

## Scott Turnbull

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**From:** Julie Kjorsvik  
**Sent:** Friday, October 31, 2008 1:37 PM  
**To:** Neil Caulkins; Scott Turnbull; Dan Valoff  
**Subject:** FW: FRI 31 OCT 2008 @ 1322 PDT EWGMHB Order Compliance Case No. 07-1-0004c

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-----Original Message-----

**From:** Mark D. McClain  
**Sent:** Friday, October 31, 2008 1:35 PM  
**To:** Julie Kjorsvik  
**Subject:** Fw: FRI 31 OCT 2008 @ 1322 PDT EWGMHB Order Compliance Case No. 07-1-0004c

-----Original Message-----

**From:** Catherine Clerf <cclerf1341@fairpoint.net>  
**To:** Linda Huber; Alan Crankovich; Mark D. McClain; Kittitas County Commissioners Office; Scott Turnbull; Dan Valoff  
**CC:** jilla@cascadeland.org <jilla@cascadeland.org>; gloverfl@elltel.net <gloverfl@elltel.net>; mjohnston@kvnews.com <mjohnston@kvnews.com>; jimf@nkctribune.com <jimf@nkctribune.com>  
**Sent:** Fri Oct 31 13:22:53 2008  
**Subject:** FRI 31 OCT 2008 @ 1322 PDT EWGMHB Order Compliance Case No. 07-1-0004c

FRI 31 OCT 2008 @ 1322 PDT

**Re:** EWGMHB Order Compliance Case No. 07-1-0004c  
Kittitas County Comprehensive Plan

**To:** Kittitas County Commissioners Mark McClain (Chair),  
Alan Crankovich (Vice Chair), and Linda Huber

I respectfully submit these written comments to augment my brief oral comments made Wednesday, 29 October 2008, at the Special Meeting. I make these comments personally and not as a representative of any entity or group. I do, however, need to disclose that I am a former member of the Land Use Advisory Committee (LUAC), appointed in June 2007, and de-appointed in August 2008, and acted as the vice chair of this committee during the months of September 2007 through August 18, 2008, the date of the letter from the BOCC stating that my services on the LUAC were no longer necessary.

1. All outstanding issues relative to Urban Growth Nodes (UGNs):

Please be advised that the LUAC worked on this issue in great depth at one of its meetings in July 2008. Defining criteria were established, notably services of EXISTING water systems, EXISTING sewer systems, and EXISTING fire districts in EACH of the five (former) Urban Growth Nodes of Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage. All such details of the UGN-related "work" done by LUAC at the July 2008 meetings should be provided to the BOCC by CDS Staff (specifically, Dan Valoff) for BOCC review.

Specifically, I believe that designating EACH of the five former UGNs as a Type I Limited Area of More Intense Rural Development (LAMIRD) is preferable by far than the currently proposed re-designation of Rural Land Use with all existing underlying zones to remain as they are. Following the letter of the law as set out in RCW 36.70A.070(5)(d), it is my opinion that there already exist sufficient records to establish the logical outer (pre-December 1990) boundary for each of Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage for a Type I LAMIRD. I further recommend that the BOCC, WITHOUT FURTHER DELAY OR OBFUSCATION, initiate the legal public process to further fine tune separately each LAMIRD with direct public participation and input, a process which has been avoided these many many years for reasons which are better left described in another venue.

Further, with regard to population allocation, I come to a different conclusion in my interpretation of the law than that which is currently being proposed, e.g., adjust population allocation from Urban Growth Nodes to unincorporated areas, as was apparently done at the November 28, 2007, Council of Governments (COG) meeting. It is my interpretation of the law that if each former UGN is re-designated as Rural, then the population allocation for each former UGN is required to be allocated to the existing Urban Growth Areas (UGAs), NOT to the incorporated areas of the Rural Land Use element. I further purport out that if each of the five (5) former UGNs is, instead, designated as a LAMIRD (either Type I, II, or III), then the population allocation assigned to each former UGN can then be appropriately legally assigned to each re-designated LAMIRD.

Further, I specifically do not agree with nor do I recommend using the "borrowed from King County" concept of "rural town" which was brought to the LUAC by member Chad Bala, in behalf of some developers/builders, some of whom were appointed to the LUAC, and which Chad Bala resubmitted to the BOCC at the Wednesday Special Meeting. It is my perspective from months of first-hand interaction and observation that the desire of a select group of but a few, which includes some very few LUAC members, is to avoid the use of LAMIRDS specifically to avoid establishing what would be the logical and legal outer pre-December 1990 boundary for each of the five areas in question: Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage, and especially Ronald and Thorp.

## 2. Urban Growth Area Expansion of the City of Kittitas

The County's proposal to adopt the analyses done by the City of Kittitas in its own behalf as part of its Comprehensive Plan update process in 2007 is critically flawed in these regards:

a. As pointed out in the FDO of August 2008, there has never been submitted any documentation or analysis to support why the City of Kittitas has planned for growth in EXCESS of its population allocation as

established by COG. Hence, if Kittitas County does not provide separately such documentation, there will, again, be no documentation to support the excessive population growth defined and described in the 2007 City of Kittitas Comprehensive Plan Update.

b. As stated by Deputy Prosecuting Attorney Neil Caulkins at the Wednesday, 29 October 2008, evening Special Meeting, it is proposed to be asserted by the county to the hearings board that since there were no appeals to the 2007 Comprehensive Plan Update of the City of Kittitas, said comprehensive plan update is vested; hence, the UGA expansion does not require any further documentation or analysis on the part of the county to support the expansion of the UGA of the City of Kittitas.

Succinctly, it is my interpretation of the law that it is the county's responsibility to provide a population projection analysis that supports the very population allocation that the COG assigned to the City of Kittitas and cannot eschew its responsibility in establishing that a COG-assigned population allocation has, indeed, been exceeded. Same logic holds true for the county's missing Capital Facilities Plan (CFP).

Many months (actually 2 YEARS) have passed since the Planning Commission of Kittitas County determined in the fall of 2006 that the county had NOT created the documentation required by law, e.g., the CFP and the population projection analysis to support the request by the City of Kittitas to expand its UGA, and recommended to the BOCC a denial of said UGA expansion because of the lack of county-created documentation. Two years later and the county is still determined to wiggle out of its responsibility by law to do its own work. From the perspective of a taxpayer and a seasoned businessperson, these are traits of incompetence, ineptitude, and gross negligence and are all symptoms of a completely dysfunctional county government.

### 3. Inconsistencies of Land Use Map with Zoning Map

As a former member of the LUAC, I can attest to the dozens and dozens of hours spent on assigning the LUAC's proposed 5-layered rural subtype designations to actual geographic areas on the land use map, as well as those hours spent on resolving the many inconsistencies of the Land Use Map with the Zoning Map throughout the entirety of Kittitas County. However, a specific mapping exercise on a certain meeting day last spring needs to be brought to the attention of the Board of County Commissioners and the Hearings Board because of the deleterious impact on a portion of the LUAC's work product as the result of a complete untruth, an outright lie, which was stated by a member of the committee. This committee member came to this certain LUAC meeting accompanied with this committee member's employees (two employees, to be exact) AND a full-sized detailed map that had been specifically created by this committee member's staff over the preceding weekend, at the specific direction of this committee member personally outside of LUAC, which represented a very specific area that dealt with all rural lands from Cle Elum westward, both north and south of I-90. This mapping exercise of several hours was preceded by this committee member remonstrating that this committee member "had no horse in the race," meaning, specifically in regards to this swath of area south of I-90, west of Cle Elum/South Cle Elum, and east of Easton, that this LUAC member had no ownership of or vested interest in, directly or indirectly, of any property in this area. This statement was made in front of CDS staff, including the [former] executive director, the committee member's two employees, other guests/citizens in the room, and

those LUAC members who were in attendance. I had my suspicions at the time that the statement made by my fellow committee member was untrue and the events that ensued, especially involving one of these employee's rather forceful remonstrations toward me as a member of LUAC, upheld my initial impression. My suspicion was later substantiated after the meeting by a fellow LUAC member who had explicit knowledge that this claim by our fellow LUAC member was an untruth. I submit, therefore, that the mapping outcomes in this swath of land (south of I-90, west of Cle Elum/South Cle Elum, east of Easton) need to be re-reviewed using the LUAC methodologies and criteria with persons who have been vetted to have absolutely no vested interest or ownership of any property in this same area as a result of the less than honest actions of a fellow LUAC member.

#### 4. Mineral Lands of Long-Term Commercial Significance (in Rural Lands)

According to RCWs, each county is to identify mineral lands of long-term commercial significance in order to protect valuable mineral resources from the encroachment of incompatible uses of adjacent lands. It has been the position, as evinced through county commissioner leadership (or lack thereof) carried down through the chain of command to Community Development Services, of the county NOT to identify mineral lands of long-term commercial significance. An intelligent citizen and taxpayer could rightly deduce that this is the direct result of many years of successful lobbying on the part of a very narrow special-interests entity or group to members of the BOCC. It was identified and stated at the very first meeting of the LUAC in September 2007 that the identification of mineral lands of long-term commercial significance was a top priority and, now, with a statewide shortage of aggregates, an economics necessity burgeoning on an economics emergency. Regardless of how many times at countless meetings I and other LUAC members requested and, at times, demanded, that sufficient materials and documentation and data be gathered by CDS staff to enable either CDS staff to make determinations or enable LUAC to make determinations of mineral lands of long-term commercial significance (in rural lands for which LUAC was responsible, all efforts fell on deaf ears and 11 months went by with nothing accomplished. Regardless of the self-serving interests of any person or persons or any entity or entities, the full and proper identification of mineral lands of long-term commercial significance in Kittitas County is the responsibility of the BOCC for the benefit of all taxpayers of the county and the state.

#### 5. Designation and De-designation of Commercial Forest Land and Commercial Agriculture Land

At long last these gaping holes in the county's comprehensive plan are being addressed. I recommend the outright adoption of WAC 365-190-050 coupled with scientifically identifying which soils exist on any lands proposed for de-designation from Commercial Agriculture Land. Further, I recommend that scientific identification of which soils exist on commercially viable Rural Lands that have historically been farmed take place as part of a prudent stewardship program to ensure that future generations have sufficient agricultural lands upon which to create an adequate food supply.

Respectfully submitted,

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