



May 6, 2008

Kittitas County Board of Commissioners
205 West 5th, Room 108
Ellensburg, WA 98926

RE: 2008 Growth Management Act Compliance Documents

Honorable Commissioners:

I am here tonight representing several property owners¹ concerned with the proposed Growth Management Act (GMA) compliance documents. On behalf of these property owners I thank you for the opportunity to testify tonight. We have reviewed the proposed GMA compliance documents and have identified several issues of concern. Upon concluding my testimony this evening, I will submit several letters containing written comments concerning the proposed documents. There are three issues in particular which we would like to address this evening.

Mapping Inconsistencies

We have identified some mapping inconsistencies which need to be addressed prior to the Commissioners adopting the proposed Land Use and Zoning maps. For example, the proposed Land Use map designates the Ellensburg Cement Products property near the West Interchange as Industrial, which we support. However, the proposed Zoning map would classify the property as General Commercial. Although we believe this inconsistency is a scrivener's error, we do want to express our opposition to the proposed zoning classification. The current and future use of the property is best suited for a General Industrial zoning classification and we respectfully request the Commissioners retain the subject property under that zone.

Recommendation

We respectfully recommend a detailed review be completed to ensure consistency between the proposed Land Use and Zoning maps before rendering a decision.

State Economic Policy

Title 43.21H RCW contains the State Economic Policy, which requires local jurisdictions give economic values appropriate consideration prior to adopting new regulations. More specifically, RCW 43.21H.020 states:

"All state agencies and local government entities with rule-making authority under state law or local ordinance shall adopt methods and procedures which will insure that economic

¹ Manna Funding et. al., Roslyn Heights et. al, Hutchinson Properties, Ellensburg Cement Products, Robert Sukert, and Equity Holding et. al.

values will be given appropriate consideration in the rule-making process along with environmental, social, health, and safety considerations.”

We have not identified any documentation in the record which demonstrates the County has complied with the provisions of RCW 43.21H.

Recommendation

We respectfully request the Commissioners direct staff to prepare and disseminate documentation demonstrating economic values were appropriately considered through this rule-making process. In addition, we request the Commissioners direct staff to prepare and disseminate a detailed analysis which identifies potential economic impacts associated with the proposed compliance documents.

Private Property Rights

Kittitas County Code 1.24 requires the County to prepare Property Takings Analysis prior to adopting or amending any regulations. Kittitas County Code 1.24.020(2) outlines the specific requirements and states:

“A private property taking impact analysis shall be a written statement that includes:

- a) The specific purpose of the policy, regulation, proposal, recommendation, or related agency action;*
- b) An assessment of the likelihood that a taking of private property will occur under such policy, regulation, proposal, recommendation, or related department action;*
- c) An evaluation of whether such policy, regulation, proposal, recommendation, or related department action is likely to require compensation to private property owners;*
- d) Alternatives to the policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur;*
- e) An estimate of the potential liability of county government if the county is required to compensate a private property owner; and*
- f) If the policy, regulation, proposal, recommendation, or related department action is in response to a state or federal mandate, the name of the state or federal agency responsible for the policy, regulation, proposal, recommendation, or related action shall be stated.”*

Kittitas County Code 1.24.020(3) also requires each department to:

“provide an analysis as part of any submission otherwise required to be made to the board of county commissioners in conjunction with a proposed policy, regulation, proposal, recommendation, or related action.”

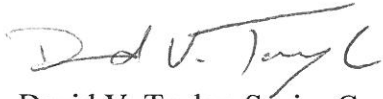
We have been unable to identify where the required Property Takings Analysis is in the record. The fact that such an analysis was not transmitted to the Commissioners as part of the proposed compliance documents appears to be a procedural error.

Recommendation

We respectfully request the Commissioners table consideration of the proposed compliance documents until a Property Takings Analysis is prepared a disseminated for public review.

Once again, we thank you for the opportunity to comment on the proposed Growth Management Act Compliance documents. If you have any questions or need additional information, please don't hesitate to contact me.

Respectfully submitted,
Taylor Consulting Group

A handwritten signature in black ink, appearing to read "David V. Taylor". The signature is written in a cursive, flowing style.

David V. Taylor, Senior Consultant/Owner