

To: Kittitas County Board of Commissioners
205 W. 5th Suite 108
Ellensburg, WA 98926

October 30, 2008

Re: Eastern Washington Growth Hearings Board Order Compliance (Case # 07-1-0004c)

Dear Commissioners,

Two years ago the county decided it would address the issue of Urban Growth Nodes. Nothing has been done since to put the issue at rest. Merely changing the designation of the five areas that were hurriedly and ill advisedly called UGN's to Rural does not end the issue.

Kittitas County is required pursuant to RCW 36.70A to adopt measures to minimize and contain the existing areas of more intensive rural development and contain said areas by establishing Logical Outer Boundaries (LOB). To establish the Logical Outer Boundaries only the pre- December 1990 built environment may be considered. These areas are designated as LAMIRD's and the intention behind this designation was to recognize already developed areas while protecting the surrounding areas from unchecked development.

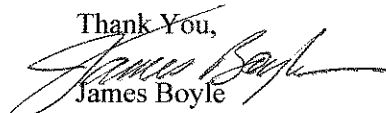
When establishing a LOB for a LAMIRD the county can consider (among other things) those lands included in a water or sewer district. Ronald has an established water district (Kittitas County Water District #2) and it has an established sewer district. Both of which were part of the built environment in December 1990. The boundaries of Water District #2 cannot be expanded despite the attempts by various developers who have tried to secure water from it. Water District #2 serves the Town of Ronald and is explicitly denied the ability to expand by the contract we have with the City of Roslyn from which we purchase the treated water we provide the ratepayers of the town. A copy of the Original section IV of the contract is attached , as is the addendum which was approved in 2006.

The county has, for whatever reason, permitted extensive development in the area surrounding Ronald and the other UGN's rather than protecting the areas as required by the GMA. The counties refusal to designate the five UGN's as LAMIRDS has allowed the urbanization of the rural areas surrounding them. Permitting applications for Planned Unit Developments, which are in excessively close proximity to each other, to proceed is slowly urbanizing the area surrounding Ronald.

If the county intends to try to turn the UGN's into LAMIRDS it must take into consideration the built environment in place in December 1990. Also logical outer boundaries must be designated and the boundaries of the Ronald UGN is far from logical. If the county intends to consider a designation of Rural Towns to accommodate some developers then consider the proximity of these "towns" to each other. How many "towns" can there be within a small area. Will the Cluster Plats also be designated "rural town"?

If the county cannot protect the areas surrounding Ronald, Thorp, Easton, Vantage and Snoqualmie Pass, then protect them from development by designating them LAMIRD's, which by law they really are.

Thank You,


James Boyle
P.O. Box 39
Ronald, WA 98940

RECEIVED

OCT 31 2008

1st ___ 2nd ___ 3rd ___
KITTITAS COUNTY BOARD OF COMMISSIONERS
10:15am

ORIGINAL

INTERLOCAL AGREEMENT

Amendment #1

An Amendment to the Interlocal Agreement between Kittitas Water District #2 and the City of Roslyn, original agreement dated September 9, 1997, term 40 years.

4/28/2006

ORIGINAL
SECTION 4
ATTACHED

Section IV , Expansion of the District's Service Area, shall be amended to read as follows:

Prior to any expansion of the District's service area, the District shall notify the City, and the City shall, at the District's expense, determine the feasibility of using the City's water treatment facility to handle the District's proposed expansion.

The District shall not deliver water to any future expansion of its service area from the City's water treatment facility without prior approval from the Roslyn City Council and applicable federal and state agencies.

Prior to any expansion request being submitted by the District to the City, any such request shall comply with the following criteria:

1. Proponent shall provide adequate water rights for the proposed expansion. Those water rights shall be pre-1905 water rights and shall be transferred to the City's Domerie Creek source, at the proponent's expense.

2. The proponent shall submit a SEPA checklist, and if requested, an Environmental Impact Statement on the proposal for expansion, addressing all impacts of the proposal for expansion on traffic and roads, police, fire and other emergency services, schools, parks, air and water quality.

APPROVED THIS 25TH DAY OF APRIL, 2006

Jeri B.F. Porter, Mayor

Attest:

Maria Fischer, City Clerk

Approved as to Form:

SENT

Kenyon Disend, PLLC, City Attorney

David Chase, Kittitas County Water District #2 Commission/ Chair

Attest:

District Secretary

Approved as to Form:

Kittitas County Water District #2 Attorney

will bill the District a wholesale water charge. The charge to the District shall be based upon the cost of the finished water (including a reasonable allocation of operating costs and a surcharge for Roslyn's water system. Current operating charges to the District are ~~\$770.78~~^{1188.50} for 109 EDU's per month for water and \$136.25 for 109 EDU's per month for water reserve ~~\$7.35~~ per 1000 cubic yards of water (totaling approximately \$7200 per year), and it is anticipated that operating expenses allocatable to the District will increase by approximately \$3,000 per year.

In consideration of the District's participation in the capital funding of the Project, Roslyn hereby guarantees the availability of at least ~~211,000~~2,000,000 cubic feet of finished water ~~annually~~monthly.

In the event that repairs and/or additions determined by the City to be necessary, the District agrees that it will pay its proportionate share of the costs of such repairs and/or additions.

SECTION IV

Expansion of the District's Service Area

Prior to any expansion of the District's service area, the District shall notify the City, and the City shall, at the District's expense, determine the feasibility of using the City's water treatment facility to handle the District's proposed expansion.

The District shall not deliver water to any future expansion of its service area from the City's water treatment facility without prior approval from the Roslyn City Council and applicable federal and state agencies.

SECTION VIV

Permits and Regulations

Roslyn shall be responsible for satisfying all permitting and operational requirements with respect to its water system, including the Project.

LAMIRDS (Limited Areas of More Intense Rural Development)

LAMIRD provisions were added to the Growth Management Act (GMA) to allow the county to acknowledge pre-existing development and to provide rural counties with the flexibility to attract and retain businesses, and the jobs associated with those businesses. **To recognize already developed areas while protecting the surrounding areas from unchecked development.** LAMIRDS were authorized by the 1997 amendments to the GMA that clarified and expanded the Growth Management Acts policy toward rural areas.

A LAMIRD is a part of the rural area with existing land use patterns that are more concentrated than typically found in a rural area. **THIS COMPACT FORM OF RURAL DEVELOPMENT IS NOT CONSIDERED URBAN GROWTH UNDER THE GMA.**

There are three types of LAMIRDS, each authorizing a different category of rural development. A type 1 LAMIRD designates existing areas of commercial, industrial, residential or mixed use development.

A type 2 LAMIRD allows small recreational and tourist businesses to develop and grow.

A type 3 LAMIRD allows for the growth and new development of isolated cottage industries and small-scale businesses.

Public facilities and services, such as water lines, necessary to serve the LAMIRD may be provided.

Type 1 LAMIRDS and the Logical Outer Boundary (LOB)

A type 1 LAMIRD can include infill, development or redevelopment of existing commercial, industrial, residential or mixed use areas such as ... villages, hamlets rural activity centers or crossroads development. Any development or redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to and is consistent with the existing character of the LAMIRD. **In order to preserve character of the natural neighborhoods and communities, however, the county must limit the intensive development to areas where it already occurs.**

In determining the location of a type 1 LAMIRD, the county must clearly identify the logical outer boundaries of the area. The logical outer boundary is one of the rare circumstances where a county must show its work. This is so because the GMA establishes specific criteria that must be met rather than just considered.

The logical outer boundary is determined mostly by the "built environment" that existed on July 1, 1990 or the date when the county was first required or chose to fully plan under the GNA (In the case of Kittitas County that date is 1996). The built environment includes man-made structures located above and below the ground, such as existing buildings, sewer lines, and other urban level utilities or infrastructure. The extent of the infrastructure or the service area may be used to determine the built environment and in order to minimize and contain the existing development, the county must draw the boundary closely around the built environment and be able to clearly justify it's choices. Vacant land may be included in the LAMIRD and a county

may make minor adjustments to a logical outer boundary to include undeveloped property. Such undeveloped property is to provide for infill. Infilling is allowed if it is minimized and contained within a logical outer boundary.

In addition to the man-made environment, a county must address the following factors in establishing the logical outer boundary:

- A. The need to preserve the character of existing natural neighborhoods and communities,
- B. Physical boundaries such as bodies of water, streets and highways, and land forms and contours.
- C. The prevention of abnormally irregular boundaries.
- D. The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

The boundaries of a type 1 LAMIRD are permanent; the boundary cannot be expanded because this would be inconsistent with the goal of infilling existing areas of development. Demand or need for commercial or residential development does not permit the expansion of LAMIRDs beyond their logical outer boundaries. To do so would discourage commercial and residential development within urban growth areas as required by the GMA.