it is necessary.

Sincerely,
Claire Edna Hurrey
509-933-3605
709 East Third Ave #1
Ellensburg, WA 98926

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KITITAS COUNTY
CDS

August 22, 2006

Kittitas County Planning Department
Growth Management Planning Committee
Kittitas County
Ellensburg, WA 98926

Dear Committee Members,

I am one of three sisters that own Parker Ranch which is located in the Umptanum area directly south of the Manastash Observatory. Around 1500 acres are in Kittitas County. The south 80 acres of the ranch are located on the Wenas Road and are in Yakima County.

My sisters and I are very interested in putting the Kittitas County acreage in the transfer of development rights program if Kittitas County should decide to pass this regulation as part of its growth management plan.

I can be reached at 509-899-1324 for additional information or questions. I would be happy to attend any necessary meetings to discuss this option.

Sincerely,

Franki Storlie
3440 Clerf Road
Ellensburg, WA 98926