

TO: Kittitas County BOCC
RE: BOCC Public Hearing- SATC-Comp Plan Compliance Update
DATE: May 6, 2008
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Local Circumstances

Kittitas County is unique and “local circumstances” should be taken into account. I know the Superior Court issued a stay with regard to some issues but that that doesn’t change my view nor will it affect the final outcome. We are not like Counties on the west side. Our population is very small, our infrastructure is very limited, two thirds of the County is either commercial forest or commercial agriculture and we have practically no industry other than farming. We’ve not had a lot of growth but already we have needed to raise our sales tax in order to provide for increased law enforcement protection due to population growth. Presumably property taxes are not generating the needed money to fund the growth. Our rural residential water supply is very limited compared to the west side. We get just a fraction of the precipitation the west side gets so we depend almost entirely upon the snowpack for our water supply whether that be from rivers, streams or groundwater. Most of our mountain water is already allocated to farming and agriculture in the Yakima basin. In order to protect the health, safety and welfare of rural residents, and all other water users in this basin for that matter, the County should be purchasing water rights to cover all the existing and future exempt wells in the County. Fire is a health and safety issue in the summer for most of the County but particularly in the wooded areas of the county because it is so dry on the east side of the Cascades. For all practical purposes, the upper County has only one major highway and that is Interstate 90. Even with the upcoming improvements, its capacity is limited. At least twice year the freeway is a parking lot and in the winter, delays are frequent. For these reasons we have to be much more careful about growth and growth management than the west side. The current plan for future growth will quickly outpace Kittitas County resources and that would be a failure of County government.

PBCP - Performance Based Cluster Platting

I am happy to see the 100% density bonus for 3-acre parcels is no longer an option. Clusters create residential developments that need to be protected from non residential uses. Residential clusters themselves create their own “offensive” attributes and incompatibility issues and as such there should be setbacks to protect other uses from clustered residential developments. If windmills are so disrupting that a 2500 ft setback is required, then surely there should be a 2500 foot setback between cluster developments, snow parks and other non-residential activities. There should be a 2500 foot setback between clusters and other rural uses such as any 3, 5, or 20 acre parcels that engage in rural activities beyond simply residential living area. Rural uses such as farms, ranches, and hobby farms typically have animals like horses, goats, llamas, chickens and cows. These next to a rural residential cluster development is like mixing oil and water unless there are large setbacks. Government should aim to reduce conflict and lawsuits rather than create rules and regulations that create health, safety and welfare issues. The current regulations do not protect against incompatible uses.

Residential rural clusters should be spaced far enough apart so urban type development is prevented.

Residential rural clusters should be limited to no more than 4 lots on one well if there are no irrigation rights. No home should be left without 1,250 gallons of water per day if lawn is needed for dust control and fire protection.

Residential rural clusters should be limited to 8 lots if there are irrigation rights, provided urbanization can be avoided and rural character can be maintained.

Residential rural clusters should not exceed the average of one dwelling unit per 5 acres.

Residential rural clusters should be limited to a total of 2,000 acres on a trial basis until the bugs are worked out and they prove they are an innovative technique worth pursuing. As currently drafted the PBCP 16.09 allows for urban style development in the rural area.

The Comp Plan uses the GMA definition of rural character as follows:

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

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

Because of the densities allowed and lack of controls and limits:

In rural areas the PBCP 16.09 allows landscapes where the built environment predominates over the natural environment in all rural land use designations which is not compliant with the GMA.

In rural areas the PBCP 16.09 increases the inappropriate conversion of undeveloped land into sprawling, low density development rather than reducing it and as such is not compliant with the GMA.

Also in the updated Comp Plan and taken from the GMA is the following:

“Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element.”

The PBCP 16.09 is not consistent with the preservation of rural character as required by the GMA. How can it preserve rural character when it can allow any number of lots per cluster, any number of clusters in any rural zone and no separation criteria between clusters? The whole rural county could be one big maze of cluster development.

The GMA defines, in 36.70A.030 ***“(18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW [36.70A.170](#).”***

Cluster platting without necessary limits can create urban growth as defined above. The PBCP provisions have no limits that would prevent urban growth in rural areas.

PUD-Planned Unit Development

The PUD in Kittitas County would allow urban type development in the rural area. It would allow the inappropriate conversion of raw land into sprawling low density development, it does not protect rural character, it

would allow built environments to predominate over the natural environment and it would allow development to such a degree as to make it incompatible with the primary use of the land as defined in 36.70A.030 (18) above. The rural element of Kittitas County has no need for PUDs at this time and when they are needed they will have to be compliant with the GMA.

Rural vs. Urban Growth

A typical rural use might include a parcel with a home, a large garage, a driveway, road easements for adjacent parcels, lawn for dust and fire suppression, a well and a septic system. There is no doubt with these allowed and typical rural uses, any 3 acre parcel would then be ***“incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands”*** (36.70A.030 (18)-above). The primary use of the land would be urban. This is particularly true when allowed to spread over a wide area as allowed by the Kittitas County Comp Plan and development regulations. If you try to add more traditional rural uses to that same parcel like a barn, a garden and animals, there is simply not enough room for rural activities. Parcel sizes must be large enough to accommodate typical rural uses. They must be large enough to protect ground water from septic and animal waste pollution. They must also be large enough to accommodate lawn to protect property from the dangers of fire in the summer and they must be large enough to accommodate snow removal and removed snow. In many areas the roads are only 40 foot wide which is not wide enough for the amount of snowfall in the upper county.

Also in 36.70A.030 are the following GMA goals for rural areas:

“(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”

Kittitas County’s Comp Plan and development regulations encourage urban style development in rural areas and encourage sprawl through its cluster development ordinance and 3-acre zoning.

The updated Comp Plan does not contain a written record explaining how the rural element harmonizes the planning goals in the GMA and how it meets the requirements of the GMA. Total acreages for each of the land use zones are not available. Without those acreages there can be no planning based upon population allocation. The Comp Plan states a 28.5% growth in the rural areas but the plan and regulations will not only allow many times more than that, they encourage many times more growth in rural areas. There is no way of knowing where we are and where we are going. All we know is what the developers want to do. That is not planning and it certainly is not Growth Management.

A rezone without a project has to go through the yearly docketing process. This requires a Comp Plan change and the GMA petition for review is available. If a rezone also has a project attached to it, there is no Comp Plan amendment required, no docketing process and GMA compliance tools do not exist. This could allow uncontrolled low density sprawl or inappropriate conversion of raw land into sprawl.

Rural Transition Area (RTA)

The cities of Ellensburg, Kittitas and Cle Elum have UGAs that are many times greater than needed to accommodate future growth. I have heard County officials say Kittitas County gets, on average, 1000 new residents every year. The need for a rural transition zone would be appropriate if the UGAs were more in line with reality. At this time, the only contribution a Rural Transition Zone could make is if it absorbed some of the excess

UGA and minimum lot size was changed to 10 acres for new plats. Clustering and shadow platting, as stated, would be a good idea for lots under 10 acres that are already created.

Rural Residential Area (RRA)

The Comp Plan states “This category is intended to maintain rural character by creating and/or maintaining larger parcel sizes.” This cannot be done when 3-acre zoning is allowed. 3-acre parcels are a small rural size and can preclude many traditional and allowed rural activities simply because the parcel size is too small. Clustering may be a good tool as long as limits similar to those I have suggested in the PBCP section are followed. According to recent figures, there are about 3,000 lots smaller than 5 acres and greater than 1 acre that have less than \$10,000 in improvements. The supply of small lots alone would accommodate 6,900 people at 2.3 people per household. If the county gets, on average 1,000 people per year and the target rural density is 28.5%, then 285 people per year for 24 years would finally get fill one year’s allotment. But do we have enough land to accommodate that population explosion? A good growth plan would come pretty close to doing so. Not too much and certainly not too little. The County prides itself on only designating 3% of the total land area to the RRA. They don’t mention that fact that 2/3 of the County’s land mass is commercial forest or commercial agriculture and as such might as well be on the moon as far as accommodating growth goes (reminds me of the famous “landing under sniper fire” comment). In reality, the RRA is more like 10% of the total rural area. The question is, is this large enough? Based upon 3% of the 1.5 million total acres in the County, there are 45,000 acres of RRA, most of which is 3-acre zoning and what 5-acre zoning there is will allow for clustering at 1du/3 acres. That is enough for 15,000 lots which will accommodate 34,500 people at 2.3 people per household. Going back to the population allocation figures, at the rate of 285 people per year, the County has allocated enough land to accommodate targeted rural population increases for the next 121 years. This is not protecting rural areas, this is not planning, this is a failure of government.

Rural Resource Lands (RRL)

Again, clustering should be limited along the lines I have suggested. In the example of 1000 acres comparing 50-20 acres lots versus 50-1 acre lots there needs to be limits to prevent urban type development in rural areas. A 50 lot cluster of 1 acre lots is urban type development and it encourages growth in rural areas and away from urban areas which violates the GMA. As currently drawn up, the County is encouraging mini cities in rural areas primarily designed to accommodate residential growth.

Rural Outlying Areas (ROA)

PUDs should not be allowed in the rural area. And again clustering should be limited along the lines I have suggested in the PBCP section.

Rural Recreational Areas Overlay (RRAO)

The Master Planned Resort designation is more than adequate for this type of activity. There is no need for PBCPs and PUDs in this designation. In fact there really is no need for this designation at all. As has already been stated, the PBCP and PUD not only allow non GMA compliant development, they encourage they type of rural growth the GMA was created to prevent.

It looks as though the comp plan was written for and by developers, subordinated by the planning department and the BOCC. Developers are just like anyone else, they need to be protected from themselves. They have been able to rezone the county into small lot parcels and the County has not only allowed this, they have encouraged it. The County continues to encourage it. The developers have invested a lot of money into their land with the BOCC’s blessing. Next, they will be asking for tax breaks and other “special” consideration because they have gotten themselves in “upside down” on their investments or they can’t afford the taxes. We are not talking about the

average Joe Blow who bought a house, depended upon the experts for advice, and now finds himself upside down on the investment in his home because of the “professionals” who created and executed the lending rules. We are talking about developers who are supposed to be the professionals, the BOCC who are supposed to be the professionals, the head of the Planning department and the legal department who are supposed to be professionals. It is clear to me the County has abdicated its responsibility to plan for growth and turned it over to the developers. The county is headed down the road towards sanctions which would put a severe hardship on County resources. If the County continues to pursue poor growth management policies that could result in the State having to further subsidize the County financially, then the State not only has the right to impose sanctions but the responsibility to impose sanctions in order to protect the state taxpayers from poor decisions by local governments. Taxpayers in the state at large should not have to pay for the “planned” mistakes of County governments. We really do need to go in a different direction.

Sincerely,
Roger Olsen