

Lisa Grueter

From: Lisa Grueter
Sent: Wednesday, September 23, 2009 2:47 PM
To: Rod Dembowski; melinda@mposnerconsulting.com
Cc: dembo64@aol.com; Jan Ollivier; Jennifer Barnes
Subject: RE: Kittitas County Comp Plan Draft Proposal

Hi Mr. Dembowski,

We see the report is uploaded at the County website. The path is:
<http://www.co.kittitas.wa.us/cds/compplan2009/pw2/200909-DRAFT-Assessment-of-Five-County-Areas.pdf>. It is 12 megabytes and may take awhile.

If you have further questions, please contact Jan Ollivier at Kittitas County.

Jan Ollivier
Transportation and Planning Manager
Kittitas County Public Works Department
509-962-7610 (direct)
509-962-7523 (office)

Thank you for your email.

Lisa Grueter

Senior Planner

ICF Jones & Stokes

710 2nd Avenue, Suite 550

Seattle, WA 98104

Please update your email contacts to lgrueter@icfi.com

reception (206) 801-2800 | fax (206) 801-2899

desk (206) 801-2816 | cell (425) 591-7004

jonesandstokes.com | icfi.com

From: Rod Dembowski [mailto:DembR@foster.com]

Sent: Tuesday, September 22, 2009 4:34 PM

To: melinda@mposnerconsulting.com; Lisa Grueter

Cc: dembo64@aol.com

Subject: Kittitas County Comp Plan Draft Proposal

Hi -

I see that the proposed comp plan changes for Kittitas County were to be available for public review today. I don't find them on the website; could you send me the report? We have property at Hyak.

Thanks,

Rod Dembowski

Attorney at Law

Foster Pepper PLLC

1111 Third Avenue, Suite 3400

Seattle, WA 98101

direct dial: 206-447-2813
direct fax: 206-749-1932
www.foster.com

Jennifer Barnes

From: Lisa Grueter
Sent: Friday, October 09, 2009 1:47 PM
To: Kent Scudder
Cc: Jan Ollivier; Jennifer Barnes
Subject: RE: FW: hyak question

Hi Kent,

As we discussed the preliminary staff recommendations have been issued and are available at the following link:
<http://www.co.kittitas.wa.us/cds/compplan2009/reports/20091006-comp-plan-prelim-staff-recommendations.pdf>

The preliminary recommendations show the subject parcel as Commercial Lodging/Forest and Range.

If you have further questions, please contact Jan Ollivier at Kittitas County. Her email address is copied above.

Thanks,

Lisa Grueter

Senior Planner

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Seattle, WA 98104

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From: Kent Scudder [mailto:kent@norquestltd.com]

Sent: Tuesday, October 06, 2009 5:16 PM

To: Lisa Grueter

Subject: Re: FW: hyak question

Hi Lisa;

I have had an opportunity to peruse the study that ICF-J&S prepared for Kittitas County with particular interest in how the "Snoqualmie Pass Node" will be redefined. Given the three different options that are being offered regarding Snoqualmie Pass, and based upon your comments to Jan, it seems likely that the property that we are analyzing for the WA Department of Natural Resources (Dembowski's 17-acre parcel in the bottom part of the SEQ of Sec. 15) will have congruent comp plan/zoning designations of Commercial Lodging/Highway Commercial. Do you think that this would be the probable outcome, or is it too early to tell?

Presently, the parcel is zoned F&R, which allows for higher density residential development given the fact that public sewer and water are available to the property. If the property were to be rezoned as Highway Commercial would this preclude any type of residential use? I did not see any Permitted or Conditional uses for residential under the current zoning code. I assume that this part of the zoning code will not be amended as a result of your study and recommendations to the County.

I appreciate you taking time to give me your input. This property is like a moving target, and is difficult to discern what the future holds for this part of Hyak.

-- Kent

Kent M. Scudder

Norquest Realty Advisors, Ltd.

20131 Maplewood Drive, Edmonds, WA 98026

(T) 425.744.1144 (F) 425.744.9050

Lisa Grueter wrote:

Hi Kent,

Here is the same email that Jan provided you below – however I’ve included the maps that show the parcel and the designations. We can use these maps to look at the designations.

Thanks,

Lisa Grueter

Senior Planner

ICF Jones & Stokes

710 2nd Avenue, Suite 550

Seattle, WA 98104

Please update your email contacts to lgrueter@icfi.com

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desk (206) 801-2816 | cell (425) 591-7004

jonesandstokes.com | icfi.com

From: Lisa Grueter

Sent: Tuesday, September 01, 2009 10:53 AM

To: 'jan.ollivier@co.kittitas.wa.us'

Cc: Jennifer Barnes

Subject: FW: hyak question

Hi Jan,

We appreciated Mr. Dembowski’s comments. I think we’ve located the parcel in question (see attached maps), and it is included in the Snoqualmie Urban Growth Node under study. Generally, Mr. Dembowski’s summary of the comprehensive plan designations and zoning appear pretty accurate (see our list below for official category names). We are still in the midst of developing recommendations but based on our preliminary assessment, the Snoqualmie UGN appears poised to remain an area that is more intensively designated. We have numerous opportunities for input before any decisions become final. Our thoughts are bulleted below.

- Current Designations:
 - Comprehensive Plan: Commercial Lodging Snoqualmie
 - Zoning: Forest and Range
 - Minimum lot size – Forest and Range Zone:
 - Kittitas County Code: 17.56.040 Lot - Minimum size.
 - The minimum lot size in the Forest and Range zone shall be:
 - Twenty acres;
 - One-half acre minimum for any lot within an approved platted cluster subdivision, served by public water and sewer;

Six thousand square feet for lots on existing municipal sewer and water systems.

- Future Designations:
 - We are still in the process of developing our recommendations.
 - At this point, our analysis shows UGA and Master Plan Resort as the potential land use designation options for that area. Both allow for intensive development.
 - Within the study areas we are intending to recommend zoning that reflects the land use designation options on the table (for example in a UGA proposal we may recommend some type of an urban residential or commercial category rather than Forest and Range).
 - Our recommendations will recognize the fact that there are services available.
- Opportunity to weigh in before decision is made:
 - Our draft report is coming out on September 22nd
 - There will be public workshops in late September and a public hearing in mid-October before the Planning Commission
 - There will be a hearing in November with the Board.
 - In sum, there will be much opportunity to weigh in before any decisions are made (tentatively scheduled for Board action in December)

Please feel free to let me know if you have any questions or if you think we need to correct or augment anything. I'll check emails later today when we have another break. Thanks,

Lisa Grueter

Senior Planner

ICF Jones & Stokes

710 2nd Avenue, Suite 550

Seattle, WA 98104

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jonesandstokes.com | icfi.com

From: Jan Ollivier [<mailto:jan.ollivier@co.kittitas.wa.us>] **On Behalf Of** compplan

Sent: Monday, August 31, 2009 7:00 AM

To: Lisa Grueter

Cc: Jennifer Barnes

Subject: FW: hyak question

Lisa: Do you have any suggestions for how I should respond?

Jan Ollivier

Transportation and Planning Manager

Kittitas County Public Works Department

509-962-7610 (direct)

509-962-7523 (office)

From: Dembo64@aol.com [<mailto:Dembo64@aol.com>]

Sent: Friday, August 28, 2009 9:09 AM

To: compplan

Subject: hyak question

Hello Jan,

I was at the workshop yesterday, and had one question I did not know to ask at that time.

My Dad has a parcel (approximately 18 acres) that has sewer to it, water, power, and access via a paved road. It is just down the road from the highway dept. on the way to the boat launch.

I am under the understanding that it is zoned forest land, and in the comp. plan its designated commercial lodging. We have some interest in the property, and are wanting to know if the changes coming will affect the possible future improvements (building) on it.

We were told that if utilities are on it, 6000 sq ft residential lots would be allowed. I may be off on the particulars, but any clarification you could provide would be appreciated. When making the changes to comply for the GMA, will this change the current language or affect the ability to plat the land for lots.

We are unsure at this time if that would be the best use for this parcel, but want to be aware if there would be changes coming that would prevent future improvements. If that is possible, we would want to submit something quickly to the county.

I thought the staff did a good job in the presentation, and handled those with specific questions quite well.

Thank You,

David Dembowski
208 921 5561

Lisa Grueter

From: Lisa Grueter
Sent: Monday, October 26, 2009 7:33 AM
To: 'dembo64@aol.com'
Cc: 'DembR@foster.com'; 'jan.ollivier@co.kittitas.wa.us'; Jennifer Barnes
Subject: Snoqualmie Pass Property

Mr. Dembowski,

Thank you for getting in touch with Jan Ollivier at Kittitas County. She passed your message on to me. I appreciated our discussion last week. As a follow up to our 10/21 call, I am writing this brief email summarizing our conversation about the options for your property and the preliminary staff recommendations. I am also copying your brother Rod as he has also corresponded in the past.

- **Options:** The Assessment of Five County Areas for Land Use Designations, September 2009, identifies three options for Snoqualmie Pass: 1) Limited Areas of More Intensive Rural Development (LAMIRD) which excludes your property but retains the current Comprehensive Plan Commercial Lodging and Forest and Range zoning designations; 2) Master Planned Resort which includes your property with a Comprehensive Plan Commercial Lodging and Highway Commercial zoning designations (HC applied west of road; east of road the zoning is Forest and Range); and 3) Urban Growth area which includes your property with a Comprehensive Plan Commercial Lodging and Highway Commercial zoning designations (HC applied west of road; east of road the zoning is Forest and Range). Option 1 while maintaining your designations may limit future sewer service outside of the LAMIRD. Options 2 and 3 are more flexible and allow for growth with sewer service.
- **The Preliminary Staff Recommendations** dated October 2009 recommend Master Planned Resort for Snoqualmie Pass. For your property the designations would be Comprehensive Plan Commercial Lodging and Forest and Range zoning designations; these are currently applied to the property. As we discussed the recommendations were based on the idea of recognizing the proximity of the lake and the distance of the property from the freeway. We also understood that your brother perhaps visited County staff (Dan Valoff) and discussed a desire for residential development, which is accommodated by the Forest and Range zone and not by the Highway Commercial zone.

As a result of comments received to date, refined staff recommendations will be posted later this week on the website (<http://www.co.kittitas.wa.us/cds/compplan2009-reports.asp>), though we do not expect these refinements to affect your property.

We encourage you to review the options and recommendations and let the County know the vision for your property by providing comments in writing or in person by November 5th, the date of the rescheduled public hearing before the County Planning Commission (see notice at: <http://www.co.kittitas.wa.us/cds/compplan2009/pcm/20091027-hearing-notice.pdf>).

If you have further questions, please contact Jan Ollivier at Kittitas County.

Jan Ollivier
Transportation and Planning Manager
Kittitas County Public Works Department
509-962-7610 (direct)
509-962-7523 (office)
jan.ollivier@co.kittitas.wa.us

Thank you,

Lisa Grueter

Senior Planner

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710 2nd Avenue, Suite 550

Seattle, WA 98104

Please update my email address to: lgrueter@icfi.com

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Memorandum

DATE: October 6, 2009

FROM: Michael L. Darland — SnoCadia PUD

TO: KCCDS Planning Department, KC Planning Commission, KC County Commissioners, Prosecuting Attorney's Office and Snoqualmie Public Utility District (SPUD).

SUBJECT: Written follow-up to my comments made in Workshop Meetings #1 and #2 held in Snoqualmie Pass at the Summit at Snoqualmie West regarding the incompatibility between the proposed Limited Area of More Intensive Rural Development (LAMIRID) Boundary and the Snoqualmie Pass Public Utility District (SPUD) Water and Sewer District Boundary.

I attended both public workshops mentioned above and commented on several topics. Chief among them is the incompatibility in the planning relationship between Kittitas County and SPUD—the two municipal corporations with local planning and implementation authority on Snoqualmie Pass. Both Kittitas County and the SPUD municipal corporations are organized and operated under policy direction of local elected officials. Both municipal corporations have a direct impact on land use and taxes from the perspective of landowners on the Pass. If a taxpayer has been assessed for delivery of water and sewer service and is eliminated from being in an area planned for development, it is not the duty of the landowner to coordinate a coherent policy approach to private property rights and equal protection under the law.

My chief concern, as a property owner whose property is within the SPUD municipal water and sewer district, is that the long range planning effort of the *2009 Comprehensive Plan Compliance Project* (Compliance Project) be consistent with the plans of SPUD, the other municipal corporation that legally affects my property. SPUD is statutorily authorized and required to undertake long range planning and plans, adopt such plans, assess and collect taxes within the planning area, construct and operate the public water and sewer infrastructure in conformance within their long range planning district.

Plans now being developed in the Compliance Project have a long range planning horizon date of 2025. Based on existing plans, including the SPUD's adopted water and sewer district plan, land use, zoning and population forecasts, the Compliance Project will establish the land use area that can be developed

during the next 15 years. Any land area outside the area adopted at the conclusion of the Compliance Project, has little or no chance of being developed.

Once a development boundary of any type is established, be it a LAMIRID, Master Planned Resort (MPR), or an Urban Growth Area (UGA), the intent of the Growth Management Act (GMA) is to prohibit growth or development outside of that boundary. At this point in the Compliance Project planning process, the two alternative LAMIRID's are "live" alternatives and represent a clear and direct statement of potential public policy, which could be adopted by Kittitas County. The two LAMIRID boundaries however completely disregard and ignore longstanding publically promulgated adopted assessment plans, infrastructure plans and water and sewer district boundaries of the SPUD municipal corporation. These plans and assessments of the SPUD have the force of law upon those properties within them.

In the first Workshop I was assured by various persons conducting the meetings and those responsible for the planning that the Compliance Project planners had met with SPUD officials and had taken the adopted plans and assessed land areas of SPUD into consideration in the formulation of their planning alternative boundaries. **Irrespective of that fact, the two LAMIRID alternatives did not then and do not now include approximately thirty (30) percent of the SPUD water and sewer hookups in the entire SPUD district.** My property for instance was assessed and has paid for more than ten (10) percent of the total water hookups for the entire pass wide water system. However, it was among those properties excluded from the LAMIRID plan alternatives without any planning justification or explanation on the part of the Compliance Project staff. Nevertheless, It remained one of the potential alternatives presented in the second workshop as well.

Following the second Workshop meeting, I called SPUD and spoke with Mr. Terry Lenihan, its General Manager. I asked him if the municipal sewer and water district boundaries had been changed or modified by the elected officials on his board. He told me that his Board made no changes to water district boundaries or to the water and sewer plan of the municipal corporation he manages. He informed me that the current plan update process is dedicated to building out the plan, which they have adopted and assessed. The BUILDOUT PROJECTION PLAN is attached, as is the Compliance Project Option S1 for the LAMIRID's.

The two uncoordinated LAMRID Plan municipal plans are being presented to the Kittitas County Commissioners and Planning Commission. The LAMIRID plans as drawn and proposed eliminate longstanding municipal water and sewer service areas and installed infrastructure from further and future development. No reasons or professional work product exists to justify eliminating a major

portion of the SPUD water and sewer district or have the economic impacts from so doing been documented or explained by any professional planning criteria. Normally, one or more principal planning determinates, population estimates, or long-range planning and economic studies would underpin such a major decision. Further, some documentation of the work product produced jointly with SPUD and its effect on the economic impact on the water and sewer infrastructure revenue forecasts resulting from the exclusion of a major portion of the anticipated district revenue stream would be analyzed and set forth.

A key element in the formulation of GMA plan compliance is existence of a planning, budgeting and operating agency such as SPUD within the growth area plan. Such a municipal agency plans for, implements and operates municipal water and sewer services to support urban growth WITHIN a growth boundary. SPUD is such an agency on Snoqualmie Pass—yet the LAMIRID plan alternative disregards SPUD planning, its water and sewer district boundaries and its assessed properties without comment or justification. The SPUD water and sewer district has been a fundamental part of long range comprehensive planning, property tax assessments, infrastructure installation and operations on Snoqualmie Pass since 1970. Planning for water and sewer, including the area the Compliance Project has omitted, predates the existence of GMA act itself. The SPUD long-range plan, by statute, has undergone review and approval by federal, state and local agencies, including Kittitas County for almost 40 years.

A very brief history of the existence of SPUD'S existing water and sewer plans in the Snoqualmie Pass are as follows:

- The area within the SPUD municipal water and sewer district has been in place for almost forty- (40)-years but was excluded from the LAMIRID. Title insurance on properties excluded from the LAMIRID carries the following exceptions and reservations in the title instrument. *Resolution No.70-17 by the Kittitas County Sewer District No. 1 dated November 4, 1970, Recorded September 28, 1977 in Volume 89, page 771, under Auditor's File No.416762, Annexing; said property as a part of the Kittitas County Sewer District No.1.* This notation is carried on the title insurance of the SnoCadia PUD
- The first 38 sewer hookups on the SnoCadia property were assessed in 1973 by SPUD.
- The first sewer trunk line and two man holes were installed in 1973 and can be located in Coal Creek on the east side of the SnoCadia PUD and along the forest service road near the SnoCadia PUD.

- The first 230 water hookups were assessed the SnoCadia PUD in 1987 with the founding of the Snoqualmie Pass Wide Water and Sewer District.
- The water trunk line, with adequate water pressure for fire flow, was extended and installed to the north of Interstate 90 Exit 54 at the western terminus of the USFS frontage roadway in 1987.
- In September 2005, 192 more sewer hookups were granted the SnoCadia PUD by SPUD together with 15 year Certificates of Availability with a tolling feature pending the extension of the water and sewer trunk lines to the boundary of the SnoCadia PUD.

This infrastructure was in place prior to 1990. As is the case with comprehensive plans for infrastructure, the planning, assessments and installation is accomplished well before the final build out of the property otherwise it would not be a long range plan.

A staff person who is assisting the county in the Compliance Project planning informed me that the GMA requires structures on the land prior to 1990. Long-range infrastructure plans would not be long range if they were completely built out within three years of the completion of the long-range plan. I spoke with a staff person from the Prosecuting Attorney's Office at Workshop Meeting #2 informing him that the two plans were out of compliance with one another. He said that he would look into this matter. The public suffers from a lack of clarity on this matter and I encourage the County to examine this matter carefully.

Two additional planning matters should be reviewed as related to completeness on Snoqualmie Pass.

- The Growth Management Act specifically provides that recreational and other high traffic areas, which attract large transient populations on a regular basis, augment Office of Financial Management (OFM) population numbers in planning land use and zoning to accommodate the lodging and services required for the additional transient population. Snoqualmie Pass is one of a few areas in Washington State that can and should use transient population estimates in long-range land use planning studies. These additional population pressures provide potential job and tax opportunities from the standpoint of economic development as well. Snoqualmie Pass, served by the state's only cross mountain Interstate 90 Highway and within one-hour or less driving time from the entire population of Washington State **should be using transient population estimates to supplement OFM population estimates as drivers of development needs**. The current planning effort does not do so. These

additional population estimates are especially important since, **currently**, up to 30,000 persons visit the Pass on weekends.

- The Snoqualmie Pass Compliance Project planning effort uses a 2025-planning horizon **but takes no notice of important State Legislation with the broad goals of reducing annual per capita vehicle miles traveled by 2050**. The planning effort lends no support to implementation of RCW [47.04.280](#) and [47.01.078\(4\)](#). Important benchmarks have been established to fulfill the stated goals of *executive order 07-02*. By 2020, vehicle miles of travel are to be reduced by eighteen (18) percent and by 2035 by thirty (30) percent. The planning horizon for the Pass falls within the twenty percent reduction range—at least.

- This following example is not to be taken as definitive, but rather as illustrative. Assuming an average of 3 persons per vehicle there may be 10,000 vehicle trips each way to and from the Pass on a weekend because of limited areas for overnight accommodations and services. If a twenty percent reduction in vehicle miles of travel each way to and from Snoqualmie Pass were to be achieved by providing facilities and services to allow recreationalists to overnight on the Pass, then eight thousand persons in 2,025 would be in need of overnight accommodations. **There is no indication that any type of planning for this important dimension of the plan has been considered or is taking place. To the contrary, one alternative of the plan would eliminate approximately one third of the planned and serviced area of the SPUD Municipal water and sewer district in the LAMRID plan alternative.** The area removed from the SPUD water and sewer district is currently planned, zoned and serviced with water and sewer to provide Commercial — Lodging facilities yet it is being removed from the plan without justification or explanation.

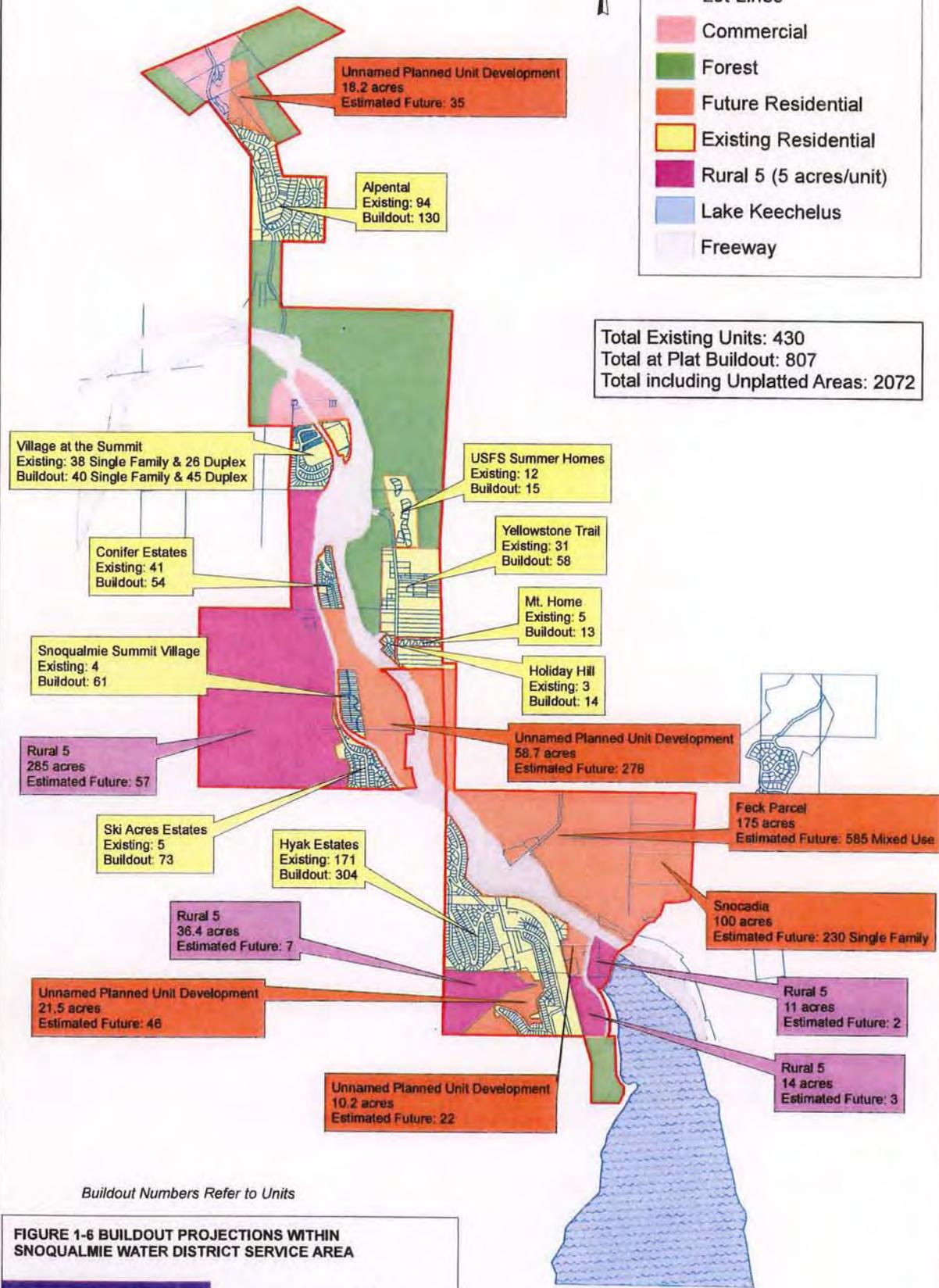
○ The two other major plan alternatives—Master Planned Resort and the Urban Growth Area do include the boundary of the SPUD water and sewer district. In the interest of this being placed in the meeting record this evening I will terminate my comments here.



Legend

- Service Area Boundary
- Lot Lines
- Commercial
- Forest
- Future Residential
- Existing Residential
- Rural 5 (5 acres/unit)
- Lake Keechelus
- Freeway

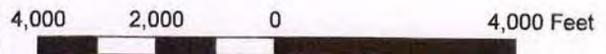
Total Existing Units: 430
 Total at Plat Buildout: 807
 Total including Unplatted Areas: 2072

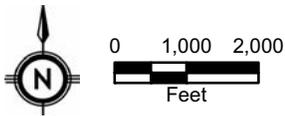
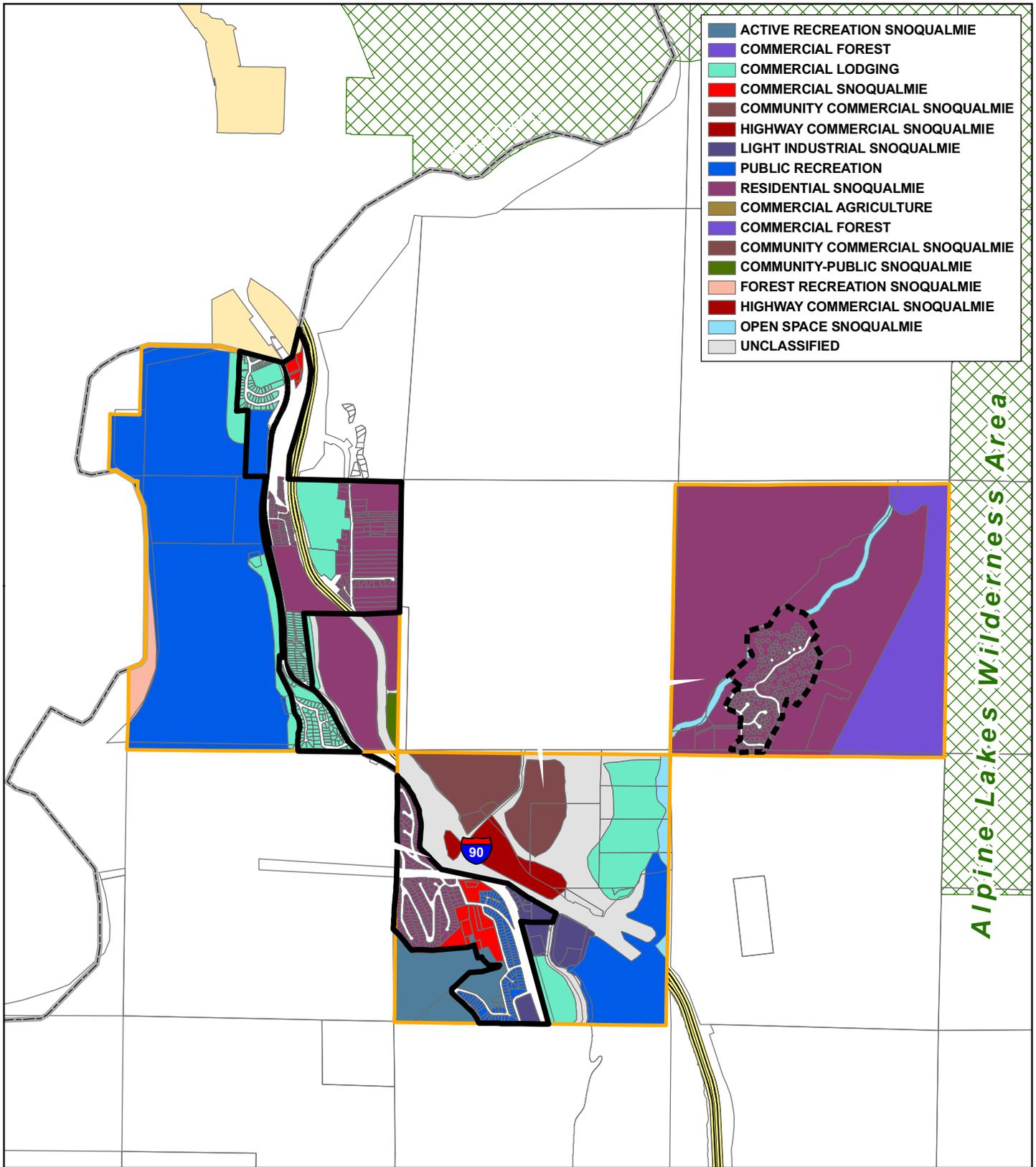


Buildout Numbers Refer to Units

FIGURE 1-6 BUILDOUT PROJECTIONS WITHIN SNOQUALMIE WATER DISTRICT SERVICE AREA

BROWN AND CALDWELL





**Figure 6-1 - Recommended Land Use Designations
Snoqualmie Pass Option S1 - Type 1 and Type 2 LAMIRD**



COMMENT CARD

Kittitas County Comprehensive Plan Compliance 2009

Name Shane & Wendy Manion
Organization Hypak Resident
Address Po Box 1188 / 74 Snoqualmie Dr
City/State/Zip Snoqualmie Pass WA 98068
Email Wmanion@yahoo.com
Phone 425.434.6654

Please share your comments about Kittitas County Comprehensive Plan Compliance 2009.
Thank you for your time and participation.

(PLEASE PRINT)

My Husband and I
would like to keep the
pass area as Rural as
possible. My Husband has
been here for 40 years
and I have been here 30 years.
We have seen lots of progress.
If we do have a say,
we would like to see it stop.
At least as little as possible.

Thank You
Wendy Manion

For additional comments, please visit
<http://www.co.kittitas.wa.us/cds/compplan.asp>
or email compplan@co.kittitas.wa.us



COMMENT CARD

Kittitas County Comprehensive Plan Compliance 2009



Name ERIC BOSWORTH
 Organization OWNER, LIFE ESTATE (DOUGLAS BOSWORTH)
 Address 216 JORDAN RD
 City/State/Zip WILLIMANTIC CT. 06226
 Email EBOSW@HOTMAIL.COM
 Phone (860) 423-1208

Please share your comments about Kittitas County Comprehensive Plan Compliance 2009.
 Thank you for your time and participation.

(PLEASE PRINT)

I OWN KITITAS COUNTY PARCEL #
371734 IN EASTON WA. IT HAS
 BEEN EXCLUDED FROM THE EASTON
 TOWN CENTER LAM RRD. I AM
 TOLD THAT IF THE CURRENT LAM RRD
 MAP IS ADOPTED, MY LAND WILL
 BE REZONED AS R-3 (IT IS CURRENTLY
 GENERAL COMMERCIAL). THAT ACTION
 WOULD SERIOUSLY DEGRADE THE
 VALUE OF MY PARCEL AND THE
 OTHER GENERAL COMMERCIAL PARCELS
 THAT ARE ON EAST RAILROAD ST
 THAT HAVE ALSO BEEN EXCLUDED.
 THE PARCEL IS BOUNDED BY BNSF
 RAILROAD + I-90 AND IS ILL
 SUITED FOR RESIDENTIAL DEVELOPMENT
 OVER →

Fold here

(additional comments)

NOISE IS VERY EXCESSIVE AND I
 BELIEVE ONLY 1 OR 2 PARCELS
 HAVE HOMES THAT ARE OWNER
 OCCUPIED. I PURCHASED MY PARCEL
 ABOUT 2 YEARS AGO + HAVE
 GOTTEN HEALTH DEPT. APPROVAL TO
 CONSIDER A 40' X 60' COMMERCIAL
 BUILDING, ALTHOUGH I HAVE NOT SET
 A FINAL SCHEDULE FOR CONSTRUCTION.
 I WOULD URGE THE COMMITTEE TO INCLUDE
 ALL GENERAL COMMERCIAL PARCELS ON EAST
 RAILROAD ST IN A TYPE 3 LAM RRD
 FOR EASTON'S FUTURE

Tape here

PROSPERITY + ECONOMIC IMPROVEMENT

For additional comments, please visit
<http://www.co.kittitas.wa.us/cds/compplan.asp>
 or email compplan@co.kittitas.wa.us



Lana Kurilova Rich PLLC

A strategic international law firm

Lana Kurilova Rich, J.D., M.B.A.
Attorney at Law (USA and Russia)

October 5, 2009

RECEIVED
OCT 06 2009
Kittitas County
CDS

Jan Ollivier
Transportation Planner
Kittitas County
Public Works Department
411 North Ruby, Suite 1
Ellensburg, WA 98926

RE: Ray Siderits, Owner of Land Parcel No. 20-13-1320-0002 – Comments on Kittitas County Comprehensive Plan Compliance 2009

Dear Ms. Ollivier:

Mr. Siderits requested my assistance in articulating to you his concerns regarding the proposed re-zoning of his commercial property pursuant to the County's GMA compliance plan.

Mr. Siderits owns a parcel of property currently zoned "general commercial." It is his understanding that the County is proposing to re-zone his property from to "rural residential" (R-3). Such rezoning will destroy the value of Mr. Siderits's parcel:

Consider the difference in allowable use of general commercial versus rural residential property: According to Kittitas County Code (KCC), Chapter 17.40, General Commercial Zone allows for broad range of uses of this property, including one- or two-family dwellings; retail shops; mini warehouses; restaurants; cabinet shops; garages or auto repair shops; hotels; and more. See KCC, Chapter 17.40.020. This zoning does not require any minimum or maximum lot sizes, does not have any yard requirements, and does not impose any height restrictions.

On the other hand, the Rural-3 Zone (R-3) is intended to provide for mostly residential developments. See KCC, Chapter 17.30. Specifically, the R-3 land uses are limited to single-family homes; mobile homes; cabins; lodges; community clubhouses; small agricultural uses; home occupations "which do not produce noise, such as accounting, photography, etc."; cluster subdivision; and similar uses. See KCC, Chapter 17.30.020. Further, this zoning has certain lot size requirements, yard requirements, and other restrictions. In other words, R-3 zoning would significantly change the permitted uses of this parcel.

Thus, R-3 rezoning will result in significant restriction on the use of my client's parcel and thus may be considered as a "taking" for which proper compensation is due.



Lana Kurilova Rich PLLC

A strategic international law firm

Lana Kurilova Rich, J.D., M.B.A.
Attorney at Law (USA and Russia)

Mr. Siderits's parcel was zoned "general commercial" since 1997. He purchased this land in 2002 with full knowledge and understanding of its zoning. The prior owner of this parcel, Mr. Jack Lochow, owned this parcel from 1990 and operated a storage business on this land. Thus, the commercial use of this land may be traced to the time prior to the inaction of the Growth Management Act (GMA).

Mr. Siderits continues to operate a public storage business on his property. Moreover, Mr. Siderits has immediate plans to build another building on his parcel in order to expand his storage business. (Enclosed are some bids of the potential vendors to construct an additional 4,000 sq. ft. storage building.) Rezoning of his lot to R-3 may potentially prohibit Mr. Siderits from expanding his business, which will be completely contrary to the purpose and spirit of the County's comprehensive plan. The Plan emphasizes the need to retain and grow local businesses and recruit new ones to the County. Expanding the business may provide additional jobs and general commercial growth in this area, while rezoning it may hinder any future use of this land. Thus, allowing this property to retain its "general commercial" zoning is in full compliance with the intent of the Plan.

Historically, the area surrounding Mr. Siderits's parcel had a pre-existing small commercial development pattern. The owners of the neighboring parcels to this day continue to operate various small businesses that are consistent with the general commercial zoning but would be disallowed under the R-3 zoning.

Please consider the location of my client's parcel: It is bordering the I-90 on one side and the railroad on the other side. The I-90 freeway causes substantial noise level inconsistent with the residential use of the land; this noise would not allow for comfortable residential setting. The County should not be expanding its residential growth area onto the parcel that borders the I-90 with its constant noise.

Please contact me if you have any questions. Thank you for your consideration and cooperation.

Sincerely yours,

Attorney at Law



Lana Kurilova Rich PLLC
A strategic international law firm

Lana Kurilova Rich, MBA, JD, LLM in Taxation Law
Attorney at Law (USA and Russia)

Office 425-289-0629 FAX 425-289-0636
11004 NE 11th ST, STE 119 Bellevue, WA 98004

Office 425-289-0629
Toll-free 866-418-3175
FAX 425-289-0636
lkrich@lkrichlaw.com

11004 NE 11th ST, STE 119
Bellevue, WA 98004
www.mytaxdebtattorney.com
www.lkrichlaw.com

RECEIVED

OCT 06 2008

Kittitas County
CDS

141834

401734

TREE FARM RD

190 W

190 E

EXT 71 190 E ON RAMP

361734

341734

331734

2781

281834

611834

2881

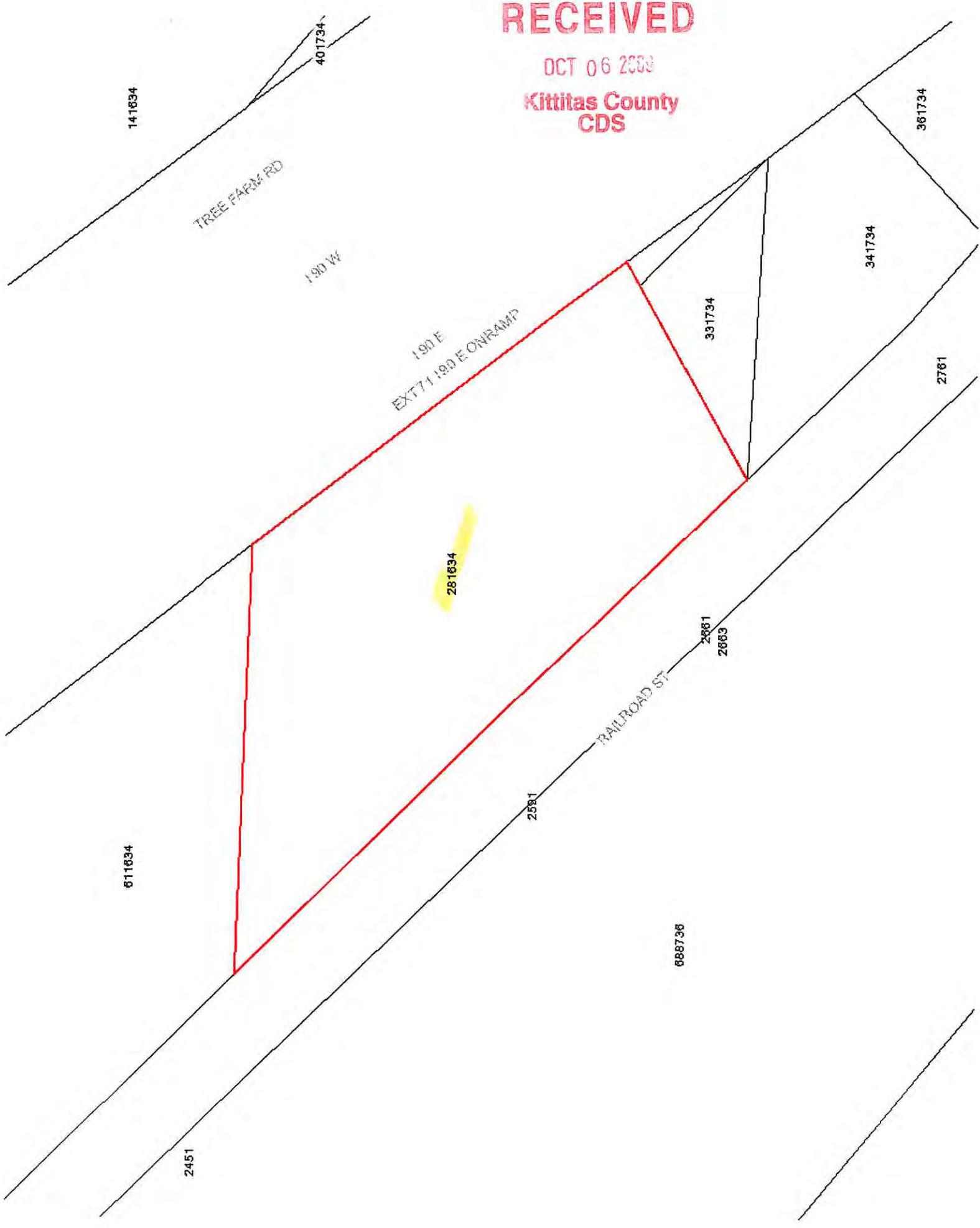
2883

RAILROAD ST

2581

688736

2451





Marsha Weyand
Assessor

Kittitas County Assessor

205 W 5th Ave Suite 101
Ellensburg, WA 98926
Phone: (509)962-7501
Fax: (509)962-7666



Property Summary [\(Appraisal Details\)](#)

Parcel Information

Parcel Number: 281634
Map Number: 20-13-13020-0002
Situs: 02591 1E RAILROAD ST EASTON
Legal: ACRES 3.17, CD. 5628-1; SEC. 13, TWP. 20, RGE. 13; PTN. NW1/4 NW1/4; NW1/4 TAX 4, 18 & 19

Ownership Information

Current Owner: SIDERITS, RAYMOND H
Address: 5246 18TH ST SW
City, State: SEATTLE WA
Zipcode: 98106

Assessment Data

Tax District: 6
Open Space:
Open Space Date:
Senior Exemption:
Deeded Acres: 3.17
Last Revaluation for Tax Year:

Market Value

Land: 136,700
Imp: 255,440
Perm Crop: 0
Total: 392,140

Taxable Value

Land: 136,700
Imp: 255,440
Perm Crop: 0
Total: 392,140

Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
08-30-2002	15727	2	LOCHOW, JACK L. ETUX	SIDERITS, RAYMOND H	275,000
11-01-1990	3099700	3	MONAHAN, G. L.	LOCHOW, JACK L. ETUX	70,000

Building Permits NO ACTIVE PERMITS!

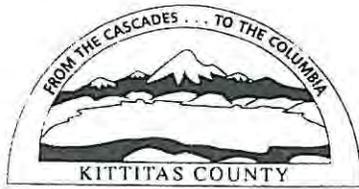
5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2009	SIDERITS, RAYMOND H	136,700	255,440	0	392,140	0	392,140	View Taxes
2008	SIDERITS, RAYMOND H	92,890	165,700	0	258,590	0	258,590	View Taxes
2007	SIDERITS, RAYMOND H	92,890	165,700	0	258,590	0	258,590	View Taxes
2006	SIDERITS, RAYMOND H	92,890	165,700	0	258,590		258,590	View Taxes
2005	SIDERITS, RAYMOND H	92,890	165,700		258,590		258,590	View Taxes
2004	SIDERITS, RAYMOND H	48,690	130,660		179,350		179,350	View Taxes

[Photos/Sketches](#)

File date: 10/3/2009 2:54:26 PM





Kittitas County Planning Department

Room 182, Courthouse • Ellensburg, WA 98926
(509) 962-7506 • Fax (509) 962-7697

SEPA DETERMINATION OF NON-SIGNIFICANCE

DESCRIPTION OF PROPOSAL: General rezone from *Rural-3* to proposed *General Commercial* (file No. Z-97-04) for an approximately 6.18 acre site in the townsite of Easton (being a portion of the NW1/4 of Section 13 of T. 20N, R. 13E., W.M). The County Comprehensive Plan designates this site under the land use designation of *Commercial* and within the *Easton Urban Growth Node*. The site is bounded to the west by existing *General Commercial* zoning.

PROPONENT: Jack Lochow, David Cassida, John Guerin, William Hosmer, and Richard Mackie
c/o Jack Lochow
P.O. Box 116
Easton WA 98925

LOCATION OF PROPOSAL: An approximately 6.18 acre site bordered by Railroad Street and Interstate-90 to the east of the townsite of Easton; being a portion of the NW1/4 of Section 13 of T. 20N, R. 13E., W.M. (tax parcels 20-13-1320-0002, 20-13-1320-0006, 20-13-1321-0009, 20-13-1321-0010, 20-13-1321-0011, 20-13-1321-0012, 20-13-1321-0013, 20-13-1321-0014, 20-13-1321-0015)

LEAD AGENCY: Kittitas County Planning Department

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency.

There is no comment period on this action.

RESPONSIBLE OFFICIAL:



Debbie Randall, Planning Director

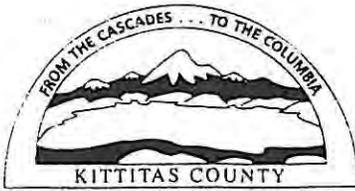
ADDRESS: Kittitas Co. Courthouse Rm. 182
Ellensburg, WA 98926
(509)962-7506

DATE: May 20, 1997

You may appeal this determination, no later than the tenth working day after it is considered final (considered final on May 20, 1997), prepared to make specific factual objections in writing along with a fee of \$130.00, to:

Kittitas County Board of Commissioners
Kittitas Co. Courthouse Rm. 110
Ellensburg, WA 98926
(509) 962-7508

Contact the Board for more information on appeal process.



Kittitas County Planning Department

Room 182, Courthouse • Ellensburg, WA 98926
(509) 962-7506 • Fax (509) 962-7697

NOTICE OF COMPLETE APPLICATION/SEPA COMMENT PERIOD

TO: U.S. Forest Service, Cle Elum Ranger Station
Wa. Dept. of Fish & Wildlife, Yakima
Wa. Dept. of Ecology, Yakima
Wa. Dept. of Ecology, Olympia
Wa. Dept. of Transportation, Yakima
Wa. Dept. of Natural Resources, Ellensburg
Wa. State Parks & Recreation Commission, Easton Ranger Station
Kittitas Co. Public Works
Kittitas Co. Environmental Health
Kittitas Co. Building & Fire Safety
Kittitas Co. Fire District No. 3
Kittitas Co. Sheriff's Office
Easton School District
Kittitas Reclamation District
Yakama Indian Nation
Easton Area Action Council
Notice only:¹
 adjoining landowners
 Jack Lochow, applicant contact

FROM: Debbie Randall, Planning Director

DATE: April 18, 1997

RE: NOTICE OF APPLICATION - East Railroad Street @ Easton (Z-97-04)

NOTICE IS HEREBY given that Jack Lochow, David Cassida, John Guerin, William Hosmer, and Richard Mackie have submitted a complete application for zoning map amendment for *General Commercial* (Z-97-04); for an approximately 6.18 acre site bordered by Railroad Street and Interstate-90 to the east of the townsite of Easton (being a portion of the NW 1/4 of Section 13 of T. 20N, R. 13E., W.M.). The site is presently zoned *Rural-3*. The County Comprehensive Plan designates this site under the land use designation of *Commercial* and within the *Easton Urban Growth Node*. The site is bounded to the west by existing *General Commercial* zoning.

Comments on the overall application and environmental impacts under the State Environmental Policy Act (SEPA) may be submitted to the above address on or before **Tuesday, May 20, 1997, 4:30 p.m.** Based on the comment received up until that date and time, a SEPA threshold determination will be issued on the project, to which there will be no comment period. Issuance of a Determination of Non-significance is expected.

A public hearing before the County Planning Commission on this application has been tentatively scheduled for Monday,

¹If your packet included only this cover memo and you would like a copy of the complete application packet, please contact the Planning Department. The complete application file and supporting documents may be viewed at the Kittitas Co. Planning Dept., Rm. 182, County Courthouse, Ellensburg, WA 98926 during regular business hours.

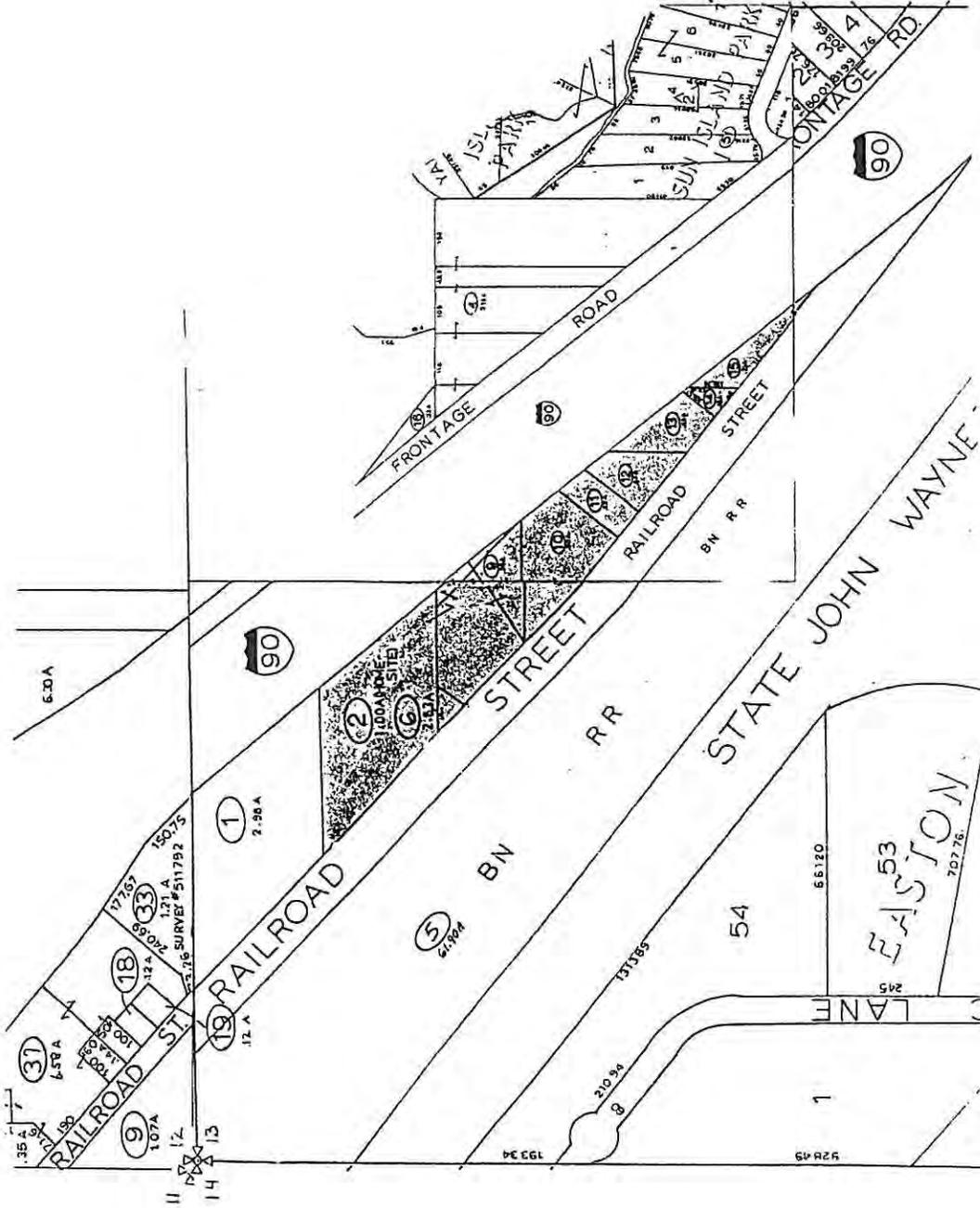
June 23, 1997, evening session, Commissioners' Auditorium, County Courthouse, Ellensburg, WA. Notice will be given of such hearing. All persons have the right to comment on such application, receive notice of and participate in any hearings, request a copy of the decision once made, and appeal the decision. Kittitas County complies with all ADA requirements.

Contact person: Debbie Randall.

**PLEASE CIRCULATE INTERNALLY - ONLY ONE PACKET WILL BE SENT TO EACH ORGANIZATION.
RETAIN ATTACHED DOCUMENTS FOR FUTURE REFERENCE**

ZONE CHANGE FILE MAP

SCALE:



NAME OF APPLICANT
East Railroad Street
-Easton 2-97-04

ZONE CHANGE
 From Rural-3
 To General Commercial
 SFC. 13 TWP. 70 RGE. 13

FINAL ACTION	
<input type="checkbox"/>	APPROVED _____ 19
<input type="checkbox"/>	DENIED _____ 19
<input type="checkbox"/>	WITHDRAWN _____ 19

ORDINANCE NO. _____

Back ground:

Information distributed at the recent GMA compliance public meetings showed my parcel and six others excluded from the proposed Easton historic town center LAMIRD. The draft map shows these parcels will be designated as Rural Residential. I was told at the meeting that as a result of this our parcels might be rezoned as R-3. Rezoning to R-3 would destroy the value of our lands.

Reasons for including them:

1. All seven of these parcels are zoned: **General Commercial.**
2. Three have operating business on them. Two started prior to 1990. I have not been able to contact the owner of the third to determine a start date.
3. Parcels are wedged between Interstate 90 and the BSFN railroad tracks. Because of this location, noise issues are significant. Only two of the five houses on these parcels are owner occupied. The remainders are rentals.
4. Parcels are on the town water system.
5. Parcels are within the boundaries of Easton's fire district (FD #3) and there are fire hydrants.
6. Parcels are contiguous with and historically part of the town.
7. Inclusion of all seven parcels would only add 8.9 acres to the proposed LAMIRD.

Please consider the designating the proposed Easton historic town LAMIRD as a Type 3.

Reasons

There are 14 business operating in Easton:

1. The Rail Road Depot that is clearly industrial.
2. Easton Salon, bar and restaurant.
3. CBs d.b.a. Elk camp, gas station, store, lunch counter and hotel.
4. Easton Towing.
5. Easton Storage
6. Qwest phone switch.
7. Excavation and snowplowing business ran out of house on 1st and Depot Street.
8. Scott Excavation.
9. BJ's Storage.
10. Rustic Villa Mobil Home Park.
11. Cabin Creek Electrical.
12. I-90 Storage
13. Home Custom Cabinets.
14. PC Services.

Easton has a long history of mixed use that includes: logging, rail road hub / repair depot, retail, restaurants, hotel, repair garages, a small lumber mill (I'm told was located on mine and the parcel to the east. I have no documentation though).

Easton needs to grow within it's historical boundaries and uses to provide local jobs. More jobs and businesses will stabilize the county tax base.

Parcel and map numbers:

1. 611634, 20-13-130020-0001
2. 281634, 20-13-130020-0002
3. 331734, 20-13-130020-0009
4. 341734, 20-13-130020-0010
5. 361734, 20-13-130020-0012
6. 371734, 20-13-130020-0013
7. 391734, 20-13-130020-0015

Bonnie Trim

51 Cabin Lane, Selah, Washington, 98942

October 8, 2009

Kittitas Co. Board of Commissioners
205 West 5th Ave., Suite 108
Ellensburg, Washington, 98926

Dear Sirs:

Rezoning back to rural a relatively small parcel of land between a railroad track and a noisy freeway adjacent to Easton requires very careful consideration regarding an impact that will stifle economic growth for a community and the surrounding rural area. It requires jobs and services to which additional commuters on an overloaded major traffic corridor with gridlock must travel. That is short-sighted for such an east-west corridor. As long as you provide land development permits in upper Kittitas Co., how can you restrict the ability to provide services within the area, therefore forcing residents to commute?

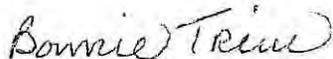
The individual or individuals requesting this usually only think of personal gain, as always. Services need to be increasingly provided as the population explosion persists and upper Kittitas Co. will continue to grow. That parcel of land is not a farm!

With major global climate changes, every level of government needs to evaluate the amount of travel required for services like groceries. In that manner, Easton is on the "global" map, not just a "dot" in Kittitas Co.

Please retain the present designation of commercial zoning.

Thank you,

Bonnie Trim, Owner



Parcel # 611634

2451 East Railroad St., Easton, WA 98925

RECEIVED

OCT 13 2009

1st ___ 2nd ___ 3rd ___
KITTITAS COUNTY BOARD OF COMMISSIONERS

RECEIVED

OCT 15 2009

WILKAS COUNTY
DEPT OF PUBLIC WORK

Nancy Beveridge
PO Box 733
Carnation, wa
98014

Kittitas Co.
Jan Oliver
411 No. Ruby Suite 1
Ellensburg, wa 98926

I am one of the owners of parcel # 611634 in Easton, wa. I understand that it is being considered/proposed to change the zoning from gen. commercial to rural. I strongly protest. Our parcel should be included in the Easton historic town landmark. For what reason would you want to shut off the possibility of some economic growth to the area? I'm sorry to disagree with you on this, but I know my parents up there in heaven agree with me on this protest so that makes three of us behind this letter!

Sincerely
Nancy Beveridge

1. There is no Capitol Facilities Plan in Place.
 - A. In 2003 the WWGMHB found that a CFP, stating the Levels of Service and having a fiscal analysis of how adequate public facilities will be financed, must be in place before setting the UGA boundaries.
2. The areas proposed for UGA status contain some large plats and two Planned Unit Developments. There has been a third PUD applied for. These PUDs' and Plats are served by privately owned Water and sewer systems designed and built to serve rural development and are inadequate for urban development.
 - A. The customers of the Evergreen Valley Utility System have individual septic systems. The effluent from them is piped to a large community drain field. There is no treatment facility.
 - B. In several applications submitted to the county by the developer considerable mention has been made of a "Class A Reclaimed Wastewater Facility"
 - i. This system was to have been completed in 2008. As far as is known this facility has not yet been started.
 - ii. This facility is only to be put on line when effluent levels reach 10,000 gallons per day.
 - iii. This reclaimed wastewater is to be used for irrigation and fire control. It will be impossible to store all of the reclaimed water. For about half the year the ground is snow covered and no irrigation is needed. Water needed for fire control can be stored in a storage tank but the rest of the wastewater must go somewhere when that tank is full. In an application for a Cle Elum River Trails PUD amendment, page 21 of the SEPA checklist, the applicant states that the system will continue to go into the **"community drain fields and alternate locations to dispose of the reclaimed water"**. What other locations do they have in mind? Perhaps the Cle Elum River, which is nearby.
 - C. The Evergreen Valley Water System was approved by the DOH on 2/26/93. The authorized number of connections for this system is 419. Sixty five (65) of these connections are already in use.
 - i. ICF Jones and Stokes have claimed that the proposed UGA can sustain a population of 2880 persons. Allowing 2.5 persons per EDU the Town of Ronald, with a permitted 150 connections, can service 375 persons. The community of Pine Loch Sun III, with 129 residential lots, can service 323 persons. They total 698 persons. Remove these 698 bodies from the projected 2880 and you have 2182 persons to furnish water to. The Evergreen Valley Water System has a permitted 419 connections. At 2.5 persons per connection, only 1048 persons can be provided with water. This leaves 1134 persons or 453 EDUs' without service.

- F. Performance Bond.
 - i. The County must plan for the needs of the proposed UGA just as a city must plan for its UGA. If the County allows the developer to do their Capitol Facilities Planning for them they must protect the taxpayers of the county. Taxpayers will be forced to shoulder the costs of the infrastructure if the developer defaults on his commitment. The County government must demand that an adequate performance bond be in place.

- G. The Countywide Planning Policies state:
 - i. ***Analysis of Fiscal Impacts:***
 - 2. ***Financing and Planning for Capitol Facilities.***
 - Policy B: "Capitol Facilities and development shall be concurrent."***
 - 3. ***Development Impact Fees.***
 - Policy A: "A system of development impact fees should be developed and levied against all new development within the county in order to assign a fair and proportionate share of future infrastructure within UGAs'"
 - 4. ***PUD Density within the County.***
 - Policy A: "KCCOG shall review the cumulative effects of PUD development when reviewing population allocations".*** This has not been done. The 2 PUDs' and the third proposed PUD within the proposed UGA have never had such a review to our knowledge. COG has been remiss in not following the Countywide Planning Policies.

- H. RCW 36.70B.030(2)(c) states:
 - "During project review, a local government or any subsequent reviewing body shall determine availability and adequacy of public facilities and that development regulations provide for funding of these facilities as required by the GMA."***
 - i. Has anyone from the county government determined whether the facilities in this proposed action are truly adequate??

This option, offered by the consulting firm of ICF Jones and Stokes, should be junked.







October 8, 2009

Jan Ollivier
Project Manager
Kittitas County
411 North Ruby, Suite 1
Ellensburg, WA 98926

Subject: Kittitas County Comprehensive Plan Compliance 2009
Thorp Recommended Land Use Designations

Dear Ms Ollivier:

The purpose of this letter is to request that the recommended boundaries of the LAMIRD in the southwest quadrant of Exit 101 from Interstate-90 at Thorp be expanded from the proposed 12 acres to 36.5 acres. This expansion will allow for planned development of the site. A site plan is enclosed that shows the proposed development of the property and need for additional acreage zoned for commercial uses.

For several years, the prospective buyer has been pursuing purchase of the property and has made a considerable investment in both time and money in order to develop a travel stop, hotel, restaurant and associated uses. Plans for the site were based on the commercial zoning shown in the County's comprehensive land use map, which would support the planned uses. The only reason development of the site hasn't already occurred has been due to complications with transfer of the land. These issues have now been resolved, there is a committed end-user for the travel stop, and development of the site is ready to move forward.

The travel stop project is proposed in the southwest quadrant of Exit 101. The area of the LAMIRD recommended at this location is approximately 12 acres, which is not large enough to allow the planned development. The end user for the travel stop requires a minimum of nine acres for the travel stop alone, which doesn't include space that is required for the well, septic system, and storm water treatment. It also doesn't allow for development within the LAMIRD of a hotel, restaurant, and other land uses that would support the travel stop.

The conceptual site plan illustrates that the LAMIRD boundaries need to be adjusted to include approximately 24 additional acres in order to accommodate the development that has been planned at this location for a number of years. The primary reasons for this request are listed below.

Transportation

- The types of services to be provided (truck stop, fuel, restaurant, etc.) require easy access to and from I-90, and visibility from the interstate;
- In order to ensure safe truck access and free flow of traffic to and from the travel stop and to avoid queuing onto the mainline, the primary access to the site must be at least 600 feet from the off-ramp, which is further than the proposed boundaries of the recommended LAMIRD would allow. The primary users of the truck stop will be large freight vehicles, which require longer areas for queuing so that the trucks don't back up onto the mainline or congest the local roadway;
- Intersections and on-site improvements must be spaced to accommodate the large turning radius the freight trucks require;
- In addition to high visibility, a project such as a truck stop generally locates at a location on the main travel route, well outside of city limits, to avoid creating congestion and delay in movement of freight.

Land Use/Development

- Construction of the travel stop alone requires a minimum of nine acres, plus additional area for a well, septic system, and storm water treatment;
- The acreage included in the LAMIRD needs to be sized to accommodate the septic system, well, and stormwater from the proposed development;
- The proposed users are large water consumers and require a large area to be set aside for the septic system;
- In addition to the truck stop, plans for the site include a hotel, restaurant and other uses that support it. In order to accommodate the proposed development, approximately 24 additional acres would be required.

Zoning

The General Commercial zoning proposed for the LAMIRD will allow the types of land uses that are planned and make sense at this particular location.

The "Assessment of Five County Areas for Land Use Designations" prepared by Jones & Stokes in September 2009 explains that Kittitas County must determine whether the criteria used to identify areas of more intense development results in appropriately-sized and located LAMIRDs. The proposed travel stop is a compatible use in the setting at the interstate exit; however, the boundaries of the proposed LAMIRD at this location are too small. The property purchaser has a viable proposal and an end-user who is anxious to move forward with development, but requires more space than what is in the County's proposed LAMIRD boundary. We ask that

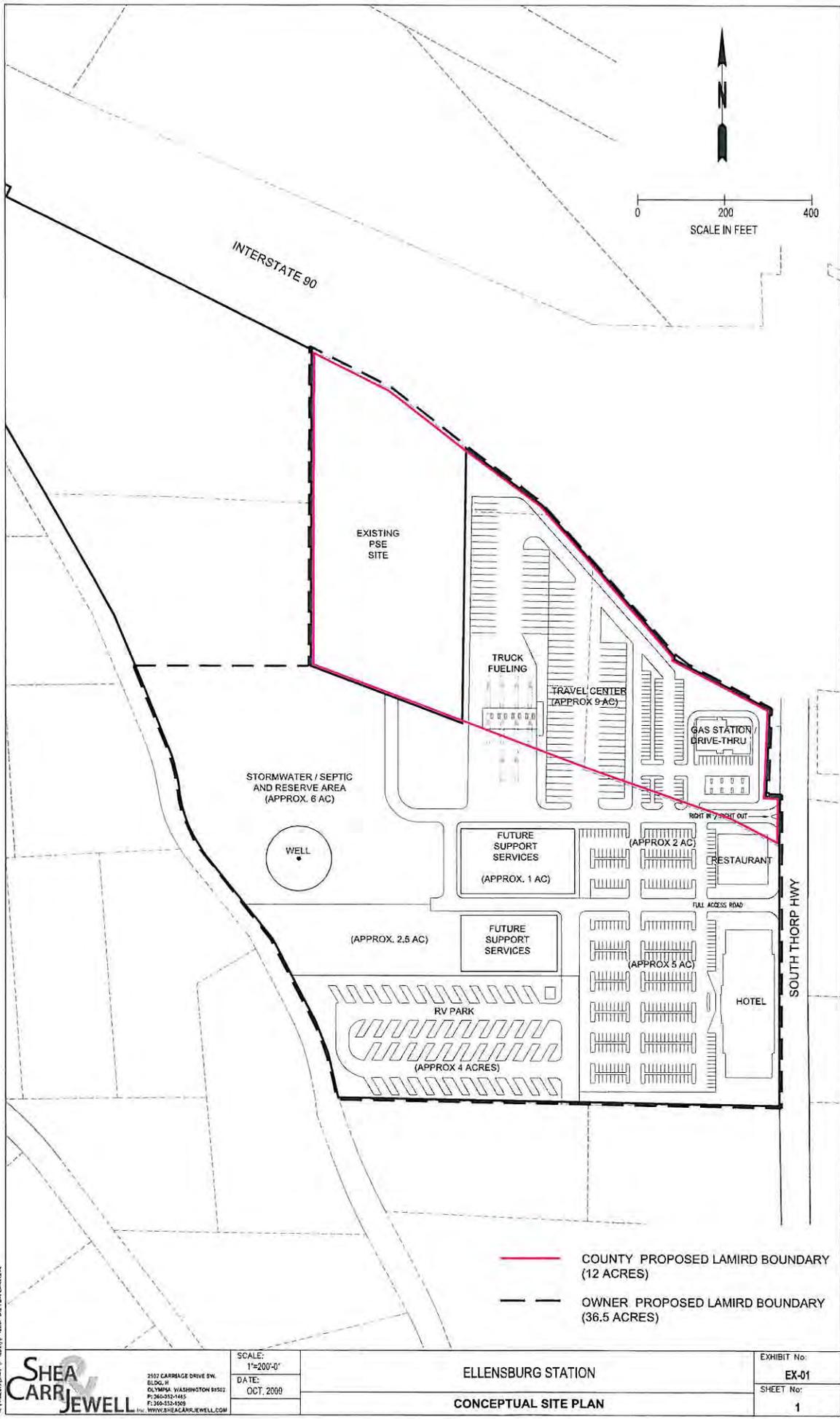
approximately 24 additional acres be included in the LAMIRD at the project location so that construction can proceed.

We appreciate your consideration of our request. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,



Jean Carr
Principal



SHEA CARR JEWELL
 2102 CARRIAGE DRIVE SW.
 BLDG. W
 COLUMBIA, WASHINGTON 99522
 P: 509-332-1445
 F: 509-332-1500
 WWW.SHEACARRJEWELL.COM

SHEA CARR JEWELL

2102 CARRIAGE DRIVE SW.
BLDG. W
COLUMBIA, WASHINGTON 99522
P: 509-332-1445
F: 509-332-1500
WWW.SHEACARRJEWELL.COM

SCALE:
1"=200'-0"

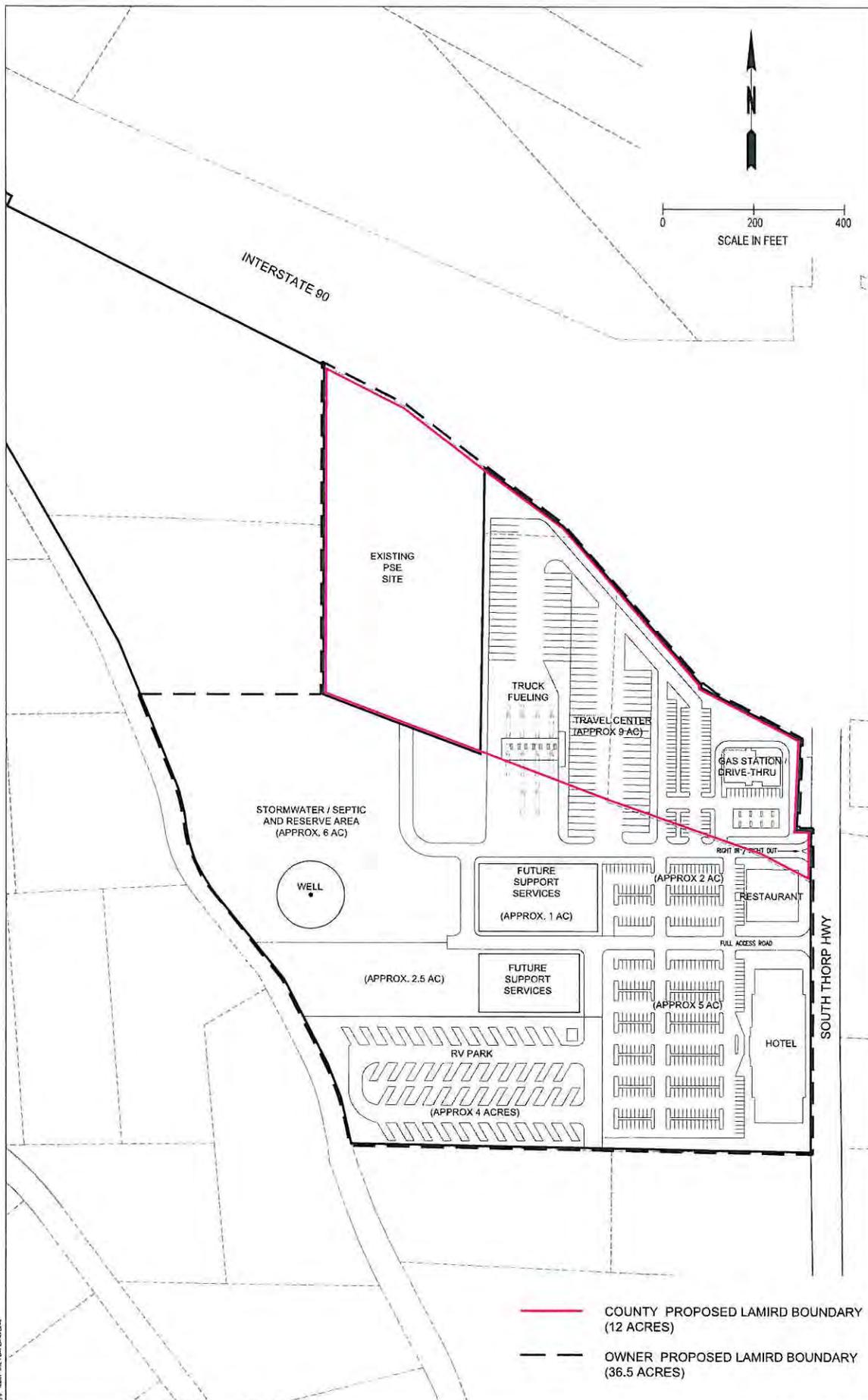
DATE:
OCT. 2009

ELLENSBURG STATION

CONCEPTUAL SITE PLAN

EXHIBIT No:
EX-01

SHEET No:
1



— COUNTY PROPOSED LAMIRD BOUNDARY (12 ACRES)
 - - - OWNER PROPOSED LAMIRD BOUNDARY (36.5 ACRES)

SHEA CARR JEWELL & ASSOCIATES, INC. 2122 CARRIAGE DRIVE SW, BLDG. 11, OLYMPIA, WASHINGTON 98512 P: 360-352-1465 F: 360-352-1509 WWW.SHEACARRJEWELL.COM

SHEA CARR JEWELL
 2122 CARRIAGE DRIVE SW, BLDG. 11, OLYMPIA, WASHINGTON 98512
 P: 360-352-1465 F: 360-352-1509 WWW.SHEACARRJEWELL.COM

SCALE: 1"=200'-0"
 DATE: OCT. 2009

ELLENSBURG STATION
CONCEPTUAL SITE PLAN

EXHIBIT No: EX-01
 SHEET No: 1

October 8, 2009

RECEIVED

OCT 13 2009

KITTITAS COUNTY
DEPT. OF PUBLIC WORK

Jan Ollivier
Project Manager
Kittitas County
411 North Ruby, Suite 1
Ellensburg, WA 98926

Subject: Kittitas County Comprehensive Plan Compliance 2009
Thorp Recommended Land Use Designations

Dear Ms Ollivier:

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For several years, the prospective buyer has been pursuing purchase of the property and has made a considerable investment in both time and money in order to develop a travel stop, hotel, restaurant and associated uses. Plans for the site were based on the commercial zoning shown in the County's comprehensive land use map, which would support the planned uses. The only reason development of the site hasn't already occurred has been due to complications with transfer of the land. These issues have now been resolved, there is a committed end-user for the travel stop, and development of the site is ready to move forward.

The travel stop project is proposed in the southwest quadrant of Exit 101. The area of the LAMIRD recommended at this location is approximately 12 acres, which is not large enough to allow the planned development. The end user for the travel stop requires a minimum of nine acres for the travel stop alone, which doesn't include space that is required for the well, septic system, and storm water treatment. It also doesn't allow for development within the LAMIRD of a hotel, restaurant, and other land uses that would support the travel stop.

The conceptual site plan illustrates that the LAMIRD boundaries need to be adjusted to include approximately 24 additional acres in order to accommodate the development that has been planned at this location for a number of years. The primary reasons for this request are listed below.

Transportation

- The types of services to be provided (truck stop, fuel, restaurant, etc.) require easy access to and from I-90, and visibility from the interstate;
- In order to ensure safe truck access and free flow of traffic to and from the travel stop and to avoid queuing onto the mainline, the primary access to the site must be at least 600 feet from the off-ramp, which is further than the proposed boundaries of the recommended LAMIRD would allow. The primary users of the truck stop will be large freight vehicles, which require longer areas for queuing so that the trucks don't back up onto the mainline or congest the local roadway;
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- In addition to high visibility, a project such as a truck stop generally locates at a location on the main travel route, well outside of city limits, to avoid creating congestion and delay in movement of freight.

Land Use/Development

- Construction of the travel stop alone requires a minimum of nine acres, plus additional area for a well, septic system, and storm water treatment;
- The acreage included in the LAMIRD needs to be sized to accommodate the septic system, well, and stormwater from the proposed development;
- The proposed users are large water consumers and require a large area to be set aside for the septic system;
- In addition to the truck stop, plans for the site include a hotel, restaurant and other uses that support it. In order to accommodate the proposed development, approximately 24 additional acres would be required.

Zoning

The General Commercial zoning proposed for the LAMIRD will allow the types of land uses that are planned and make sense at this particular location.

The "Assessment of Five County Areas for Land Use Designations" prepared by Jones & Stokes in September 2009 explains that Kittitas County must determine whether the criteria used to identify areas of more intense development results in appropriately-sized and located LAMIRDs. The proposed travel stop is a compatible use in the setting at the interstate exit; however, the boundaries of the proposed LAMIRD at this location are too small. The property purchaser has a viable proposal and an end-user who is anxious to move forward with development, but requires more space than what is in the County's proposed LAMIRD boundary. We ask that

approximately 24 additional acres be included in the LAMIRD at the project location so that construction can proceed.

We appreciate your consideration of our request. If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely,



Jean Carr
Principal

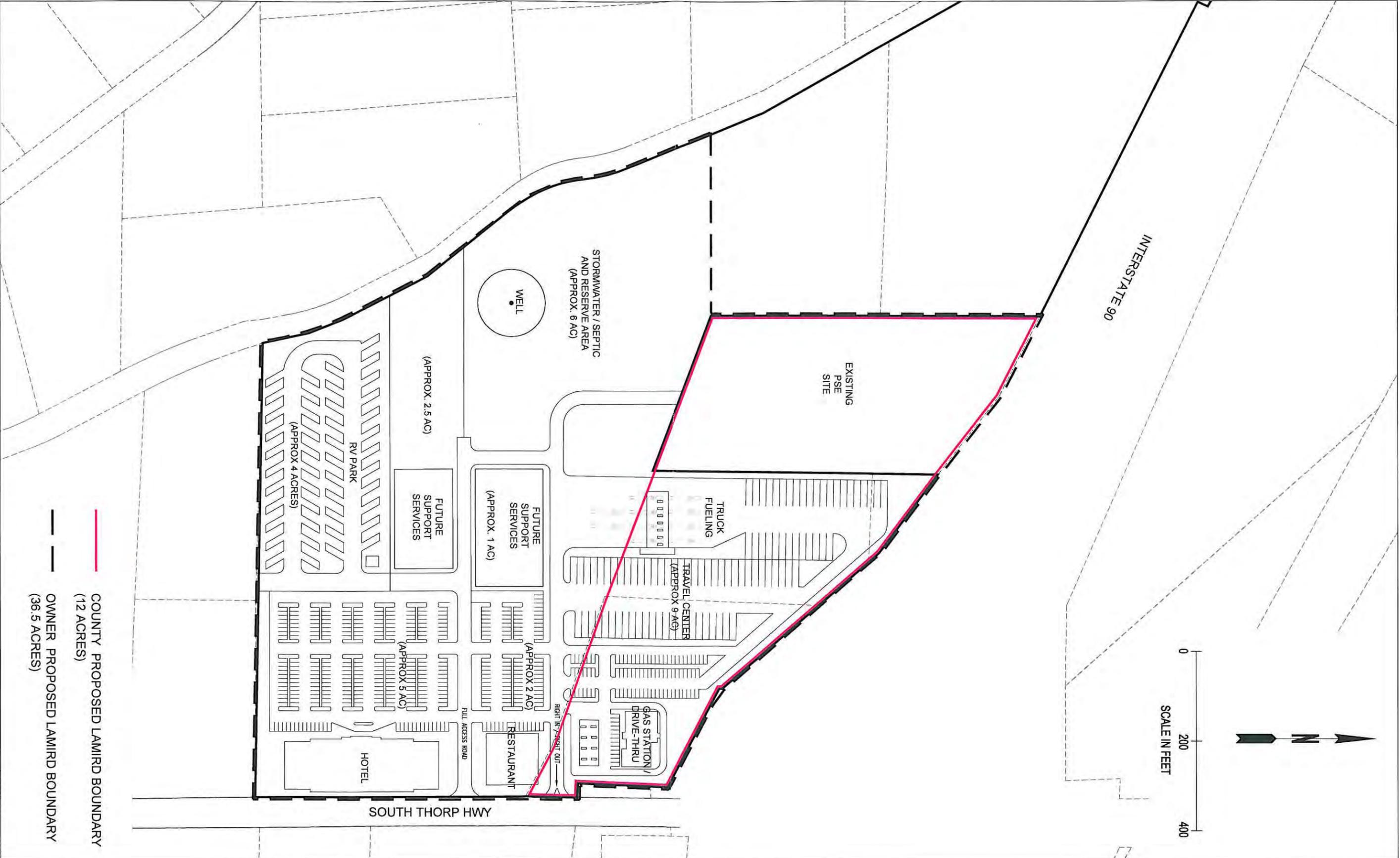
SHEA & CARR
JEWELL
INC.
 2102 CARBUNAGE DRIVE SW,
 BLDG. H
 OLYMPIA, WASHINGTON 98502
 P: 360-582-7465
 F: 360-582-4509
 WWW.SHEACARRJEWELL.COM

SCALE: 1"=200'-0"
 DATE: OCT, 2009

ELEENSBURG STATION
CONCEPTUAL SITE PLAN

EXHIBIT No.: **EX-01**
 SHEET No.: **1**

- COUNTY PROPOSED LAMIRD BOUNDARY (12 ACRES)
- OWNER PROPOSED LAMIRD BOUNDARY (36.5 ACRES)



0 200 400
 SCALE IN FEET

October 12, 2009

Kittitas County Planning Commission
Kittitas County Community Development Services
411 N Ruby ST, Suite 2
Ellensburg WA 98926

Dear Planning Commissioners:

Subject: General responses and questions regarding the latest versions of compliance documents by the Kittitas County Conservation Coalition, RIDGE and Futurewise.

Thank you for the opportunity to comment on and ask questions about the latest versions of the Kittitas County Comprehensive Plan Compliance 2009 update. We appreciate all of the work going into the update and the progress being made, however we continue to have concerns as to whether the county will achieve compliance with the Growth Management Act.

The Kittitas County Conservation Coalition works countywide to conserve the parts of the community we all care about including working farms and working forests. RIDGE is also active in Kittitas County supporting high quality development and working for sustainable ecosystems and sustainable economies. Futurewise is a statewide citizens' group with members in Kittitas County and throughout Washington State. Our mission at Futurewise is to promote healthy communities and cities while protecting working farms, working forests, and shorelines for this and future generations. We are the prevailing parties in *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c.

Questions Regarding Land Use Designations.

Rural residential is currently a zone in the county code Title 17 but the documents show it as a land use designation. Forest Multiple-use and Public Recreation do not appear in the Kittitas County Comprehensive Plan. Where may we find these definitions? Where has the discussion occurred regarding these new proposed land use designations?

Questions Regarding Specific Urban Growth Nodes.

Easton

1/ Why Rural Residential where Rural is used now? 2/ How does Rural Residential fit outside of a LAMIRD? 3/ Forest - multiple use is not shown on Table 6-1. 4/ Why is Highway Commercial zoning shown under Public Recreation when the Highway Commercial zone is currently under Commercial land use? 5/ On maps, why does the Rural Employment boundary overlap Easton Airport runway? (see note). 6/ a. The maps show Rural 3 zoning in areas designated Forest - multiple use. b. Some of the Rural 3 surrounding the airport is publicly owned land and should not be zoned for any type of development. c. It looks like the State Park is designated as Rural Residential and zoned R 3. It appears that only the lake itself is identified as Public Recreation. d. The lands bordering the study area adjacent to the north is national forest and should be identified with the appropriate designation and zone. e. Some areas are shown as rural residential designation but are zoned forest and range. 7/ The John Wayne Trail should be included in the Public Recreation designation. 8/ Why is 3 acre minimum zoning allowed next to Commercial Forest when it presents a potential conflict to resource lands? Have the required setbacks for Commercial Forest and their adjoining zones been considered? Recommendation - For all of the LAMIRDs, we recommend against use of the 3 acre minimum lot size zones in areas outside areas that had that density in 1990. The zoning in LAMIRDs must be consistent with the built densities in 1990, so for this zone to be used in a LAMIRD in must have had that density in 1990.¹ In rural areas outside of LAMIRDs these zones violate the Growth Management Act because they allow urban development and are inconsistent with the county's rural character.

Note - In *Kittitas County Conservation, Ridge, Futurewise v. Kittitas County*, EWGMHB Case No. 07-1-0015 the Eastern Board held that the county airport safety regulations violated the Growth Management Act.² While we understand that this decision has been appealed and stayed, these are very dangerous places to build that put the future operation of the airport at risk. The county was directed by WSDOT Aviation Division in 2006 to identify and designate airport safety zones. To our knowledge this has not been done. There has been development in

¹ RCW 36.70A.070(5)(d)(i)(C) and RCW 36.70A.070(5)(d)(v).

² *Kittitas County Conservation, Ridge, Futurewise v. Kittitas County*, EWGMHB Case No. 07-1-0015, Final Decision Order (March 21, 2008) at 55.

the runway safety zones. This area still must be identified and land uses must conform to the requirements of that zone. The light industrial and northerly portion of the commercial zoned property has not been developed and is impacted by the airport safety zone.

Ronald

LAMIRD - 1/ On page 6-18, we wonder how the north central portion of the proposed LAMIRD is justified within the statement "ongoing development" when the aerial was taken sometime after 1990 and there is no evidence of ongoing development. 2/ Wood processing mills are a permitted use in forest and range and commercial forest zones and therefore are not appropriate to inclusion in rural lands of more intense rural development. The old mill site does not fit the Type 1 LAMIRD criteria. 3/ Residential zoning allows 1 acre density and we wonder how this is allowed to occur outside of a type 1 LAMIRD in the rural designation when rural residential designation is used elsewhere (see Easton). 4/ General Industrial is shown on the key to the map but not on applicable parcel. 5/ The fact that land was once in an Urban Growth Node (UGN) has no bearing on whether or not it is included in a LAMIRD. 6/ The UGNs have been found to violate the Growth Management Act and the Eastern Board has imposed a finding of invalidity on the UGNs which requires that most developments must comply with the new Growth Management Act compliant regulations when they are finally adopted and found compliant. This finding has not been appealed and is final.

UGA - 1/ How will the County manage to provide urban services to the proposed non-municipal UGA for Ronald (water, sanitary sewer, storm water sewer, etc.) 2/ The response time for the Roslyn/Cle Elum/So. Cle Elum Police Department is 2 to 5 minutes. Ellensburg Police respond in 3 to 10 minutes. The Kittitas County Sheriffs Department response times average 25 minutes to Ronald. How will the residents of the UGA be guaranteed a more urban like shorter response time? 3/ There is no Capitol Facilities Plan in Place. In 2003 the WWGMHB found that a CFP, stating the Levels of Service and having a fiscal analysis of how adequate public facilities will be funded 4/ Who will pay for urban level services for replacement of rural services such as private water systems and community septic when they fail in the future? 5/ How can a UGA be justified without the police and fire protection response time being comparable to other urban areas?

This must be in place before setting the UGA boundaries. 3/ *The old veneer plant cannot be considered an urban use - it was a local resource based use cited in forest land and abandoned before 1990.* 7/ The Countywide Planning Policies ("Contiguous and Orderly Development", No. 6, Densities within the County, Policy A) state "KCCOG shall review the cumulative effects of PUD development when reviewing population allocations". To our knowledge COG has never had such a review of the PUD's within the boundaries of the former Ronald UGN, or anywhere in the county. 8/ The UGA option, if approved, will create an urban enclave of almost 3000 people. In general, cities are the units of local government most appropriate to provide urban government services. In general it is not appropriate that urban governmental services be extended in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment (see note).

Note - County planners have claimed that the proposed UGA can sustain a population of 2880 persons. Allowing 2.5 persons per EDU the Town of Ronald, with a permitted 150 connections can service 375 persons. The community of Pine Loch Sun III with 129 residential lots can service 323 persons. They total 698 persons. Remove these 698 bodies from the projected 2880 and you have 2182 persons to furnish water to. The Evergreen Valley Water System has a permitted 419 connections. At 2.5 persons per connection, only 1048 persons can be provided with water. This leaves 1134 persons or 453 EDUs' without service.

Thorp

TYPE 3 LAMIRD - 1/ What does the 1990 aerial photo show exists for the west portion of the Type 3 LAMIRD by the Interstate? 2/ What if any public water and sewer services were there then and what are there now? 3/ *The Old Bingo Station (toxic cleanup site) is a part of a larger parcel and the PSE parcel is zoned Ag 20...* 4/ Commercial Agriculture is designated and zoned now for much of the surrounding land - how can these proposed zones be justified located against Commercial Ag? 5/ What is envisioned for this LAMIRD for sources for the 96 jobs that could be created? 6/ The westerly portion should be commercial ag designated and zoned - no justification for a LAMIRD.

TYPE 1 LAMIRD - 1/ *Rural 3 zoned land is served by the community water district but is not in the LAMIRD and some*

Ag 20 land is served by the community water district but excluded from the LAMIRD - appears incongruous with the Vantage LAMIRD where the water district service area is used to define the LAMIRD boundary. 2/ The Thorp Mill should be designated and zoned as a historic land mark. 3/ Why is a UGA not considered for Thorp if sewer is not a requirement - see Ronald - community septic is not a sewer! 4/ In land use, where does Agricultural appear in CP - is this a new designation? Has the land so designated been evaluated? Where has this been defined and when has it been discussed in the community meetings? 5/ Have the old fire station and post office lots been discussed for inclusion in the commercial designation? Nothing built as of 1990 in the NW section of the Commercial designated area along the railroad tracks so why included? 6/ The water district service area to the south of the proposed LAMIRD should be included so the district can complete its remaining hookups. 7/ The area currently zoned R-3 should be downzoned to address the fact that it is returning to its wetland status - critical areas review should be done. 8/ The residential density inside the LAMIRD appears to calculate out to an average of 4.55 residences per acre and does not address the limits for use of septic systems due to natural constraints (high water table).

Vantage

1/ Why is the large area to the west identified as Rural residential designated and Multi-family zoned? 2/ What in the 1990 built environment justifies this inclusion into the Type 1 LAMIRD? 3/ Why is county property on the river not uniquely identified but rather included in rural residential?

Snoqualmie Pass - Master Planned Resort

1/ Has there been discussion in the community meetings about this proposal? 2/ What are the practical advantages to this designation over another? 3/ Will this set a precedence for the county to identify other areas of recreation as MPRs? 4/ How specifically is the MPR designation compatible with the vision of the sub area plan? 5/ RCW 36.70A.360(1) provides that "[a] master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations

associated with a range of developed on-site indoor or outdoor recreational facilities." We are concerned that Snoqualmie Pass does not meet the required for "a self-contained and fully integrated planned unit development." Rather it is a collection of a number of many independent developments. How will this requirement be addressed?

Recommendation - Gold Creek is planned as a wildlife corridor connecting the north and central Cascades with passage over or under the freeway for wildlife. These areas should not be designated as for resort or urban development.

Focus on Zoning for LAMIRDs:

Residential Zone (KCC17.18?) is shown as the recommended zoning within the proposed Type 1 LAMIRDs. This zone as it currently appears in County Code can not be used within the proposed LAMIRDs of Easton and Thorp. KCC 17.18.010 states "The purpose and intent of the residential zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where *public water and sewer systems* are provided. (Ord. 8910 (part), 1989)". Thorp and Easton have no public sewer systems, so this zone as well as R-2 and the Urban Residential zone are not appropriate in these two LAMIRDs. The zoning in LAMIRDs must be consistent with the built densities in 1990, so for this zone to be used in a LAMIRD in must have had that density in 1990.³

Concerning the use of Residential Zone use in Vantage, will the west portion of the proposed LAMIRD be served by the public sewer and water system and is there existing capacity in the current sewer and water systems to properly service this area at this zoning density? This seems like a lot of vacant land to be included into a LAMIRD. What is the built environment for this area? Land without actual 1990 built environment, which are in water service areas, are being excluded from the Thorp and Easton LAMIRDs, why is this vacant area included in the Vantage LAMIRD? This land was not part of the built environment in 1990 and must be excluded.⁴ If this land is included then perhaps Vantage is not a LAMIRD but rather a UGA given so much vacant land is included at such a high density. This inclusion seems

³ RCW 36.70A.070(5)(d)(i)(C) and RCW 36.70A.070(5)(d)(v).

⁴ RCW 36.70A.070(5)(d)(iv) and RCW 36.70A.070(5)(d)(v).

to preclude the creation of logical outer boundary of a LAMIRD. And it appears that the Vantage LAMIRD is too large based on the 1990 built environment and logical outer boundary requirements as applied to the other LAMIRDS in Kittitas County and required by state law. Hopefully the same standards are being applied to all potential LAMIRDS.

Have the permitted uses and probable restriction of such residential type zoning on the historical and current agricultural uses and character of Thorp been presented to the public and the residents of the study areas. There has been no presentation or discussion at the workshops or in any of the documentation available to the public on the specifics of the proposed zoning and how it affects the use of their properties. Thorp is an agricultural area and settlement with significant agricultural uses present within the study area and the proposed LAMIRD boundary. What is the effect of this designation on the agricultural character of the Thorp area and the vulnerability of current and future agricultural uses in and adjacent to proposed residential densities? The Washington Supreme Court has held that the Growth Management Act requires counties *"to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products."*⁵ The LAMIRD and its development regulations should comply with this requirement.

Given the restricted number of future water hook ups and the agricultural nature of the area perhaps the Rural and Commercial Agriculture Land Use designations are more appropriate and should included as option to be considered. The current residential densities and commercial uses may continue as they are now: non-conforming lots and uses in AG-20 zoning. There exist lots already created that can utilize the 5 more hook ups available as well as future accessory dwelling units (ADUs).

The former UGN lands and the adjacent lands between the UGN study area and the Commercial Agriculture Land to the west and south must be evaluated using compliant Commercial Agriculture designating criteria. Remember the designation of resource land of long term significance must be

⁵ *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

inclusive not exclusive and provided protection from incompatible bordering land uses. The underlying zoning should left as Ag-20 or Commercial Ag-20 in the Thorp area. Rural 3 is not an appropriate more intense density to be placed between AG-20 and Commercial Forest lands and the community objected to this de-designation of Commercial Agriculture land use and rezoning from Ag-20 and Commercial AG-20 to Rural 3 in 2005.

The lands included in the UGNs have never been evaluated for inclusion in to Resource Lands of Long Term Significance designations. This must be done and it must not be assumed that the remaining portions of UGN not designated as LAMIRDs or UGA will automatically revert to the Rural designation. This is not GMA compliant. Have the Study Areas been evaluated relative to Commercial Forest and Agriculture designation criteria? As stated above this issue is not settled and an honest evaluation of the study areas (and land uses in the general areas, i.e. Commercial Forest and Commercial Ag nearby). There can not be a tunnel vision approach to the "study areas" by limiting the focus of this compliance on just the UGN boundaries and ignoring the surrounding land uses. Land uses placed in the UGN study areas affect lands adjacent and nearby and must protect commercial lands of long term significance from urban and rural residential sprawl. ⁶

City of Kittitas Urban Growth Area

We appreciate that the capacity analysis has found that:

The City's capacity for residential development appears greater than the capacity needed to support the population allocated by the Kittitas County Conference of Governments (KCCOG). The KCCOG allocation would result in the need for land capable of supporting about 180 homes. Our analysis of residential land capacity shows a range of 298-448 homes similar to the City's expected subdivision homes projection of 357-379. Thus, our land capacity results and the City's own projections exceed the amount of land needed to support the KCCOG allocation.⁷

⁶ *Id.*

⁷ *ICF Jones & Stokes Technical Memorandum from Lisa Grueter to Jan Ollivier Subject City of Kittitas Land Capacity Analysis Evaluation p. *1(September 24,*

We have also previously documented these residential and commercial oversupplies. We are concerned that the county and city are now attempting to justify the urban growth area based on a large number of jobs.

The Washington State Supreme Court wrote: "we hold a county's UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by OFM, plus a reasonable land market supply factor."⁸ This maximum also applies to employment uses, they cannot exceed the amount of land needed to provide jobs and goods and services for the county and cities projected population.

This requirement was reiterated by two amendments to the Growth Management Act the legislature adopted and the Governor signed this year. RCW 36.70A.110 was amended to provide that as "part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses."⁹ RCW 36.70A.115 was also amended to provide:

Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with

2009). Accessed on October 11, 2009 at:
http://www.co.kittitas.wa.us/cds/compplan2009/reports/CityofKittitas_LandCapacity_09-24-09.pdf

⁸ *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).

⁹ 2009 Washington Laws Chapter 121, § 3. (The effective date is July 26, 2009.) Available at: <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1825-S.SL.pdf>

the twenty-year population forecast from the office of financial management.¹⁰

So we see that the land in the urban growth area for all uses is constrained by the county and city population projections. The number of jobs that the county is considering assigning, an addition of 885 to 1,512 employees, seems very large compared to the population allocations of 2,056 to 2,250 being considered for the City of Kittitas, especially given that some city residents are already employed in the city's existing businesses.¹¹ It is also difficult to see how the city's population could justify as much commercial land as is being proposed. We respectfully request that the basis for both the jobs projection and the areas being considered for commercial uses be made public.

Further, the City of Kittitas urban growth area cannot be considered alone. The county needs to take into account that the other UGAs are also oversized.

The Eastern Washington Growth Management Hearings Board has now twice held that these expansions violate the GMA.¹² We recommend that the city and county stop wasting their money on a vain effort to justify the unjustifiable and repeal the expansions and designate them as agricultural lands of long-term commercial significance.

Designation Criteria for Agricultural Lands of Long-Term Commercial Significance

We appreciate that the proposed criteria for designating and de-designating agricultural lands of long-term commercial significance incorporate the basic Growth Management Act criteria. Also appreciate that many of the

¹⁰ 2009 Washington Laws Chapter 121, § 1 (emphasis added).

¹¹ *Kittitas County Comprehensive Plan Compliance Project Preliminary Staff Recommendations, Corrections, and Clarifications* p. 31 (October 6, 2009).

¹² *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c, First Order Finding Compliance as to Legal Issues 4 and 13 (RE: Application Nos. 06-01, 06-05, 06-06, and 06-13), Legal Issue 6 (RE: Ellensburg UGA) and Rescinding Invalidity as to Legal Issues 4 and 13 (RE: Application Nos. 06-01, 06-05, 06-06, and 06-13) AND LEGAL ISSUE 6 AND 14 (RE: Ellensburg UGA); First Order Finding Continuing Non-Compliance as to Legal Issues 2, 3, and 4 (RE: Application Nos. 06-03, 06-04, and 06-17), 5, 7, 12, and 13 (RE: Application Nos. 06-03, 06-04, and 06-17), and Continuing Invalidity as to Legal Issues 4 and 13 (RE: Applications Nos. 06-03, 06-04, and 06-17) and Legal Issues 6 and 14 (RE: City of Kittitas UGA); and Order Acknowledging Stay and Abeyance of Compliance Proceedings as to Legal Issues 1, 10, and 11 (August 7, 2008), at 32 – 36.

non-complaint provisions have been proposed to be deleted. We had hope that Kittitas County would further define these criteria in a Growth Management Act complaint way, but we acknowledge that is optional.

The proposed criteria provide that the County may consider the needs and nature of the agriculture industry.¹³ While the Washington Supreme Court has held that this criterion can be considered, it has been difficult to project the needs of the agricultural industry. Lewis County, for example, has chosen not to include this criterion in its designation and de-designation criteria. Given the lack of planning staff in Kittitas County, we believe this criterion will be difficult for the county to apply and recommend it not be included.

The proposed policies retain policy GPO 2.114B.¹⁴ The Eastern Washington Growth Management Hearings Board has twice found this policy to violate the Growth Management Act. We urge you to delete it.

However, we are concerned that the narrative on pages 1 and 2 does not address any of the eastside mills, including the mill in Kittitas County in the Teanaway valley. It also does not address the *Future of Washington Forests* report concludes that a stable land base is needed to support more investment in mills in Washington State. This narrative should be revised to make it more balanced and to recognize that the forest products industry has long-term commercial significance for Kittitas County.

Additional Update Issues that must be Addressed

As near as we can determine, several important issues are not being addressed as part of the compliance update. They must be for the county to be found to be complaint for the issues that have not been appealed as stayed. These issues are:

- Once Growth Management Act (GMA) complaint designation criteria for agricultural lands of long-term commercial significance have been prepared, the county should apply

¹³ *Kittitas County Comprehensive Plan Compliance Project Preliminary Staff Recommendations, Corrections, and Clarifications* (October 6, 2009) Attachment E: Draft Designation and De-Designation Criteria for Agricultural and Forest Lands Agricultural Lands Criteria pp. 4 - 5.

¹⁴ *Id.* at pp. 5 - 6.

these criteria to the county's rural lands to ensure that lands that meet these criteria are designated as agricultural lands of long-term commercial significance. As Futurewise's May 6, 2008, comment letter documented the county has failed to designate as agricultural lands of long-term commercial significance properties that meet those criteria. This was included in Legal Issues 3 and 4 from *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c.

- For Application Nos. 06-03 and 06-04 and the City of Kittitas UGA expansions, the county must properly analyze these lands for designation as of agricultural lands and conduct a proper county-wide or area-wide analysis of agricultural land in conjunction with this review.¹⁵ This was included in Legal Issues 4 and 13 from *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c.
- Bring all of the urban growth areas and urban growth nodes into compliance with the Growth Management Act.¹⁶ This was included Legal Issues 5 and 12 from *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c.
- Bring the county's comprehensive plan future land use map and zoning map into compliance with the GMA.¹⁷ This was included Legal Issue 7 from *Kittitas County Conservation et al. v. Kittitas County*, EWGMHB Case No. 07-1-0004c.

Public Participation

While we appreciate that the county has an upcoming deadline, we did not receive a copy of the proposal to be considered by the Planning Commission at the October 13 public hearing until October 8th. It is not clear that other members of the public even had access to the document at that late date. This is not enough time to evaluate the proposals, provide informed comments, and provide evidence for the Planning Commission to consider. We urge the county to provide a reasonable period of time for the public to provide comments and evidence to the Planning Commission begins its deliberations.

¹⁵ *Id.* at 42.

¹⁶ *Id.* at 41.

¹⁷ *Id.* at 41.

Thank you for considering our comments. If you require additional information please contact us.

Sincerely,

Paula Thompson and Jan Sharar
Kittitas County Conservation Coalition

Doug Kilgore
RIDGE

Tim Trohimovich
Futurewise