

MEMORANDUM

DATE: October 30, 2008
TO: Kittitas County Commissioners
FROM: Michael Darland
SUBJECT: Your decision on the Snoqualmie Pass Sub Area (SPSA)
DELIVERED VIA EMAIL

Among the issues considered for action on the hearing agenda last night is the proposed substantial down grading of the adopted land use classifications and the adopted zoning for the entirety of the SPSA. The down zone would change all land use and zoning to a ***Rural*** classification based on the discussion last night and on written staff recommendations in the meeting agenda.

GMA findings do not recommend or require the Commission to downgrade zoning and land use classifications in the SPSA. It is not clear to anyone involved in this process where and why this recommendation took root or why Mr. Darryl Piercy, expressly and repeatedly stated that the concept of a Limited Area of More Intensive Rural Development (LAMIRD) could not be applied to the SPSA. I have a recording of him doing so in a Snoqualmie Pass meeting SPSA Plan update meeting.

The first meeting Agenda to discuss an update to the SPSA plan has a specific line item proposal to eliminate of the entire Gold Creek section from the SPSA. In that first meeting, the Gold Creek portion of the SPSA was described as an area served only by septic systems and wells. Water and sewer service beginning in 1977 have served the SPSA area. Starting with that meeting, there has been a constant attempt to expand the limited Gold Creek findings of the GMA to the entirety of the SPSA. Mr. Piercy also made a false assertion of the GMA finding to the full commission for which I requested in writing he provide me the page in the findings to corroborate his statement. As I mentioned last night, my written request for a documentation of that fact has gone unanswered up to and including today.

GMA findings do specifically mention the Gordon Gray development and the Master Planned Resort in the Gold Creek Area zoning overlay for the project as being a problem and the need for the zoning to be reversed. It is my understanding that the Washington State Department of Transportation (WSDOT) has acquired or shall acquire Gordon Grey's land in the Gold Creek Area. By so doing GMA land use finding issues will have resolved what your Agenda terms the Snoqualmie Pass Gold Creek Sub area. Again, the written record is clear that the GMA findings have **absolutely nothing to do with the**

rest of the Snoqualmie Pass Sub area UGN. There is the GMA finding requirement to conform the concept embodied by the UGN designation to GMA statutory language and requirements.

The SPSA planning area within the SPUD service area contains substantial square footage of adopted commercial and residential land uses. Not only was the SPSA area planned at a higher level of detail than any other sub area in Kittitas County but also that plan was made a part of the Kittitas County Adopted Comprehensive Plan. The SPSA area was planned prior to 1990. Water and sewer districts and assessments for them were made prior to 1987. Water and sewer service trunk lines were installed to all land areas within the boundaries of the SPSA prior to 1990. The GMA uses 1990 as a cut-off date for inclusion in a LAMIRD. The SPSA fully qualifies as a LAMIRD on a number of fronts unlike many other areas in the County. Notwithstanding all of this, any land area, which is not currently vested by a development application process, will be reduced to low-density rural land uses and zoning. This action, if taken, essentially ignores everything that has been and is actually occurring on Snoqualmie Pass and assumes "Rural Activities" are what is now required and will be required in the future. Nothing could be further from the truth.

No professional land use and/or economic work product or study product exists to justify or inform this action. No studies were conducted or are available to the Commissioners or to the Planning Staff as this decision is being taken to completely reverse standing public policy. The assistant prosecuting attorney outlined, in the hearing, all of the statutory components of a comprehensive plan required by the GMA. Almost all of these requirements exist and have been adopted in the Comprehensive Plan for the SPSA. What does not exist for the **planned down zoning action is any professional work product, developed at the same level of detail, that was used to plan the area and adopt existing land use and zoning.** No current analysis exists of the social and/or economic impact, which the Commissioners may use to guide their decision and of which take notice as they act. No estimate and/or examination of the \$100's of millions of dollars of direct negative impact on existing landowners has been conducted or exists prior to this decision being taken which will totally eliminate long standing land use and zoning policy and publicly promulgated commitments.

No professional economic analysis quantifies, on a cumulative basis, the impact on Kittitas County from lost property tax revenue and lost sales tax revenue from development that will not now be able to take place if this action is taken. No estimate of costs have been made and/or have estimates of lost job opportunities to County residents nor have any such studies been provided the Commissioners before or as they make this decision. No loss analysis has been conducted of the direct economic impact on the SPUD, which will result from eliminating development in the SPUD operating area. Loss of the revenue stream and

operating funds necessary to maintain and replace SPUD facilities that currently supply existing commercial and residential land uses on the pass will most likely cause irreparable economic damage to SPUD and subsequently prejudice their ability to serve their current user based through the lack planned operating revenue who will then suffer their own economic damage.

It is as if this decision is being made blindfolded and willfully unaware of the social and economic hardships and damages that will unquestionably result.

How can it be true that this action will be taken based essentially on a the recommendations of a well meaning citizens advisory committee, the chairperson of which has made clear, prior to this committee being formed, that she wants this area to be rezoned to low density rural conservation land use? How can it be true that this well meaning citizens committee had no one with any planning or economic experience deployed to provide professional planning analysis and to professionally quantify and explain the impacts, given present and potential future land use and zoning, on the private property owners of this land? How can it be true that no public notice was provided property owners for any of the land use committee meetings so that those individuals who would be directly impacted could provide information directly to the committee and to their professional advisors and to validate the validity of the actual information being provided to committee members?

The Commissioners should take a non-prejudicial action. Commissioners should designate the SPSA a Type I LAMIRD. This action would not be contested by the GMA hearing board or by private property owners in the SPSA. It will be contested by a group of public agencies and organizations who have absolutely no legal standing at this time but who want to see this area become public open space with no cost to anyone but existing private land owners. These agencies and organizations will, **for certain**, institute costly litigation. They will deploy public and/or donated funds against private property owners and the County against any attempt to reverse rural zoning designations. This is as certain as sunrise tomorrow. This fact does not require a study to determine its veracity.

The Type I LAMIRD would use boundaries of the Snoqualmie Pass Utility District (SPUD), which controls growth by the provision of water and sewer infrastructure. **SPUD's policy board is the throttle on growth**. Its policy board is locally elected and can operate in coordination with the County Commission and Community Development. This action would provide the opportunity for a professional analysis to be undertaken by qualified professionals to determine what portion **if any** of the SPSA, base on over all development goals of the county and the area needs to be changed. It would allow for public involvement of land owners rather solely a citizens advisory committee who owns nothing on the pass.

As I stated in my verbal testimony in the meeting, (*which was limited to a total of three (3) minutes*), if this area is down graded to Rural, the County will inundated by unlimited litigation expenses for each and every attempt to return any portion of the area to its existing status no matter how desperately, in the light of new information, the county to may wish to do so. Awareness of this certain costly litigation risk, in advance, raises a question about the urgent need to down zone it and effectively destroy the development future of one of the best recreational areas in the State of Washington and with certain improvements, one of the best in Western United States.

Again, I respectfully request that you make the correct decision and declare it a Type I LAMIRD which will not be contested by the GMA and which will provide the opportunity and running room to conduct the detailed analysis recommended by your planning staff without causing any immediate disruption of the longstanding adopted plans and programs for lands owned by the private citizens and the tax payers you represent in Kittitas County.

Sincerely,

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