

EXHIBITS
JUNE 13, 2007
DEVELOPMENT CODE PUBLIC HEARING

Exhibit #	Document	Submitted by	Date
1	Corrected Guide to Key Proposed Revisions to the KC Development Code per Planning Commission Recommendations	Joanna Valencia, CDS Staff Planner	6/13/07
2	Development Code Hearing - Transmitted Comments	Joanna Valencia, CDS Staff Planner	6/13/07
3	Exhibits from June 11, 2007 Development Code Hearing	Joanna Valencia, CDS Staff Planner	6/13/07
4	Letter to Kittitas County Community Development Services	Roger Olsen	6/13/07
5	Article from Mike Johnston of the Daily Record Re: More Sales Taxes for More Cops	Roger Olsen	6/13/07
6	3 Sign In Sheets from Public Testimony for June 13, 2007	Julie Kjorsvik	6/13/07

**(CORRECTED) GUIDE TO KEY PROPOSED REVISIONS TO THE KITTITAS
COUNTY DEVELOPMENT CODE PER PLANNING COMMISSION
RECOMMENDATIONS**

June 13, 2007

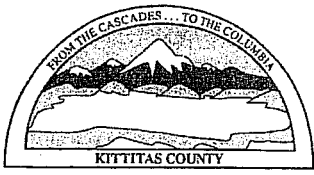
<ul style="list-style-type: none"> • Title 17 Zoning 	
<p>1. Addition and clarification of Definitions section (17.08)</p>	
<p>2. Addition and clarification of uses/conditional uses/administrative uses for each zone.</p>	<ul style="list-style-type: none"> ▪ Staff has included and listed the various uses/conditional uses/administrative uses for each zone, and removed references for clarity.
<p>3. Addition of 17.60B Administrative Uses process. Removes requirement for Conditional Use Permit process for Accessory Dwelling Unit outside of UGA/UGN.</p>	<ul style="list-style-type: none"> ▪ Transfers process in an Administrative Use Process with option to public hearing before the Board of Adjustment.
<p>4. Change from Trailer Court Zone to Historic Trailer Court Zone. Limits development to existing. (17.24)</p>	<ul style="list-style-type: none"> ▪ Recognizes and addresses existing use throughout the County, and restrict new development of such.
<p>5. Change from Suburban and Suburban II to Rural Residential (outside UGA/UGN) and Urban Residential (within UGA/UGN). (17.20 and 17.22)</p>	<ul style="list-style-type: none"> ▪ Name change to address densities and location within specific land use designations. Previous differences in designation were use of mobile homes.
<p>6. Change from Rural-3 and Agricultural-3 to Historic Rural-3 and Historic Agricultural-3. Includes requirements for clustering per 1 unit/3 acres and development standards. (17.28 and 17.30)</p>	<ul style="list-style-type: none"> ▪ Allowing for historical 3 acre zoning and bringing zones into conformance with the Growth Management Act. ▪ Addition of standards for proposed developments in the zones.
<p>7. Addition of the determination of H-R-3 and H-A-3 boundaries as established by the County. (17.04.060, 17.12.030(6), 17.28, 17.30)</p>	<ul style="list-style-type: none"> ▪ Allowing for logical infill of existing R-3 and A-3 zones.
<p>8. Clarification of the process for one-time split provisions in the Agriculture-20 and Commercial Agriculture Zones and</p>	<ul style="list-style-type: none"> ▪ Allows for a clear definition of the one time split.

EXHIBIT #: 1
 HEARING: pev. code
 DATE: 6/13/07
 SUBMITTED BY: Juanita Valencia

increase of parent parcel from 10 and 8 acres to 20 acres. (17.29.040 and 17.31.040)	
9. Identification of maximum acreage/percentages for H-R-3, H-A-3, A-5, and R-5 zones. (17.04.060)	▪ Identification of goals to keep the mixture of densities in the rural land use zone.
10. Clarification and inclusion of Intervening Ownership. (17.08.322)	▪ Consistent definition of intervening ownership applicable to all zones that specifies use of such provision.
11. Addition and clarification of items in the Planned Unit Development Code. (17.36)	▪ Clarification of requirements. Addition of sunset clause and limiting PUD to certain zones.
12. Addition of condominiums and fractionally owned uses in the Planned Unit Development Code and as an allowed residential use for Performance Based Cluster Platting. (17.36)	▪ Allow for diverse types of ownership in PUD and Cluster Plats.
13. Addition of additional process for pre-identified areas for wind farms. (17.61A.035)	▪ Allow for a more stream line approach for permitting wind farms in designated areas.
14. Addition of Urban Growth Areas and identified areas for inclusion of the development of interlocal agreements. (17.11)	▪ Streamlining development agreements to ensure a consistent approach for development in the UGA area.
15. Change in rezone process, which identifies rezones to be processed as part of the Annual Comprehensive Plan Docketing Process and/or a process for rezones submitted with a related development specific application. (17.98.020)	▪ Allow for a more consistent approach for rezones.
16. Recognition of Easton State, Cle Elum Municipal and DeVere Field airports, and clarification of airport zone areas and requirements (17.58)	▪ Allow for consistency with recent Comprehensive Plan Update recognizing Easton State, Cle Elum Municipal, and DeVere Field Airports.
17. Increase notice requirement from 300 feet to 500 feet. (17.57.140)	▪ Allow for consistency with state requirements.

<ul style="list-style-type: none"> • Chapter 16.09 Performance Based Cluster Platting 	
<ol style="list-style-type: none"> 1. Revise cluster to remove Agriculture-3 and Rural-3 zones from code. 2. Clarify open space usage. 3. Clarification of requirements for points earned for access to public lands and connectivity to wildlife corridors. 	<ul style="list-style-type: none"> ▪ Removal in order to remain consistent with proposed revision in Title 17, Zoning Code. ▪ Clarification in order to establish appropriate open space definitions. ▪ Clarification in order to address requirements needed for points earned for the use of such elements.
<ul style="list-style-type: none"> • Title 15A Project Permit Application Process 	
<ol style="list-style-type: none"> 1. Update to 'Community Development Services' 	<ul style="list-style-type: none"> ▪ Consistent language change to reflect the new department name.
<ol style="list-style-type: none"> 2. Extension of noticing from 300' to 500' for adjacent property owners. (15A.03.030(4)) 	<ul style="list-style-type: none"> ▪ Increase buffer for public notification
<ol style="list-style-type: none"> 3. Addition of requirement to logically extend boundary of noticed properties for areas served by common ingress/egress. (15A.03.060(1)(d)). 	<ul style="list-style-type: none"> ▪ Increase public notification to impacted property.
<ol style="list-style-type: none"> 4. Establishment of including notices via the Kittitas County Website (15A.03.060(1)(f)) 	<ul style="list-style-type: none"> ▪ Allow for more public notification
<ol style="list-style-type: none"> 5. Publishing in Upper County Newspaper for projects located in Upper County. (15A.03.060(1)(a)) 	<ul style="list-style-type: none"> ▪ Ensure that Upper County residents are notified of impending land use decisions.
<ol style="list-style-type: none"> 6. Addition of requirement for Posting Sites not processed administratively. (15A.03.110) 	<ul style="list-style-type: none"> ▪ Ensure more public notification.
<ol style="list-style-type: none"> 7. Clarification of projects exempt from Notice of Applications (15A.03.080) 	<ul style="list-style-type: none"> ▪ Codifying notification of short plat applications and application for road variances.

<ul style="list-style-type: none"> • Proposed Title 17B Forest Practice Ordinance 	<ul style="list-style-type: none"> ▪ Establishes the minimum standards and requirements associated with local government review and jurisdiction over Class IV general forest practices in accordance with RCW 76.09 (Washington State Forest Practices Act) ▪ Identify a process and provide criteria for lifting a six-year development moratorium. It establishes a public notification process, with criteria and standards by which the county may lift a six-year development moratorium.
<ul style="list-style-type: none"> • Title 14.08 Flood Damage Prevention 	
<ol style="list-style-type: none"> 1. Clarification on when Elevation Certificates are required. (14.08.115) 	<ul style="list-style-type: none"> ▪ Identifies process for submittal of elevation certificates consistent with FEMA guidelines.
<ol style="list-style-type: none"> 2. Clarification of definition of 'Agriculture' (14.08.020) 	<ul style="list-style-type: none"> ▪ Limits definition of agriculture activities consistent with FEMA regulations.
<ol style="list-style-type: none"> 3. Allowing Pit Crawl Spaces (below grade crawl spaces) for residential construction. (14.08.250) 	<ul style="list-style-type: none"> ▪ Code change required to allow pit crawl spaces (below grade) in compliance with FEMA regulations.
<ol style="list-style-type: none"> 4. What to require at the time of unidentified/unstudied A Zones: 14.08.120 Use of other base flood data. (14.08.120) 	<ul style="list-style-type: none"> ▪ Code change to require base flood elevations to be identified in unstudied areas.
<ol style="list-style-type: none"> 5. Clarification of Floodway encroachments. (14.08.300) 	<ul style="list-style-type: none"> ▪ Deletion of provision one to comply with Washington Administrative Code, WAC 173-158-070.
<ul style="list-style-type: none"> • Proposed Chapter 17.99 Design Standards (Note: Forwarded to the Board with <i>No Recommendation</i> from Planning Commission) 	<ul style="list-style-type: none"> ▪ Establishes design standards and guidelines for single-family, multi-family, commercial and industrial developments in Kittitas County located within Urban Growth Areas.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

June 13^h, 2007 Development Code Hearing BOCC Comments Transmitted

EXHIBIT #: 2
HEARING: Dev. code
DATE: 6/13/07
SUBMITTED BY: Joanna Valencia

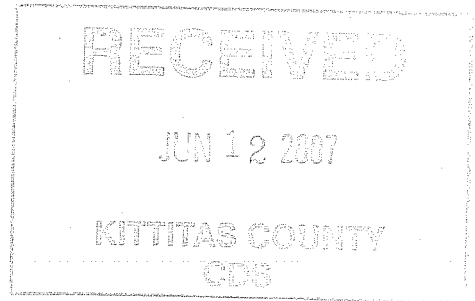
DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

June 12, 2007

Honorable Alan A. Crankovich, Chairman
Honorable David Bowen, Vice Chairman
Honorable Mark McClain
Kittitas County Board of Commissioners
205 W 5th AVE Suite 108
Ellensburg WA 98926



Re: Kittitas County Development Code Update

Dear Chairman Crankovich and Commisssoners Bowen and McClain:

Thank you for the opportunity to comment on the proposed amendments to the Kittitas County Development Code. The following is submitted for the Board's consideration.

Title 17 Zoning

KCC Chapter 17.04 "General Provisions and Enforcement."

- **17.08.321** should be clarified to recognize infill can be appropriate in all areas of existing higher density, whether physically build up or not. The provision should be revised as follows:
 "Infill means the development of new housing or other buildings on scattered vacant parcels in otherwise higher density areas."
- **17.12.030(3)** should be revised to allow for properties with split zoning to be designated the zoning to which the majority of the property is zoned. For example, if a 20-acre parcel is split between Ag-20 (15 ac.) and Ag-3 (5 ac.), then the Ag-20 would apply to the entire parcel.
- **17.12.030(6)** provides for logical infill within the proposed Historic Agricultural-3 and Historic Rural-3 zones. Parcel number 20-14-28000-0007 is currently zoned Forest and Range and is located directly adjacent to R-3 and Ag-3 zones. The subject property is only 18.5 acres in area, which is nonconforming in the Forest and Range zone. Parcel number 20-14-28000-0007 should be included within the Logical H-A-3/H-R-3 Infill Areas on the Official County Map. An attached map is included for your reference.
- **17.36.010** suggests that PUD's will not be allowed outside UGA's. This confuses the type of application allowed with the density limits. There is no reason to limit PUD's so long as they otherwise conform to the underlying zone, subject to the benefits of flexibility afforded PUD's. The language suggesting a limit on where PUD's can be implemented should be deleted.
- **17.36.090** needs to be clarified so that the 5-year period applies to each phase of a PUD. The following language is suggested:
 "Within a period of five years following the approval of a preliminary development plan by the Kittitas County Commissioners, the applicant shall file with the Kittitas County Community Development Services a final development plan for one or more phases of the planned development. In order to preserve the continuing validity of the preliminary development plan thereafter, the applicant must file a final

development plan for one or more additional phases within a period of 3 years after the initial final development plan and within 3 years after each successive final plan filing. The director of Community Development Services, for good cause shown, may extend for one year the period for filing the original and each successive final development plan. If the applicant fails to apply for final approval for any reason within the specified time frame(s), as may be extended by the director, the rezone shall become void. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned development is submitted and approved.”

Chapter 16.09 Performance Based Cluster Platting

KCC 16.09.100(E): Cluster Subdivision definition of “Open Space.”

- The change to this definition is unclear. The phrase “otherwise encumbered” is not appropriate terminology when referencing other governmental regulations. A more clear way to phrase this change is as follows:
 - “or areas that are subject to regulation by federal, state or other local jurisdictions and where such regulations prohibit any private development or use.”

Title 15 A Project Permit Application Process

KCC 15A.03.030(3): Identification of “[a]ll LLC owners or responsible officers of a corporation and/or any legal entity” in the application

- As a threshold matter, it is not clear why this amendment is being considered at all. It has not been identified by any legal authority as a problem in the existing County regulations.
- There is no basis for this requirement in the Plat Statute, RCW Chap. 58.17.
- This proposed provision is not consistent with State Corporate and Limited Liability Company laws, which do not require the type of extensive disclosure of ownership/membership in formation contemplated for a simple permit.
- A corporation is required to maintain a list of shareholders, RCW 23B.16.010(3), and shareholders are entitled to review all corporate records, RCW 23B.16.020(2) but there is no public or government right to inspect those records. The initial and annual reporting requirements for corporations do not include disclosure of all shareholders, only the officers and directors. RCW 23B.16.220.
- With respect to LLC’s, the initial certificate of formation requires information regarding location, identity and location of registered agent and disclosure as to whether the entity is managed by one or more managers. RCW 25.15.070. The initial and annual reports do not call for disclosure of members’ identities, unless the company is *not* manager managed. If the company is manager managed, the reports need only disclose the identity of the manager. Like corporations, LLC’s must maintain information regarding their membership, but that information is for the benefit of the members and managers only, not the general public. RCW 25.15.135(1)(a), (2) & (3).

- These State corporate laws reflect a balance struck at the State legislative level between appropriate public disclosure and the legitimate interests people have in privacy of their business dealings. The County does not have the legislative authority to alter this State law balance.
- It would appear that one possible purpose of this change is to facilitate identification of related projects for environmental review purposes. The State Environmental Policy Act (“SEPA”), however, does not support this overly broad disclosure requirement. Indeed, although SEPA does not allow parties to break up single projects into smaller components to avoid SEPA review, the regulations do not define or determine the relationship between projects for this purpose based on ownership. And those regulations clearly reject the notion that mere coincidence of ownership of otherwise unrelated projects does not lead to concurrent review.
- In order to require concurrent review of multiple “Proposals,” the lead agency must determine that the proposals are “related to each other closely enough to be, in effect, a single course of action.” To be found that closely related, the proposals must be such that they:
 - (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or
 - (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

WAC 197-11-060(3)(b). Mere ownership of other plats, short plats, or PUDs that are in the pipeline does not justify a requirement of concurrent review. Thus the proposed regulation not only goes to far under existing laws related to corporate entities, but it also is not grounded in any meaningful objective.

- Finally, the proposed requirement is too vague and imprecise. For example, it does not define what it means by “owners.” If the applicant is a publicly traded corporation, does that mean *all* shareholders? That would be absurd, unduly burdensome and of no value to anyone. What if the “owners” are other corporate entities or limited liability companies? Are those the “owners” of the applicant under the new proposal? They certainly would be as a legal matter. Moreover, what does “responsible officer” mean?
- A far better way to address this issue is to make the disclosure requirements consistent with State Law. For Corporations, identify the officers and directors of the Corporation, as required in annual reporting. For LLC’s, require disclosure of managers, unless the LLC is not manager managed, in which case then required disclose the members or member entities, also as required by State Law. Making the disclosure requirements consistent with State Law will ensure consistency in terminology, avoid ambiguity and ensure that local requirements do not conflict with controlling State Laws that reflect broader, historical legislative determinations.

KCC 15A.03.050: Fee Refund

- Rebating unused appeal fees and not rebating unused fees for withdrawn projects is unbalanced and unfair. It shows a bias toward appellants that is not appropriate. It is questionable under applicable equal protection and due process requirements. If the goal

is to refund money that is in fact not spent, a better solution would be to have a minimum component of both fees that is non-refundable to cover the basic charge of getting the process started (application or appeal), but that both types of fees can be partly refunded to the extent not used.

KCC 15A.03.060(1)(d): Expanded notice Requirement

- This provision is not consistent with the State platting statute, RCW 58.17.090, which specifically calls for notice to “adjacent landowners,” not every landowner that might be affected in some remote way by a project. To require more than that is to create the very types of problems reflected in the proposed change.
- The standard in the proposed change for notice is too vague. The standard for who might be given notice appears to be defined as any location “where other *possible* development impacts *may* affect” the property. The two key words here are “possible” and “may.” Under this “standard” the impact that requires notice can be purely speculative and remote. The proposed change goes on to expressly indicate that any property owner on the same “public *roads*” or “private *easements*” could be included. Note the use of the plural form. The implication here is that the applicant might be required to give notice to everyone on any public road, including any public road roads that connect to the road the project is on, which receive *any* additional traffic from the project. That could lead to the absurd result of an applicant being required to give notice to thousands of remote landowners miles away, merely because the project might generate a few car trips on the road they live on.
- The application of standard is too subjective. It is left up to the staff to determine who will get this additional notice and where to draw the lines between who does and does not receive mailed notice. That undefined discretion, combined with the extremely vague standard (or non-standard) for who should or might get notice, is inappropriate. It is not only unfair to applicants, who could be subjected to a wide range of inconsistent notice requirements, but it is also unfair to staff, who will not be forced to make yet another decision that is largely non-substantive, but will inevitably become a bone of contention where there is any opposition, including opposition from people who do not live near the project.
- The lack of meaningful standard and the broad discretion opens up *every* application to appeals by remote owners who claim they should have received notice because they were affected, perhaps by a as little as one or two additional vehicle trips per day on their public access road, and did not have the opportunity to appear and object. This argument could be made regardless of whether the person’s interests were effectively represented by others in the process.
- Combinations of public notices in papers, web postings, and normal mailings to adjoining property owners etc. are deemed to be adequate by State standards.

Proposed Title 17B Forest Practice Ordinance

17B.06 states that a County Forest Practices Permit shall be required for Class IV general forest practices. Will an applicant be required to obtain forest practices permits from both the county

and DNR for Class IV general forest practices? Or, will the county permit be the only permit required?

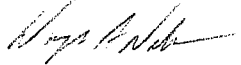
17B.07(e) provides that it will be the applicant's responsibility to arrange for on-site inspection. Does this mean that CDS staff will not be reviewing the site activities and that the applicant will need to hire a forester? Or, is it simply stating that the applicant will be responsible for scheduling a site visit with staff?

17B.13 provides for a two-year expiration of the County Forest Practices Permit. 17B.07(d) provides for phasing of the timber harvest when the project is phased. 17B.13 needs to be clarified so that the two-year period applies to each phase of a project. The following language is suggested:

"Approval shall be valid for two years following the approval of each phase of a project and shall expire thereafter."

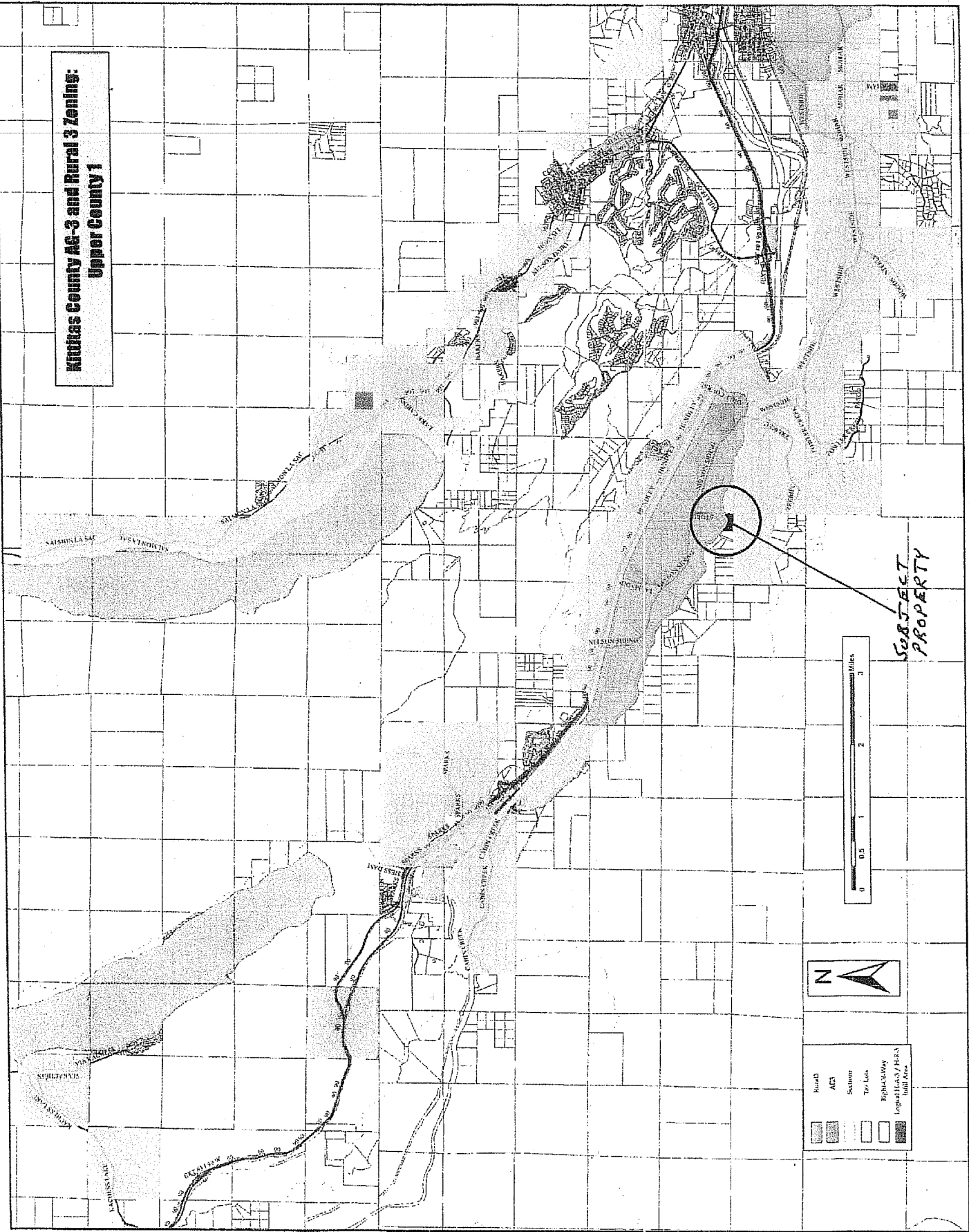
Thank you again for this opportunity to comment and please do not hesitate to contact me if you should have any questions.

Sincerely,



Wayne A. Nelsen
206 West 1st Street
Cle Elum, WA 98922

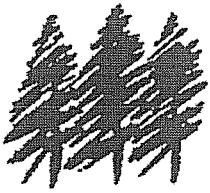
**Kititas County AG-3 and Rural 3 Zoning:
Upper County 1**



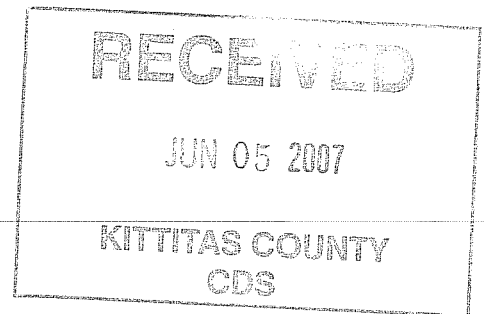
**SUBJECT
PROPERTY**



	Rural D
	ACT
	Section
	Top Lot
	Right of Way
	Log # 11, 13, 14, 15, 16
	Wild Area



American Forest Land Company, LLC



June 4, 2007

Kittitas County Board of Commissioners

Alan A. Crankovich
David B. Bowen
Mark McClain
205 West 5th Ave, Suite 108
Ellensburg, WA 98926

Dear Mssrs. Crankovich, Bowen, and McClain :

On behalf of American Forest Land Company ("Company"), thank you for this opportunity to provide the following general and specific comments on the proposed revisions to the Kittitas County Code.

As you know, the Company has over 50,000 acres in the Upper Kittitas County with a zoning mix of Commercial Forest, Forest and Range, and Rural-3. Due to a variety of reasons, such as the shutting down of local mills, international competition, high taxes, changing regulatory constraints, and other factors, the current and long-term economic environment for the forest products industry, especially in Eastern Washington, is dire.

The Company, like all other forestland owners, is currently in a process of evaluating what additional revenue streams are available in order to keep its doors open. The Company has no immediate plans for development of its property. Along with its principles of stewardship, the Company is committed to land use planning that is lawful, practical, and makes sound sense for owners of forest and agricultural lands. We are dedicated to the Forest Lands Advisory Committee and the planning process agreed upon for commercial forestlands in Kittitas County. Until these planning processes are completed, however, existing land use planning provisions that would be used to help keep a portion of our lands in commercial forestry must remain in place.

The Company strongly disagrees with the proposed changes to the Code involving three-acre zoning. We see no reason for the County's proposal to render all current rural and agricultural three acre zoning as "historical" and unavailable for future designation. See, e.g., KCC 17.04.060, KCC 17.28 (Ag-3), KCC 17.30 (R-3) (as proposed). We understand from the County's "Guide to Key Proposed Revisions to the Kittitas County Development Code" that the changes are necessary to bring the Code "into conformance with the Growth Management Act." But this is simply not true; there is nothing in the GMA which prohibits three-acre zoning. To

suggest otherwise is misleading, and entirely at odds with the County's own defense of three acre zoning before the Eastern Washington Growth Hearings Board.

Especially troubling is the County's proposal to do away with clustering in three acre zoning, "historic" or otherwise. See 17.030.040 (as proposed); KCC 16.09 (as proposed). This proposal would significantly impact the Company, yet is presented by the County without any foundation. Clustering is an acknowledged creative land planning tool, endorsed by the GMA, as a means for minimizing the footprint of development, preserving open space and avoiding rural sprawl in balance with equitable economic returns. Some of the Company's three-acre property contains steep slopes, wildlife habitat, riparian areas, and other features that may make clustering an attractive alternative to separately parceling such property. Removal of clustering for three-acre zoning makes little sense, and is actually contrary to the public interest.

As it moves forward, the option of clustering is also important to the Company for its other properties. In addition to removal of three acre zoning, we oppose the County's other proposals to modify Chapter 16.09 – Performance Based Cluster Platting. Specifically:

- Proposed KCC 16.09.080(F): "Prior to final plat approval, any features incurred as a result of bonus density shall be fully constructed or bonded for." Given that some performance criteria make take longer to fully develop, such as those dealing with habitat or wetlands, than the five year period allowed for obtaining final platting approval, the Board should not adopt this change without clarifying this potential conflict.
- Proposed KCC 16.09.080(G). "Documentation shall be submitted by the applicant stating how the proposed development meets the intent of Chapter 16.09, and shall also demonstrate consistency with the bonus density awarded for such development prior to final approval." This is overly subjective, and not necessary as the County already possesses the authority to evaluate the consistency of an application with applicable requirements.
- Proposed 16.09.090: "Proposed access points [to public lands] shall be in conformance with and approved by requirements as identified by federal, state, and local agencies having jurisdiction over said public lands. Documentation demonstrating such shall be submitted as part of the project application." This places an inappropriate approval authority over the clustering application, and over private property, to an outside state or federal agency.
- Proposed 16.09.090: "Proposed wildlife corridors shall be consistent with the requirements of the Washington State Department of Fish and Wildlife or any other government agency. Documentation demonstrating such shall be submitted as part of the project application." This places an inappropriate approval authority over the application to an outside state or federal agency. And while agencies, such as WDFW, may be helpful in assisting in the design of a wildlife corridor, the GMA's standard of "best available science" does not frontload one particular view over another.

We also see no reason for the proposed change to setbacks on properties designated in Commercial Forestlands. In KCC 17.57.050(1) (Yard Requirements), the County proposes that "[f]or instances where the subject property is bordered by zones other than Commercial Forest, the two hundred foot setback shall be maintained at the property lines located bordering the Commercial Forest Zone." In its current form, KCC 17.57.050(1) combines a two hundred feet

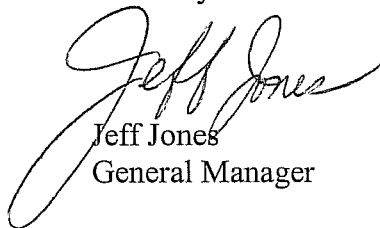
setback requirement with the necessary flexibility for managing the unique landscape challenges presented by commercial forestland. The County's proposed change needlessly strips this flexibility by requiring a two hundred feet setback for any designated Commercial forestlands bordering any differently zoned property, irrespective of the actual size, configuration, or landscape conditions of the subject property.

Moreover, it is not clear from the County's proposed language in KCC 17.57.050(1) where the two hundred feet is to be located. If entirely located on the subject property, we would oppose based on the reasons above. If not, does the County mean to require all or a portion of the setback to be located on the adjacent bordering property? If so, by what authority does the County have to require a private landowner to encumber the property of another? Such a condition appears constitutionally infirm, and cannot be considered to have a reasonable nexus to the underlying land use application. Further, this requirement is internally inconsistent with other provisions of the County Code. See, e.g., KCC 17.30.050 (minimum setbacks for R-3 properties are 25 feet front yard, and 15 feet side and rear yard); KCC 17.30A.040 (minimum setbacks for R-5 properties are 25 feet front yard, and 15 feet side and rear yard); KCC 17.56.060 (minimum setbacks for F&R-20 properties are 25 feet front yard, and 10-15 feet side and rear yard).

Finally, we oppose the County's proposed changes to KCC 15A.03.080(1). By adding "large lot" to subdivisions exempt from the notice requirements, the County could unnecessarily eliminate the expedited process currently available for administrative segregations. Although this result is not clear in the County's proposed language, we note the following definitions: (1) a "large lot subdivision" means "any subdivision of land into two or more parcels the smallest of which is twenty (20) acres or greater, KCC 16.08.100, and (2) an "administrative segregation" means "the division of land within the boundaries of a legal description into fewer than ten lots or tracts where no lot or tract is less than twenty (20) acres . . . ", KCC 16.08.015. In other words, an administrative segregation into two to nine twenty-acre lots could arguably be considered a large lot subdivision. If the County intends to eliminate administrative segregations, it should solicit the public's input based on clear and adequate notice.

In sum, we see no reason for the proposed changes cited above, and ask that you not adopt them. The ability to reasonably plan the future of our property largely depends on a stable regulatory environment. And as the old adage goes, "if it ain't broke, don't fix it." If you have any questions, please don't hesitate to call me anytime.

Sincerely



Jeff Jones
General Manager

Cc: John Rudey, CEO AFLC,LLC
Darryl Piercy, KCCDS

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 8:13 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Cc: Alan Crankovich; Mark D. McClain; David Bowen
Subject: FW: County Letters add to DCU
Attachments: KV County Public Disclosure Request.pdf; KV EFSEC Public Disclosure Response.pdf

For the record

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: Desmond Knudson [mailto:desmond@elltel.net]
Sent: Monday, June 11, 2007 9:51 PM
To: Kittitas County Commissioners Office
Subject: County Letters add to DCU

To the Honorable Board of County Commissioners,
This need's to be entered into the public record of the Development Code Update (DCU), to address chapter 17.61A.035 and how our county elected officials ignore our citizens will to have wind farms sited. This was also forward to over 100 citizens of Kittitas County.

Desmond Knudson
desmond@elltel.net

Sent: Tuesday, June 05, 2007 12:58 PM
Subject: County Letters

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

From: [Desmond Knudson](#)
To: [Desmond Knudson](#)
Sent: Tuesday, June 05, 2007 11:34 AM
Subject: Fw: County Letters

To all,

This is how your county is spending your money now!

Nothing illegal here, but do you want your tax dollars paying for this, for what? Can not afford new schools, can not afford fireman, can not afford infrastructure, want to increase the sales tax to pay for police, what the heck spend it on lawyers to bring suit to the state!

What the heck is wrong with this county and who is advising them!

Let us spend good money after bad again. I guess it is a good thing they made all that money off wild horse wind project to pay for fighting a losing battle of another wind "tax producing" project, that the state agreed with them and gave them a "compromised set back". County wanted 2000-2500 feet, Horizon wanted 1350 feet, state said 4 times the blade height or 1640 feet.

Compromise and get on with life county!

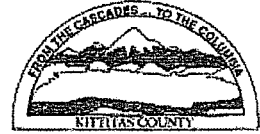
I am and will be outraged.....

<<KV County Public Disclosure Request.pdf>> <<KV EFSEC Public Disclosure Response.pdf>>

Here you go! Do as you see fit.....

Desmond Knudson
desmond@elltel.net
DPK Consultants
1661 Vantage Hwy
Ellensburg WA 98926
509-925-9002

Kittitas County Prosecuting Attorney



GREGORY L. ZEMPEL
KITTITAS COUNTY COURTHOUSE
205 WEST FIFTH, ROOM 213, ELLENSBURG, WA 98926-3129
TELEPHONE (509) 962-7520
FAX (509) 962-7022
SCAN 460-7520

Deputies:
L. Candace Hooper
James E. Hurson
Douglas R. Mitchell
Dovie M. Sigle
Paul R. Sander
Neil A. Caulkins
Jennifer J. Mullin

RECEIVED
MAY 08 2007

**ENERGY FACILITY SITE
EVALUATION COUNCIL**

May 4, 2007

PUBLIC RECORDS REQUEST

Allen J. Fiksdal
EFSEC
PO Box 43172
Olympia, WA 98504-3772

Dear Mr. Fiksdal:

This public records request is made pursuant to Chapter 42.17 RCW and the documents received will not be used for any commercial purposes or any purposes prohibited by law.

1. Please produce a copy of the "Public Record Index" maintained by EFSEC provided for in WAC 463-06-080(3)(b).
2. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, Governor Christine Gregoire or her office.
3. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by other EFSEC members or staff to, or received from, Governor Christine Gregoire or her office.
4. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, members of the EFSEC council.
5. Please produce all documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley wind project that were sent by James Luce or Allen Fiksdal to, or received from, the applicant for the Kittitas Valley wind project.

Thank you for your attention in this matter.

Sincerely,

Neil A. Caulkins
Deputy Prosecuting Attorney

cc: Alan Crankovich
Mark McClain
David Bowen
Darryl Piercy



STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

PO Box 43172 • Olympia, Washington 98504-3172

May 15, 2007

Mr. Neil A. Caulkins, Assistant Prosecutor
Kittitas County
205 West Fifth, Room 213
Ellensburg, WA 98926

RE: PUBLIC DISCLOSURE ACT REQUEST

Dear Mr. Caulkins:

The Energy Facility Site Evaluation Council (EFSEC) is in receipt of letter dated May 4, 2007, received May 8, 2007, regarding your public disclosure request for information relating to EFSEC and the Kittitas Valley Wind Power Project.

EFSEC staff will be compiling copies of the following list of documents related to your request.

1. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, Governor Christine Gregoire or her office.
2. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by EFSEC members or staff to, or received from, Governor Christine Gregoire or her office.
3. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, members of the EFSEC Council.
4. All documents (including copies of emails, phone logs, meeting schedules, calendars, and private cell phone logs) related to the Kittitas Valley Wind Project that were sent by James Luce or Allen Fiksdal to, or received from, the applicant for the Kittitas Valley Wind Project.
5. EFSEC does not maintain a Public Records Index as provided in WAC 463-06-080(3)(b).

As we do not know the extent of the number of documents related to this request, and the small staff available to research and copy the records, EFSEC anticipates that



Mr. Neil A. Caulkins
Public Records Request
May 15, 2007
Page 2 of 2

we would be able to begin sending groups of these documents to you beginning June 1, 2007 and every two weeks thereafter, until all of the records requested have been provided. It is our hope that we would be able to fulfill this request by December 1, 2007, if not sooner. As the number of documents is unknown, it would be hard to determine the exact timeframe of completion. Below is a schedule of times documents would be released.

June 1, 2007	June 15, 2007	June 29, 2007
July 13, 2007	July 27, 2007	August 10, 2007
August 24, 2007	September 7, 2007	September 21, 2007
October 5, 2007	October 19, 2007	November 2, 2007
November 16, 2007	November 30, 2007	

If you could narrow the timeframe or be more specific on the subject material, that would be greatly appreciated. We anticipate that the number of documents requested under items 3 and 4 will be extensive.

Pursuant WAC 463-06-110(2) (b), the Council will be charging \$.15 per page for copying of the documents. You will be invoiced with each group of records and a monthly statement will be provided for you. In the alternative, if you chose to not have copies made we will make the records available to you here in our office.

EFSEC's Public Records officer, Allen Fiksdal, is unavailable until June 4, 2007. Further correspondence regarding this request can be sent directly to me at the EFSEC Office. Please contact me at (360) 956-2151 if you have any questions.

Sincerely,



Mike Mills
Acting EFSEC Manager

Cc: Matt Steuerwalt, OFM
Kyle Crews, AAG
Karen Dunn, CTED
Tammy Talburt, EFSEC

Joanna F. Valencia

From: Woehler, Kerri [WoehleK@wsdot.wa.gov]
Sent: Tuesday, June 12, 2007 11:04 AM
To: Alan Crankovich
Cc: Joanna F. Valencia; Phillips, Joyce; Wiebe, Bill; Julie Kjorsvik
Subject: Kittitas County Development Code Update
Attachments: DevCodeUpdate_wsdot_6-11-07.pdf

Attached are WSDOT Aviation's comments on Kittitas County's proposed amendments to Chapter 17.58, *Airport Overlay Zone*. We support the proposal, and believe the proposed revisions are an important step in protecting the county's public use airports from incompatible development. Please contact me at 360.651.6312 if you have any questions. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11 public hearing.

Thank you,

Kerri Woehler
Aviation Planner
WSDOT Aviation Division
360.651.6312
www.wsdot.wa.gov/aviation



Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Aviation Division
3704 172nd Street, Suite K2
P.O. Box 3367
Arlington, Washington 98223-3367
360-651-6300 / 1-800-552-0666
Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 12, 2007

Commissioner Alan A. Crankovich, Chairman
Kittitas County Board of County Commissioners
205 W. 5th Ave, Suite 108
Ellensburg, WA 98926

RE: Kittitas County Development Code Update, Chapter 17.58

Dear Commissioner Crankovich:

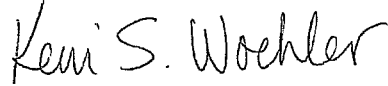
Thank you for the opportunity to comment on the proposed amendments to Kittitas County Development Code. In a letter dated April 27, 2007, WSDOT Aviation recommended that Kittitas County make changes to the code to implement comprehensive plan goals adopted to protect public use airports. The amendments to Chapter 17.58 *Airport Overlay Zone*, as recommended by the planning commission, recognize Easton State, Cle Elum Municipal and DeVere Field airports and clarify the county's existing airport overlay zone. We support the proposal and view it as an important step towards protecting the county's public use airports from incompatible development. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11th public hearing.

In 1996, the Washington State Legislature amended the Growth Management Act to require all towns, cities and counties to protect public use airports from incompatible land uses through comprehensive plan policies and development regulations. WSDOT Aviation's role, as defined in the Act, is to review proposed and adopted comprehensive plans and regulations and provide technical assistance to help jurisdictions address aviation issues. The overall objective of our program is to protect public use airports from encroachment by incompatible land use activity.

In its 2006 comprehensive plan, Kittitas County recognized Easton State, Cle Elum Municipal and DeVere Field airports as Essential Public Facilities. The amended goals and policies signaled the county's intent to protect the airport from airspace obstructions and development of incompatible land uses. The proposed revisions to Chapter 17.58, *Airport Overlay Zone*, recognize airport airspace, prohibit development of special-function land uses and limit residential density adjacent to the airports, and require an aviation activity notice be recorded on new development within the airport influence area. These amendments will assist the county in implementing its comprehensive plan.

Thank you again for the opportunity to comment on the proposed amendments. We offer our continued assistance to address aviation issues, and we look forward to working with Kittitas County in the future. Please do not hesitate to contact me at 360.651.6312 or wohlek@wsdot.wa.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kerri S. Woehler". The signature is written in a cursive, flowing style.

Kerri Woehler
Aviation Planner

Cc: Joanna Valencia, Kittitas County Community Development Services
Joyce Phillips, CTED Growth Management Services
Bill Wiebe, WSDOT Planning

Joanna F. Valencia

From: Julie Kjorsvik
Sent: Tuesday, June 12, 2007 11:06 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Cc: David Bowen; Alan Crankovich; Mark D. McClain
Subject: FW: Kittitas County Development Code Update
Attachments: DevCodeUpdate_wsdot_6-11-07.pdf

For the record.

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: Woehler, Kerri [mailto:WoehleK@wsdot.wa.gov]
Sent: Tuesday, June 12, 2007 11:04 AM
To: Alan Crankovich
Cc: Joanna F. Valencia; Phillips, Joyce; Wiebe, Bill; Julie Kjorsvik
Subject: Kittitas County Development Code Update

Attached are WSDOT Aviation's comments on Kittitas County's proposed amendments to Chapter 17.58, *Airport Overlay Zone*. We support the proposal, and believe the proposed revisions are an important step in protecting the county's public use airports from incompatible development. Please contact me at 360.651.6312 if you have any questions. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11 public hearing.

Thank you,

Kerri Woehler
Aviation Planner
WSDOT Aviation Division
360.651.6312
www.wsdot.wa.gov/aviation

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 11:07 AM
To: Mark D. McClain; David Bowen; Alan Crankovich
Cc: Joanna F. Valencia; Darryl Piercy; Allison Kimball
Subject: FW: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: Desmond Knudson [mailto:desmond@elltel.net]
Sent: Tuesday, June 12, 2007 10:55 AM
To: Kittitas County Commissioners Office
Cc: Desmond (elltel) Knudson; Darryl Piercy
Subject: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update

Commissioners,

RE: Lathrop Testimony at 06-11-07 Public Hearing over Development Code Update.

At last nights hearing Mr. F. Steven Lathrop testified that "...he does not remember 30-60 days ago during their meeting, this language of one time split not being allowed or on the table or taken away and it concerns him and farmers..."

After talking with people who were there last night. we don't remember this meeting and/or when and where it was held. What was your take on it?

Desmond Knudson
desmond@elltel.net
DPK Consultants
1661 Vantage Hwy
Ellensburg WA 98926
509-925-9002

6/13/2007

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Tuesday, June 12, 2007 11:53 AM
To: Alan Crankovich; Mark D. McClain; David Bowen
Cc: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Subject: FW: Proposed zoning setbacks from Commercial Forest

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: Jim Miller [mailto:jbt@elltel.net]
Sent: Tuesday, June 12, 2007 11:50 AM
To: Kittitas County Commissioners Office
Subject: Proposed zoning setbacks from Commercial Forest

Gentlemen, It looks like we will have a problem and I will need you help. I just became aware that the Title 17 Zoning - Development Code Update proposes to change the building setbacks from Commercial Forest land to 200 feet.

Our problem is this: We have two lots bordered by the Forest Service. These lots are steep with limited building area. We prepared the lots in anticipation of building a cabin for our use on one lot and possibly building another cabin on the other lot for guest when/if we will be able to afford to do this. We have excavated the building sites, brought in power, permitted and installed a septic system, had a well drilled and brought phone line in. We planned the utilities in a way that could serve both lots. We have done this a little at a time as we could afford to do it. Having no idea that the county was considering this type of zoning code change we developed these sites in areas based on easy access, minimal building slope, clearance from drainages, and low on the hillside for fire control. We planned these sites with the zoning setbacks in effect at that time. Unfortunately for us, it appears that both building sites are well within the 200 foot setbacks that are proposed. Both lots are triangular five acre pieces. One lot has seasonal drainage at the bottom and is too steep to build anywhere else than where we planned.

These types of zoning changes remove huge amounts of useable acreage from our existing lots. We have neighbors in the area whose land values will be effected by loss of useable area as well. Often the most valuable building sites are close to the edges of the properties. These properties were bought and building sites selected or anticipated with the knowledge of the zoning codes in place at that time. This is a huge impact on us and others in our situation. Please reconsider this proposal and contact me if you can offer a solution.

Thank You,

Jim Miller

6/13/2007

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Wednesday, June 13, 2007 8:50 AM
To: Darryl Piercy; Allison Kimball
Cc: Joanna F. Valencia; Mark D. McClain; David Bowen; Alan Crankovich
Subject: FW: please reconsider 200-foot setback

For the record

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

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

From: Jan Naragon [mailto:fourcallingbirds@hotmail.com]
Sent: Wednesday, June 13, 2007 8:47 AM
To: Kittitas County Commissioners Office
Subject: please reconsider 200-foot setback

Dear sirs,

I am a homeowner in an inholding above Liberty that is surrounded by Forest Service land. I am writing to weigh in on a proposed 200-foot setback for new structures from commercial forests (Title 17 Zoning - Development Code Update). While I am not affected directly by this proposal, I am struggling to understand the purpose behind such an arbitrary change.

Normally, I am not opposed to government stepping in in situations that my mother used to describe with the phrase, "What if everybody did it?" But this setback idea does not seem to fit that category. It is counterproductive to neighbors who have worked hard to develop their small acreages by the book, and it is counterproductive and contradictory to the county's best interests.

Recent county zoning changes seem to favor subdivision of large tracts into smaller and smaller parcels. Many landowners who own small pieces of property in the Upper County would be immediately and negatively impacted by the proposed setback requirement. I can imagine the worst problems being in the checkerboard area near Cle Elum and Roslyn, an area that would seem vital to the county's future tax base.

Please reconsider this requirement. At the very least, please consider an alternative that allows a grandfather clause or a request for variance from this requirement based on individual circumstance. Most of us are trying to play by the rules and are frustrated when the rules keep changing with little notice.

Thank you for your kind attention.

Very truly yours,
Jan Naragon
743 Harkness Road
Cle Elum, WA 98922
509-857-2010

Play games, earn tickets, get cool prizes. Play now-it's FREE!
http://club.live.com/home.aspx?icid=CLUB_hotmailtextlink1

RECEIVED

JUN 11 2007

1ST ✓ 2ND ✓ 3RD ✓

BOARD OF KITTITAS COUNTY COMMISSIONERS

ROUTED TO:

DPW _____

PROSECUTOR _____

CDS _____

DEPT. _____

To: Kittitas County Commissioners

Subject: Zoning Changes

As I read and understand the changes proposed, I see minor word changes which result in major changes in direction for the county. These changes will dramatically change the development and make of the county in the future. I wonder if the long term implications have been considered. Following are my observations, comments and suggestions:

The major changes as I try to understand a very complicated document are:

1. Change in minimum lot size: it looks like the smaller lot size in the urban areas closest to the cities are being changed to 5 acres.
2. One time split is being restricted to 20 acre and above lots in both the Agricultural and Commercial agricultural zones, changed from 8 and 10 acre minimum.
3. The section on "administrative use" gives broad powers to CDC Director for both interpretation of the code and approval of any applications.
4. The revision also goes back in time and applies to lots created in the past.

Why are we trying to limit growth closer to the cities? This just puts more pressure on the other areas. Growth is happening. We must plan for it. This seems to be an attempt to try and stop growth.

It is my experience that one acre is difficult for most families to care for. The irrigated land in this county is different than that in the range, forest or on the west side of the mountains. It must be cared for irrigated, weed control, harvested-mowed or grazed, etc) or it will turn brown, turn into weeds and become a fire danger.

Increasing to larger lots will raise lot prices, making it prohibitive for the middle and lower middle class to move to the country. If they do, most will not have the resources to adequately take care of the acreage. It will not stop the wealthy from buying larger lots and taking them out of commercial agriculture into, what I call maintained agricultural land. This change will affect who will be able to afford to live in the country. This is social engineering by zoning

Increasing lot sizes resulting in increased land prices will not preserve agriculture but will have the opposite effect. Real-estate costs make it financially impossible to buy or sell for commercial agriculture. Let's be honest, this is not about saving agriculture but rather saving 'MY' view and open space.

There will be little difference between ag-20 and commercial ag zones if this is approved. If you are going to combine them, be honest and put them together, instead of changing code to make them the same. It would eliminate a lot of words. I am not advocating this. I see the need for two different zones with different rules.

The section on 'Administrative Use' opens our government to graft and corruption. The code must be clear and understandable, not open to interpretation by administration. We should not have to consult Planning to understand the current interpretation of the Code. The major issues should be clearly stated with rules to follow. Staff's duty should be to follow and apply the code, not interpret it.

Code Changes that are retroactive hurt those who chose not to divide land earlier. Each time a new code is considered it causes more land divisions. When a new code is adopted it should apply to the future. Choose a date 30 to 90 days after the adoption to make it effective. This should be a planning document not an emergency stop gap measure. This process makes it very difficult and costly for land owners who want to do what is right with their land, when the rules and codes are continuing to change or are rumored to change.

At one of the past hearings, I was under the impression that the Ag community would be involved in the planning process. I have not heard of any input from ag land owners other than the hearing process. Is there an ag committee?

I would like to recommend the following:

1. If the adoption must be done by July 1, don't make 'Major' changes now. If it can wait, put together a group of people from all different points of view to consider the long term affects of the proposals. I do believe there is common ground. All the vital issues have not been considered. We can adopt new code at any time.
2. The 'Administrative Use' section be taken out, or completely rewritten, with clear parameters on interpretations and decisions that staff is able to do. The unclear nature of this section is not good.
3. Make the effective date for new code 30 to 90 days after adoption.
4. Timing is stacked against agriculture. The busiest time of the year is in the late spring and early summer. I wonder if the timing is not planned to minimize the ability for ag to have input in the process. In the last two years it seems that all the major changes happen at this time. It causes a lot of stress in a very stressful time.

Because of the season I may not be able to attend the hearing, but will try. Please excuse the hurried nature of this letter. Thank you for considering these issues.

Dale Dyk
3171 Weaver Road
Ellensburg, Wash. 98926
(509) 856 -7386

RECEIVED
JUN 12 2007
1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS



Washington State
Department of Transportation

AVIATION DIVISION

CDS

FACSIMILE TRANSMITTAL SHEET

To: Commissioner Alan Crankovich From: Kerri Woelter
 Company: Kittitas Co. Date: 6/12/07
 Fax Number: 509.962.7679 Total # Of Pages Including Cover: 3
 Phone Number: 509.962.7508 Re: Development Code Update

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

3704 172ND STREET NE STE K2
 PO Box 3367
 ARLINGTON, WA 98223-3367
 OFFICE 360.651.6300 FAX 360.651.6319 TOLL FREE 800.552.0666



**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

Aviation Division
3704 172nd Street, Suite K2
P.O. Box 3367
Arlington, Washington 98223-3367
360-651-6300 / 1-800-552-0666
Fax 360-651-6319
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 12, 2007

Commissioner Alan A. Crankovich, Chairman
Kittitas County Board of County Commissioners
205 W. 5th Ave, Suite 108
Ellensburg, WA 98926

RE: Kittitas County Development Code Update, Chapter 17.58

Dear Commissioner Crankovich:

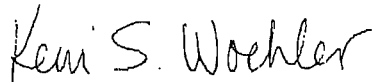
Thank you for the opportunity to comment on the proposed amendments to Kittitas County Development Code. In a letter dated April 27, 2007, WSDOT Aviation recommended that Kittitas County make changes to the code to implement comprehensive plan goals adopted to protect public use airports. The amendments to Chapter 17.58 *Airport Overlay Zone*, as recommended by the planning commission, recognize Easton State, Cle Elum Municipal and DeVere Field airports and clarify the county's existing airport overlay zone. We support the proposal and view it as an important step towards protecting the county's public use airports from incompatible development. These written comments are provided to support WSDOT Aviation's oral testimony at the June 11th public hearing.

In 1996, the Washington State Legislature amended the Growth Management Act to require all towns, cities and counties to protect public use airports from incompatible land uses through comprehensive plan policies and development regulations. WSDOT Aviation's role, as defined in the Act, is to review proposed and adopted comprehensive plans and regulations and provide technical assistance to help jurisdictions address aviation issues. The overall objective of our program is to protect public use airports from encroachment by incompatible land use activity.

In its 2006 comprehensive plan, Kittitas County recognized Easton State, Cle Elum Municipal and DeVere Field airports as Essential Public Facilities. The amended goals and policies signaled the county's intent to protect the airport from airspace obstructions and development of incompatible land uses. The proposed revisions to Chapter 17.58, *Airport Overlay Zone*, recognize airport airspace, prohibit development of special-function land uses and limit residential density adjacent to the airports, and require an aviation activity notice be recorded on new development within the airport influence area. These amendments will assist the county in implementing its comprehensive plan.

Thank you again for the opportunity to comment on the proposed amendments. We offer our continued assistance to address aviation issues, and we look forward to working with Kittitas County in the future. Please do not hesitate to contact me at 360.651.6312 or woehler@wsdot.wa.gov if you have any questions.

Sincerely,



Kerri Woehler
Aviation Planner

Cc: Joanna Valencia, Kittitas County Community Development Services
Joyce Phillips, CTED Growth Management Services
Bill Wiebe, WSDOT Planning



MAR 2 1992

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

February 21, 1992

RECEIVED
APR 9 1992

1st 2nd 3rd

BOARD OF KITTITAS COUNTY COMMISSIONERS

Mr. Bill Ramsdale
Kittitas County Solid Waste
507 Nanum Street
Ellensburg, WA 98926

Dear Mr. Ramsdale:

Your Hazardous Waste Implementation Grant application has been approved for funding through the Department of Ecology.

By authority of this letter, you may proceed at your own risk on planning and organization of the Kittitas County Household Hazardous Waste Collection event and Task 1 of the Hazardous Waste Implementation Grant application (dated June 25, 1991), prior to execution of the grant agreement. The Department will reimburse the state's share of eligible costs incurred on or after February 24, 1992, in the event that: 1) a grant agreement is subsequently executed; 2) such costs are incurred on tasks specifically identified in the executed grant agreement; 3) such costs are substantiated by audit; and 4) such costs comply with the procurement and contracting requirements of either the local adopted requirements or the Administrative Requirements for Ecology Grants and Loans, WDOE 9-18, March 1991 (the Yellow Book). The state's share of eligible costs will not exceed \$45,000.

If you have any questions, please call Mike Drumright, Project Officer, at (206) 459-6297 (SCAN 585).

Sincerely,

Narda Pierce
Assistant Director
Office of Waste Management

NP:md

cc: Mike Drumright
Dick Granberg, Moderate Risk Waste Coordinator, Department of
Ecology - CRO
File

4092017

Appendix A

REQUEST FOR PROPOSALS

KITTITAS COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS

Kittitas County, State of Washington, wishes to contract with a qualified contractor to receive, package, treat, store, transport, recycle, and/or dispose of materials collected from the Kittitas County Household Hazardous Waste Collection Events. The Events are tentatively scheduled for Saturday, April 25, 1992 and Saturday, May 2, 1992 at two different locations.

The proposals must be submitted to: Kittitas County Solid Waste, 507 N. Nanum, Ellensburg, WA 98926, on or before 5:00pm, March 17, 1992 to be eligible for consideration by the Kittitas County Board of Commissioners. The Kittitas County Board of Commissioners reserves the right to accept or reject any or all proposals and to waive any minor irregularities or discrepancies.

For further information, contact: Gordon Kelly or William Ramsdell
Kittitas County Solid Waste
507 N. Nanum
Ellensburg, WA 98926
(509) 962-7515

SECTION I KITTITAS COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT

Kittitas County encompasses all areas between Vantage on the Columbia River in the east to Snoqualmie Pass on the west. The County is bisected by Interstate-90, west-to-east and begins Interstate-82 at Ellensburg. The County comprises the cities of Ellensburg (12,570), Cle Elum (1780), Kittitas (902), Roslyn (870), South Cle Elum (465), and the unincorporated area (10,813), for a total population of 27,400.

SECTION II PURPOSE OF THE REQUEST FOR PROPOSAL (RFP)

The purpose of this RFP is to obtain a qualified consultant to receive, package, treat, store, transport, recycle, and/or dispose of materials collected from the Household Hazardous Waste Collection Events (HHWCE). The HHWCE are tentatively scheduled for Saturday, April 25, 1992 and Saturday, May 2, 1992 and will be held at two sites. On April 25th, the HHWCE will be held in the parking lot of Cle Elum/Roslyn High School (located on Hwy 903, between Cle Elum and Roslyn) from 9:30am until 4:30pm. On May 2nd, the HHWCE will be held in the parking lot of Super 1 Foods (no final approval given for this location as yet) located at Mountain View and Main Streets in Ellensburg from 9:30am until 4:30pm.

SECTION III CONTRACTOR SCOPE OF WORK

The scope of work for the contract will include the following provisions and any provisions agreed to during the contract negotiation process. The contractor chosen for this project shall:

1. Receive, package, manifest, load, treat, recycle, store, transport, and dispose of all materials collected at the HHWCE designated in this document. The performance of these services shall be in full compliance with all applicable federal, state and local laws, rules, regulations and orders, including but not limited to, U.S. Department of Agriculture, the federal Resource Conservation and Recovery Act, and

regulations, rules and orders of the U.S. Environmental Protection Agency (EPA), the U.S. Department of Transportation (U.S.DOT), the Washington State Department of Ecology (DOE), and the Washington State Department of Transportation (WDOT) and the Washington State Department of Agriculture.

2. Meet with the project coordinator at least three weeks before the events to coordinate the design and presentation of training materials and finalize site layout and design. Provide two training sessions (one in each event area for County staff and volunteers other than contractor staff), make presentations, and answer questions as required.
3. Provide U.S.DOT approved barrels and utilize U.S. DOT packaging and shipping specifications at each site on the day before the event is to occur. The number of barrels will be determined by the contractor, and the contractor is responsible for providing any additional barrels necessary on the day of the events.
4. Supply (in addition to barrels), absorbent, labels, appropriate shipping papers, and provide for the transportation, recycling, reclaiming, and/or disposal of materials. All barrels shall be clearly marked as containing hazardous waste and clearly labeled.
5. Work with the project coordinator to provide a mechanism for disposing of empty containers and other non-hazardous waste generated at the collection sites.
6. Select the appropriate treatment, storage, recycling and disposal facilities for all hazardous materials collected at the event. The facilities shall be fully permitted, EPA and DOE approved hazardous waste treatment, storage and disposal facilities. The contractor shall be responsible to provide lawful disposal of all materials collected.
7. Assist in decreasing the actual number of barrels that will be disposed at a hazardous materials landfill and thereby assist in reducing costs. The contractor shall provide bulking for compatible hazardous materials on-site before final disposal options are used. The contractor shall not labpack or landfill materials if recycling or treatment alternatives are available. The contractor shall not pack materials that can be managed as a non-hazardous waste. Non-hazardous waste will be disposed in regular solid waste containers to be supplied at each site by the contractor.
8. Remove all materials from the sites on the day of the HHWCE. The contractor will provide storage until final disposal options are secured.
9. Manage and properly dispose of "unknown" or unidentifiable substances.

The contractor's project team leader will coordinate and supervise the activities of its subcontractors. A project manager will oversee the day-to-day activities and coordinate the team relationship with the Kittitas County staff.

SECTION IV PROPOSAL REQUIREMENTS

A. General Instructions

1. Proposals should respond to previously stated scope of work.
2. A successful proposal will:
 - a. provide at least one person trained in hazardous

- materials management at each site.
- b. provide a statement of how many personnel will be provided and their qualifications.
 - c. provide copies of any notices of violations, administrative orders, other enforcement actions taken by regulatory agencies or a comprehensive compliance history for all facilities owned or operated by the contractor. Also provide copies of any letters of commendation or other awards or recognition.
 - d. provide a paragraph summarizing all similar programs the contractor has participated in, including any innovative programs the contractor is involved in that exceed regulatory requirements and a list of names of regulators familiar with the program.
 - e. suggest innovative programs and ideas that the contractor can supply to increase the amount of recycling of wastes collected in these events.
 - f. provide a project work plan describing how the work will be done within the given time frame including the following:
 1. site layout and/or set-up plan
 2. method for spill and leak containment
 3. safety equipment provided and when it will be used
 4. traffic flow pattern and vehicle queuing
 5. number of personnel provided at each site
 6. role and responsibility of site personnel
 7. methods of packaging for transportation off site
 8. site clean-up plans
 9. method of disposal for each type of material listed under item 7 below
 - g. provide a list of materials that the contractor will not accept. Please identify what methods could be used to reduce the amount and identification of, unacceptable wastes that are brought to the sites. Kittitas County will require contractors to dispose of all materials accepted at each site.
 - h. contain a description of procedures for handling and identifying "unknown" materials brought to the site for collection.
 1. identify cost reduction measures, additional safety methods, and recycling options which could reduce the cost of managing the waste and promote the goals of environmentally sound recycling and reuse of hazardous materials.
3. This contract may be awarded to a single contractor or to a group of contractors. The cost proposals must be submitted on the basis of handling two sites processing approximately 150 vehicles at Cle Elum/Roslyn and 300 vehicles in Ellensburg.
4. Recycling of waste materials will be a key criterion in the evaluation of the proposals. Please explain how each element of the waste stream will be processed. Please pay special attention to the following categories:
- a. usable latex paint
 - b. unusable latex paint
 - c. usable solvent-based paint
 - d. unusable solvent based paint
 - e. halogenated solvents
 - f. batteries other than automotive

- g. acids and bases
 - h. pesticides
 - i. any other items that can be recycled
5. Kittitas County intends to provide at least one staff person plus some volunteers per site to assist with traffic control, information surveying and/or processing of the waste (like waste oil, antifreeze, automotive batteries). Please include in the proposal your price list for safety equipment for these staff and volunteers including gloves, respirators, cartridges, pesticide prefilters, tyvek booties or equivalent, tyvek coveralls or equivalent, safety glasses and goggles, and neoprene coveralls or equivalent.
6. Each site will be required to be set up and ready for operation one hour prior to the announced opening time.
7. Please indicate the unit cost for management and disposal of each type of waste described below:
- a. oil paints
 - b. adhesives
 - c. paint strippers
 - d. latex paints
 - e. automotive products (except oil, antifreeze, batteries)
 - f. halogenated solvents
 - g. non-halogenated solvents
 - h. pentachlorophenol
 - i. household batteries
 - j. aerosol cans
 - k. PCB's
 - l. acids
 - m. bases
 - n. oxidizers
 - o. reactives
 - p. dioxin-containing materials
 - q. lab packs
 - r. other anticipated materials based on experience (please specify)
 - s. empty pesticide containers

Also include a fixed cost for all expenses and fees of whatever nature, plus labor costs, which the contractor will incur in performing services under the scope of work if those costs are not already included in the per barrel cost.

The contractor will be bound to both fixed and per barrel costs regardless of the quantity of waste collected or any other unforeseen costs.

8. Please provide a cost for two, one day HHWCE's. Assume 150 vehicles at Cle Elum/Roslyn and 300 vehicles at Ellensburg, delivering the following quantities of materials split proportionally between the two sites:
- a. 20 drums of bulked latex paint
 - b. 20 drums of lab-packed pesticides
 - c. 60 drums of bulked oil based paint
 - d. 10 drums of loose packed adhesives and resins
 - e. 5 drums of lab-packed acid
 - f. 5 drums of lab-packed base
 - g. 10 drums of loose packed aerosol paints
 - h. 5 drums of loose packed aerosol cleaners
 - i. 5 drums of loose packed aerosol pesticides

- j. 5 drums of bulked non-halogenated solvents
- k. 5 drums of lab-packed halogenated solvents
- l. 5 drums of loose packed household batteries
- m. 5 drums of lab-packed pentachlorophenol
- n. 5 drums of lab-packed dioxin-containing materials
- o. 5 drums of lab-packed oxidizers

Please include in your cost all unit charges for labor, packaging, testing, transportation, long and short term storage of both acceptable and unacceptable materials and final disposal, or any costs that would be associated to the project cost.

This is a hypothetical case for purposes of comparative evaluation. Costs should be itemized and labeled as fixed costs or unit costs.

B. Contents of the Proposal

In order to be given full consideration, proposals must contain the information shown below:

1. Management Organization/Structure
 - a. Describe the project team structure, providing information on the type of firm/organization acting as the consultant. Provide an organizational chart showing team members and areas of responsibility. Identify the project manager proposed for this project. State whether the contractor qualifies as a state approved minority- or woman-owned business.
 - b. Describe the firm's qualifications and experience that make it particularly suited for this project.
 - c. Describe the qualifications and experience of any sub-consultants in the area of work assigned.
 - d. Cite examples of any relevant studies or pertinent work your firm has completed in the recent past. You may be asked to submit examples of documents during the evaluation and selection process.
 - e. Provide a specific statement of availability of key individuals to be committed to this project.
2. Qualifications of Personnel
 - a. Describe the relevant experience and qualifications of the key personnel who will be assigned to this project, including any subcontractor.
 - b. Provide brief resumes for each of the personnel above.
3. Statement of Cost

All proposers must complete and submit a statement of cost. The statement of cost should include all overhead, profit, benefits, fees, subcontractor mark-up and any other cost components. If overhead and other costs are included in the hourly rate, please so indicate. Total anticipated project costs must be identified. Project costs shall also be broken down by major tasks (fixed equipment cost per site (equipment, mobilization, demobilization, per diem), waste management costs based on contractor estimated drums in RFP including transportation, and labor for the HHWCE based on contractor estimate of labor needs).
4. Proposed Scope of Work

For applicable projects, describe how your firm will complete the scope of work described in Section IV of the

RFP. Please address the following areas:

- a. Clearly indicate the scope of work that the firm will complete for the applicable budget amounts. Include a list of projects and a schedule for their completion.
- b. Provide a breakdown of the proposed budget by major tasks within each phase of work.
- c. Describe the approach and methodology that will be used in completing the scope of work described above.
- d. Describe any proposed modifications to the scope of work and/or schedule.

5. Insurance Requirements

The contractor shall procure and maintain for the duration of this contract insurance against claims for injuries to persons or damage to property which may arise from, or in connection with, the performance of work herein described by the contractor, its agents, representatives, and employees. The contractor shall require all subcontractor(s) to obtain insurance similar to that required for the contractor or shall fully insure the subcontractor(s) to the level described. The cost of such insurance shall be paid by the contractor and subcontractor(s).

a. Minimum Limits of Insurance

The contractor shall maintain limits no less than:

- 1) Comprehensive General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage, and, for those policies where aggregates are applicable, a \$2,000,000 aggregate limit and identical limits for pollution liability if pollution coverage is provided separately.
- 2) Vehicle Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage to include pollution liability.
- 3) Employer's Liability: \$1,000,000 limits.

b. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

- 1) Kittitas County, Cle Elum/Roslyn School District #404, Super 1 Foods, their officers, officials, employees and agents are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the contractor; premises owned, leased or used by the consultant; or vehicles owned, leased, hired or borrowed by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to Kittitas County and other collection site property owners, their officers, officials, employees or agents.
- 2) The contractor's insurance coverage shall be primary insurance as respects Kittitas County and other collection site property owners, their officers, officials, employees and agents. Any insurance or self-insurance maintained by Kittitas County or other collection site property owners, their

SECTION V SELECTION PROCESS

A Contractor Evaluation Board (CEB) will be assembled to evaluate proposals and conduct interviews. The selection of a contractor will be a three step process. First proposals will be checked to

see if they are complete and satisfy minimum qualifications. Proposers will be notified at this step if their proposal is found to be non-responsive.

Second, proposals will be evaluated and ranked according to the criteria listed below. Based on this evaluation, between two and five firms may be asked to provide more information at an oral interview or an alternative evaluation process.

Third, the selected finalists will make presentations and be interviewed by the CEB. The oral presentation is to be made by the key members of the proposed team. At the interview the CEB will ask questions about the firm's proposal. After interviewing the finalists the CEB will recommend one or more firms to the Kittitas County Board of County Commissioners for selection. The selected firm will be notified and negotiations for a contract will begin. If a satisfactory contract cannot be negotiated, Kittitas County will terminate negotiations with the firm and begin negotiations with the next highest rated firm. Kittitas County reserves the right to terminate all negotiations and re-advertise the project if necessary.

Finalists, other than the firm(s) initially selected for negotiations, will be notified they were not selected.

SECTION VI SELECTION CRITERIA

In this project, the following criteria will be used by the CEB to rank the proposals:

- 1) Qualifications of the Firm (30 points)
Relevant experience in managing collection events similar in scope to those described in this RFP. Also to be considered will be regulatory compliance, equipment availability and ability to manage waste
- 2) Qualifications of Personnel (30 points)
Relevant experience and qualifications of the professional personnel to the proposed scope of work. Emphasis will be placed on the experience and qualifications of the proposed project manager.
- 3) Proposal (40 points)
Evaluation of the proposal will be based on the quality of the response to the objectives and tasks outlined in this RFP. Consideration will include: 1) clarity and organization, 2) adequacy and appropriateness of the methodology for delivering the service needed, 3) efficiency in scheduling tasks to meet the desired schedules, 4) adequacy and accuracy of costs and budget (proposer demonstrates an understanding of the project through the budget) and the cost effectiveness of the project and 5) strength.

officers, officials, employees or agents shall be excess of the contractor's insurance and shall not contribute with it.

- 3) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Kittitas County or other collection site property owners, their officers, officials, employees or agents.
- 4) The contractor's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.
- 5) Coverage shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to Kittitas County and other collection site property owners.
- 6) Contractor's insurance shall be provided to protect each insured or additional insured in the same manner as though a separate policy had been issued to each except that the amount or amounts for which the company would have been liable has only one insured or additional insured been named.

c. Acceptability of Insurers

Insurance is to be placed with insurers with a Bests' rating of no less than A:VII, or if not rated by Bests', with minimum surpluses the equivalent of Bests' VII rating.

d. Verification of Coverage

The contractor shall furnish Kittitas County and other collection site property owners with certificates of insurance and with endorsements effecting coverage required by this contract. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy are to be received and approved by Kittitas County before work commences. Kittitas County and other collection site property owners reserve the right to require complete, certified copies of all required insurance policies at any time.

6. References

Provide the names and telephone numbers of at least three references each, for your firm and subcontractors, for whom you have performed similar services. References provided should be capable of commenting on the work of the key team members proposed for this work.

Proposals should not exceed 25 pages in length. Five copies of each proposal should be submitted to Kittitas County and printed on recycled paper.

Proposals received shall be considered final and used as the basis to select a contractor for contract negotiations. No reimbursement will be made for any cost incurred prior to contract approval and authorization by Kittitas County.

June 12, 2007

Kittitas County Board of County Commissioners
Commissioner Alan Crankovich
205 W 5th Suite 108
Ellensburg WA 98926

RECEIVED
JUN 13 2007
1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS
CDS

RE: Planning Commission Recommendation for County Development Code Update
CHAPTER 17.61A Wind Farm Resource Overlay Zone

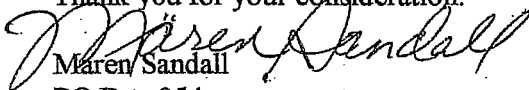
Dear Commissioner Crankovich,

I would like the following comments to be put into the public record. I strongly agree with the Planning Commission's recommendations to the changes in the County Development Code, specifically regarding Chapter 17.61A Wind Farm Resource Overlay Zone.

The proposed location for a pre-identified area suitable for wind farm facilities is the most viable. The area is largely unpopulated and receives its' share of wind. The general populace of Kittitas County will not be inflicted with irreversible damages to health, welfare, and quality of life by having huge industrial wind energy facilities sited in this region of the county. If you have not already done so, take a short journey to Royal City after nightfall. On your return trip you will see first hand the unsightly light show created by turbines from the Wild Horse project. This visual impact is what will be seen all across the valley if wind energy facilities are allowed outside the proposed overlay zone. Isolating this adverse phenomenon to the area described in Chapter 17.61A will protect the tranquility of the life we all enjoy in this valley.

It is pure common sense to have an area already designated for the purpose of wind energy projects. This will eliminate the need for countless hours and money spent on trying to determine whether or not one area or another is suitable and consistent with the current land use zoning. I commend the Planning Commissioners for their great effort in attempting to resolve a very complex problem that has overshadowed this valley for the past six years. Please support their efforts by approving Chapter 17.61A as written. I would also ask that you do not approve to extend the overlay boundaries to include the entire power line corridor along the northern edge of the county. By doing so you would violate the quality of life for thousands of residents living in that region of the county.

Thank you for your consideration.


Maren Sandall
PO Box 954
8560 Elk Springs Road
Ellensburg WA 98926
509-899-4668
eburghills@hotmail.com

June 12, 2007

Kittitas County Board of County Commissioners
Commissioner Alan Crankovich
205 W 5th Suite 108
Ellensburg WA 98926

RECEIVED
JUN 13 2007
1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS

CDS

RE: Planning Commission Recommendation for County Development Code Update
CHAPTER 17.61A Wind Farm Resource Overlay Zone

Dear Commissioner Crankovich,

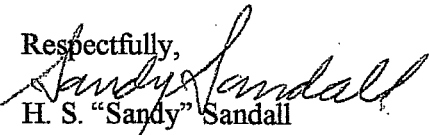
Thank you for this opportunity to comment on the current proposed changes by the Planning Commission and their recommendations concerning a Wind Farm Resource Overlay Zone. I am in favor of the proposal as described under Chapter 17.61A. This pre-identified area is suitable for large industrial power generating plants. The area is massive, uninhabited for the most part, and provides for an abundant amount of "wind". This is evident with the construction of the Wild Horse project and the exploratory research by Invenergy Wind LLC of a second wind farm 20 to 25 miles east of Ellensburg between I-90 and the Vantage Hwy.

Monday night, during the June 11th hearing, we heard testimony that the wind was not suitable in the proposed overlay zone on the east end of the county. This is just not true. I spent a few days volunteering for Search & Rescue in the Vantage area this past Memorial Day holiday, and can tell you first hand the wind in fact blows there! To say that the only suitable wind for a wind energy facility is in the northern section of Kittitas County is ludicrous. When the wind blows, it blows in all sections of the county. The same holds true during the times of year when the wind is quiet. The wind is not reliable nor is it consistent in any part of this valley.

We also heard testimony that the wind energy facilities must be located in the corridor of major power lines. This is also not true. It is cheap for the wind energy companies to have the facility close to the power grid, but it is not essential. Wind energy companies have constructed sites as far away as 90 miles from major power lines. Cost is the motivating factor for the company in siting near the grid, regardless of any health or welfare issues that are inflicted upon nearby residents.

I urge you to approve and implement Chapter 17.61A as recommended by the Planning Commission.

Respectfully,


H. S. "Sandy" Sandall

PO Box 954

8560 Elk Springs Road

Ellensburg WA 98926

509-899-0201

eburghills@hotmail.com

RECEIVED

JUN 13 2007

June 13, 2007

BOARD OF KITTITAS COUNTY COMMISSIONERS
1ST 2ND 3RD

Kittitas County Commissioners,
411 N. Ruby St.
Ellensburg, Wa. 98926

ROUTED TO:
DPW _____
PROSECUTOR _____
CDS _____
DEPT. _____

Dear Commissioners:

I have been unable to attend the two meetings you held this week regarding land-use changes. I am however very concerned with your zoning code considerations for windfarms. I agree that the far eastern end of the county would be a good place for developers to apply, but please put a limit as to how far they can go along the east-west power line corridor. I live on Reecer Creek Road and the two proposed windfarms in the area have already been denied by you because of location. The area to be considered should at least be east of the present windfarm outside of Kittitas. The people who want the windfarms further west all have a personal financial stake in the outcome of your decision and therefore are pushing for an expanded area. Please keep these things in mind as you make your decision.

Chris and Lee Burtchett
12611 Reecer Creek Road
Ellensburg, Wa. 98926
(509) 962- 6009

EXHIBITS
JUNE 11, 2007
DEVELOPMENT CODE PUBLIC HEARING

Exhibit #	Document	Submitted by	Date
1	Guide to Proposed Revisions to KC Development Code per PC Recommendations	Joanna Valencia, CDS Staff Planner	6/11/07
2	Letter from Mary Burke – proposed language for Wind Farm Resource Overlay Zone	Mary Burke	6/11/07
3	Letter from Roger B. Olsen – comments on Zoning Code	Roger B. Olsen	6/11/07
4	Letter from Dale Dyk	Dale Dyk	6/11/05
5	CD with documents provided by Tim Trohimovich, AICP Planning Director (Futurewise)	Tim Trohimovich	6/7/07
6	Letter from Melissa Bates	Deidra Link	6/11/07
7	Letter from Jan Sharar for the Kittitas County Conservation Coalition	John Jensen	6/11/07
8	Letter from Roger Olsen – EWGMHB Order regarding 3 acre zoning	Roger Olsen	6/11/07
9	Large Map – Kittitas PUD Transmission & Distribution Systems	Catherine Clerf	6/11/07
10	Map of Kittitas County – Public Land, Township/Range Section	Catherine Clerf	6/11/07
11	FEMA Map	Vincent Tomaso	6/11/07
12	Letter from Jerry Martens	Jerry Martens	6/11/07
13	Wide Support for Development of Wind Farms Information	Desmond Knudson	6/11/07
14	17 signed declaration regarding pre-identified areas for wind farms	Desmond Knudson	6/11/07
15	Public Hearing Sign In Sheets for 6/11/07	Julie Kjorsvik	6/11/07

**GUIDE TO KEY PROPOSED REVISIONS TO THE KITTITAS COUNTY
DEVELOPMENT CODE PER PLANNING COMMISSION RECOMMENDATIONS**

June 11, 2007

<p>• Title 17 Zoning</p>	
1. Addition and clarification of Definitions section (17.08)	
2. Addition and clarification of uses/conditional uses/administrative uses for each zone.	<ul style="list-style-type: none"> ▪ Staff has included and listed the various uses/conditional uses/administrative uses for each zone, and removed references for clarity.
3. Addition of 17.60B Administrative Uses process. Removes requirement for Conditional Use Permit process for Accessory Dwelling Unit outside of UGA/UGN.	<ul style="list-style-type: none"> ▪ Transfers process in an Administrative Use Process with option to public hearing before the Board of Adjustment.
4. Change from Trailer Court Zone to Historic Trailer Court Zone. Limits development to existing. (17.24)	<ul style="list-style-type: none"> ▪ Recognizes and addresses existing use throughout the County, and restrict new development of such.
5. Change from Suburban and Suburban II to Rural Residential (outside UGA/UGN) and Urban Residential (within UGA/UGN). (17.20 and 17.22)	<ul style="list-style-type: none"> ▪ Name change to address densities and location within specific land use designations. Previous differences in designation were use of mobile homes.
6. Change from Rural-3 and Agricultural-3 to Historic Rural-3 and Historic Agricultural-3. Includes requirements for clustering per 1 unit/3 acres and development standards. (17.28 and 17.30)	<ul style="list-style-type: none"> ▪ Allowing for historical 3-acre zoning and bringing zones into conformance with the Growth Management Act. ▪ Addition of standards for proposed developments in the zones.
7. Addition of the determination of H-R-3 and H-A-3 boundaries as established by the County. (17.04.060, 17.12.030(6), 17.28, 17.30)	<ul style="list-style-type: none"> ▪ Allowing for logical infill of existing R-3 and A-3 zones.
8. Clarification of the process for one-time split provisions in the Agriculture-20 and Commercial Agriculture Zones and increase of parent parcel from 10 and 8	<ul style="list-style-type: none"> ▪ Allows for a clear definition of the one time split.

EXHIBIT #: 1
 HEARING: Dev. Code
 DATE: 6/11/07
 SUBMITTED BY: Joanna Valencia

acres to 20 acres. (17.29.040 and 17.31.040)	
9. Identification of maximum acreage/percentages for H-R-3, H-A-3, A-5, and R-5 zones. (17.04.060)	<ul style="list-style-type: none"> ▪ Identification of goals to keep the mixture of densities in the rural land use zone.
10. Clarification and inclusion of Intervening Ownership. (17.08.322)	<ul style="list-style-type: none"> ▪ Consistent definition of intervening ownership applicable to all zones that specifies use of such provision.
11. Addition and clarification of items in the Planned Unit Development Code. (17.36)	<ul style="list-style-type: none"> ▪ Clarification of requirements. Addition of sunset clause and limiting PUD to certain zones.
12. Addition of condominiums and fractionally owned uses in the Planned Unit Development Code and as an allowed residential use for Performance Based Cluster Platting. (17.36)	<ul style="list-style-type: none"> ▪ Allow for diverse types of ownership in PUD and Cluster Plats.
13. Addition of additional process for pre-identified areas for wind farms. (17.61A.035)	<ul style="list-style-type: none"> ▪ Allow for a more stream line approach for permitting wind farms in designated areas.
14. Addition of Urban Growth Areas and identified areas for inclusion of the development of interlocal agreements. (17.11)	<ul style="list-style-type: none"> ▪ Streamlining development agreements to ensure a consistent approach for development in the UGA area.
15. Change in rezone process, which identifies rezones to be processed as part of the Annual Comprehensive Plan Docketing Process and/or a process for rezones submitted with a related development specific application. (17.98.020)	<ul style="list-style-type: none"> ▪ Allow for a more consistent approach for rezones.
16. Recognition of Easton State, Cle Elum Municipal and DeVere Field airports, and clarification of airport zone areas and requirements (17.58)	<ul style="list-style-type: none"> ▪ Allow for consistency with recent Comprehensive Plan Update recognizing Easton State, Cle Elum Municipal, and DeVere Field Airports.
17. Increase notice requirement from 300 feet to 500 feet. (17.57.140)	<ul style="list-style-type: none"> ▪ Allow for consistency with state requirements.

<ul style="list-style-type: none"> • Chapter 16.09 Performance Based Cluster Platting 	
<ol style="list-style-type: none"> 1. Revise cluster to remove Agriculture-3 and Rural-3 zones from code. 2. Clarify open space usage. 3. Clarification of requirements for points earned for access to public lands and connectivity to wildlife corridors. 	<ul style="list-style-type: none"> ▪ Removal in order to remain consistent with proposed revision in Title 17, Zoning Code. ▪ Clarification in order to establish appropriate open space definitions. ▪ Clarification in order to address requirements needed for points earned for the use of such elements.
<ul style="list-style-type: none"> • Title 15A Project Permit Application Process 	
<ol style="list-style-type: none"> 1. Update to 'Community Development Services' 	<ul style="list-style-type: none"> ▪ Consistent language change to reflect the new department name.
<ol style="list-style-type: none"> 2. Extension of noticing from 300' to 500' for adjacent property owners. (15A.03.030(4)) 	<ul style="list-style-type: none"> ▪ Increase buffer for public notification
<ol style="list-style-type: none"> 3. Addition of requirement to logically extend boundary of noticed properties for areas served by common ingress/egress. (15A.03.060(1)(d)). 	<ul style="list-style-type: none"> ▪ Increase public notification to impacted property.
<ol style="list-style-type: none"> 4. Establishment of including notices via the Kittitas County Website (15A.03.060(1)(f)) 	<ul style="list-style-type: none"> ▪ Allow for more public notification
<ol style="list-style-type: none"> 5. Publishing in Upper County Newspaper for projects located in Upper County. (15A.03.060(1)(a)) 	<ul style="list-style-type: none"> ▪ Ensure that Upper County residents are notified of impending land use decisions.
<ol style="list-style-type: none"> 6. Addition of requirement for Posting Sites not processed administratively. (15A.03.110) 	<ul style="list-style-type: none"> ▪ Ensure more public notification.
<ol style="list-style-type: none"> 7. Clarification of projects exempt from Notice of Applications (15A.03.080) 	<ul style="list-style-type: none"> ▪ Codifying notification of short plat applications and application for road variances.

<ul style="list-style-type: none"> • Proposed Title 17B Forest Practice Ordinance 	<ul style="list-style-type: none"> ▪ Establishes the minimum standards and requirements associated with local government review and jurisdiction over Class IV general forest practices in accordance with RCW 76.09 (Washington State Forest Practices Act) ▪ Identify a process and provide criteria for lifting a six-year development moratorium. It establishes a public notification process, with criteria and standards by which the county may lift a six-year development moratorium.
<ul style="list-style-type: none"> • Title 14.08 Flood Damage Prevention 	
<ol style="list-style-type: none"> 1. Clarification on when Elevation Certificates are required. (14.08.115) 	<ul style="list-style-type: none"> ▪ Identifies process for submittal of elevation certificates consistent with FEMA guidelines.
<ol style="list-style-type: none"> 2. Clarification of definition of 'Agriculture' (14.08.020) 	<ul style="list-style-type: none"> ▪ Limits definition of agriculture activities consistent with FEMA regulations.
<ol style="list-style-type: none"> 3. Allowing Pit Crawl Spaces (below grade crawl spaces) for residential construction. (14.08.250) 	<ul style="list-style-type: none"> ▪ Code change required to allow pit crawl spaces (below grade) in compliance with FEMA regulations.
<ol style="list-style-type: none"> 4. What to require at the time of unidentified/unstudied A Zones: 14.08.120 Use of other base flood data. (14.08.120) 	<ul style="list-style-type: none"> ▪ Code change to require base flood elevations to be identified in unstudied areas.
<ol style="list-style-type: none"> 5. Clarification of Floodway encroachments. (14.08.300) 	<ul style="list-style-type: none"> ▪ Deletion of provision one to comply with Washington Administrative Code, WAC 173-158-070.
<ul style="list-style-type: none"> • Proposed Chapter 17.99 Design Standards (Note: Forwarded to the Board with <i>No Recommendation</i> from Planning Commission) 	<ul style="list-style-type: none"> ▪ Establishes design standards and guidelines for single-family, multi-family, commercial and industrial developments in Kittitas County located within Urban Growth Areas.

RECEIVED

JUN 11 2007

1ST 2ND 3RD
BOARD OF KITTITAS COUNTY COMMISSIONERS

Mary Burke
1351 Smithson Road
Ellensburg, Washington 98926
June 10, 2007

Alan Crankovich, Chairman
David B. Bowen
Mark McClain
Kittitas County Board of Commissioners
Kittitas County Courthouse
205 West 5th Room 108
Ellensburg, Washington 98926

ROUTED TO:
DPW _____
PROSECUTOR _____
CDS _____ ✓
DEPT. _____

Gentlemen:

I submit the following request for an addition of language to your proposed WIND FARM RESOURCE OVERLAY ZONE 17.61A at 17.61A.035.

Insert in the first sentence between "County" and "meeting" the words:

or located in areas adjacent to existing or approved wind farms in Kittitas County

That sentence would then read thus:

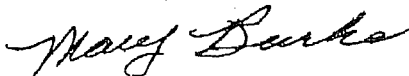
For proposed wind farms located in identified areas in Kittitas County or located in areas adjacent to existing or approved wind farms in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

I would also call your attention to the definition of Intervening Ownership at 17.08.322 which is an error. There are other legal intervening ownerships such as some ditches, canals, and railroad rights of way, for example, and not all "public roads" are rights of way nor county roads.

Please include this letter for the record and your consideration at your hearing on June 11, 2007.

Thank you for this opportunity to comment.

Most Sincerely,



Mary Burke

EXHIBIT #: 2
HEARING: Dev. Code
DATE: 6/11/07
SUBMITTED BY: MARY BURKE

Planning Commission Recommendation: Title 17: Development Code Update
May 31, 2007: Final

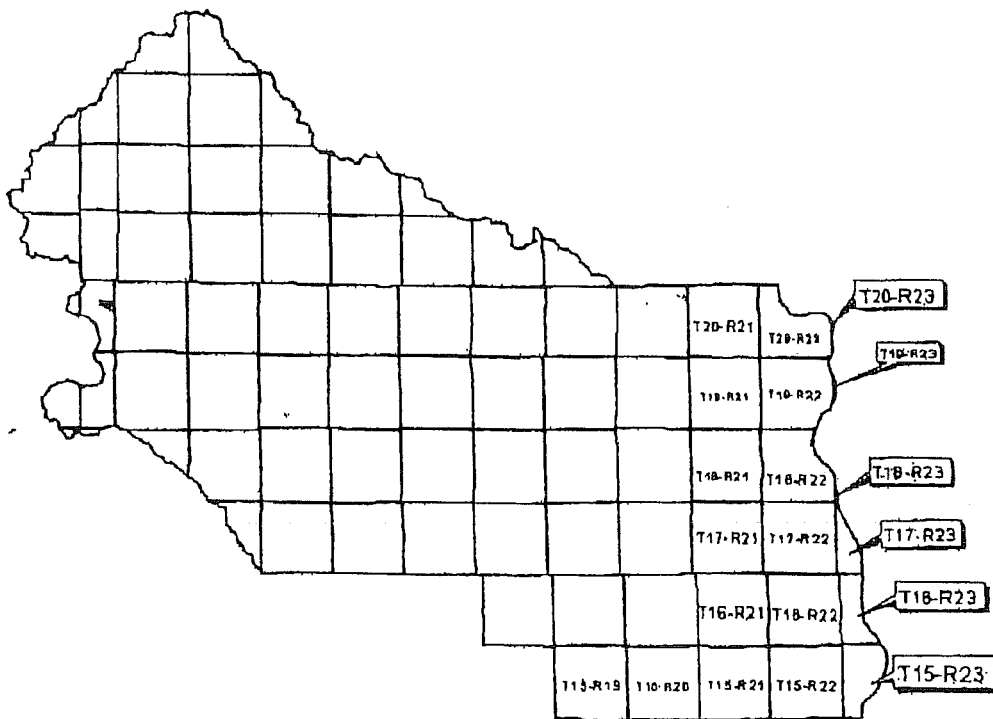
17.61A.030 Development uses, requirements, and restrictions.

Development uses, requirements, and restrictions. All listed permitted uses in the underlying zoning district of this overlay zone are permitted. All listed conditional uses in the underlying zoning district of this overlay zone are subject to conditional use permit process and review. Wind farms are a permitted use in a wind farm resource overlay zoning district, subject to the additional approval requirements and restrictions set forth in KCC 17.61A.040. (Ord. 2002-19 (part), 2002).

17.61A.035 Pre-identified areas for siting.

* For proposed wind farms located in identified areas in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process. This includes T.15N., Ranges 19E., 20E., 21E., 22E., 23E., T.16N., Ranges 21E., 22E., 23E., T.17N., Ranges 21E., 22E., 23E., T.18N., Ranges 21E., 22E., 23E., T.19N., Ranges 21E., 22E., 23E., T.20N., Ranges 21E., 22E., 23E. W.M. in Kittitas County.



The following siting standards are established for these areas: a minimum 1/2 mile setback from existing structures at the time of application shall apply. If not attainable,

Planning Commission Recommendation: Title 17: Development Code Update
May 31, 2007: Final

17.08.300 Hospital.

"Hospital" means an institution specializing in and providing facilities and services in surgery, obstetrics, and general medical practice for human beings and licensed by state law for that purpose. (Res. 8310, 1983).

17.08.310 Hospital, ~~small-animal~~ or veterinary.

~~"Small-animal~~Animal or veterinary hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets. ~~Small-animal hospital or veterinary hospital is the same as small-animal or veterinary clinic, and where there is a licensed veterinarian on the premises.~~ (Res. 8310, 1983).

17.08.320 Hotel.

"Hotel" means a building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. (Res. 83-10, 1983).

17.08.321 Infill.

Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area.

17.08.322 Intervening Ownership.

A parcel of land which is physically separated from a main tract by a public road. Identification of intervening ownership shall be processed consistent with Kittitas County Code 17.60B Administrative Uses.

17.08.329 Junk

Junk means storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material.

17.08.330 Junkyard.

"Junkyard" means any lot, parcel, building, structure or portion thereof, used for the storage, collection, processing, purchase, sale, exchange, salvage or disposal of scrap materials, unlicensed or inoperable vehicles, vehicle parts, used appliances, machinery or parts thereof. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment, means the use of any property for the storage, keeping or abandonment of junk, including scrap material, used appliances, automobiles, machinery or parts thereof. The accumulation of three or more unlicensed or inoperable automobiles or appliances constitutes a junkyard. This shall not be interpreted to include the normal storage or accumulation of farm equipment. (Res. 83-10, 1983).

17.08.340 Kennel.

"Kennel" means any lot on which dogs are bred or boarded as a commercial. (Res. 83-10, 1983).

Joanna F. Valencia

From: Julie Kjorsvik
Sent: Monday, June 11, 2007 8:53 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Subject: Comment for Hearing
Attachments: im55200706110752.PDF

I have provided the BOCC with a copy of this.

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: boccc@co.kittitas.wa.us [mailto:boccc@co.kittitas.wa.us]
Sent: Monday, June 11, 2007 8:50 AM
To: Julie Kjorsvik
Subject: Subject-GetError

TO: Kittitas County Community Development Services

ATTN: BOCC (Board of County Commissioners)

RE: For the Record-Zoning Code Update

Date: June 11, 2007

FROM: Roger B. Olsen
2130 Nelson Siding Road
Cle Elum, WA. 98922
(509) 674-3881

EXHIBIT #: 3
HEARING: Dev. Code
DATE: 6/11/07
SUBMITTED BY: Roger Olsen

Kittitas County is allowing its rural areas to be urbanized. PUD's (Planned Unit Developments), FCC's (Fully Contained Communities), PBCP's (performance based cluster plats) and 3-acre zoning are planning policies that urbanize rural areas. These are inconsistent with the KCCP (Kittitas County Comprehensive Plan) and they violate the GMA (Growth Management Act). Also, by stalling the designation of the outdated UGN's (Urban Growth Nodes) into LAMIRD's (Limited Areas of More Intensive Rural Development), the County is not preventing or containing urban sprawl. Kittitas County should place a moratorium and stop accepting applications for development involving the above until those policies are found to be consistent with the KCCP and in compliance with the GMA.

Some do not like State mandated laws like the GMA. But it is there for the protection of all the citizens. National laws protect all women's right to vote in all states and all localities. We have national laws that apply to all that make it illegal to hold slaves and to engage in practices that we have defined as discrimination. Our GMA serves to protect citizens from the kind of political and economic influence that can be exerted upon local government for the benefit of, for example, the development community. Good developers can work with any rules and regulations that benefit the community as a whole. Poor developers need "special" rules and government "give a ways" in order to make a buck. Let's take Kittitas County down the higher road.

Windmills-Many wave the flag as a symbol of freedom but when REAL symbols of freedom are proposed, many do not want to put them where they might be seen and certainly not "in their backyard". Windmills symbolize freedom, freedom from Middle East oil and they contribute to energy independence. It might be a relatively small contribution in the big picture but windmills dotting the landscape are a small price to pay for that contribution. The price paid is a bargain considering the freedom that is gained. The proposed project near Hwy 97 will provide power for the equivalent of more than two Kittitas Counties and we rejected the opportunity to once again be one of the true home front HEROES in the war on terror. If it weren't for oil in the Middle East, we would have no interest in the Middle East and the Middle Eastern terrorists would have no interest in us. The best way to win the war on terror is eliminate our need for their oil.

Not to take away from the flag's symbol of freedom, but when I see windmills on the landscape producing clean, "free" energy, I see not only symbols of freedom, I also see real, tangible instruments of freedom that a flag cannot produce. Windmills should be allowed wherever it is reasonably practical. The present criteria of siting windmills where they will not destroy "the view" of the valley and its surroundings is extremely short sighted and self serving given that much of the opposition comes from people who want to destroy "the view" with their houses. There is room for both. Both windmills and homes change the landscape but the reality is that windmills for power best serve homes.

JD's-We should not allow PUD's in rural areas primarily because they typically require a density greater than 1 du(dwelling unit)/5 acres. Whenever we get into "community" wells, water systems and septic systems we are really talking about "urban" services. By requiring urban services we are crossing that line in the GMA that says if urban services are required in rural areas, then that is urban development.

FCC's-I see no need for FCC's at this time or in the near future. Our cities and urban growth areas are more than large enough by a factor of 2-4 to accommodate the expected growth for decades to come.

PBCP's-These should be restricted in such a way that density does not exceed 1 du/5 acres even after all the bon density has been allowed. They should also be limited so as to prevent urbanization. Some examples of limits are a maximum number of home sites per cluster, limit how close individual clusters can be to each other and limit how many clusters can be created in any given area.

UGN's-They should have been converted into LAMIRD's years ago.

I am pleased to see the KCCC (Kittitas County Conservation Coalition), Futurewise/Ridge/KCCC and CTED (Washington State Department of Community Trade and Economic Development) put forth documents, in the form of petitions for review, that come to the same conclusion as I did regarding minimum densities in rural areas. I have read the documents and I support the changes and comments that have been made. I am convinced their proposals will make the Kittitas County Zoning code much better than it currently is.

There are currently three petitions for review before the EWGMHB regarding growth issues in Kittitas County and all three questions the validity of 3-acre zoning, among many other things. The KCCC's petition for review with the EWGMHB is at the stage of a finding and order being given. The two basic issues were the validity of the 2006 PBCP (Performance Based Cluster Plat) and whether the 3-acre zoning in Kittitas County was adopted in accordance with the GMA. The Board basically found that KCCC was not timely in filing regarding the PBCP, that the KCCC was really asking whether the 2005 ordinance was valid or in compliance with the GMA. There is little difference between the 2006 and 2005 ordinances. The KCCC should have filed back when the 2005 ordinance was first approved but the KCCC did not exist at that time.

The Board did have this to say about the 2005 ordinance, which is virtually the same as our current 2006 ordinance. ***"The Board finds the Petitioners' arguments compelling and, had they been made in a timely manner, might have persuaded this Board that the County was in error and the performance based cluster platting provisions violate the GMA requirements for rural densities. There must be controls in place to limit clustering to prevent urbanization of the rural areas."***

This is a sign, a warning and a red flag. The current zoning code before you still has the PBCP allowing clustering 5-acre parcels at a density of 1 du/2.5 acres. Both the 3-acre zoning and PBCP's are part of Futurewise's and CTED's petitions for review of the Comp Plan update. Given what the Board has already said about the 2005 ordinance, I doubt clustering in 5-acre zoning will survive the petition for review process.

The remaining question is whether 3-acre zoning will be found in compliance with the GMA. In KCCC vs. Kittitas County, the Board found that....***"the County failed to act by failing to adopt regulations implementing its Comprehensive Plan (CP), failing to review Agriculture-3 and Rural-3 regulations for consistency with its Comprehensive Plan, and failing to provide for proper notice and public participation."*** This zoning code update is considered by the county to be the remedy regarding 3-acre zoning and the Board's order. I don't think this is going to satisfy GMA requirements or the Board's order. I do not see AG-3 and RU-3 zoning being consistent with the Comp plan. The County has not justified and harmonized 3-acre zoning nor have they said how it is consistent with their own Comprehensive Plan let alone how it complies with the GMA.

From the Kittitas County Comp Plan page 1: ***"The Plan contains...A Rural Element that ensures the protection of rural lands and provides for a variety of rural densities."*** Clustering on 5-acre parcels yields 1 du/2.5 acres and this density does not protect rural lands nor does 3-acre zoning protect rural lands. Urban development in rural areas does not protect rural lands.

From the Kittitas County Comp Plan Chapter Eight: Rural Lands

8.1 Introduction...

"The State of Washington defines rural character, rural development and rural governmental services in the Revised Code of Washington (RCW) 36.70A.030 (15), (16), and (17) as follows:

"Rural Character refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- a. In which open space, the natural landscape, and vegetation predominate over the built environment; That foster traditional rural lifestyles, rural based economies and opportunities to both live and work in rural ... eas;*
- c. That provide visual landscapes that are traditionally found in rural areas and communities;*
- d. That are compatible with the use by wildlife and for fish and wildlife habitat*
- e. That reduce the inappropriate conversion of undeveloped land into sprawling, low density development*
- f. That generally does not require the extension of urban governmental services.*
- g. That is consistent with the protection of natural surface water flows and ground water and surface recharge and discharge areas."*

HA-3 HR-3, or any 3-acre zoning does not ensure the protection of rural lands because open space, natural vegetation and the natural landscape don't predominate the over the built environment at densities greater than 1 du/5 acres. Traditional rural lifestyles are endangered, the visual landscape is urbanized, the inappropriate conversion of undeveloped land in to sprawling, low density development is increased, not decreased, urban services will be increasingly needed in rural areas. We are already seeing requirements for community water systems and community septic systems in rural areas. Also, who knows what is going to happen to natural surface water flows and ground water and surface recharges, particularly in the upper county where ground water is the headwaters for the Yakima Basin and ground water is just in its beginning route downstream. We have many instances where the built environment dominates the natural environment in rural areas because of zoning densities greater than 1 du/5-acres. As the already existing 3-acre and small lots already created get developed, the "natural environment" as we know will cease to exist. Kittitas County government is urbanizing its rural areas.

For many of the same reasons as above 3-acre zoning doesn't satisfy the GMA goals of..

W 36.70A.020 Planning goals.

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*

First of all, where are we with regard to 3-acre zoning? According to the latest figures of 4-17-07, there are 18,591 acres already zoned A-3 (Agriculture-3) and 25,521 acres zoned R-3 (Rural-3) for a total of 44,112 acres.

According to the Comp Plan, Kittitas County has 1,486,132 acres and from that I will subtract Commercial Agriculture, Commercial Forest-80, residential zones and commercial zones in order to get a rough estimate of how much rural land we are talking about and that figure comes to 449,384 acres. The reason I subtracted those classifications is because according to the GMA RCW 36.70A.070 Comprehensive plans — Mandatory elements.

"(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources."....In other words, when calculating available rural lands...urban lands, commercial agriculture, forest, mineral and commercial industry are not included in the calculations. King County has a very draconian CAO (Critical Areas Ordinance) and I fear Kittitas County may have to severely restrict uses on at least the less than 5-acre parcels in order to protect critical areas. It only makes sense that if all parcels were 80 acres or more, the impact on any one parcel owner will be much less than the impact on owners of small parcels primarily because of the sheer numbers of people involved and the adverse effects they have on critical areas.

We have 44,122 acres zoned three acres and that amounts to almost 10% of our rural land ALREADY zoned 3-acres. This doesn't include lands that are not zoned 3-acre but are 3 acres and less in size nor does it include the proposed HR-3 and HA-3 "logical infill". I don't have those figures.

Secondly, if we take the 44,112 acres already zoned and divide that by 3 to get the total number of potential lots we come up with 14,704 lots. If we assume 2.3 people per household and multiply 14,704 by 2.3 we get 33,819 people potentially living on just those acres, which is almost the population of the whole county in 2007. This is just 3-acre zoning. We have 288,444 acres of FR-20 (Forest and Range-20), which can be divided into 20-acre parcels, which adds 14,422 lots or 33,171 people. There are 110,828 acres of Agriculture-20, which can also be divided into 20-acre parcels and gives us 5,541 parcels or 12,744 people. All totaled between 3-acre, F&R, and Ag-20 we can accommodate 79,734 people. That is more than twice the current population of the County. Add to that Suncadia and numerous PUD's and PBCP's already in the works and we are talking about the rural areas being able to accommodate all of the County's projected growth for more than the 80 years at the rate of about 1,000 per year which has been the case in recent years. How can Kittitas County direct growth into urban areas when they encourage so much growth in rural areas?

Thirdly, if we look at the population allocation figures for rural areas that are planned for 2025, we have ALREADY exceeded those figures also. I am reprinting some information I submitted in my comments of September 21, 2006 regarding the Comp Plan update. I don't know if any of this has changed since then but certainly nothing would not have changed nearly enough to totally stop growth in rural areas to meet these population figures nor could the figures have been revised upward enough to come anywhere near the actual population growth that will be allowed in rural areas by 2025 GIVEN the policies currently advocated. I am certain the EWGMHB is going to want to see how the County "did it's homework" and arrived at the current planning for rural areas given the huge growth in rural areas without the proper protections

BEGINNING OF 9-1-06 REPRINT

One of the GMA goals is to direct most growth towards urban areas and away from rural areas until those rural areas are needed to accommodate urban growth. From what I have gathered, Kittitas County has already met its 2025 population allocation for rural areas. The following is from the Washington State OFM (Office of Financial Management).

**April 1 Population of Cities, Towns, and Counties
Used for Allocation of Selected State Revenues
State of Washington**

County <u>Municipality</u>	Census <u>2000</u>	Estimate <u>2001</u>	Estimate <u>2002</u>	Estimate <u>2003</u>	Estimate <u>2004</u>	Estimate <u>2005</u>	Estimate <u>2006</u>
Kittitas	33,362	34,000	34,800	35,200	35,800	36,600	37,400
Unincorporated	13,614	14,120	14,520	14,785	14,910	15,375	15,780
Incorporated	19,748	19,880	20,280	20,415	20,890	21,225	21,620
Cle Elum	1,755	1,755	1,775	1,775	1,785	1,800	1,810
Ellensburg	15,414	15,460	15,830	15,940	16,390	16,700	17,080
Kittitas	1,105	1,105	1,100	1,120	1,130	1,135	1,135
Roslyn	1,017	1,017	1,020	1,020	1,020	1,020	1,020
South Cle Elum	457	543*	555	560	565	570	575

As you can see the estimated 2006 unincorporated population estimate is 15,780. The following table is taken from a Kittitas County CDS memorandum dated April 27, 2006 regarding population allocation.

Jurisdiction	Allocation %	2025 Population
Roslyn/UGA	2.5%	1,320
S. Cle Elum/UGA	2%	1,056
Kittitas/UGA	3%	1,584
Cle Elum/UGA	19%	10,034
Ellensburg/UGA	45%	23,764
Kittitas County Urban Growth Nodes	10%	5,281

Non Urban County	18.5%	9,771
Totals	100%	52,810

These projections should be used as a basis for planning as you update your comprehensive plans.

If we add Urban Growth Nodes to Non Urban County we get the number of people in Unincorporated Kittitas County and that projected number for the year 2025 is 15,052 which is 728 people fewer than we currently have. Technically, there should be no growth in the rural areas until after 2025 or the allocation/population figures change. If the OFM figures are correct for growth between 2000-2006 then their figures for 2025 are correct also.

END OF 9-1-06 REPRINT

You don't have to be a land use planner, County Commissioner, Fire Marshal, Police Officers or School administrator to realize that beyond a certain point, growth in rural areas becomes very costly. We will be going beyond that point, if we haven't already, and all we can do now is limit how far we go overboard. All one has to do is acknowledge 30,000 people spread over half a million acres of rural land cost much more than 30,000 people within the few square miles of the city limits of Ellensburg. Police and Fire responses will be slower and more costly as rural areas are developed far from historic and established rural routes. School busing will consume more time, money, wages and fuel. Roads will cost more to maintain beyond what is collected from rural residents because fewer people live on them than in urban areas. I know, currently the "PLAN" is to make all these new road private roads. But we all know what will happen when school buses, police and fire can't get down poorly maintained roads. The County will have to take over the maintenance because the developers will be long gone. The cost of snow removal is born by all county residents and all the new rural roads will eventually end up being the responsibility of the County. When the ground water becomes polluted because of urbanization and or drought, the County will have to take over the water supply in rural areas. After all, the county is allowing urban development in rural areas and when rural systems fail, urban systems will be requires and that is costly in rural areas.

Just last year, summer of 2006, the Commissioners were saying that much of the new growth in Kittitas County is from second homes and that those people will be paying taxes on their land and houses and not adding to our current costs for services. If the is true, WHY are they asking for a tax increase for law enforcement "because of increased growth in the county?"

The County, which is all of us citizens, will be responsible for our health, safety and welfare. We should be planning for the future in order to avoid harm and dangers to our citizens. A certain amount of growth in rural areas is good for the County but when it crosses that line into urban type growth, the costs in terms of health, safety, welfare and financial become greater than they should.

I would urge you to eliminate any new 3-acre zoning but allow for the development of already platted 3-acre lands. And all land currently zoned as 3-acres be rezoned as 5-acres and the existing platted land be non-conforming uses. I would recommend eliminating cluster plats that provide for densities greater than 1 dwelling unit per 5-acres. In other words, I would ask that 1-du/5 acres be a maximum allowed density in rural areas. I would ask that you recommend that any rezones be a part of the yearly comp plan amendment process regardless of whether they are project or non project and thus subject to review by the citizens of Kittitas County. By definition, **17.08.470 Rezone.** "Rezone" means an amendment to the zoning ordinance, requiring the same enactment as an original zoning. (Res. 83-10, 1983). I would think an amendment to the zoning ordinance is an amendment to the Zoning Code and thus a change in the development regulations which equates to a Comp Plan change.

Sincerely,

Roger Olsen

The following are references to materials I used in my comments:

Page 22 Counties should establish land use designations and residential densities that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area. The primary purpose of rural areas is not to accommodate growth. That is the function of urban areas.

Minimum lot sizes relating to viable resource use should be designated in rural areas where agriculture, forestry, and other resource uses predominate. These lot sizes may be especially appropriate in a transition area adjacent to designated resource lands of long-term commercial significance or critical areas. CTED and the Department of Natural Resources generally recommend residential densities of 1 dwelling unit/20 acres in rural agricultural and forest lands.

Page 33 Cluster development can be a useful tool for allowing rural development if it is done carefully and overall density remains low. Too much density in the rural area, even if it is clustered, can lead to sprawl and uses incompatible with rural character and adjacent land uses.

From the GMA

RCW 36.70A.020 Planning goals.

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

RCW 36.70A.030 Definitions

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

RCW 36.70A.070 Comprehensive plans — Mandatory elements.

- (5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:
 - (b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.
 - (c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
 - (i) Containing or otherwise controlling rural development;
 - (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

From the Kittitas County Comprehensive Plan

GPO 2.3 The encouragement of urban growth and development to those areas where land capability, public roads and services can support such growth.

GPO 2.5 Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services.

Aquifers

Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult if not impossible to clean and resulting costs can be prohibitive.

GPO 2.67 Critical Aquifer Recharge Areas should be mapped as soon as practical so as to warn the public of possible development restrictions. We feel this is of the highest priority for the public health and safety.

GPO 2.68 In areas of Critical Aquifer Recharging effect only limited densities, based on that which would not impair the functions of the Aquifer Recharge area, shall be allowed.

GPO 2.69 Kittitas County shall give high priority to the protection of known aquifers that have a Critical Recharging effect, as identified by technical data, on potable water aquifers for reasons of public health and safety.

From Growth Management Hearings Boards

Wentworth vs. Pend Oreille-EWGMHB-11/1/2006

"the Board finds the Petitioner has carried their burden of proof in Issue No. 1, regarding the County's adoption of its Rural-2.5 designation. This low-density rural designation fails to comply with RCW 36.70A.020(1), RCW 36.70A.020(2) and RCW 36.70A.070(5), creating an urban-like density in the rural areas. The Growth Boards have repeatedly opined that rural densities of less than one dwelling unit per 5 acres creates sprawling, low-density development, fails to protect water quality and quantity, and fails to protect the natural resource environment."

1000 Friends vs. Chelan County-EWGMHB-9/2/2004

"It is clear from the decisions cited in the parties' briefs and in argument that this Board, together with the Western and Central Puget Sound Boards, has held that the Growth Management Act makes lot sizes smaller than five acres urban density."--Only 24 acres were involved and the petitioners could not fulfill the burden of proof that 3 acre zoning was out of compliance with the GMA. 1000 Friends, now know as Futurewise, will have the opportunity to challenge any development that involves less than 5-acres after the County updates its comprehensive plan. I have heard that is what they plan to do.

Moses Lake vs. Grant County-EWGMHB-11/20/2001

"The Boards have held that five-acre lots in rural areas of a county will be subject to "increased scrutiny" by the Board to assure, among other things, that the number, location, and configuration do not constitute urban growth."

1000 Friends v Thurston County 5-2-2005 final 7-20-05

Conclusion: *The County's high density rural residential designations (SR – 4/1; RR 2/1; RR 1/1; and RR 1/2); Housing and Residential Densities Policies 1 and 2, and Rural Land Use and Activities Policy 8; and the County's development regulations implementing these designations (T.C.C. Ch. 20.10; T.C.C. Ch. 20.11; T.C.C. Chapter 20.13; and T.C.C. Chapter 20.14) fail to comply with RCW 36.70A.070(5). The residential density levels allowed in these designations are too intensive for rural areas unless they are designated as limited areas of more intensive rural development (LAMIRDs) pursuant to RCW 36.70A.070(5)(d). If the County is to allow such areas of more intensive rural development, it must establish them in accordance with RCW 36.70A.070(5)(d). T.C.C. 20.09.040(1)(a) also fails to comply with RCW 36.70A.070(5)(c) and (d) by effectively increasing the rural residential density in the RR 1/5 zone from one dwelling unit per five acres to one single family dwelling unit per four acres.*

Futurewise vs Whatcom 05-2-0013 final 9-20-2005

Whatcom County adopted its update of its comprehensive plan in Resolution 2005-006 pursuant to RCW 36.70A.130(1) and (4) on January 25, 2005. In its update, the County primarily determined to retain its existing designations as established in its 1997 comprehensive plan and apply new provisions of the GMA (Growth Management Act, Ch. 36.70A RCW) to future designations only. Resolution 2005-006. In our Order on Dispositive Motions issued in this case on June 15, 2005, we determined that the update requirements of RCW 36.70A.130 impose an obligation upon the County to revise its comprehensive plan to comply with the GMA, and that the County may not refuse to revise noncompliant plan provisions on the basis that it adopted them some time ago.

We find that the rural residential densities allowed in the RR1 zone (1 dwelling unit per acre); RR2 zone (2 dwelling units per acre); RR3 zone (3 dwelling units per acre); EI zone (3 dwelling units per acre); R2A zone (1 dwelling unit per 2 acres); and RRI zone (1 dwelling unit per 3 acres) are not rural densities but suburban densities encouraging sprawl. Except within properly designated LAMIRDs, such intensive residential densities in the rural area fail to comply with RCW 36.70A.070(5)(b) and 36.70A.020(2).

Conclusion: *The rural zones: RR1 zone (1 dwelling unit per acre); RR2 zone (2 dwelling units per acre); RR3 zone (3 dwelling units per acre); EI zone (3 dwelling units per acre); R2A zone (1 dwelling unit per 2 acres); and RR' zone (1 dwelling unit per 3 acres); allow residential densities that are not rural in the rural areas that are not in limited areas of more intensive rural development pursuant to RCW 36.70A.070(5)(d). They do not, therefore, comply with RCW 36.70A.070(5). The County failed to revise these zones as required by RCW 36.70A.130.*

Futurewise vs Walla Wall 05-1-0001 final 8/10/05

ge 6

The development regulations found in Ordinance No. 308 provide as follows:

1. Clustering is allowed in all agricultural designations except Exclusive Agriculture.
2. Development is only allowed at the density permitted by the assigned zoning.
3. The minimum land area needed for clustering in each zone is
 - a. AG-40: 80 acres.
 - b. AG-20: 40 acres.
 - c. AG-10: 20 acres.
4. Cluster development lot width shall be a minimum of 150 feet.
5. At least 70% of the overall development site shall be maintained and preserved for agricultural use.
6. There is no limit to the number of clustered parcels in the AG-10 zone, so long as the underlying overall density is met (i.e., 400 acres could accommodate a cluster development of 40 units).
7. No clustered parcel shall exceed 3 acres and the average lot size in the cluster development shall not exceed 2 acres. Clustering is allowed, under the challenged enactments, on all but 21,000 acres of the County's agricultural land of long-term commercial significance.

page 10

Agricultural lands -- Innovative zoning techniques -- Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. A county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

The Board has a serious concern about the potential impact of clusters on the viability of the remainder of agricultural land. If cluster development patterns are going to work, the density in the cluster cannot cause a drastic change in the character of the surrounding area and the remaining farmland has to be large enough to accommodate a true commercial farming operation.

The GMA, in RCW 36.70A.177(1), requires that non-agricultural uses be on poor soils or soils not suited for farming. In the County's newly adopted amendments allowing clustering on Agricultural Resource lands, the County makes no mention of the soils upon which the clusters would be located. It is clear clusters are non-agricultural uses and must be located upon poor soils.

In this context, note the Washington State Supreme Court's finding that:

The statute encourages counties to limit innovative techniques 'to lands with poor soils or otherwise not suitable for agricultural purposes.' The trial court found this requirement 'discretionary' rather than 'mandatory' because the statute uses the word 'should.' This interpretation misplaces the discretion.

Page 13

While Walla Walla County's policies contain a unit cap in some zones, the Western Board's conclusions in *Smith v. Lewis County*, above, are worth restatement:

the size of a rural development project increases, the demand for urban governmental services inevitably increases. Likewise, as the size of a project site increases, the more likely it is that it will exhibit the characteristics of urban growth. *Id.*

It is clear to the Board that having no limit on Agricultural Residential-10 clustering density or allowing the "clustering" of clusters is clearly erroneous. Until limits are placed upon all clusters and the "clustering" of clusters, the Board must find the County's actions clearly erroneous and out of compliance with the GMA.

Conclusions:

The Board finds that the Petitioners have carried their burden of proof and that the County's actions are clearly erroneous due to the following reasons:

1. Failure to limit the number of clusters in Agricultural Residential-10 parcels;
2. Failure to limit the location of clusters adjacent to one another and the County's;
3. Failure to require the authorized clusters be located upon poorer soils or soils unsuited for agriculture.

CFFC v Ferry 01-1-0019 third order 6-14-2006-quoting from other board decisions-density issues

The Respondents did not argue that they are in compliance on Issue No. 2. The County continues to be in non-compliance by not protecting agricultural resource lands of long-term significance and for allowing urban-like densities within the agricultural zone.

Issue No. 2:

Did the County fail to comply with RCW 36.70A.040, .060, and .120 and interfere substantially with GMA goals (RCW 36.70A.020) by not adopting implementing regulations to restrict subdivision and density of development adequate to conserve designated agricultural lands of long-term commercial significance?

In *Bremerton, et al. v. Kitsap County*, CPSGMHB Case No. 95-3-0039c FDO (October 6, 1995), the Central Board dealt with urban densities and concluded (Eastern Board emphasis):

"A pattern of 1 and 2.5-acre lots meets the Act's definition of urban growth...However, a pattern of 1 or 2.5-acre lots is not an appropriate urban density either...An urban land use pattern of 1 or 2.5-acre parcels would constitute sprawl; such a development pattern within the rural area would also constitute sprawl."

The Western Board, in *Durland v. San Juan County*, WWGMHB Case No. 00-2-0062c, FDO (May 7, 2001), seemed to indicate five-acre lots as the minimum for rural density:

"In determining a rural density, statistical averaging of existing and projected average lot sizes has value primarily as a starting point for the analysis. Five acre lots are often a guideline to showing a rural density, but are not a bright line determination."

In another case, *Smith v. Lewis County*, WWGMHB Case No. 98-2-0011, FDO (April 5, 1999), the Western Board indicated density below five-acre lots was not rural:

"Densities that are more intense than 1 du per 5 acres are not typically rural in character and exist in the rural environment, in the main, as part of [L]AMIRDS."

On the other hand, The Central Board also passed on setting a "bright line" for agricultural lands in *City of Gig Harbor, et al., v. Pierce County*, CPSGMHB Case No. 95-3-0016c, FDO (October 31, 1995):

"The Board declines the invitation to establish a minimum lot size for agricultural parcel sizes."

This Board notes a pattern in these decisions and others by the Growth Boards. Five acre lots are generally considered the minimum lot size in the rural/agricultural areas and only when a variety of larger lot sizes are available, while 2.5-acre lot sizes are more urban and promote sprawl. The most important criterion for establishing minimum lot sizing in agricultural resource lands is establishing a process. How did the county or city establish the lot size, is there a variety of lot sizes available and is the process outlined in the record?

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Monday, June 11, 2007 3:38 PM
To: Allison Kimball; Darryl Piercy; Joanna F. Valencia
Cc: David Bowen; Alan Crankovich; Mark D. McClain
Subject: FW: Zoning Code Update
Attachments: BOCC Zoning Code Update 6-11-07-Record1.doc

For the record

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: ROKW [mailto:rokw@cablespeed.com]
Sent: Monday, June 11, 2007 3:28 PM
To: Kittitas County Commissioners Office
Subject: Zoning Code Update

Please find attached a document for the Board of County Commissioners.

Also please reply back to me that you received this document.

Thank you in advance,

Roger Olsen

To: Kittitas County Commissioners

Subject: Zoning Changes

As I read and understand the changes proposed, I see minor word changes which result in major changes in direction for the county. These changes will dramatically change the development and make of the county in the future. I wonder if the long term implications have been considered. Following are my observations, comments and suggestions:

The major changes as I try to understand a very complicated document are:

1. Change in minimum lot size: it looks like the smaller lot size in the urban areas closest to the cities are being changed to 5 acres.
2. One time split is being restricted to 20 acre and above lots in both the Agricultural and Commercial agricultural zones, changed from 8 and 10 acre minimum.
3. The section on "administrative use" gives broad powers to CDC Director for both interpretation of the code and approval of any applications.
4. The revision also goes back in time and applies to lots created in the past.

Why are we trying to limit growth closer to the cities? This just puts more pressure on the other areas. Growth is happening. We must plan for it. This seems to be an attempt to try and stop growth.

It is my experience that one acre is difficult for most families to care for. The irrigated land in this county is different than that in the range, forest or on the west side of the mountains. It must be cared for irrigated, weed control, harvested-mowed or grazed, etc) or it will turn brown, turn into weeds and become a fire danger.

Increasing to larger lots will raise lot prices, making it prohibitive for the middle and lower middle class to move to the country. If they do, most will not have the resources to adequately take care of the acreage. It will not stop the wealthy from buying larger lots and taking them out of commercial agriculture into, what I call maintained agricultural land. This change will affect who will be able to afford to live in the country. This is social engineering by zoning

Increasing lot sizes resulting in increased land prices will not preserve agriculture but will have the opposite effect. Real-estate costs make it financially impossible to buy or sell for commercial agriculture. Let's be honest, this is not about saving agriculture but rather saving 'MY' view and open space.

There will be little difference between ag-20 and commercial ag zones if this is approved. If you are going to combine them, be honest and put them together, instead of changing code to make them the same. It would eliminate a lot of words. I am not advocating this. I see the need for two different zones with different rules.

EXHIBIT #: 4
HEARING: Dev. code
DATE: 6/11/07
SUBMITTED BY: Dale Dijk

The section on 'Administrative Use' opens our government to graft and corruption. The code must be clear and understandable, not open to interpretation by administration. We should not have to consult Planning to understand the current interpretation of the Code. The major issues should be clearly stated with rules to follow. Staff's duty should be to follow and apply the code, not interpret it.

Code Changes that are retroactive hurt those who chose not to divide land earlier. Each time a new code is considered it causes more land divisions. When a new code is adopted it should apply to the future. Choose a date 30 to 90 days after the adoption to make it effective. This should be a planning document not an emergency stop gap measure. This process makes it very difficult and costly for land owners who want to do what is right with their land, when the rules and codes are continuing to change or are rumored to change.

At one of the past hearings, I was under the impression that the Ag community would be involved in the planning process. I have not heard of any input from ag land owners other than the hearing process. Is there an ag committee?

I would like to recommend the following:

1. If the adoption must be done by July 1, don't make 'Major' changes now. If it can wait, put together a group of people from all different points of view to consider the long term affects of the proposals. I do believe there is common ground. All the vital issues have not been considered. We can adopt new code at any time.
2. The 'Administrative Use' section be taken out, or completely rewritten, with clear parameters on interpretations and decisions that staff is able to do. The unclear nature of this section is not good.
3. Make the effective date for new code 30 to 90 days after adoption.
4. Timing is stacked against agriculture. The busiest time of the year is in the late spring and early summer. I wonder if the timing is not planned to minimize the ability for ag to have input in the process. In the last two years it seems that all the major changes happen at this time. It causes a lot of stress in a very stressful time.

Because of the season I may not be able to attend the hearing, but will try. Please excuse the hurried nature of this letter. Thank you for considering these issues.

Dale Dyk
3171 Weaver Road
Ellensburg, Wash. 98926
(509) 856 -7386

Joanna F. Valencia

From: Kittitas County Commissioners Office
Sent: Monday, June 11, 2007 11:23 AM
To: Darryl Piercy; Allison Kimball; Joanna F. Valencia
Subject: FW: Planning
Attachments: Planning.doc

For the record

Julie Kjorsvik
Clerk of the Board
Kittitas County Board of Commissioners
509-962-7508
509-962-7679 Fax
<http://www.co.kittitas.wa.us/>

From: Dale Dyk [mailto:ddyk@fairpoint.net]
Sent: Monday, June 11, 2007 11:12 AM
To: Kittitas County Commissioners Office
Subject: Planning

Kittitas County Commissioners,

Attached is a letter explaining my concerns with the planning document.

Thanks,

Dale Dyk
509 856 7386

futurewise

Building communities
Protecting the land

June 1, 2007

Honorable David Bowen, Chairman
Honorable Alan A. Crankovich
Honorable Mark McClain
Kittitas County
Board of Commissioners
205 West 5th Avenue, Suite 108
Ellensburg Washington 98926

RECEIVED

JUN 05 2007

1ST X 2ND X 3RD X
BOARD OF KITTITAS COUNTY COMMISSIONERS

ROUTED TO:
DPW _____
PROSECUTOR <u>Caulkins</u>
CDS <u>Piercy, Kimball</u>
DEPT. _____

P.H. Folder

Dear Chairman Bowen and Commissioners Crankovich and McClain:

Subject: Data CD to support our forthcoming comments on the Planning Commission May 31, 2007 Recommendation for the Kittitas County Development Code Update

Enclosed please find a data CD that contains documents referenced in our forthcoming comment letter on the Planning Commission May 31, 2007 Recommendation for the Kittitas County Development Code Update.

Thank you in advance for considering these documents. If you require additional information, please contact me 206-343-6081 to tim@futurewise.org

Sincerely,

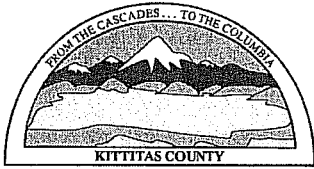


Tim Trohimovich, AICP
Planning Director

cc: Darryl Piercy, Kittitas County Community Development Services w/enclosure

Enclosure

EXHIBIT #: 5
HEARING: Dev. Code
DATE: 6/1/07
SUBMITTED BY: Tim Trohimovich



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

Copies of submitted Futurewise CD available
at Community Development Services Office,
411 N Ruby St. Suite 2, Ellensburg, WA 98926,
(509)962-7506

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

11 June, 2007

To the Board of County Commissioners

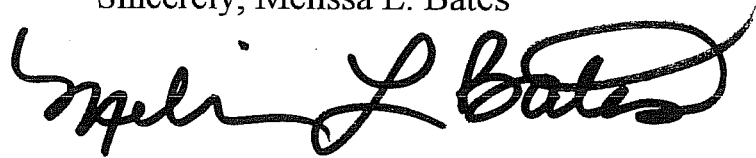
Dear Mr. McClain, Mr. Crankovich and Mr. Bowen,

I wish to reiterate several points made during the public hearings before the Planning Commission. During this time of increased development and land speculation, Kittitas County must revise the codes to eliminate vast loopholes that allow unfettered development – the type of development that the county will pay heavily for in years to come.

First, the code must be updated to require that every application include all members in a Corporation. This is to assist in determining when projects should be considered in a cumulative manner. This requirement must have a perjury clause included to address false statements that are made on an application. At this time, it is common for many applicants to put false statements in their applications to utilize some of these very loopholes. Kittitas County's legal staff is well aware of this problem.

Another issue I wish to address is the Cluster Plat and Performance Based Cluster Plat codes. The idea of clustering homes and leaving open space is a good idea - in theory. However, in Kittitas County this has meant urban densities in rural areas and "open spaces" that are completely meaningless. PBCPs, PUDs and FCCs – these types of development by any other name is still allowing urban densities in rural locations without properly addressing major problems such as water, sewage, traffic, schools and EMS. The nature of these massive projects negate the very essence of what it means to be rural. Please help to provide sustainable development for the future of Kittitas County and leave the type of legacy for which you can be proud.

Sincerely, Melissa L. Bates



Melissa Bates
120 Elk Haven Rd.
Cle Elum, WA 98922

EXHIBIT #: 6
HEARING: Dev. Code
DATE: 6/11/07
SUBMITTED BY: Deidra Link

June 11, 2007

Kittitas County Board of Commissioners

Hearing on the Planning Commission Recommendation
On the Update to Development Codes

FULLY CONTAINED COMMUNITIES

Commissioners,

Pertinent to the inclusion of the new chapter in the zoning code allowing Fully Contained Communities (FCC) in Kittitas County the Kittitas County Conservation Coalition submits the following questions:

1. Has Kittitas County formed a stakeholders committee or anything similar for study of the need for such communities in Kittitas County?
2. Has Kittitas County identified what portion of the cities' UGA's estimated growth for the Comprehensive Planning Period will be dedicated to FCC's?
3. Has Kittitas County determined to what level financial commitment and long term planning will be required to develop FCC's?
4. Has Kittitas County identified what public review processes would be appropriate in consideration of FCC proposals?
5. Has Kittitas County taken steps to assure that a logical, multi-phased review process that takes into account the scope and significance of every individual application for a FCC?
6. Has Kittitas County identified a capital facilities plan for location of FCC's in the county jurisdiction?
7. Will a master plan and development agreement process be used by the county to regulate and enforce conditions of individual FCC's?
8. Has Kittitas County considered policies which will assure that FCC's can be incorporated into cities in the future with provisions for jobs, government facilities, schools, retail services, etc. as required by law?
9. Has Kittitas County decided if an EIS is to be a requirement for all FCC proposals?
10. Has Kittitas County decided policy on how the build out of a FCC will affect infilling of designated urban areas outside the FCC?
11. Has Kittitas County discussed expectations regarding community quality and sustainability?
12. Has Kittitas County decided what minimum acreage may be required for a FCC?
13. Has Kittitas County addressed the need for balance of housing, services, and jobs and monitoring for achievement of this balance?

EXHIBIT #: 7
HEARING: Dev. Code
DATE: June 11, 2007
SUBMITTED BY: John Jensen

14. Has Kittitas County determined the minimum distance for location of a FCC from existing urban areas and the policies for land use between the locations to assure communities remain distinct from one another?
15. Has Kittitas County determined the location of FCC in terms of attracting significant employer(s)?
16. Has Kittitas County considered policies pertaining to FCC's versus expansion of existing UGAs;
17. How will FCC's impact agricultural and natural resource activity within the community? and
18. Has Kittitas County determined what regulations and standards relative to vesting and the length of time to realize the full community build out will apply?

This list of questions is not exhaustive but is meant to underscore the need for careful and deliberate consideration of adoption of such a land use policy in Kittitas County and more importantly raises the question of whether Fully Contained Communities are appropriate for Kittitas County.

The Coalition asks you to delete this provision from your consideration for inclusion in the county code as not appropriate for Kittitas County. Kittitas County has recently approved major increases to Urban Growth Area boundaries, has several Urban Growth Nodes that are not built out and we believe FCC's cannot be justified given the very high costs of building Fully Contained Communities and the increased burden on the taxpayers associated with these costs

Thank you for this opportunity to testify.

Sincerely,
Jan Sharar for the KCCC

Roger Olsen 2130 Nelson Siding Road, Cle Elum
Speaking for Myself

TO: **Kittitas County Community Development Services**

ATTN: **BOCC (Board of County Commissioners)**

RE: **Public Hearing-Zoning Code Update**

Date: **June 11, 2007**

FROM: **Roger B. Olsen
2130 Nelson Siding Road
Cle Elum, WA. 98922
(509) 674-3881**

Once again I am confused. Last summer I spoke to the fact that small lot rural growth costs more in services than it pays in taxes, that even urban residential taxes don't pay for all the services they receive and that governments rely upon business and farm operations to make up the shortfall. The response I got was that the excise tax revenue from new home sales and property taxes on higher property values would more than cover the costs incurred. Not much more that 6 months later I read in the paper that Commissioner McClain is asking for a sales tax increase to cover the increased law enforcement costs due to growth. This is clearly a sign that the County is on the wrong path regarding land use issues.

Also confusing...the EWGMHB issued an order stating that Kittitas County had not adopted its 3-acre zoning per the GMA. I have looked in newspapers and on the County's website for some notice that the County was going to go through the process of reviewing the 3-acre zoning and presumably any other zone that has not been implemented according to GMA rules. As I understand it, "what the County must do, is provide public notice; clearly indicating its intention to use pre-GMA regulations to comply with its comprehensive plan; specify which pre-existing regulations or ordinances it is relying upon; hold at least one public hearing; and publish notice of the adopted ordinance. I have not yet seen any reference between the Board's order and any corresponding public process discussing 3-acre zoning and the GMA. I recently called CDS and was told by a planner that he thought the zoning code update process was covering that issue. Well, that helps to clear up the county's thinking but does little to shed light on how 3-acre zoning is justified, how it implements Kittitas County's Comp Plan, how it is compliant with the GMA and how it will satisfy the board's order.

I have looked into the GMA requirements and it is my conclusion that densities greater than 1 dwelling unit per 5 acres are always found to be urban in nature with very few exceptions and when it is compliant it is very limited in scope and size. Certainly the more than 44,000 acres currently zoned 3-acres would not be consider small or limited in scope. GMA Boards have consistently found densities greater than 1 du/acre to be characterized as urban in nature and as such they do not comply with the goals of the GMA.

EXHIBIT #: 8
HEARING: Dev Code
DATE: 6/11/07
SUBMITTED BY: Roger Olsen

It appears to me the current zoning code update is an attempt at stalling the inevitable loss of 3-acre zoning. I can't say for sure the EWGMHB will rule as I expect but all the evidence points in that direction. The safest course of action and the best course of action for Kittitas County would be to rezone all 3-acre zoning into 5-acre zoning and any existing platted 3-acre parcels would be grandfathered in. Even at 5-acres, there may be some question as to whether that would meet the requirements of the GMA given the fact that so much of Kittitas County's usable rural lands are already platted into parcels of 3 acres and less. I have a feeling the EWGMHB will look very closely at how much has already been platted and how any zoning code will comply with the GMA requirement that "*open space, the natural landscape, and vegetation predominate over the built environment*". (KCCP, rural lands 8.1 Introduction). Look and feel is not good enough, the built environment cannot predominate (have more importance) over open space, natural landscape and vegetation. Board decisions tend to accept 5-acre as a minimum as long as the 5-acre zoning is limited and there is a lot of land in the larger acreage zones that contribute to diversity of densities.

I would caution the County to avoid any stalling techniques because the consequences can be severe. While sanctions are not imposed often, neither does CTED file petitions for review very often. I took the following from the CTED website
<http://www.cted.wa.gov/site/401/default.aspx>.

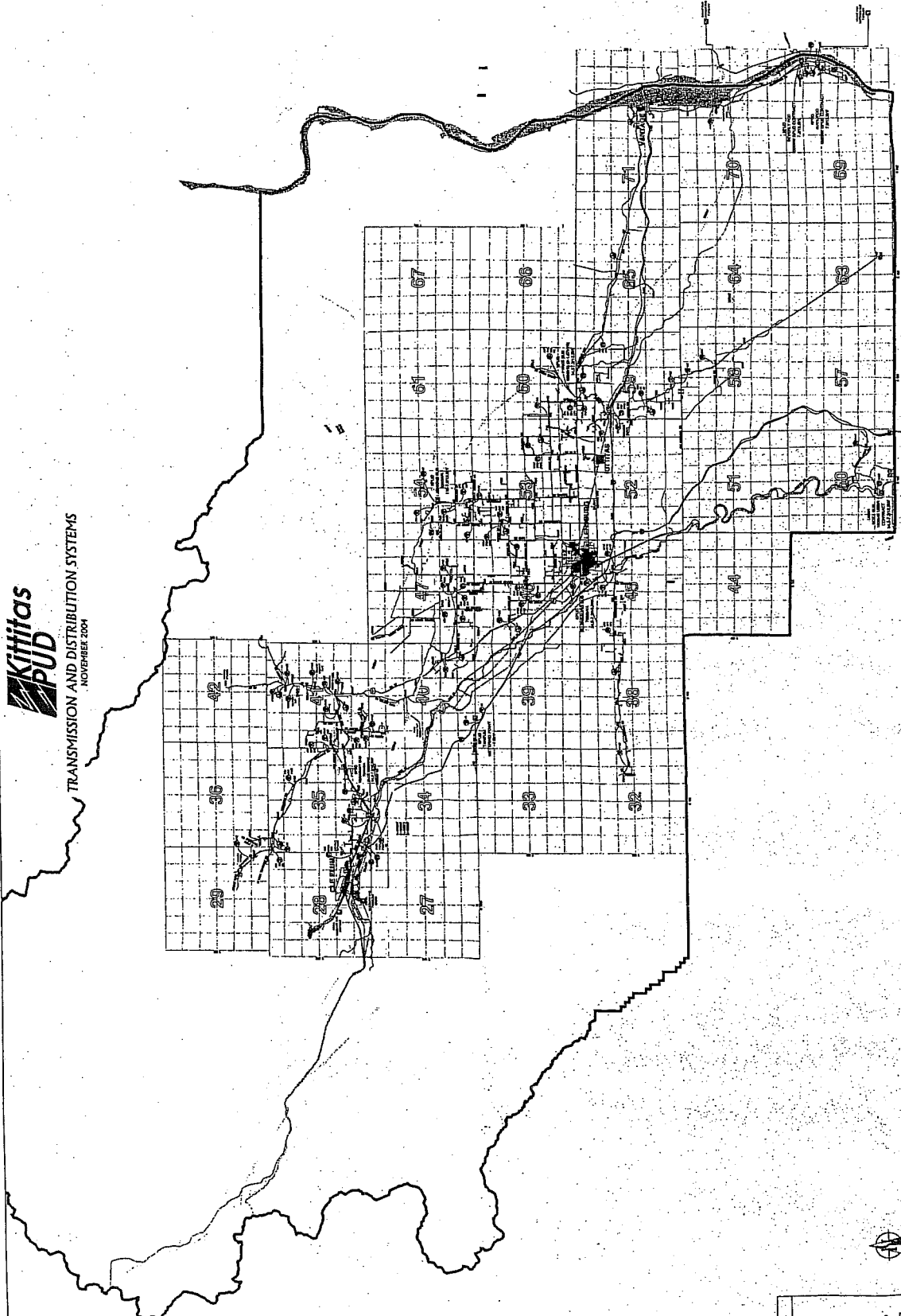
Are there other consequences for not complying with the GMA?

Yes. In addition to finding noncompliance and remanding, or possibly invalidating, the local enactment, a board may also recommend to the Governor that sanctions be imposed on the non-compliant local government. These could include withholding local government revenues including the motor vehicle fuel tax, the Urban Arterial Trust Account, the sales and use tax, the liquor excise tax and real estate excise tax. Only the Governor decides if, when, and which of such sanctions will be imposed or removed.

Kittitas County cannot afford to lose any state money or money the state has collected on behalf of the County. Compliance is not that hard to do. Most counties have gone through this process and the litigation is substantial enough to make it clear what is required. Stalling and delaying the protection of our rural areas will only make the process of creating a workable Critical Areas Ordinance more difficult. What was done in the past has created some major problems today and what we do today will cause major problems in the future if we don't do a better job today than we have done in the past.

Sincerely,

Roger Olsen



LEGEND

69	100 kV TRANSMISSION LINE
9	35 kV TRANSMISSION LINE
1	15 kV TRANSMISSION LINE
1	4 kV DISTRIBUTION LINE
1	15 kV TRANSMISSION TOWER
1	4 kV DISTRIBUTION TOWER
1	TRANSFORMER
1	UTILITY
1	ROAD
1	RAILROAD
1	WATER
1	BOUNDARY

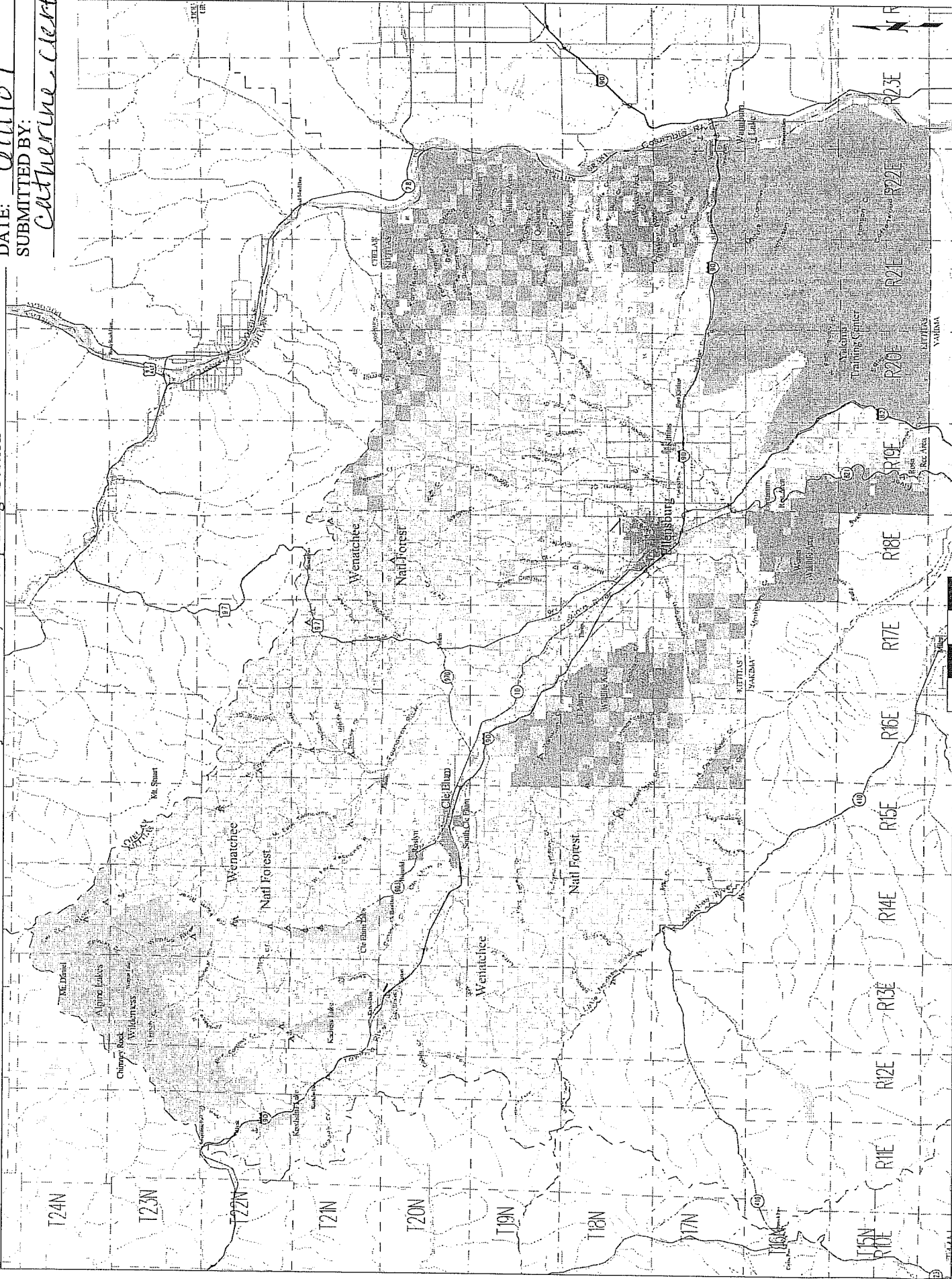


DATE: 11/15/04
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN
 PROJECT NO: 04-001-002

Sheet 1 of 1
 Date: 11/15/04
 Drawn by: J. J. Jensen
 Checked by: J. J. Jensen
 Project No: 04-001-002

EXHIBIT #: 10
HEARING: Dem code
DATE: 01/11/07
SUBMITTED BY:
Catherine Cleef

Kititas County - Public Land, Township/Range Section



Catherine Cleef

EXHIBIT #: 11
HEARING: Dev. Code
DATE: 11/11/07
SUBMITTED BY: Vincent Tomaso

195.39
38.25
52.0 30

020-0015
6.43

020-0012
4.59

THORP

020-0004
0.25

HIG

020-0005
6.0

020-0013
5.0

369.1

590.1

590.1

010-0004
12.62

RIVER

051-0001
1.53

051-0002
.57

051-0003
1.33

051-0004
1.35

051-0005
1.42

051-0006
1.45

050-0007
1.19

050-0008
1.09

050-0009
1.0 HOMESITE

050-0010
1.31

050-0011
1.28

050-0012
1.23

050-0013
1.18

050-0014
1.58

050-0015

050-0021

050-0024
3.61

050-0023
3.17

050-0025
4.26

050-0020
2.93

ROAD

COTTONWOOD

PINES

PINE

NO.

2

VAC. 8/25/75 COMM. JOURNAL

Mark,
FEMA
Note -
MAP -
Elevation -
From Yakima
River -

UMIA

0.0

56.57

77.27

95.69

623.03

24.89

59.05

56.57

407.83

300.05

553.74

400.0

292.81

742.78

451.77

264.18

28.28

242.4

366.85

356.2

381.29

283.03

109.41

480.0

180.09

593.5

352.88

530.0

56.26

56.26

369.1

369.1

341.04

74.95

54.53

144.12

88.36

88.36

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

144.12

June 4, 2007

Board of County Commissioners
Kittitas County

Re; proposed changes to Kittitas Zone regulations

Dear Commissioners,

I appreciate the opportunity to address you regarding the proposed changes to our counties zoning regulations and impact that these changes may incur. My primary interest is the preservation of the 3 acre zone in both Rural and Agricultural areas. As you are aware, the 3 acre zoning was put in place at the same time and in accordance with the Growth Management Act. This zone was in response to GMA guidelines to set parcel sizes that were consistent with Ag and Rural lands; this was done at the cost of losing the prior one acre zoning which it replaced.

At the time these zones were put in place, there was much debate as to their validity and value. The commissioners at that time felt that 3 acre zoning was consistent and did meet the specification of state mandates and the GMA. My question is what has changed? Have the 3 acre zones failed to show consistency with the Rural and Ag designation? If so, how? I believe this question should be asked and answered before there is any consideration of their elimination.

Over the past ten to twelve years, the 3 acre zones have been some of the most developed, used, and prevalent parcels within the county. It has been very clear that the market trends within the state see these zones as beneficial or desirable. There can be no disputing that these zones have carried our county from the repressed status of 5 to 8 years ago to the growing and viable community we enjoy today. As working citizens of this great County, we don't want to return to those days. Are we going to stop something that has demonstrated its success, or rather, is it the success of these zones that is under consideration? Again, you must take in all the rhetoric and come back with a decision which will affect us all as county citizens. Your decision will affect our counties future growth and prosperity. Much discussion has recently taken place about affordability housing within our county.

Does the elimination of possible future home sites make any sense? Does the reduction of available future parcels serve our counties interest? In making your decision, please remember that it was your own planning department's report which showed that approximately 85% of our county is currently protected from development and growth. Why shouldn't the remaining 15% be available for our population growth.

In summary, I would suggest that 3 acre zoning is consistent with and has demonstrated its value to our community within these zones. As our country grows, it is our responsibility to accomodate some of this growth. Please acknowledge the fact that not

EXHIBIT #: 12
HEARING: Dev. Code
DATE: 6/11/07
SUBMITTED BY: Jerry Martens

everyone has a desire to live in an urban environment. The use of 3 acre parcels has served us well in the past and will continue into the future with your blessing. Demographics show that population will continue to increase and expansion into our county is inevitable. We must accept this future and make wise use of the tools and applications which will guide and direct this growth. The use of 3 acre zones and the tools provided for under the Public Benefit Rating System are positive steps toward that goal. Please retain the 3 acre zoning designation and allow the PBRs to be used within this classification.

Yours truly,

Jerry T. Martens
P O Box 458
Cle Elum, Wa 98922

Wide Support for Development of Wind Farms

"Do you support or oppose the development of wind farms in Kittitas County?"

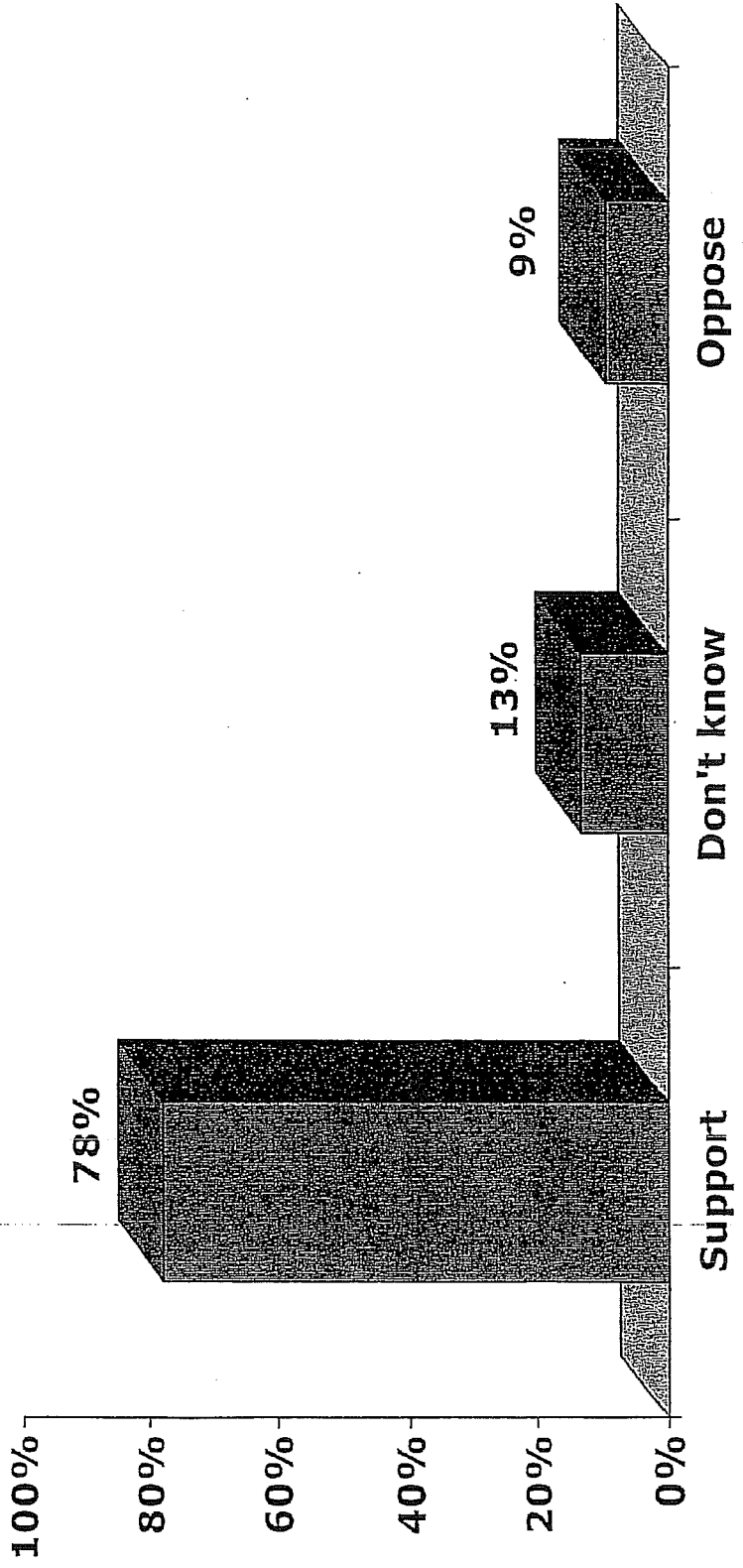
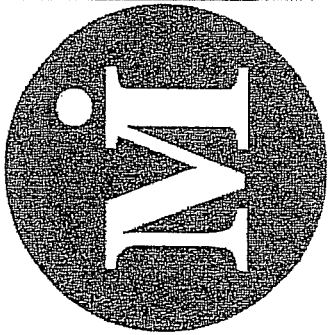


EXHIBIT #: 13
HEARING: David Coyle
DATE: 6/14/07
SUBMITTED BY: Desmond Knudsen



MOORE INFORMATION

OPINION RESEARCH • STRATEGIC ANALYSIS

Kittitas County Voters and Wind Farms

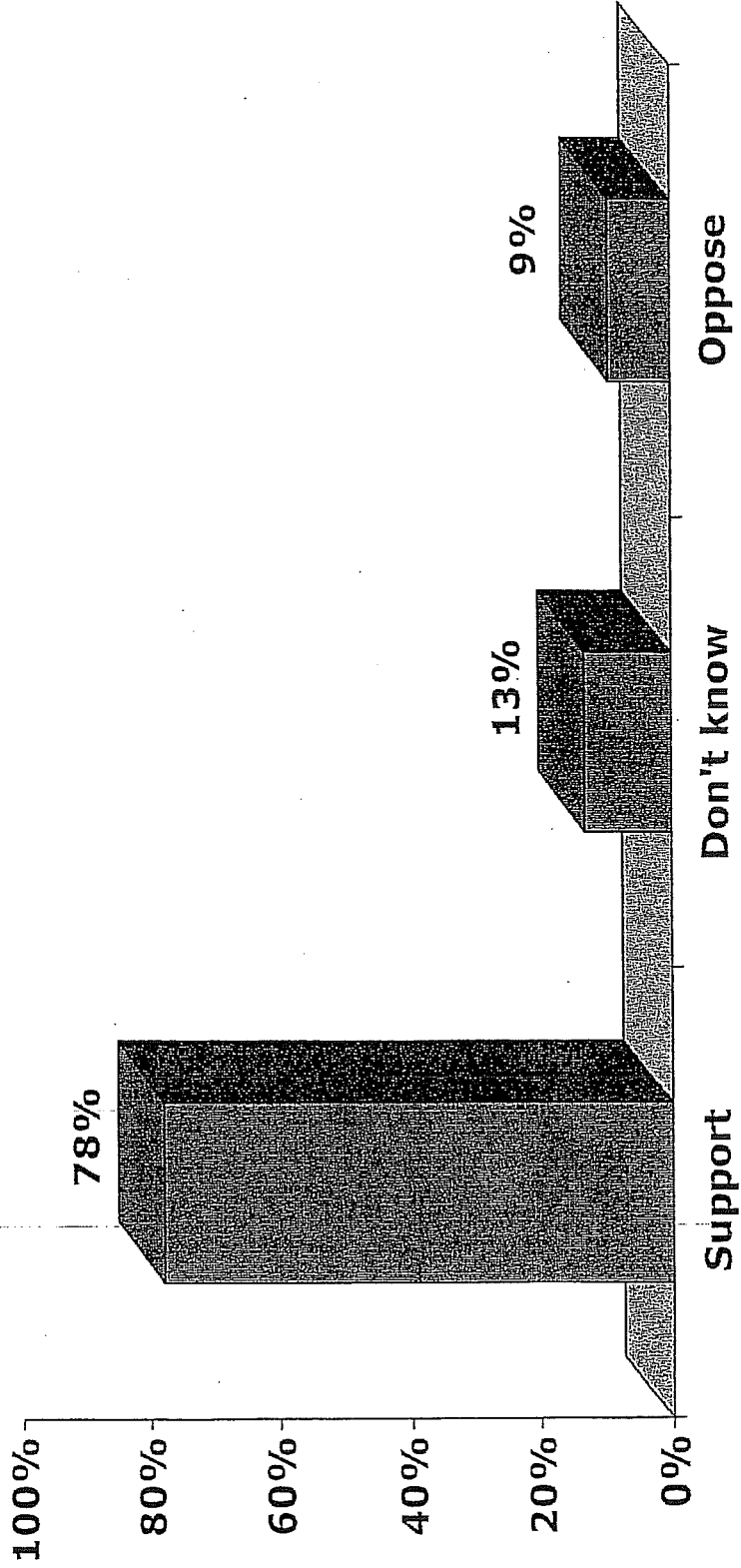
February 2007

Survey Methodology

- Sample
 - 300 interviews among a representative sample of voters in Kittitas County, Washington
- Method
 - Telephone interviews conducted February 22-23, 2007
- Sampling error
 - Plus or minus 6% at the 95% confidence level

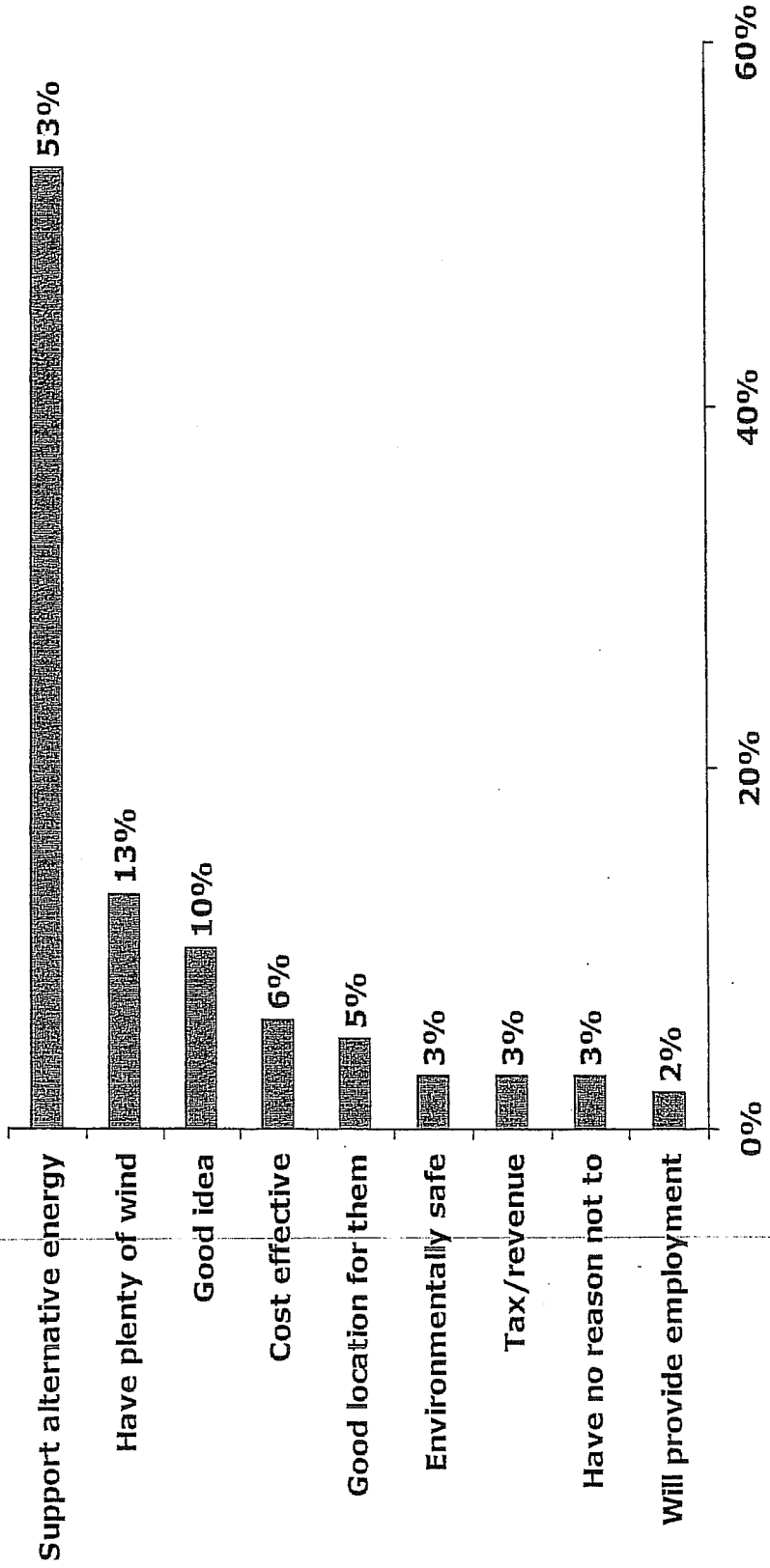
Wide Support for Development of Wind Farms

"Do you support or oppose the development of wind farms in Kittitas County?"



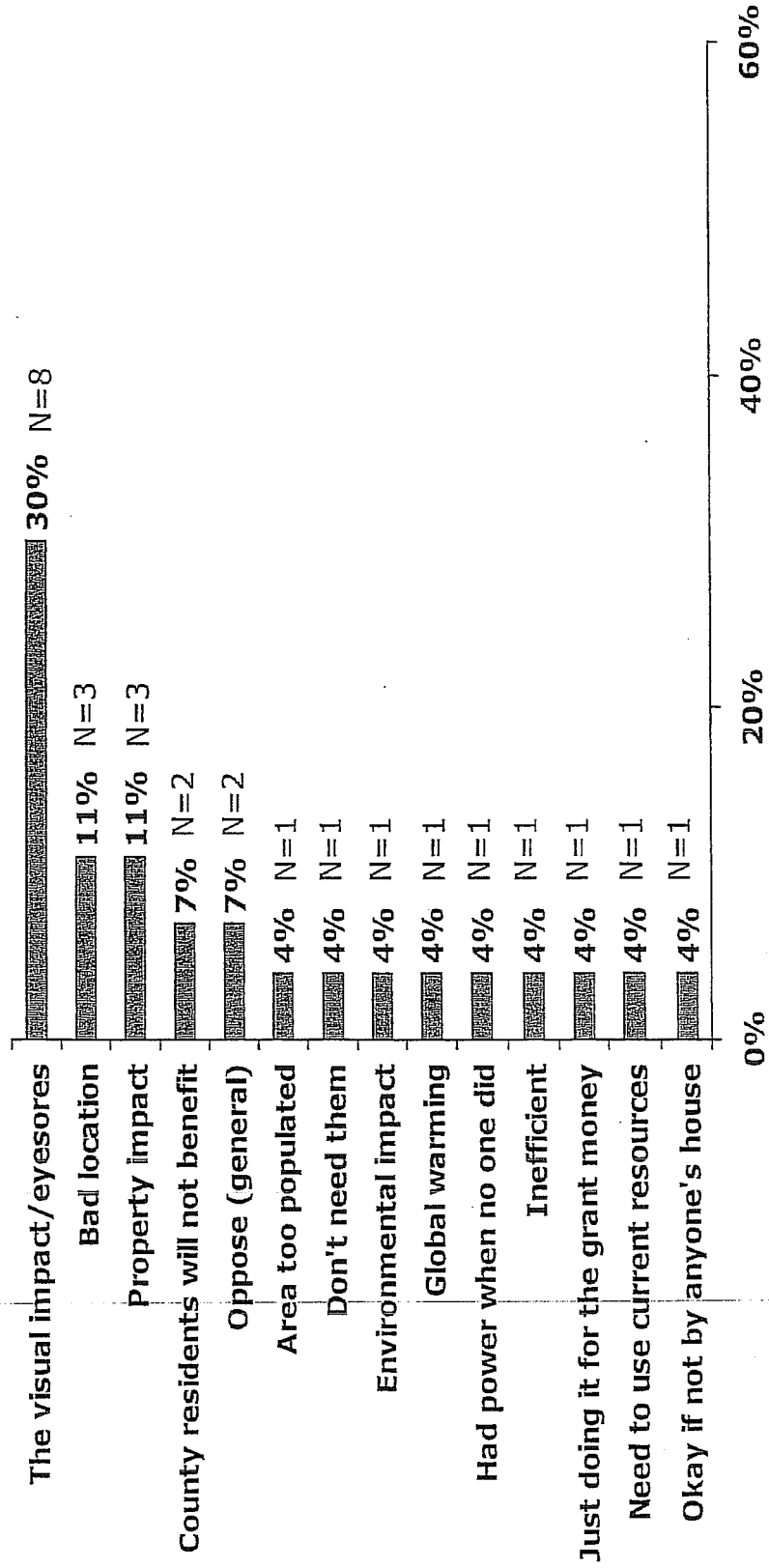
Support for Wind Farm Development

IF SUPPORT IN Q2: "Why do support wind farms in Kittitas County?" (N=235)



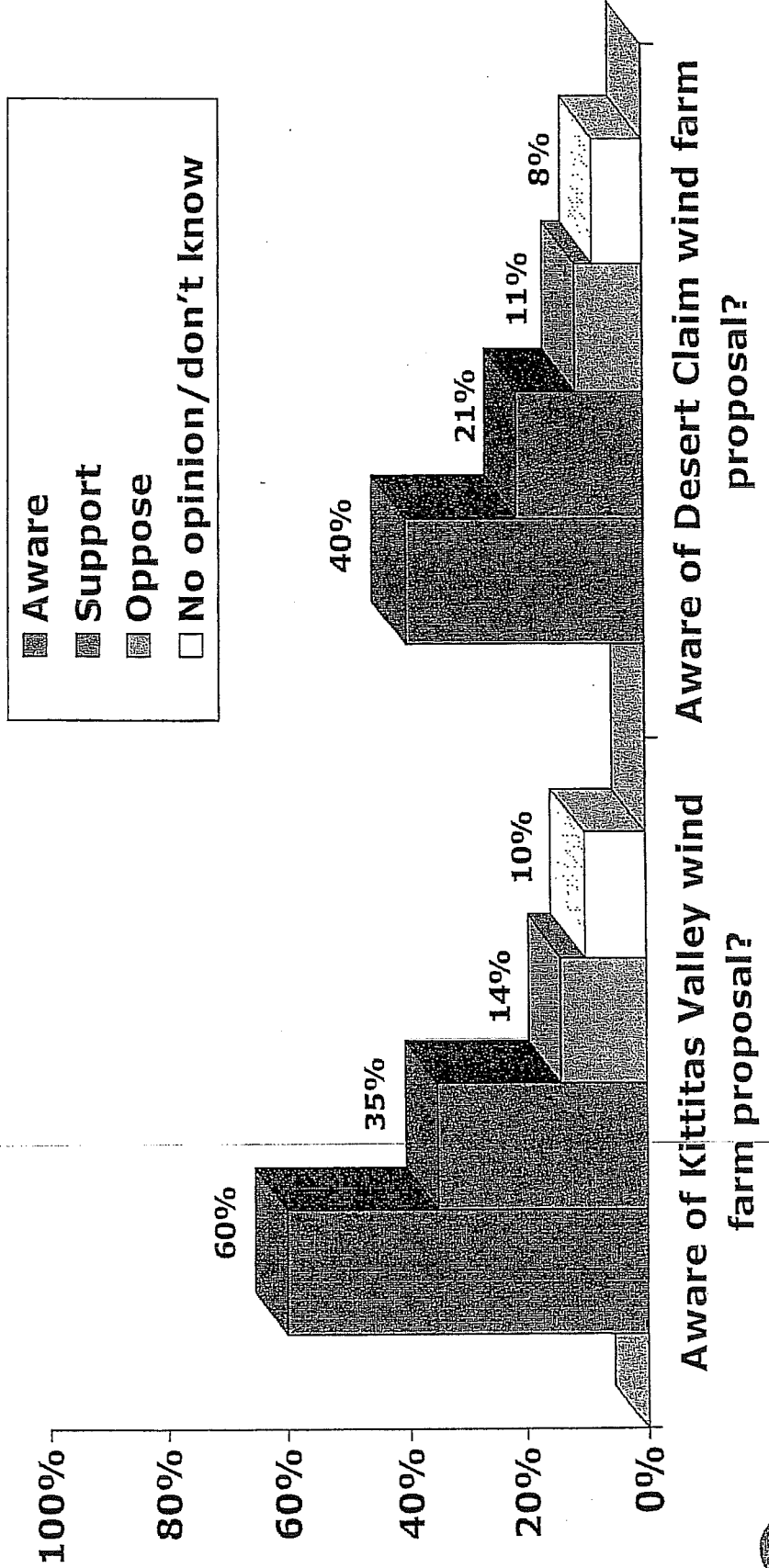
Opposition to Wind Farm Development

IF OPPOSE IN Q2: "Why do oppose wind farms in Kittitas County?" (N=27)



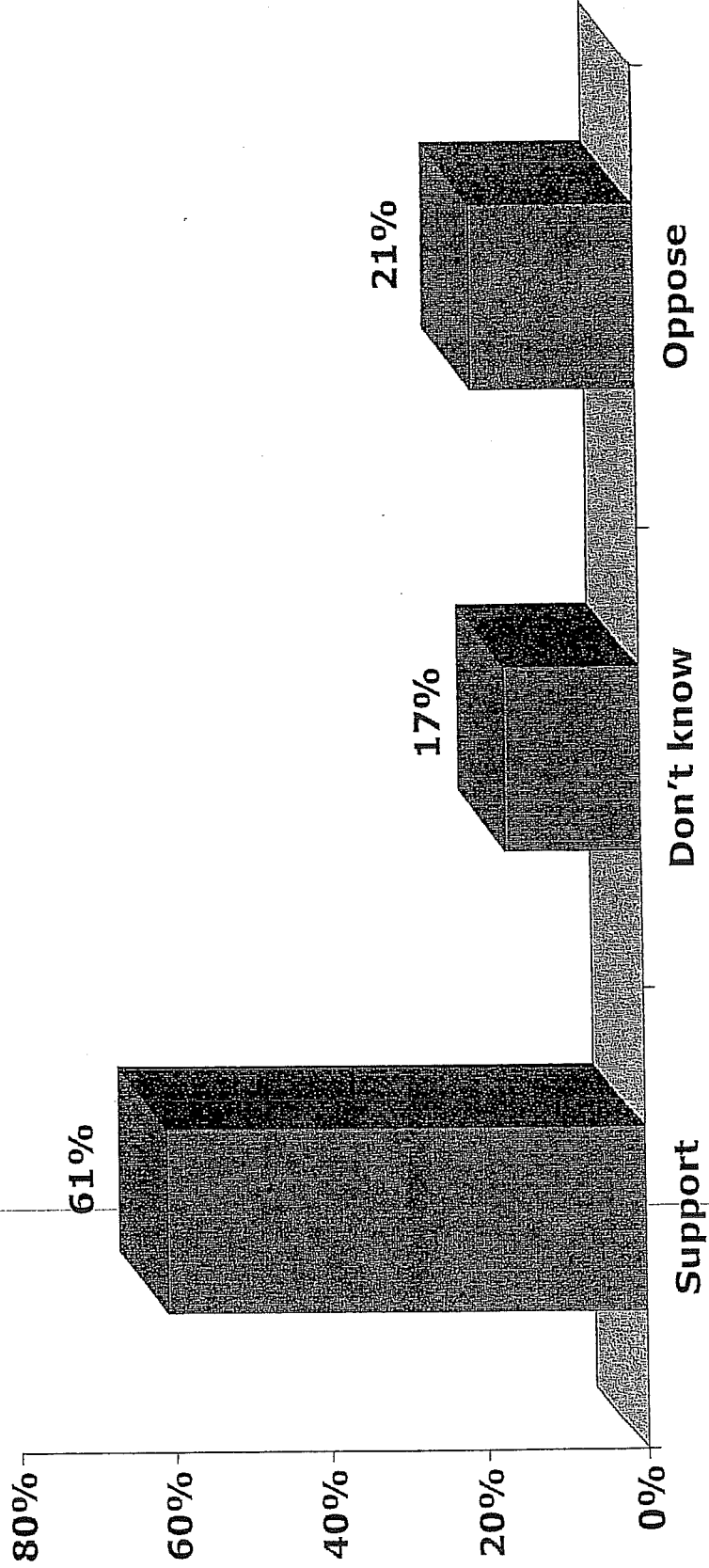
Awareness of Wind Farms Developments and Proposals

"Are you aware or not aware of the _____? IF AWARE: Based on what you know or have heard, do you support or oppose the Kittitas Valley wind farm proposal?"



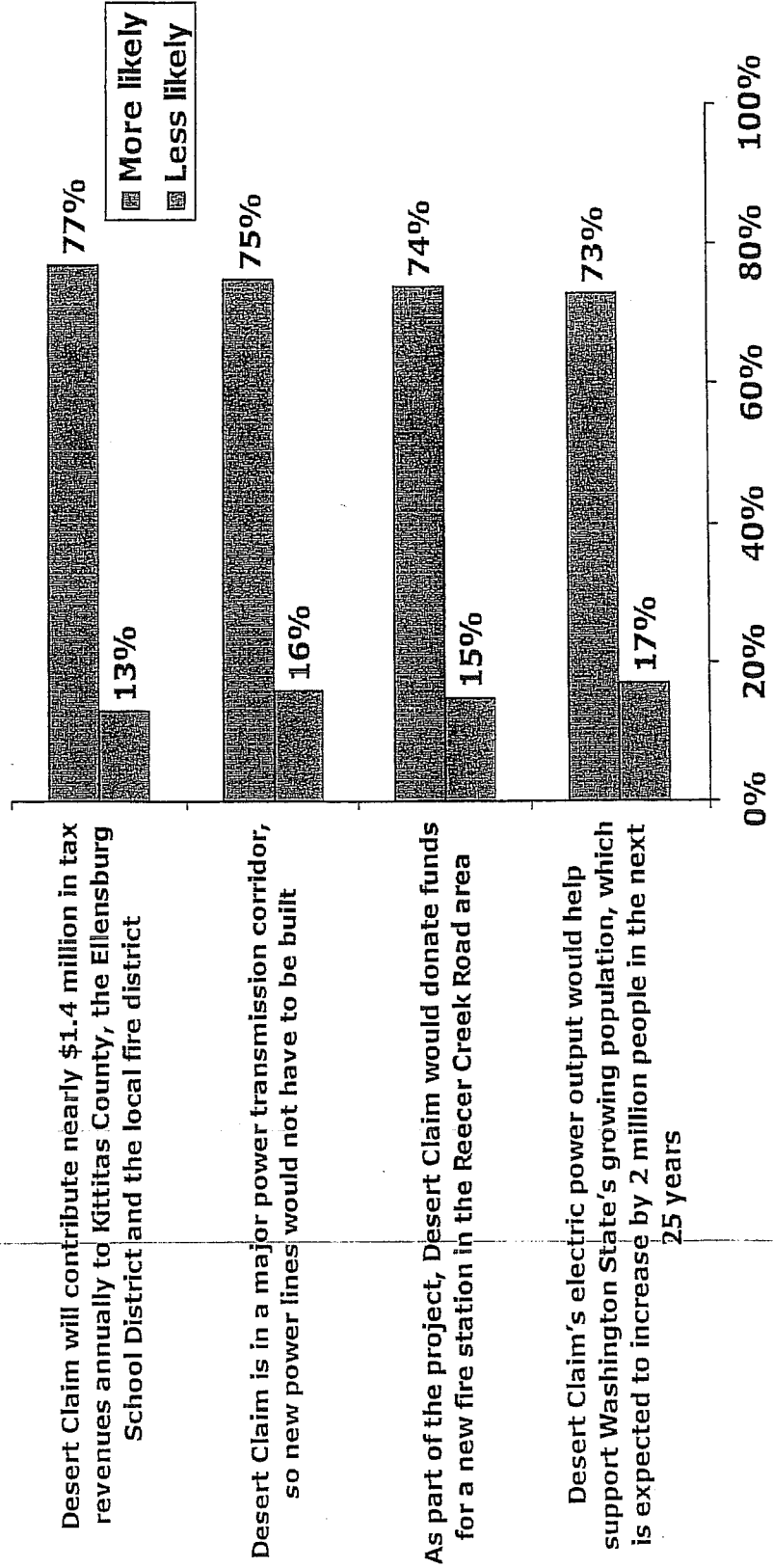
Reaction to Desert Claim Proposal

"The Desert Claim wind farm would be located on rural land about eight miles Northwest of Ellensburg. After hearing this, do you support or oppose the Desert Claim wind farm proposal?"

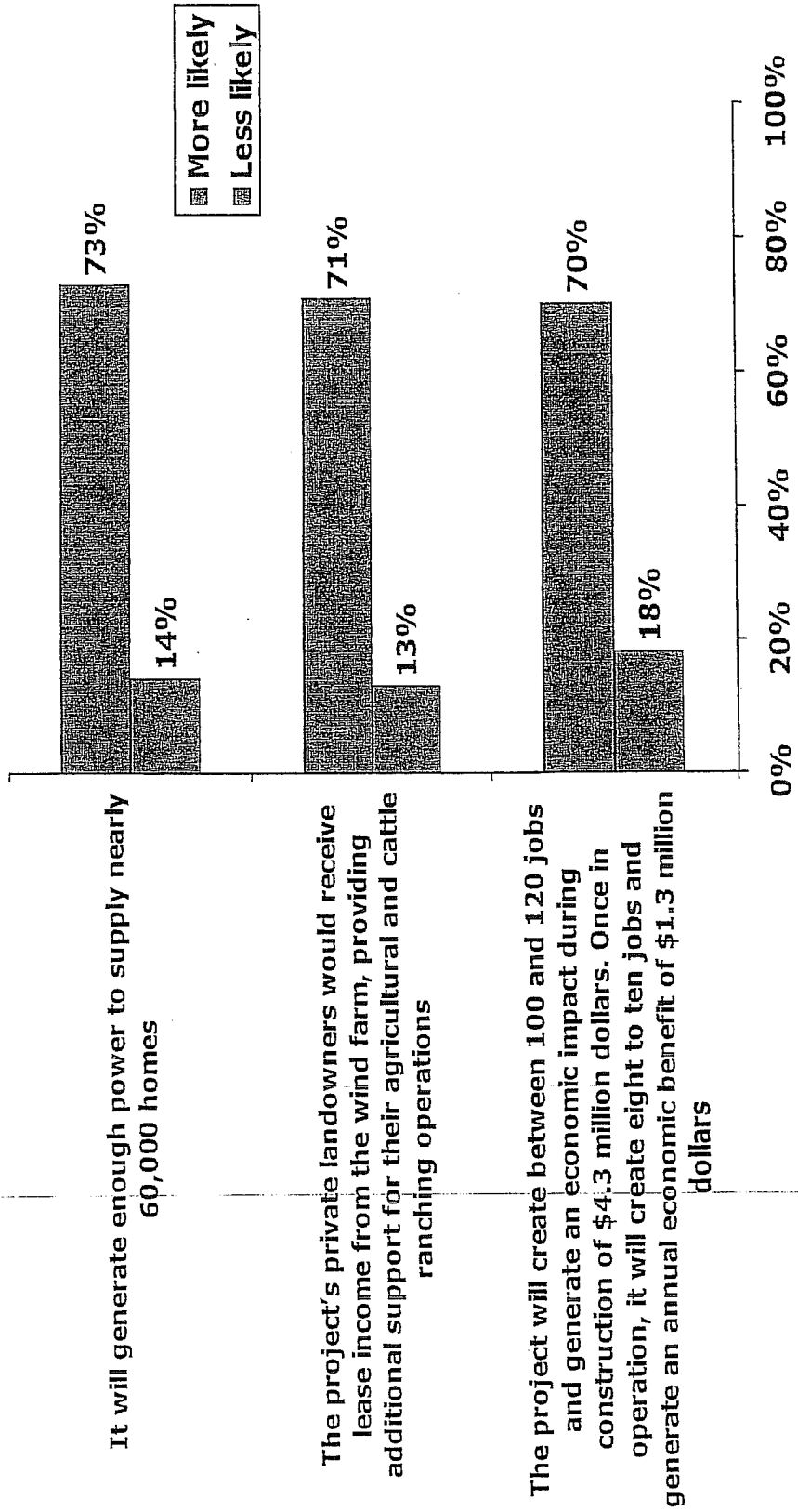


Desert Claim Message Testing-1

"I am going to read some statements about the Desert Claim wind project. After hearing each, please tell me if you are more likely or less likely to support the Desert Claim wind project."

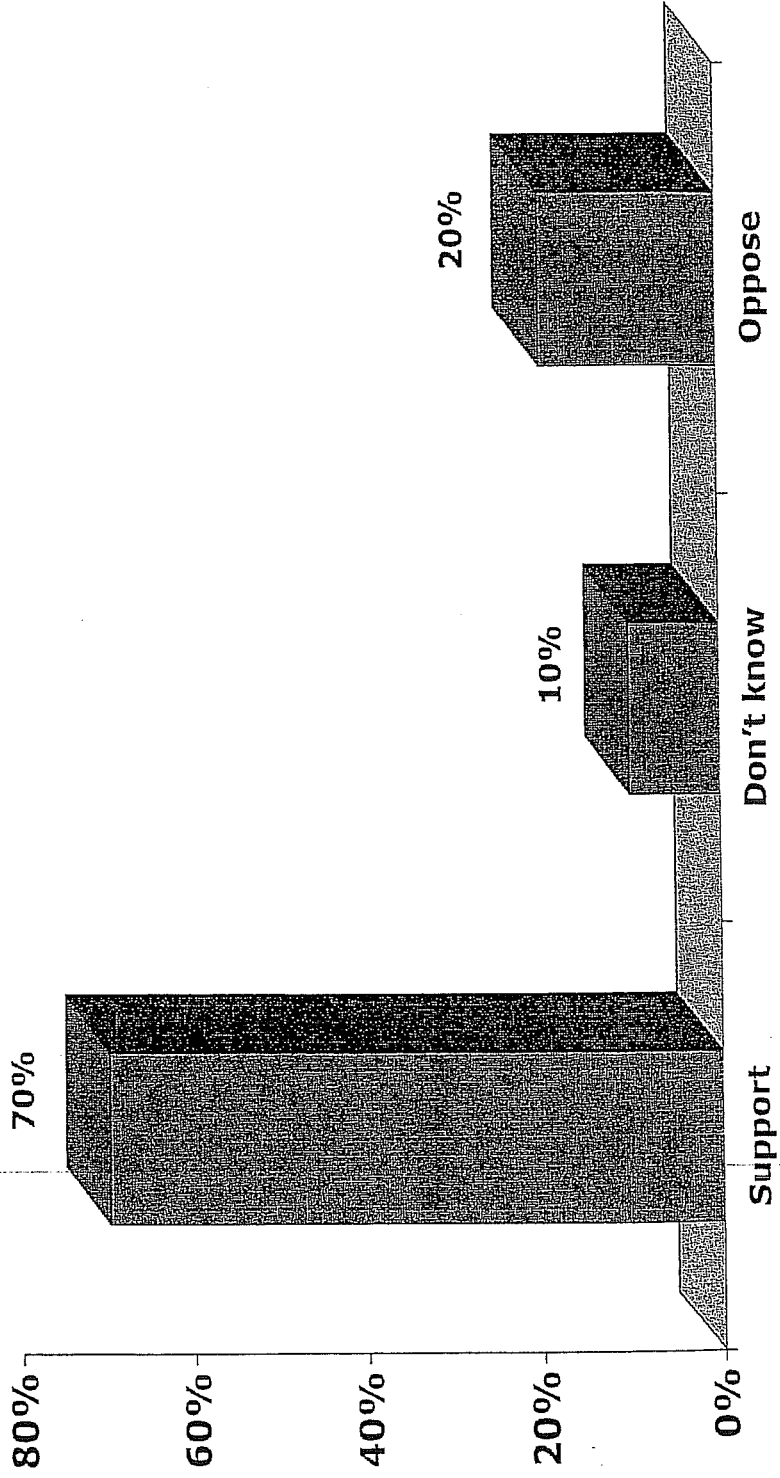


Desert Claim Message Testing-2



Post Message Test Reaction to Desert Claim

"Now that you have heard these statements about the Desert Claim wind farm, would you support or oppose the project?"



180,000
924
MK
this is

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4).

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulation is incompatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

[2004 c 28 § 2.]

Notes:

Finding -- 2004 c 28: "The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions." [2004 c 28 § 1.]

David Black moved to pass forward Chapter 17.60B to the Board of County Commissioners as written with a recommendation of approval. Grant Clark seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.61.

Piercy stated we have changed Forest and Range back throughout the code.

Black asked if any comments or changes and additions.

Grant Clark moved to pass forward Chapter 17.61 to the Board of County Commissioners as written with corrections with a recommendation of approval. Kim Green seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.61A.

Black stated we had considerable testimony about this issue, and asked for clarification.

Piercy stated this would expedite the process of locating the wind farms and under the current process anything outside of this area would have to go through a public process and we are trying to identify the locations up front to allow that process to move more quickly.

Daugherty asked if the revenue would benefit all the schools.

Piercy stated this would have to be clarified with the Assessor's office and this is an issue outside of the code.

Black asked if we could have the information from the Assessor's office by the Findings of Fact.

Piercy stated this is the same issue as light industrial located in the city and the city gets the benefits. Black stated there was testimony to broaden this group to follow the utility corridor.

Fuller stated he objects to stopping someone to put one that meets all the requirements in an area they choose.

Piercy stated there is no restriction within the code to prevent individual project as long as they are less than 100 feet.

Black stated this speeds up the process.

Daugherty stated he would like to see that all the schools benefit.

Piercy stated there was some testimony to add language to #1 stating except as noted in 17.61A.035.

Rick Daugherty moved to pass forward Chapter 17.61A to the Board of County Commissioners as written with corrections with a recommendation of approval. Grant Clark seconded and the motion carried with 5/0 poll of the board.

Chair opened the hearing to deliberation and discussion of 17.62.

... discussion.

Schwartz
5/11
hm

Desmond

From: "Desmond Knudson" <desmond@ellitel.net>
To: "Darryl Piercy" <darryl.piercy@co.kittitas.wa.us>
Cc: "Julie Kjorsvik" <JULIE@co.kittitas.wa.us>
Sent: Thursday, May 10, 2007 6:56 PM
Subject: Re: Piercys Documentation to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

Mr. Piercy,
I guess I am confused,

"We have cassette tapes that need to be transferred from the 2006 hearings. There are 17. Does Desmond want cassette tapes because we do not have the capability to put them on to cd's here. Also - for 2005, Debbie indicated that the first 1 1/2 hearings need to be looked at in the Computer Services dept. Otherwise, all the CD's for 2005 are ready."

In one sentence she is saying "Does Desmond want cassette tapes because we do not have the capability to put them on to cd's here" and the next sentence she says "Otherwise, all the CD's for 2005 are ready". I also believe that we are dealing with "Comprehensive Plan Update 2006" that has nothing to do with 2005 when the commissioners shot down Mr. F. Steve Lathrops failed attempt to update the comp plan with his language regarding the wind farm pre-siting and/or only location. Prior to the April 10th 2007 Draft of the Development Code update of 17.61A.035 pre identified area for siting, .035 did not exist. Now if there is documentation you would like to submit to support your 17.61A.035 language, I would be thrilled to see it.....

Sincerely,
Desmond Knudson
desmond@ellitel.net
DPK Consultants
1661 Vantage Hwy
Ellensburg WA 98926
509-925-9002

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

From: Darryl Piercy
To: desmond@ellitel.net
Sent: Thursday, May 10, 2007 3:32 PM
Subject: FW: Piercys Documentation to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

Desmond
Please see below regarding your request

of those audio recordings

The proposed change to the development code does not preclude application elsewhere in the county, rather it pre-identifies an area in the county in which the review process is streamlined as a result of improved information and knowledge based on review of at least three wind farm proposals and accompanying environmental data

Darryl Piercy

Director

Community Development Services

From: Desmond Knudson [mailto:desmond@elltel.net]

Sent: Wednesday, May 02, 2007 12:24 PM

To: David Black; Darryl Piercy

Cc: Mike Johnston, Daily Record

Subject: Documentation to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

05-02-07 12:24 pm

Mr. Piercy's and Mr. Black,

I must of missed the public out cry for this amendment to the comprehensive plan, and believe that the commissioners are, going to have a public appointed advisory committee, to review "17.60A, 17.6B, 17.61 Utilities, AND 17.61-A Wind Farm Resource Overlay Zone."

You both keep referring publicly to this "East of Wind Horse", also you have both called it

"Lathrop Amendment" publicly.

I would please request to see all of these public records, documents and citizens written signed list and/or comments, that have asked, requested, for this amendment. Would you please let me review this documentation ASAP, and the time line when I can review, that you believe the citizenry is asking for. Since the planning commission seems to jump wily nelly thru the time line process, I should have this quick so I can "publicly" respond to Mr. Blacks hearings!

Desmond Knudson

desmond@elltel.net

DPK Consultants

1661 Vantage Hwy

Ellensburg WA 98926

509-925-9002

Desmond

From: "Kittitas County Assessors Office" <Assessors@co.kittitas.wa.us>
To: "Desmond Knudson" <desmond@ellitel.net>
Sent: Monday, June 11, 2007 11:31 AM
Subject: RE: Planning Comm Min 5-22-07, Assessor's office Question?

Good morning,

Marsha Weyand is attending the Assessor's Conference and out of the office until Thursday of this week. I will attempt to contact her today regarding your questions and will let you know if I'm successful.

Thank you,
Cindy Adams, Admin. Assist.
(509) 962-7547

From: Desmond Knudson [mailto:desmond@ellitel.net]
Sent: Sunday, June 10, 2007 6:12 AM
To: Kittitas County Assessors Office
Subject: Planning Comm Min 5-22-07, Assessor's office Question?

June 10, 2007

Marsha Weyand,
Kittitas County Assessor
205 W 5th AVE Suite 101
Ellensburg WA 98926

Ms. Weyand,
During the recent Planning Commission meeting, one of the members, Daugherty asked, Mr. Darryl Piercy, Director of CDS, "If the revenue would benefit all the schools."

Piercy stated "this would have to be clarified with the Assessors office and this is an issue outside of the code."

Chairman Black stated, "If we could have that information from the assessor's office by the finding of facts."

Daugherty stated, "he would like to see that all schools benefit."

Ms. Weyand my questions is, did Mr. Piercy clarify this information, as I have seen nothing in the record from you or your office, memo, phone record, regarding these questions? If so or not so can you clarify this for the record, for testimony at the Board of County Commomers, going on and starting Monday June 11, 2007 at 6:00 pm.

This is in reference to 17.61A.035, development code update, commonly know as the Lathrop Amendment, which would make the permitting process of wind farms, to the eastern most part of the county less restrictive than any where in the county including the transmission corridor. It is my understanding by state law, that schools, fire districts and special taxing districts, only benefit, if the taxable property is in their taxing district?

Sincerely,
Desmond Knudson

Ms. Weyand my questions is, did Mr. Piercy clarify this information, as I have seen nothing in the record from you or your office, memo, phone record, regarding these question? If so or not so can you clarify this for the record, for testimony at the Board of County Commoners, going on and starting Monday June 11, 2007 at 6:00 pm.

This is in reference to 17.61A.035, development code update, commonly know as the Lathrop Amendment, which would make the permitting process of wind farms, to the eastern most part of the county less restrictive than any where in the county including the transmission corridor. It is my understanding by state law, that schools, fire districts and special taxing districts, only benefit, if the taxable property is in their taxing district?

Daugherty stated, "he would like to see that all schools benefit."

Chairman Black stated, "if we could have that information from the assessor's office by the finding of facts."

Piercy stated "this would have to be clarified with the Assessors office and this is an issue outside of the code."

Ms. Weyand,

During the recent Planning Commission meeting, one of the members, Daugherty asked, Mr. Darryl Piercy, Director of CDS, "if the revenue would benefit all the schools."

Marsha Weyand,
 Kittitas County Assessor
 205 W 5th AVE Suite 101
 Ellensburg WA 98926

June 10, 2007

From: "Desmond Knudson" <desmond@ellitel.net>
 To: "Kittitas County Assessors Office" <Assessors@co.kittitas.wa.us>
 Sent: Sunday, June 10, 2007 6:12 AM
 Subject: Planning Comm Min 5-22-07, Assessors' office Question?

Desmond

Sincerely,
Desmond Knudson
desmond@ellitel.net
DPK Consultants
1661 Vantage Hwy
Ellensburg WA 98926
509-925-9002

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION

No. 2007-14

KITTITAS COUNTY LEVIES FOR 2007 TAX COLLECTION

WHEREAS:

On this 20th day of February, 2007, the Board of County Commissioners of Kittitas County, pursuant to the laws of the State of Washington providing for the assessment of taxes, do hereby levy a tax on all taxable property in Kittitas County and all taxable property within the various taxing districts, as shown by the assessment rolls of the County, said taxes being for the purpose of defraying the expense of the State, County, road, municipalities, school districts, and all other taxing districts within Kittitas County, and it appearing that the amount to be levied for State purposes as determined by the State of Washington Department of Revenue has been certified to the County, and it appearing that the municipalities, school districts, and other taxing districts have certified to the County the amounts needed to meet expenses for 2007, and it appearing that the Board of County Commissioners have determined the amount to be levied for County purposes;

NOW, THEREFORE, BE IT RESOLVED: With all members concurring, that for the purposes of raising revenues for the State, County, road, municipalities, school districts, and all other taxing districts, there is hereby levied on all taxable property in the County of Kittitas, State of Washington, and on all taxable property within the various taxing districts, as shown by the assessment rolls for the year 2007, taxes in the amounts hereinafter indicated.

KITTITAS COUNTY LEVIES FOR 2006-2007

KITTITAS COUNTY TAX BASE FOR REGULAR LEVIES	\$3,936,776,085.00
LESS SENIOR CITIZEN REMAINING VALUES	\$30,959,027.00
PLUS TIMBER ASSESSED VALUE (TAV)	\$111,863,506.00
KITTITAS COUNTY TAX BASE FOR EXCESS AND BOND LEVIES	\$4,017,680,564.00
TOTAL TAXES (LOCAL COLLECTION)	\$36,237,735.28
TOTAL TAXES (TIMBER EXCISE TAXES)	\$197,382.00
TOTAL	\$36,435,117.28

*100% District Timber Assessed Value - For Voted Bonds and Capital Project Levies

**50% District Timber Assessed Value or 80% of 1983 Timber Roll - For School Maintenance and Operation Levies

***State Department of Wildlife Land - In Lieu of Property Tax (RCW 77.12.203)

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
STATE (PUBLIC SCHOOLS)	\$3,918,440,851	\$2.718623	\$10,652,763.42		
REFUND FUND (RCW 84.68.040)	\$3,918,440,851	\$0.007205	\$28,232.37		
TOTAL		\$2.725828	\$10,680,995.79		\$10,680,995.79
County Funds					
Current Expense	\$3,936,776,085	\$1.055765	\$4,156,310.40		
Community Services	\$3,936,776,085	\$0.022429	\$88,297.95		
Veterans Assistance	\$3,936,776,085	\$0.019051	\$74,999.52		
TOTAL		\$1.097245	\$4,319,607.87		\$4,319,607.87
Road District No. 1	\$2,781,960,011	\$1.223011	\$3,402,367.70		
Co. Road Diverted (RCW 36.33.220)	\$2,781,960,011	\$0.030553	\$84,997.22		
TOTAL		\$1.253564	\$3,487,364.92		\$3,487,364.92
Cities and Towns					
Cle Elum Regular Levy	\$180,771,821	\$2.163066	\$391,021.38		
TOTAL		\$2.163066	\$391,021.38		\$391,021.38
Ellensburg Regular Levy	\$812,208,120	\$2.504246	\$2,033,968.94		
BOND (2004-2022)	\$803,147,100	\$0.159064	\$127,751.79		
TOTAL		\$2.663310	\$2,161,720.73		\$2,161,720.73
Kittitas Regular Levy	\$45,117,126	\$2.581964	\$116,490.80		
TOTAL		\$2.581964	\$116,490.80		\$116,490.80

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
Roslyn Regular Levy BOND (2002-2011)	\$82,288,038 \$81,246,728	\$2.054552 \$0.303027	\$169,065.05 \$24,619.95		
*100% TAV	\$288,711	\$0.303027		\$87.49	
TOTAL		\$2.357579	\$193,685.00	\$87.49	\$193,772.49
South Cle Elum Regular Levy	\$34,430,969	\$2.563822	\$88,274.88		
TOTAL		\$2.563822	\$88,274.88		\$88,274.88
School Districts					
No. 7 Damman M&O (2007-2008)	\$76,725,394	\$1.303349	\$99,999.96		
****Qwest Refund	\$76,725,394	\$0.001025	\$78.65		
TOTAL		\$1.304374	\$100,078.61		\$100,078.61
No. 28 Easton Bond (2001-2020)	\$406,938,406	\$0.779900	\$317,371.26	\$12,628.68	
*100% TAV	\$16,192,695	\$0.779900			
****Qwest Refund	\$406,938,406	\$0.001178	\$479.38		
M&O Levy (2007-2010)	\$406,938,406	\$0.602137	\$245,032.66	\$4,967.31	
**80% TAV of 1983 Timber Roll	\$8,249,464	\$0.602137	\$317.82		
****Qwest Refund	\$406,938,406	\$0.000781		\$17,595.99	
TOTAL		\$1.383996	\$563,201.12	\$17,595.99	\$580,797.11
No. 400 Thorp Bond (1990-2010)	\$161,427,701	\$0.802809	\$129,595.60	\$10,404.33	
*100% TAV	\$12,959,905	\$0.802809			
****Qwest Refund	\$161,427,701	\$0.001178	\$190.17		
M&O Levy (2007-2008)	\$161,427,701	\$2.769379	\$447,054.48	\$17,945.44	
**50% TAV	\$6,479,953	\$2.769379			
****Qwest Refund	\$161,427,701	\$0.002904	\$468.79		
TOTAL		\$3.576270	\$577,309.04	\$28,349.77	\$605,658.81

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
No. 401 Ellensburg Bond (1991-2008; 2002-21)	\$1,483,725,232	\$1.526782	\$2,265,324.97		
*100% TAV	\$22,710,557	\$1.526782		\$34,674.07	
****Owest Refund	\$1,483,725,232	\$0.000168	\$249.27		
M&O Levy (2007-2008)	\$1,483,725,232	\$2.802162	\$4,157,638.46		
**50% TAV	\$11,355,279	\$2.802162		\$31,819.33	
****Owest Refund	\$1,483,725,232	\$0.000258	\$382.81		
TOTAL		\$4.329370	\$6,423,595.51	\$66,493.40	\$6,490,088.91
No. 403 Kirititas Bond (1991-2007)	\$289,279,019	\$2.035846	\$588,927.53		
*100% TAV	\$2,982,714	\$2.035846		\$6,072.35	
****Owest Refund	\$289,279,019	\$0.000428	\$123.82		
M&O Levy (2007-2008)	\$289,279,019	\$2.617185	\$757,096.70		
**50% TAV	\$1,491,357	\$2.617185		\$3,903.16	
****Owest Refund	\$289,279,019	\$0.000624	\$180.52		
TOTAL		\$4.654083	\$1,346,328.57	\$9,975.51	\$1,356,304.08
No. 404 Cle Elum-Roslyn Bond (1992-2011)	\$1,477,530,181	\$0.482602	\$713,059.01		
*100% TAV	\$55,822,637	\$0.482602		\$26,940.12	
****Owest Refund	\$1,477,530,181	\$0.000784	\$1,158.39		
M&O Levy (2005-2007)	\$1,477,530,181	\$0.896746	\$1,324,969.28		
**50% TAV	\$27,911,319	\$0.896746		\$25,029.36	
****Owest Refund	\$1,477,530,181	\$0.001254	\$1,852.83		
TOTAL		\$1.381386	\$2,041,039.51	\$51,969.48	\$2,093,008.99
No. 3-J Naches Bond	\$298,236	\$0.706736	\$210.77		
M&O Levy	\$298,236	\$2.826360	\$842.92		
TOTAL		\$3.533096	\$1,053.69		\$1,053.69

TAXING DISTRICT	VALUATIONS	LEVY	LOCAL TAX	TIMBER TAX	TOTAL TAX
		DOLLARS PER THOUSAND			
No. 119 Selah Bond	\$9,892,889	\$1.441100	\$14,256.64		
***Qwest Refund	\$9,892,889	\$0.054550	\$539.66		
M&O Levy	\$9,892,889	\$3.297031	\$32,617.16		
***Qwest Refund	\$9,892,889	\$0.107402	\$1,062.52		
TOTAL		<u>\$4.900083</u>	<u>\$48,475.98</u>		<u>\$48,475.98</u>
Fire Districts					
No. 1 Thorp Regular Levy	\$146,088,368	\$1.000000	\$146,088.37		
Bond (2001-2020)	\$145,019,893	\$0.153613	\$22,276.95		
*100% TAV	\$275,591	\$0.153613	\$42.33	\$42.33	
TOTAL		<u>\$1.153613</u>	<u>\$168,365.32</u>	<u>\$42.33</u>	<u>\$168,407.65</u>
No. 2 Ellensburg Area Regular Levy	\$893,913,190	\$1.267016	\$1,132,602.31		
TOTAL		<u>\$1.267016</u>	<u>\$1,132,602.31</u>		<u>\$1,132,602.31</u>
No. 3 Easton Regular Levy	\$105,713,381	\$0.535543	\$56,614.06		
Bond (2004-2013)	\$105,360,801	\$0.312734	\$32,949.91		
*100% TAV	\$623,377	\$0.312734	\$194.95	\$194.95	
TOTAL		<u>\$0.848277</u>	<u>\$89,563.97</u>	<u>\$194.95</u>	<u>\$89,758.92</u>
No. 4 Vantage Regular Levy	\$12,516,568	\$0.712639	\$8,919.79		
TOTAL		<u>\$0.712639</u>	<u>\$8,919.79</u>		<u>\$8,919.79</u>
No. 51 Snaoquahmie Pass Regular Levy	\$155,174,746	\$0.770074	\$119,496.04		
TOTAL		<u>\$0.770074</u>	<u>\$119,496.04</u>		<u>\$119,496.04</u>
No. 6 Ronald Area Regular Levy	\$227,709,001	\$0.478446	\$108,946.46		
TOTAL		<u>\$0.478446</u>	<u>\$108,946.46</u>		<u>\$108,946.46</u>

TAXING DISTRICT	VALUATIONS	LEVY DOLLARS PER THOUSAND	LOCAL TAX	TIMBER TAX	TOTAL TAX
No. 7 Upper County Area Regular Levy	\$824,495,658	\$0.635059	\$523,603.39		\$523,603.39
TOTAL		\$0.635059	\$523,603.39		\$523,603.39
No. 8 Kachess Plains Regular Levy	\$97,691,570	\$0.757253	\$73,977.23		
Bond (2002-2021)	\$97,691,570	\$0.162194	\$15,844.99		
TOTAL		\$0.919447	\$89,822.22		\$89,822.22
Hospital Districts					
No. 1 Lower County Area Regular Levy	\$2,290,584,726	\$0.002549	\$5,838.70		
Bond (1999-2019)	\$2,269,487,771	\$0.338657	\$768,577.92		
*100% TAV	\$66,949,993	\$0.338657		\$22,673.08	
TOTAL		\$0.341206	\$774,416.62	\$22,673.08	\$797,089.70
No. 2 Upper County Area Regular Levy	\$1,645,893,123	\$0.215004	\$353,873.61		
EMS Regular Levy (2004-2009)	\$1,645,893,123	\$0.193433	\$318,370.04		
TOTAL		\$0.408437	\$672,243.65		\$672,243.65
Cemetery District					
No. 1 Thorp Regular Levy	\$155,028,876	\$0.061357	\$9,512.11		
TOTAL		\$0.061357	\$9,512.11		\$9,512.11
GRAND TOTAL ALL DISTRICTS			\$36,237,735.28	\$197,382.00	\$36,435,117.28
***State Department of Wildlife Land	\$14,979,241				\$116,574.36

The figures in this report are based on the total budget for each taxing entity. They will differ slightly from reports based on taxes distributed by tax parcel.

KITTITAS COUNTY LEVIES FOR 2006-2007

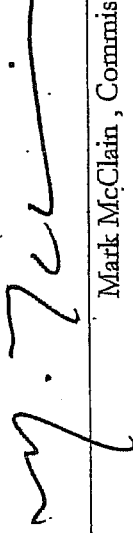
ADOPTED this ^{22nd} 20th day of February 2007

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Alan Crankovich, Chairman

David B. Bowen, Vice Chairman



Mark McClain, Commissioner



Julie Ksjorsvik

Actual figures will be developed by the Assessors Office once the project is completed.
 2005 assessed valuations -- Levies and taxes to be collected in 2006

Kittitas Valley Wind Power Project Tax Impacts

Tax Code Area 12 (Thorp School District) Tax Code Areas 32 & 34 (Cle Elum School District)

Estimated Project Value \$190,000,000
 Estimated tax bill year 1 \$1,507,228

District	Levy rate/1000	Current Assessed value	Project value in district	New assessed value	2005 Tax Revenue	Revenue after project built
County CE	\$1.192675	\$3,000,309,391	\$190,000,000	\$3,220,312,485	\$3,578,394.00	\$3,840,786.19
State School	\$2.951747	\$2,983,338,632	\$190,000,000	\$3,203,172,018	\$8,806,060.86	\$9,454,953.40
Road #1	\$1.416916	\$1,948,510,016	\$190,000,000	\$2,157,995,116	\$2,760,875.02	\$3,057,697.81
Hospital #1	\$0.002674	\$1,820,871,468	\$190,000,000	\$2,029,080,183	\$4,869.01	\$5,425.76
Fire #1	\$0.762359	\$109,886,374	\$51,300,000	\$162,285,238	\$83,772.87	\$123,719.61

Voted Excess Levies

	Levy rate/1000	Assessed value	New assessed value	Certified Levy Amount	New rate
<u>Maintenance & Operations</u>					
School 400 - Thorp	\$2.678138	\$152,800,523	\$178,458,528	\$409,221	Code 12
School 404 - Cle Elum	\$1.010110	\$1,237,488,738	\$1,415,733,625	\$1,250,000	Codes 32, 34
<u>Bonds</u>					
Hospital #1	\$0.421536	\$2,079,298,302	\$2,151,391,285	\$876,499	\$0.407410
Fire #1	\$0.135626	\$131,206,319	\$156,648,382	\$17,795	\$0.113598
School 400 - Thorp	\$0.847823	\$159,231,297	\$326,693,610	\$11,029	\$0.033760
School 404 - Cle Elum	\$0.576859	\$1,265,473,363	\$1,278,128,097	\$730,000	\$0.571148

Estimated Taxes

District	Levy rate/1000	Project value in district	Taxes
County CE	\$1.192675	\$190,000,000	\$226,608.25
State School	\$2.951747	\$190,000,000	\$560,831.93
Road #1	\$1.416916	\$190,000,000	\$269,214.04
Hospital #1	\$0.002674	\$190,000,000	\$508.06
Fire #1	\$0.762359	\$51,300,000	\$39,109.02
School 400 - Thorp	\$2.678138	\$24,130,000	\$64,623.47
School 404 - Cle Elum	\$1.010110	\$165,870,000	\$167,546.95
Hospital #1	\$0.407410	\$190,000,000	\$77,407.97
Fire #1	\$0.113598	\$51,300,000	\$5,827.59
School 400 - Thorp	\$0.033760	\$24,130,000	\$814.64
School 404 - Cle Elum	\$0.571148	\$165,870,000	\$94,736.24
Total Taxes			\$1,507,228.15

Definitions

District	Taxing district
Levy rate/1000	Figure from the Kittitas County Assessor's Report
Assessed value	Valuation listed in the Kittitas County Assessor's Report
Project value in district	Value of the project located in this particular taxing district
New assessed value	Assessed value + project value in district = new assessed value
2005 tax revenue	Figure from the Kittitas County Assessor's Report
Revenue after project built	2006 legislation now considers 100% of project new construction
	New construction is exempt from the 1% tax lid
Voted Excess Levies	Voted Excess Levies Certified Levy Amount from Assessors Report.
New assessed value	As assessed values rise in a taxing district, the voted excess levy rates decline
New rate	Assessed value increased by 1% + project value in district = new assessed value
	Certified levy amount divided by the new assessed value divided by 1,000

Based on turbine locations	8 in Code 12	12.7% of project	\$24,130,000
	46 in Code 32	73% of project	\$138,700,000
	9 in Code 34	14.3% of project	\$27,170,000
		100% of project	\$190,000,000

Wild Horse Wind Power Project Tax Impacts

This spreadsheet developed with input from the Washington State Department of Revenue and Puget Sound Energy Assumption is that Puget Sound Energy will be the owner of the project. Actual figures will be developed by DOR once the project is completed. 2005 assessed valuations. Levies and taxes to be collected 2006.

Estimated Capital Investment \$380,000,000 (January 2007 per PSE)
 PSE Discount Rate 0.5045596
 Estimated Tax Bill \$1,727,686.48
 Entire Project in Tax Code Area 25

Taxing district	Levy Rate/1000	Current Assessed value	Project value in district	New assessed value	2006 tax Revenue	Revenue after project built	PSE levy payment
County CE	\$1.1927	\$3,333,464,639	\$191,732,648	\$3,525,197,287	\$3,975,740	\$4,204,415	\$228,675
State School Road #1	\$2.9517	\$3,314,800,530	\$191,732,648	\$3,506,533,178	\$9,784,453	\$10,350,399	\$565,946
Hospital #1	\$1.4169	\$2,240,780,295	\$191,732,648	\$2,432,512,943	\$3,174,997	\$3,446,667	\$271,669
	\$0.0027	\$2,032,872,896	\$191,732,648	\$2,224,605,544	\$5,436	\$5,949	\$513
	\$5.5640				\$16,940,626	\$18,007,429	1,066,803
Voted Excess Levies	Levy rate/1,000	Assessed value	New Assessed Value	Certified Levy Amount	New rate		PSE payment
Maintenance & Operation School 403	\$3.0344	\$223,414,057	\$415,146,705	\$682,000.00	\$1.6428		\$314,977
Bonds	Bond Rate/1000						
Hospital #1 School 403	\$0.4215	\$2,013,973,070	\$2,205,705,718	\$876,499.00	\$0.3974		\$76,190
	\$2.5830	\$223,414,057	\$415,146,705	\$584,000.00	\$1.4057		\$269,716
	\$6.0390				\$1.8041		\$345,907
Total tax							\$1,727,686

Definitions/Assumptions

District
 Levy rate/1000
 Assessed value
 Project value in district

Taxing district
 Figure from the Kittitas County Assessor's Report 2005 Assessed Valuations
 Valuation listed in the Kittitas County Assessor's Report 2005 Assessed Valuations
 As a utility, PSE is "centrally assessed" by the Department of Revenue for tax purposes.
 Based on conversations with Department of Revenue, the method they will use to tax this project is to determine based on PSE holdings throughout the state the value of the project in Kittitas County. It should be fairly close to capital cost. Using a discount rate (usually very close to 50%), DOR determines the assessed value. There may be very slight fluctuations, but the percent should not vary from year to year by more than a few percentage points. This method means that the assessed value of the project will not significantly change in value as does a depreciated project but remain fairly constant over its predetermined life. The discount rate for 2003 of 0.5045596 was used for this spreadsheet.
 This discount rate times the assessed value gives you the figure to use for project value in district.
 Figure from the Kittitas County Assessor's Report 2005 Assessed Valuations
 This is simply calculating tax based on the new assessed value of the taxing district
 Calculation is made by dividing new assessed value by \$1,000 and multiplying by levy rate.
 Bond yearly payments do not change.
 As assessed values rise in a taxing district, the rates decline
 Assessed value plus the project value in district is the new assessed value
 Yearly payment divided by the new assessed value divided by 1,000

2006 revenue
 Revenue after project built

Bonds
 New assessed value for bonds
 New rate

Note
 New tax money is paid through the levies that are collected in the top group of taxing districts.
 Increasing the assessed value for the bonds decreases individual tax bills but does not increase revenue.

Desert Claim Wind Power

Approximate value of project
Estimated tax bill

\$200,000,000
\$2,027,905

20% of project in Tax Code Area 19
80% of project in Tax Code Area 22

District	Levy rate/1000	Assessed value	Project value in district	New assessed value	2006 Tax Revenue	Revenue after project built	New Tax revenue
County CE	\$1.0558	\$3,333,464,639	\$200,000,000	\$3,533,464,639	\$3,519,355	\$3,730,508	\$211,153
State School Road #1	\$2.7186	\$3,314,800,530	\$200,000,000	\$3,514,800,530	\$9,011,693	\$9,555,418	\$543,725
Hospital #1	\$1.2230	\$224,078,295	\$200,000,000	\$424,078,295	\$274,050	\$518,652	\$244,602
Fire #2 (22 only)	\$0.0025	\$2,032,872,896	\$200,000,000	\$2,232,872,896	\$5,182	\$5,692	\$510
	\$1.2670	\$778,597,115	\$160,000,000	\$938,597,115	\$986,495	\$1,189,218	\$202,723
					\$13,796,775	\$14,999,487	\$1,202,712

Maintenance & Operations School 401 - Ellensburg	Levy rate/1000	Assessed value	Project value in district	New assessed value	Certified Levy Amount	New rate	Tax savings
	\$2.8022	\$1,483,725,232	\$200,000,000	\$1,683,725,232	\$4,157,638	\$2.4693	\$0.3329

Bonds Hospital #1 School 401 - Ellensburg	Levy rate/1000	Assessed value	Project value in district	New assessed value	Certified Levy Amount	New rate	Tax savings
	\$0.3387	\$2,269,487,771	\$200,000,000	\$2,469,487,771	\$768,578	\$0.3112	\$0.0274
	\$1.5268	\$1,483,725,232	\$200,000,000	\$1,683,725,232	\$2,265,325	\$1.3454	\$0.1814

Estimated Taxes District	Levy rate/1000	Project value in district	Taxes	Definitions
County CE	\$1.0558	\$200,000,000	\$211,153.00	District Taxing district
State School Road #1	\$2.7186	\$200,000,000	\$543,724.60	Levy rate/1000 Figure from the Kittitas County Assessor's Report 2005
Hospital #1	\$1.2230	\$200,000,000	\$244,602.20	Assessed value Valuation listed in the Kittitas County Assessor's Report 2005
Fire #2	\$0.0025	\$200,000,000	\$509.80	Project value in district Value of the project located in this particular taxing district
subtotal	\$1.2670	\$160,000,000	\$202,722.56	New assessed value Assessed value plus the project value in district is the new assessed value
	\$6.2670		\$1,202,712.16	2006 revenue Figure from the Kittitas County Assessor's Report 2005
Hospital #1 bond	\$0.3112	\$200,000,000	\$62,245.94	Revenue after project built 100% of project considered new construction
School 401 - M & O	\$2.4693	\$200,000,000	\$493,861.87	New construction is exempt from the 1% limit
School 401 - bond	\$1.3454	\$200,000,000	\$269,084.88	From Kittitas County Assessor's Report 2005
Total Taxes	\$10.3929		\$2,027,904.84	Assessed value plus the project value in district is the new assessed value

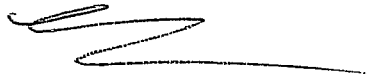
This whole document submitted by:

**Desmond Knudson
1661 Vantage Hwy.
Ellensburg, WA 98926
509-925-9002**

On
Monday, June 11, 2007

30 pages in doc.

6-11-07

A handwritten signature consisting of a stylized, cursive 'Z' or 'S' shape with a horizontal line extending to the right.

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director.

Section 17.61A.035 should be struck, and replaced with: the following dialog:

17.61A.035 Pre-identified areas for siting:

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

EXHIBIT #: 14
HEARING: Dev. Code
DATE: 6/11/07
SUBMITTED BY: Jillie Kjosvik

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

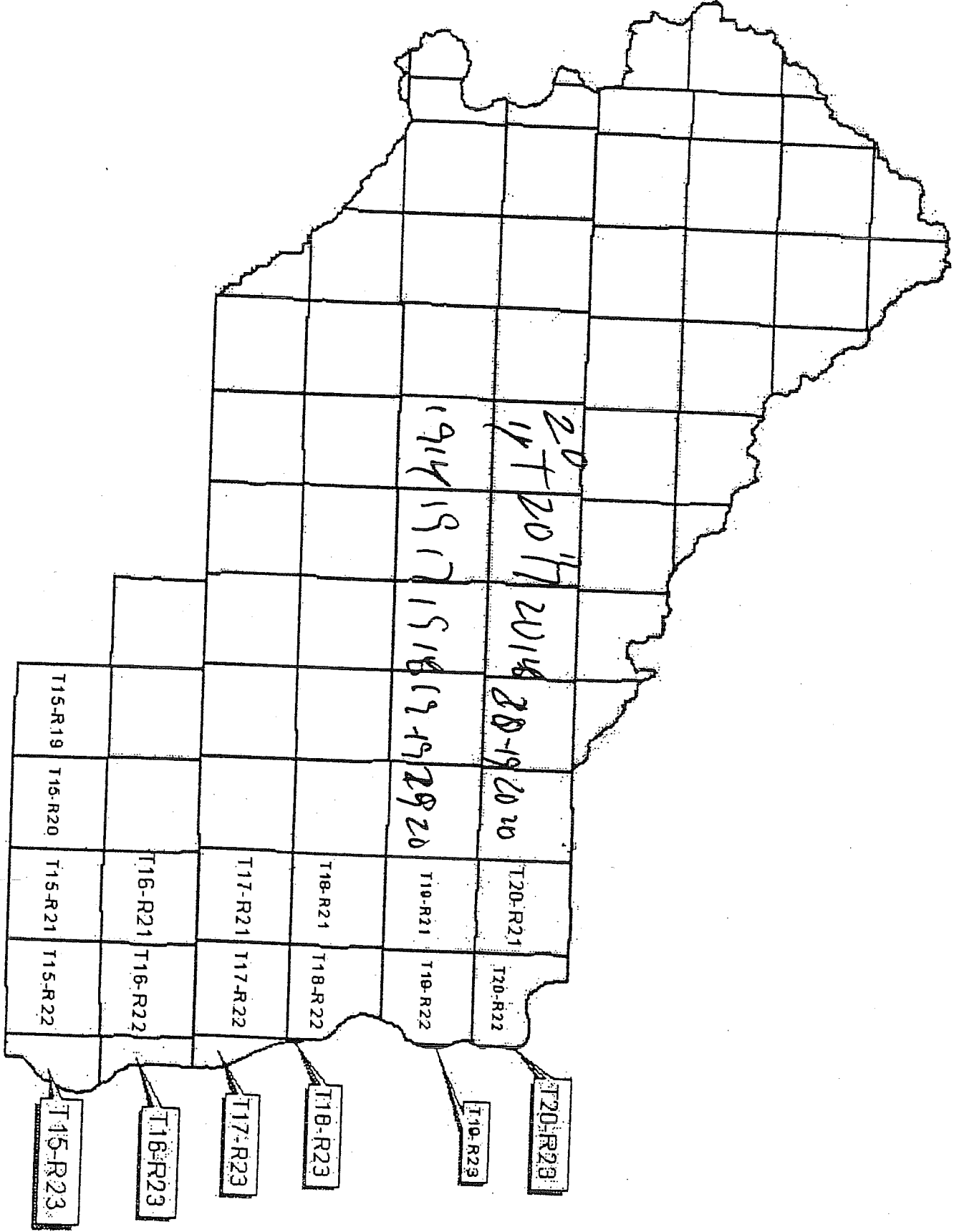
Sincerely,

Judy R. Swanson
(Legal Signature)

JUDY R. SWANSON
(Legal name) print

2607 J. RONALD RD,
~~2607 J. RONALD RD, ELLENBURG WA~~
(Legal Voting Address) print

ELLENBURG, WA, 98926
(City) print (State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11. Development Agreements.

Sincerely,



(Legal Signature)

Chester J Morrison

(Legal name) print

2607 Judge Ronald Rd

(Legal Voting Address) print

Ellensburg Wash. 98926

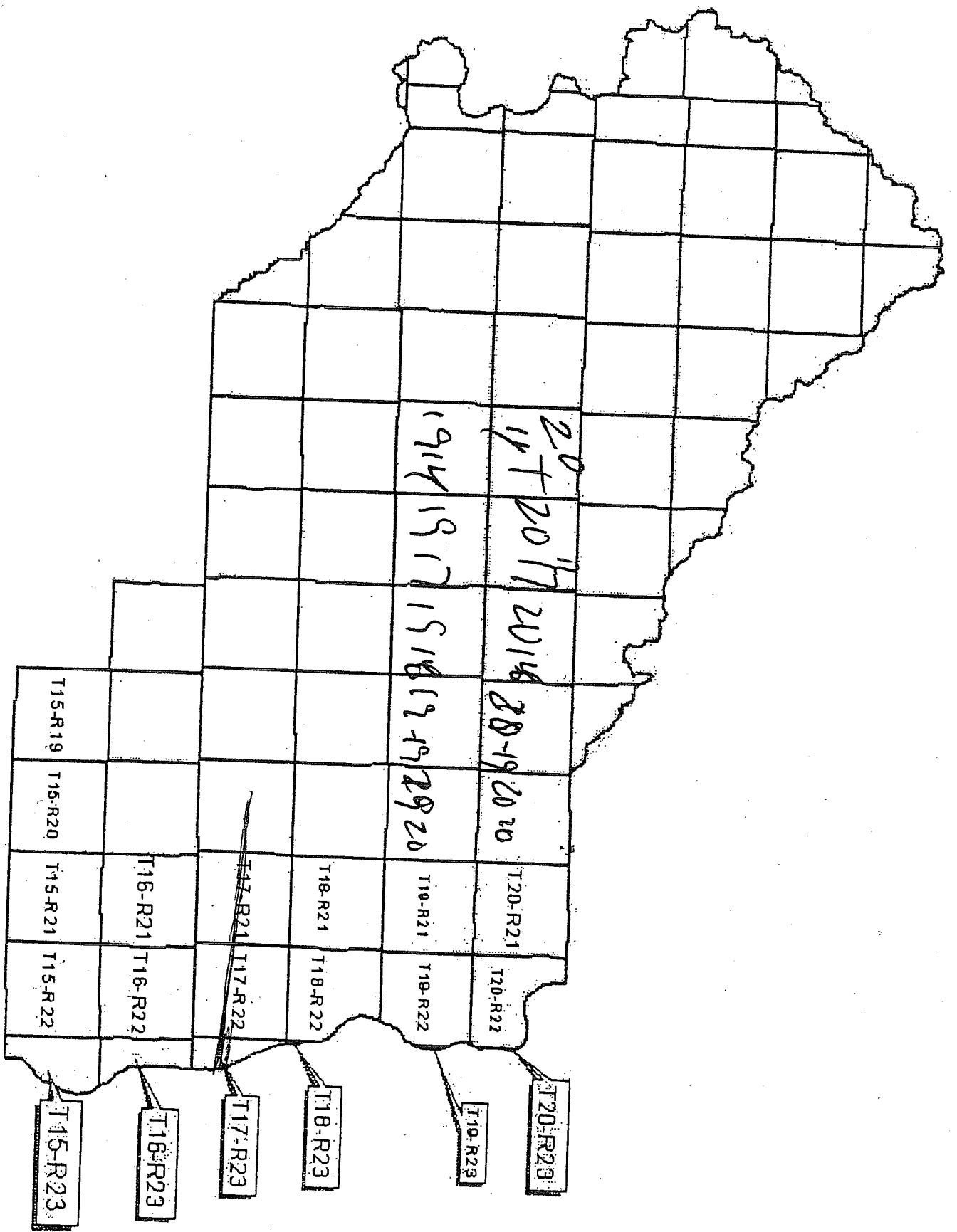
(City) print

(State & Zip) print

Townships 15, 16 and Half of 17 (south $\frac{1}{2}$)
are in the

The commissioners have no jurisdiction
over these Townships.

There is no way there can be any
wind Turbines on this land which would
be 184,320 acres



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog:

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

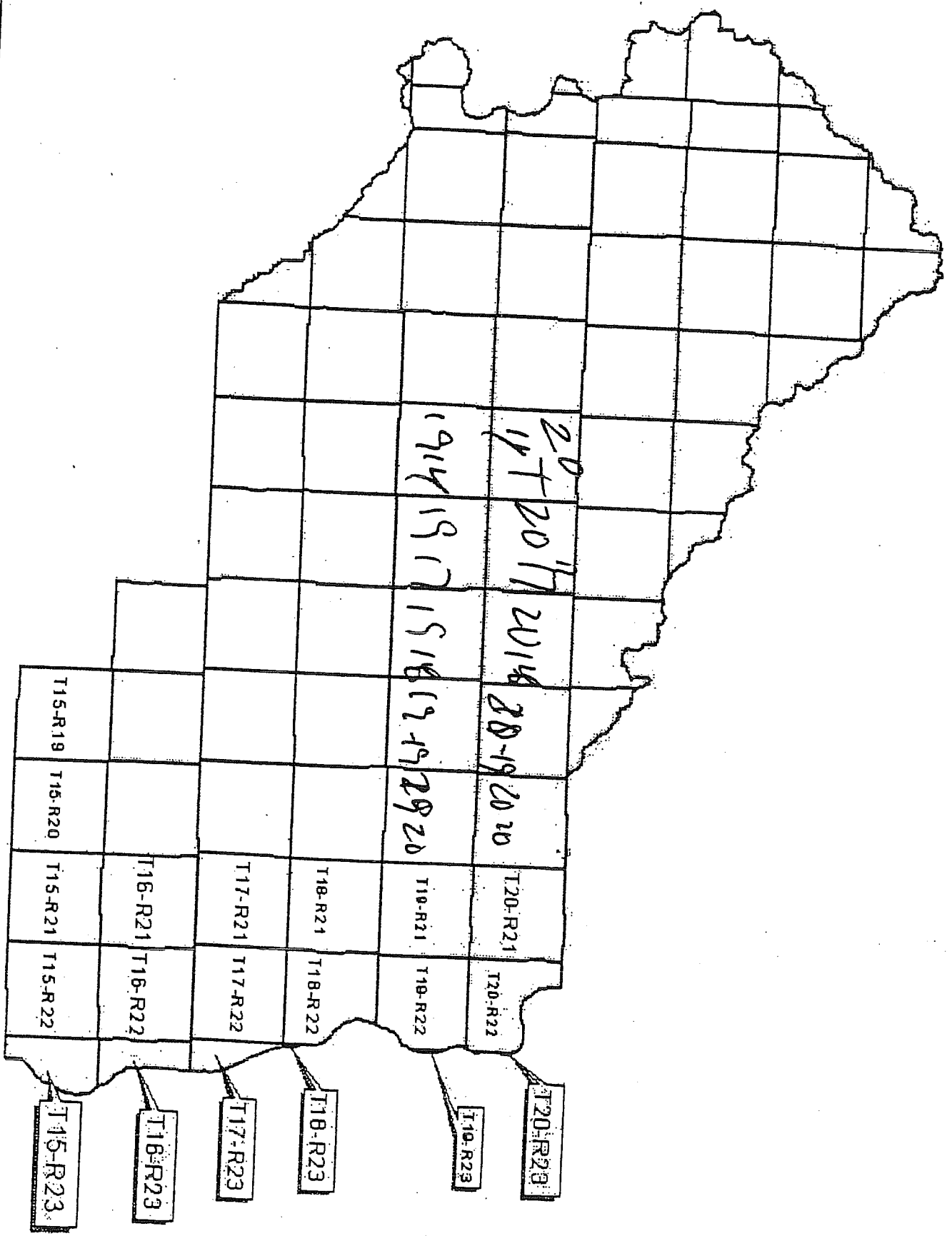
T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, Sate of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,

Bertha Morrison

(Legal Signature)

Bertha Morrison

(Legal name) print

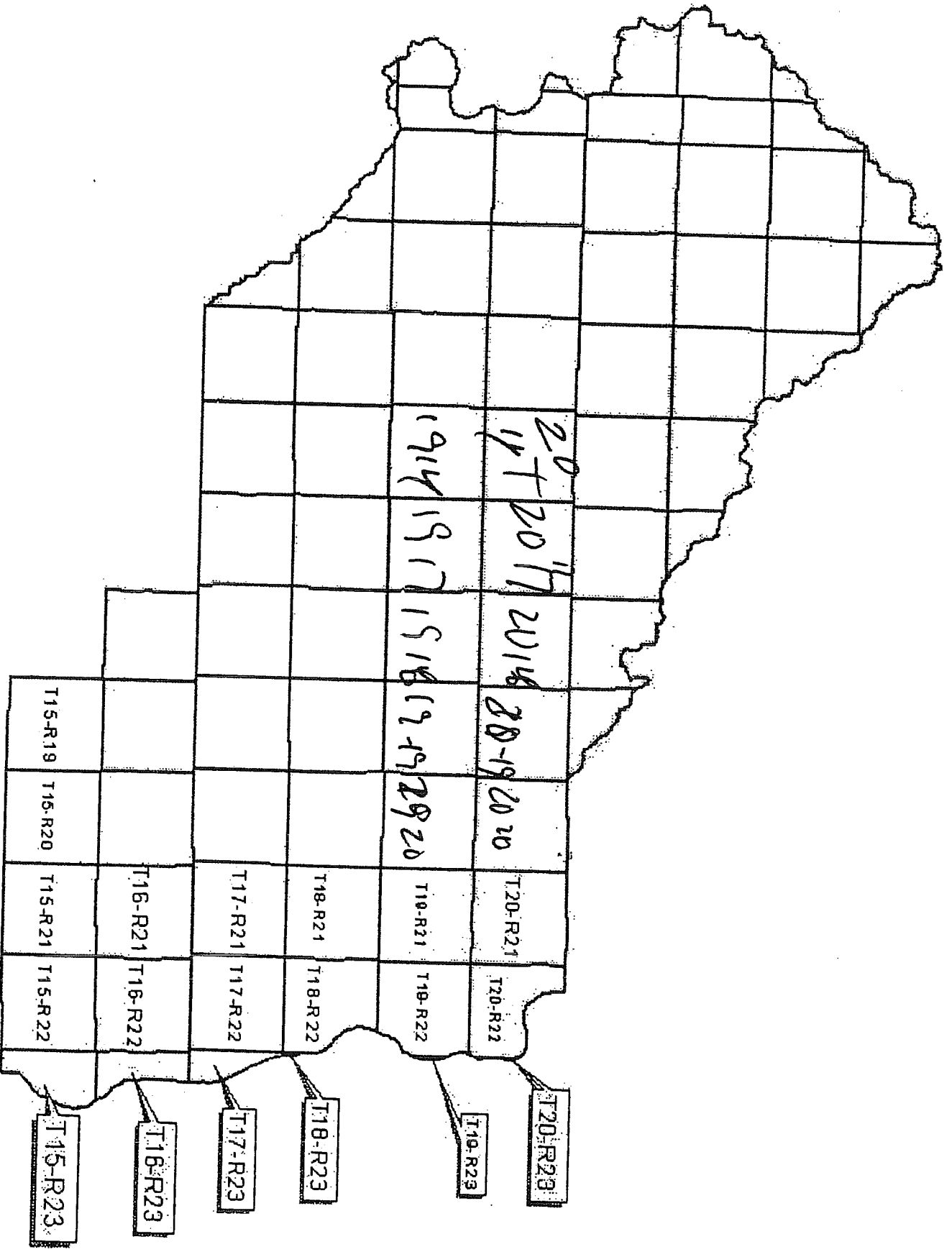
9131 Nanem Rd

(Legal Voting Address) print

Ellensburg Wash 98926

(City) print

(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11. Development Agreements.

Sincerely,

Nancy Frederick
(Legal Signature)

Nancy Jo Frederick
(Legal name) print

1300 Cliff Rd.
(Legal Voting Address) print

Kittitas WA. 98934
(City) print Ellensburg WA. 98926 (State & Zip) print

I would like to see Ellensburg and
the upper county to have monies for
school projects and education

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog:

17.61A.035 Pre-identified areas for siting:

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, Sate of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,

Terri L Hatch

(Legal Signature)

TERRI L HATCH

(Legal name) print

PO Box 1304

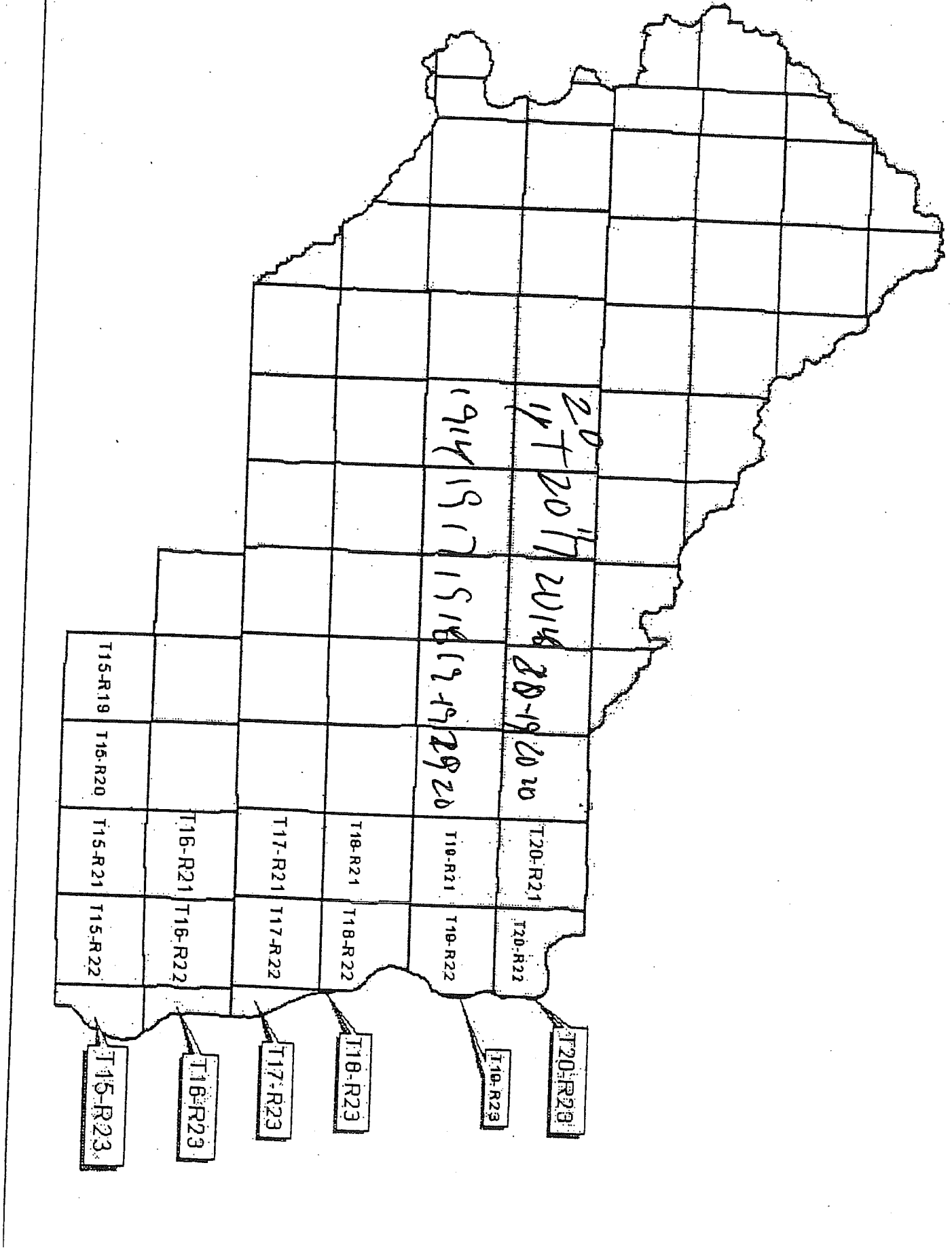
(Legal Voting Address) print

Kittitas

(City) print

WA 98934

(State & Zip) print



T20-R23

T10-R23

T18-R23

T17-R23

T16-R23

T15-R23

T20-R21
T20-R22

T19-R21
T19-R22

T18-R21
T18-R22

T17-R21
T17-R22

T16-R21
T16-R22

T15-R19
T15-R20
T15-R21
T15-R22

20
1914
1917
1918
1919
2017
2018
2019
2020

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code
15A.11.Development Agreements.

Sincerely,

Richard Arstad

(Legal Signature)

Richard Douglas Arstad

(Legal name) print

1110 Jennie Circle

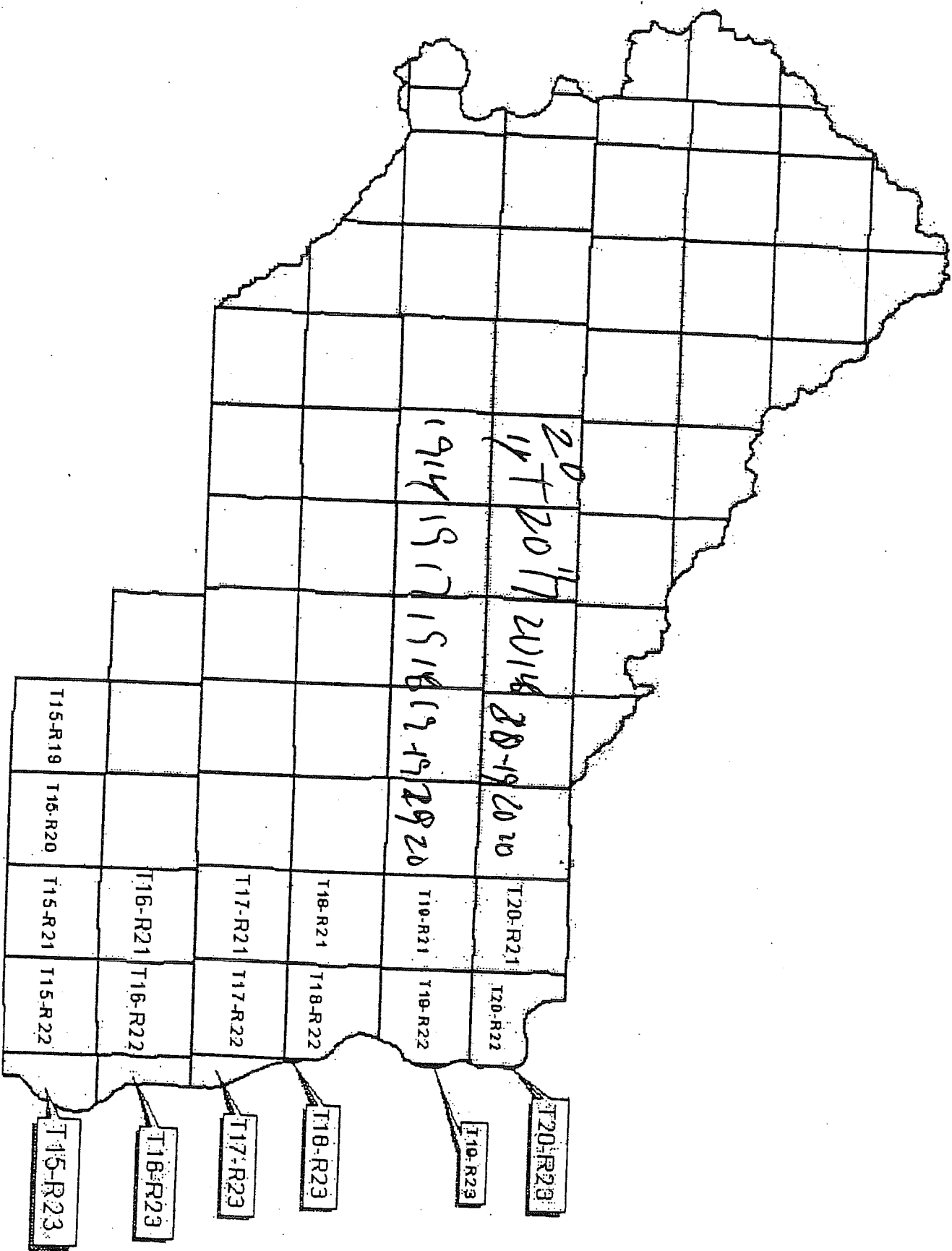
(Legal Voting Address) print

Ellensburg

(City) print

WA 98926

(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director Section 17.61A.035 should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11. Development Agreements.

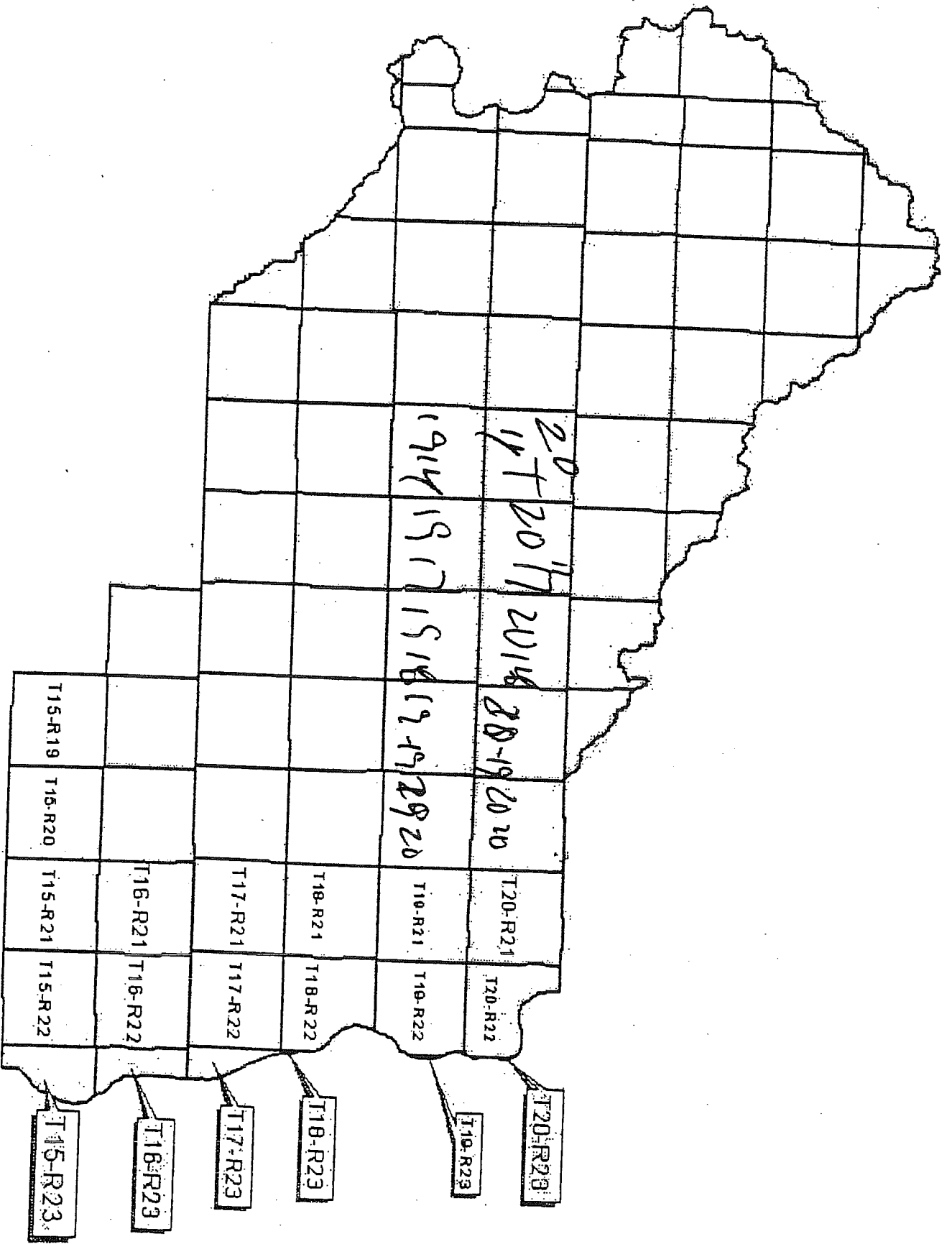
Sincerely,

Miles Westhoff
(Legal Signature)

Miles S Westhoff
(Legal name) print

406 Sacajawea Ct.
(Legal Voting Address) print

Kittitas Wa 98934
(City) print (State & Zip) print



15

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning. Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting:

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

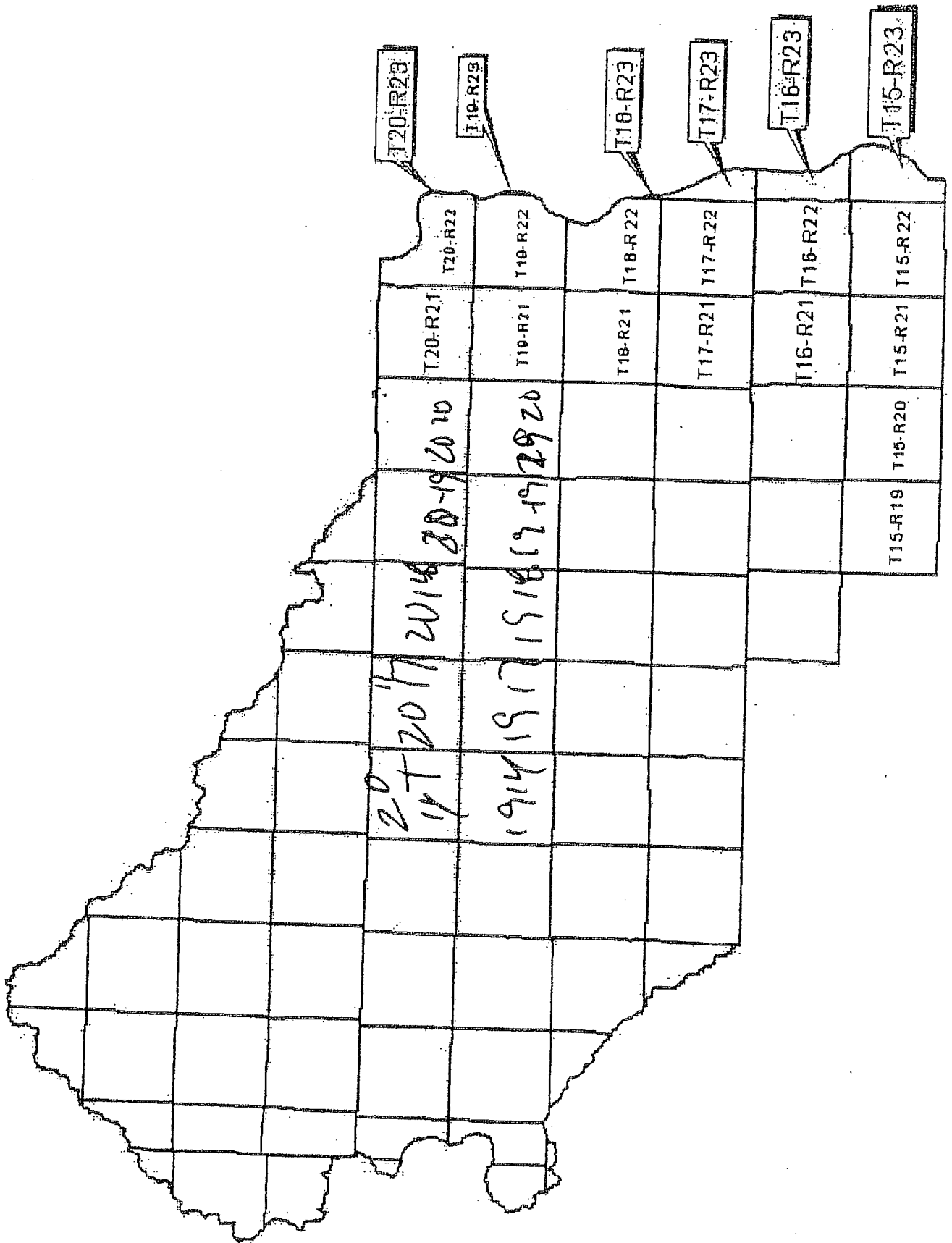
Sincerely,

James P. Jacobson
(Legal Signature)

James P Jacobson
(Legal name) print

P.O. Box 931 Kittitas, Wa. 98934
(Legal Voting Address) print

(City) print (State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director Section 17.61A.035 should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

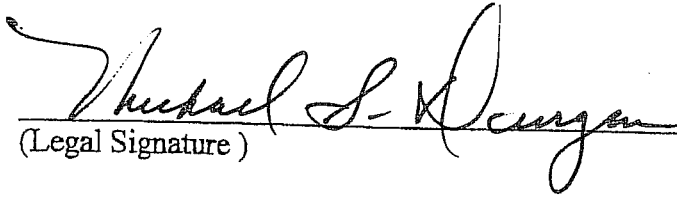
In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

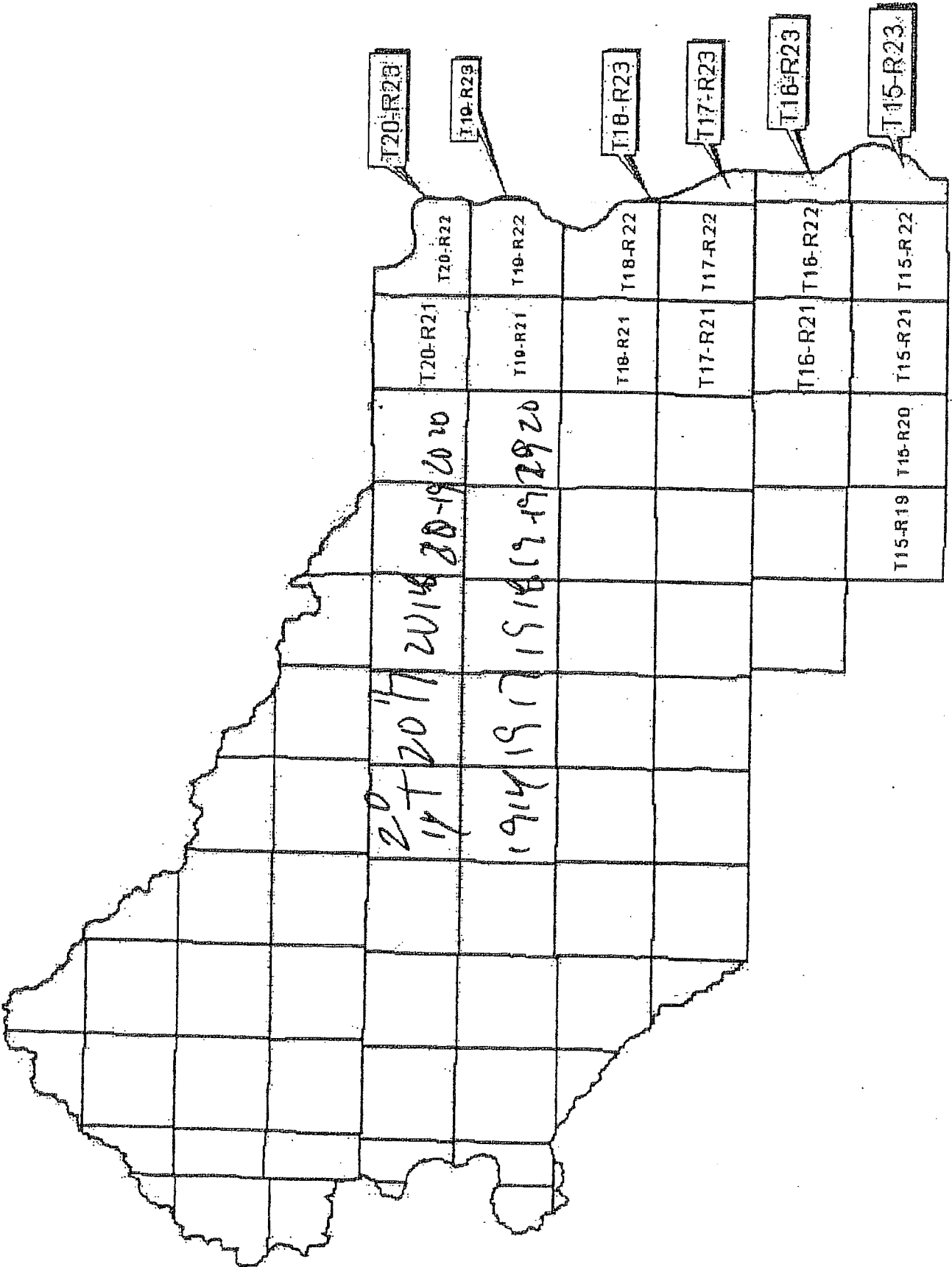
Sincerely,


(Legal Signature)

Michael S. Durgan
(Legal name) print

10760 Brick Mill Rd
(Legal Voting Address) print

Ellensburg WA 98926
(City) print (State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,

Rochelle A. McCollum

(Legal Signature)

Rochelle A. McCollum

(Legal name) print

100 W. Clark

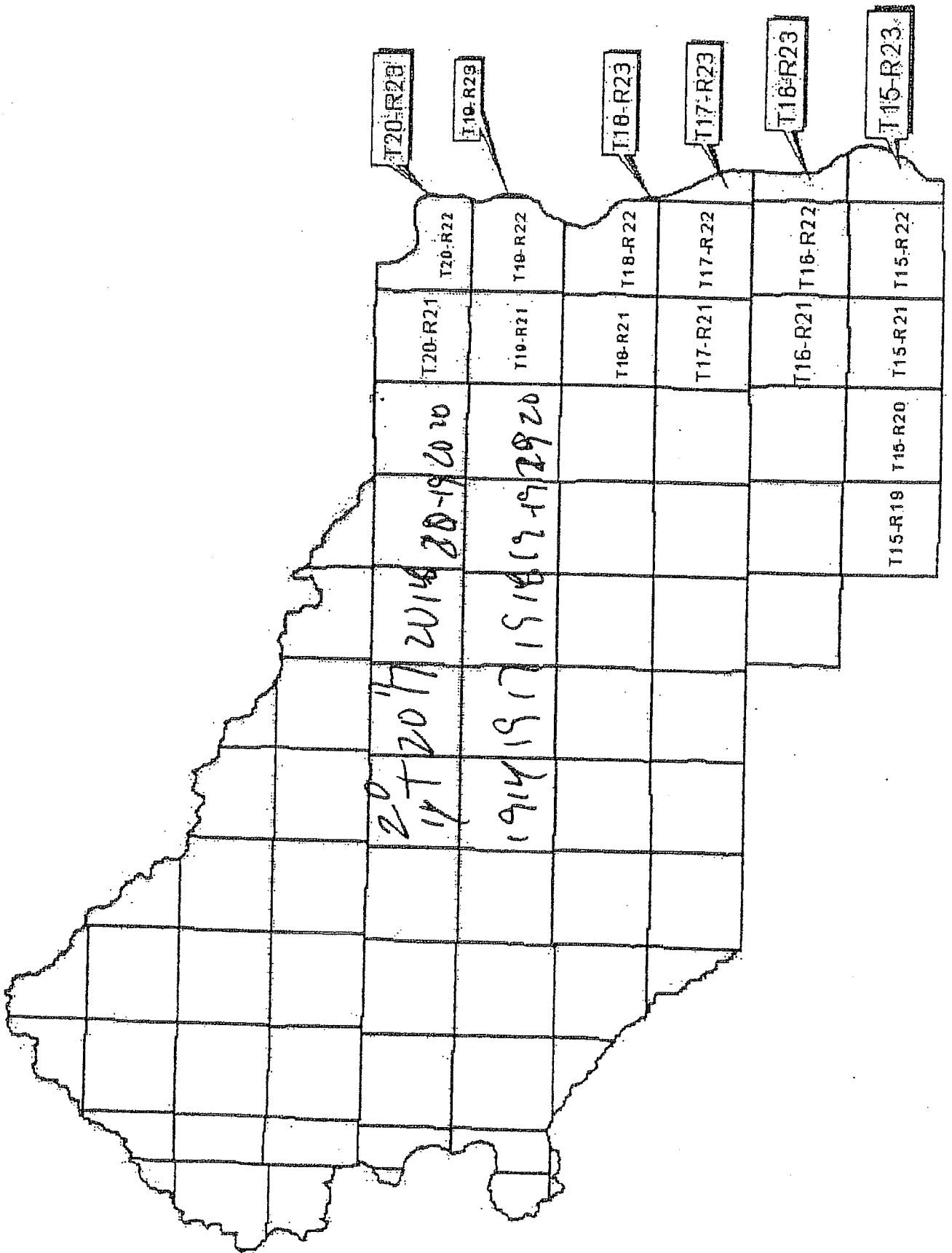
P.O. Box 772

(Legal Voting Address) print

Kittitas, WA. 98934

(City) print

(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director Section 17.61A.035 should be struck, and replaced with: the following dialog:

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

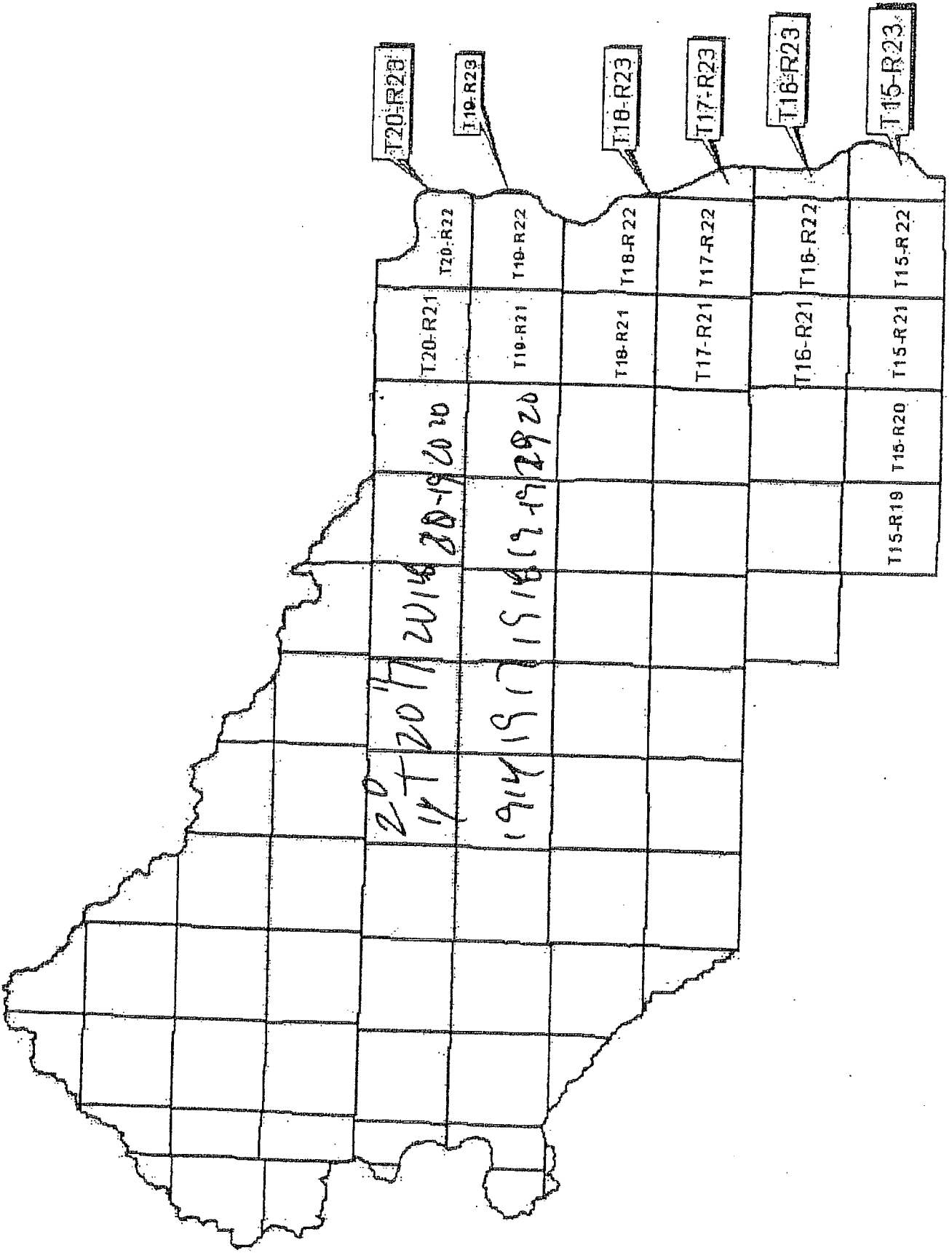
Sincerely,

Kelly K Wuesthoff
(Legal Signature)

Kelly K Wuesthoff
(Legal name) print

406 Sacajawea Ct
(Legal Voting Address) print

Kittitas Wa 98934
(City) print (State & Zip) print



20
 17
 2017
 2018
 20-19
 20
 20
 19
 17
 19
 18
 17-19
 29
 20

T20-R23

T19-R23

T18-R23

T17-R23

T16-R23

T15-R23

T20-R22

T19-R22

T18-R22

T17-R22

T16-R22

T15-R22

T20-R21

T19-R21

T18-R21

T17-R21

T16-R21

T15-R21

T15-R20

T15-R19

Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning. Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director Section 17.61A.035 should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,


In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

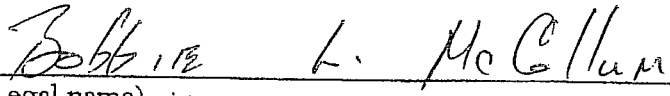
A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

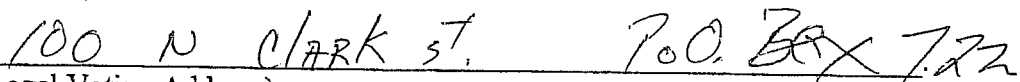
Sincerely,



(Legal Signature)



(Legal name) print



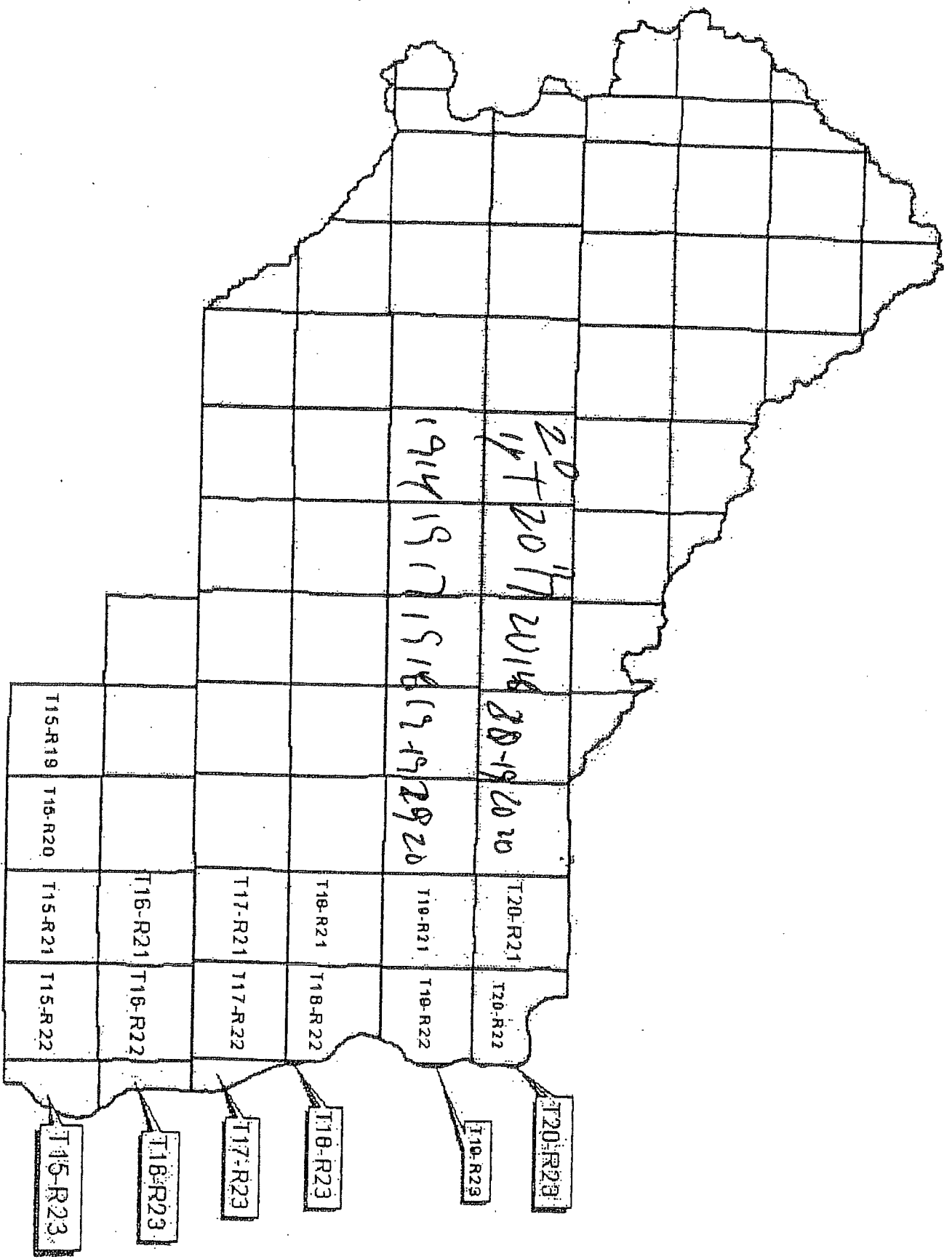
(Legal Voting Address) print



(City) print



(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,



(Legal Signature)

DAVID L. THACKEN

(Legal name) print

270 Coyote Rd

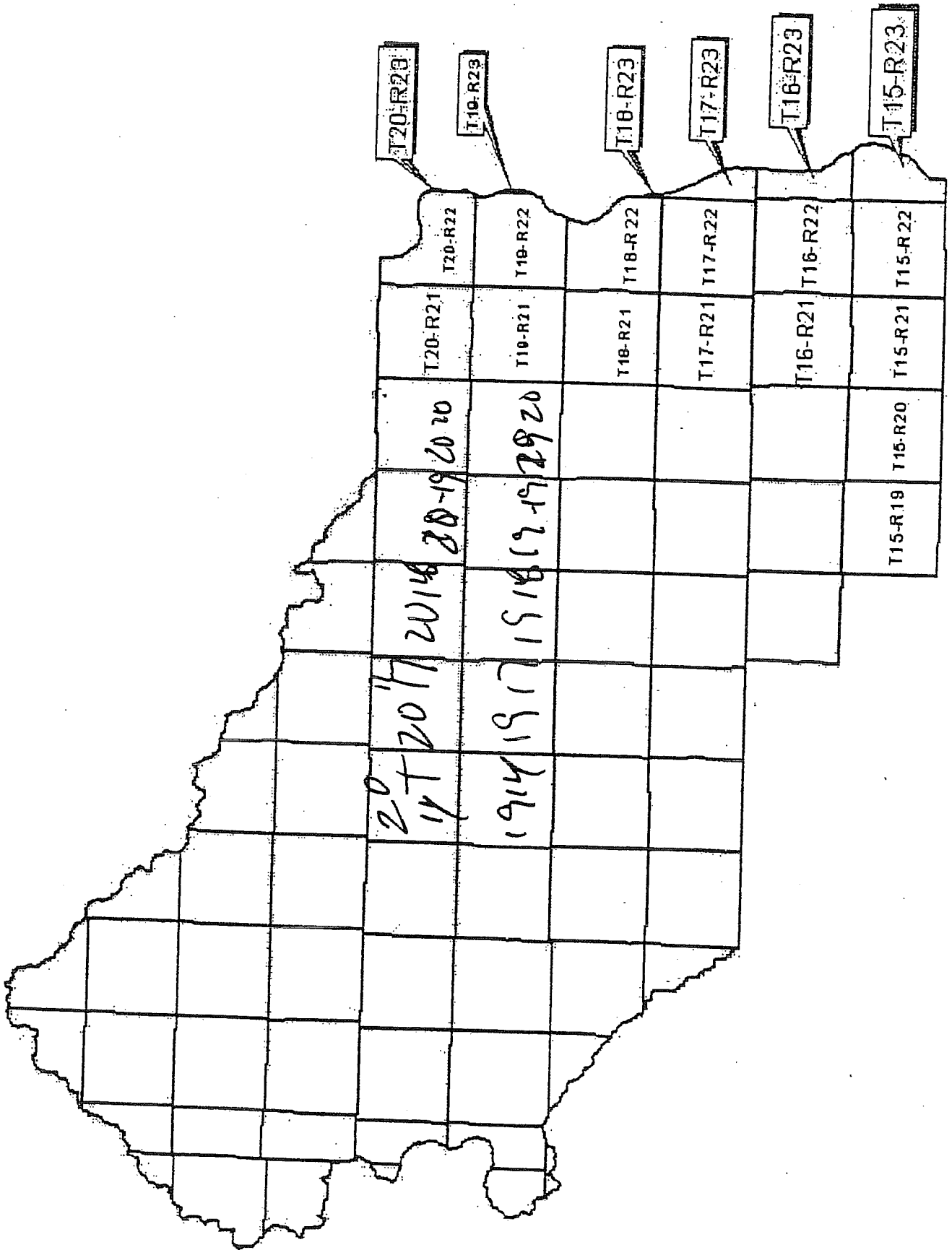
(Legal Voting Address) print

Ellensburg

(City) print

WA. 98926

(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional** analysis,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

Sincerely,

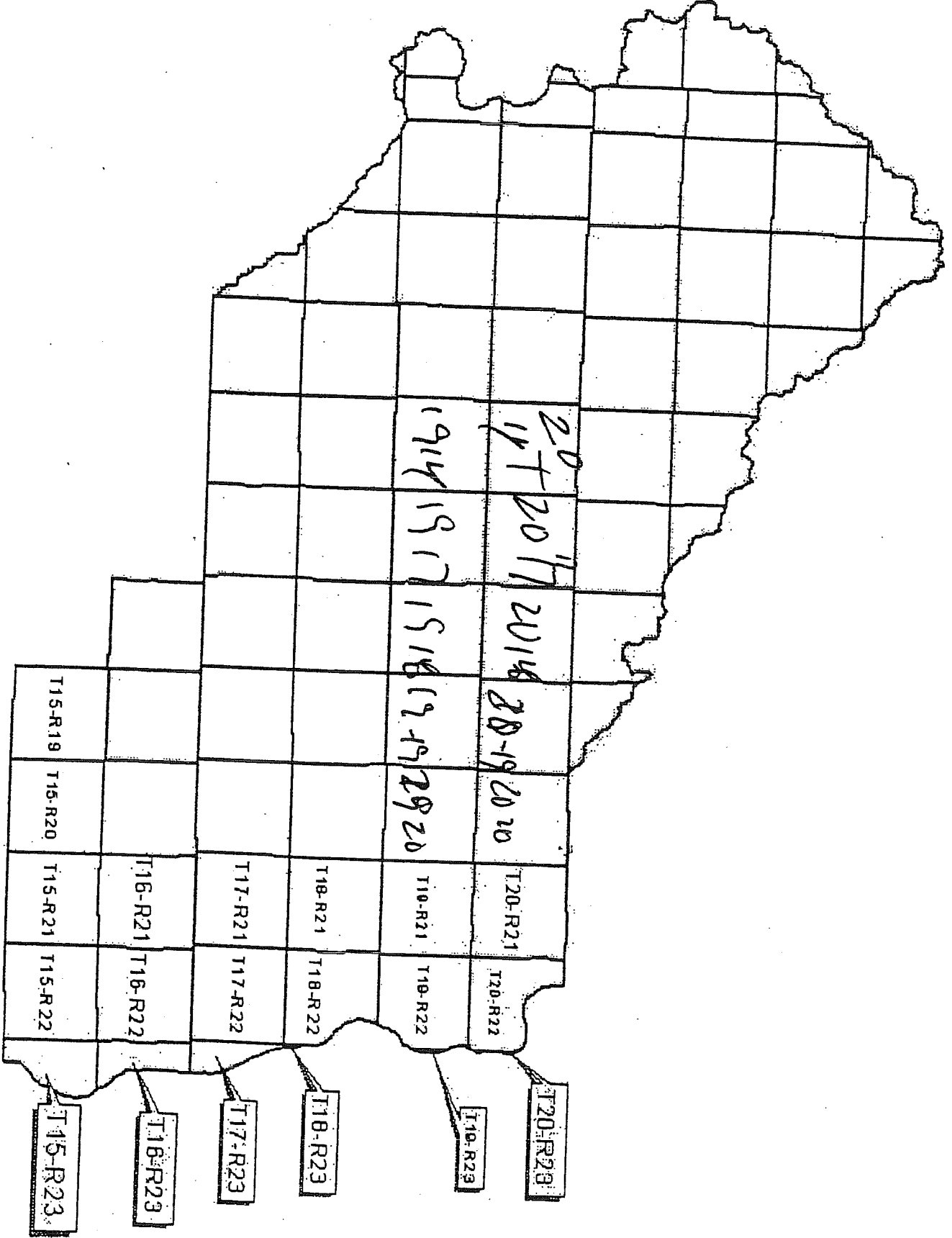
Kenneth O'Neal Johnson
(Legal Signature)

Kenneth O'Neal Johnson
(Legal name) print

4981 Sorenson Rd
(Legal Voting Address) print

Ellensburg
(City) print

Wash 98926
(State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog:

17.61A.035 Pre-identified areas for siting;

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes; *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by **professional analysis**,: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code 15A.11.Development Agreements.

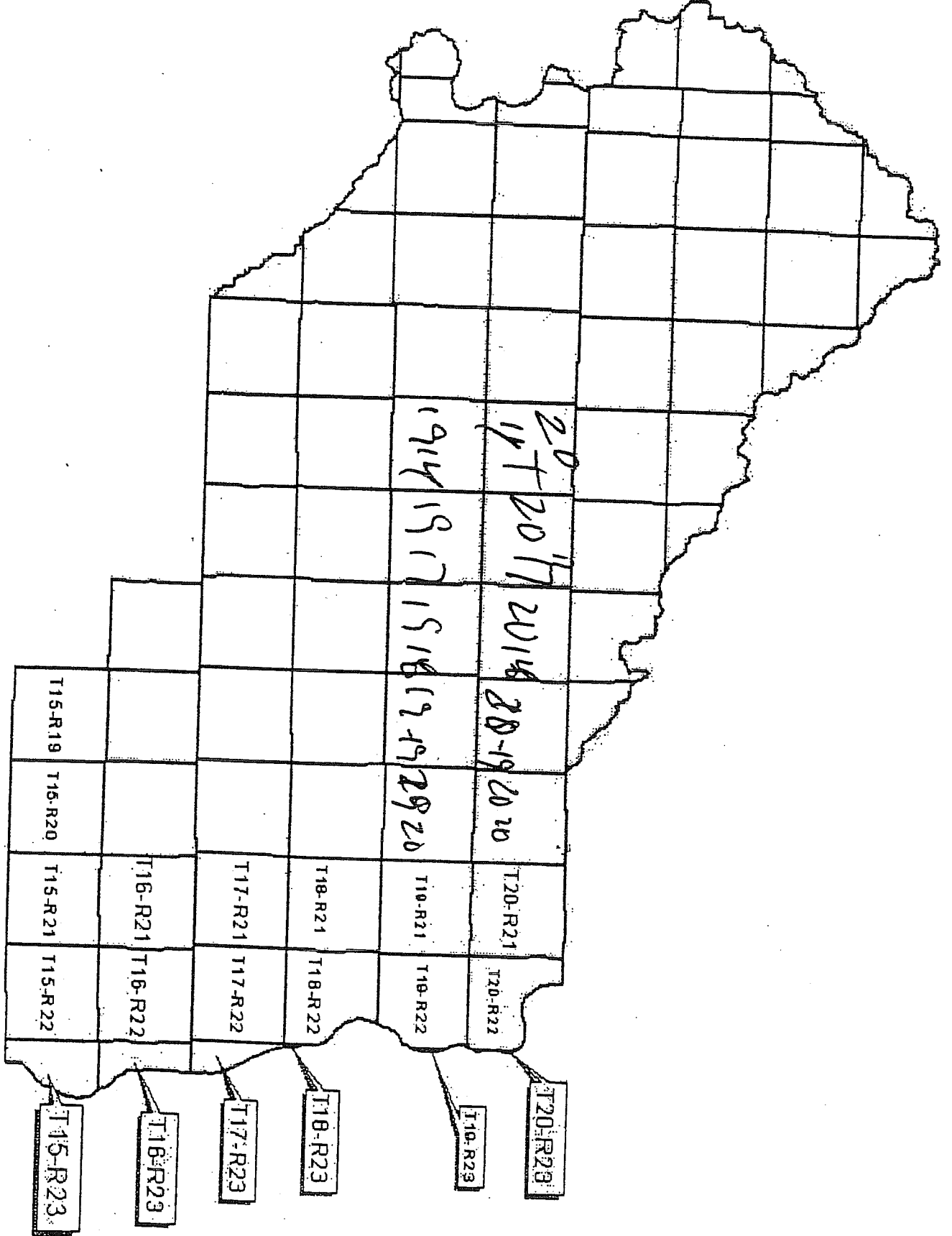
Sincerely,

Danny Louis Hull Danny L. Hull
(Legal Signature)

DANNY LOUIS HULL
(Legal name) print

1280 Granddood Rd
(Legal Voting Address) print

Elensburg, Wash 98926
(City) print (State & Zip) print



Dated this 3rd day of May, in the year of our lord 2007

To: Honorable Board of Kittitas County Commissioners
Honorable Board of the Planning Commission
5th and Main Room 108
Ellensburg, WA 98926

RE: Update of the Development Code
Title 17, Zoning, Chapter 17.61-A Wind Farm Resource Overlay Zone

Dear Members,

I attest I am a legal voter in the County of Kittitas, State of Washington, on the above mentioned date.

I, the undersigned, declare that the aforementioned chapter proposed for Development Code Update April 10th, 2007 Draft as proposed by Mr. Darryl Piercy's; C.D.S. Director **Section 17.61A.035** should be struck, and replaced with: the following dialog;

17.61A.035 Pre-identified areas for siting:

For proposed wind farms located in identified areas in Kittitas County meeting specific siting as identified in this code, a process separate from the requirement for wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process, this includes: *The following list of Township and Range area commonly know as East Kittitas County in contact with Colombia River, and/or Whiskey Dick Mountain;

T.15N. Ranges 19E.,20E.,21E.,22E.,23.,

T.16N. Ranges 21E., 22E.,23E.,

T.17N. Ranges 21E., 22E.,23E.,

T.18N. Ranges 21E., 22E.,23E.,

Also includes: *The following list of Township and Range area commonly know as "Electrical Transmission Corridor" that parallels Northern Lower Kittitas County;

T.19N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

T.20N. Ranges 16E.,17E.,18E.,19E.,20E.,21E.,22E.,23E.,

In Kittitas County.

The following siting standards are established by professional experts, for these areas: a minimum of four (4) times the tip height of turbine height from existing structures at the time of application, vesting shall apply. If not attainable additional analysis shall be included to support the application. Further, analysis shall also be included the following as part of the application by professional analysis: wildlife impact analysis, noise impact analysis, visual impact analysis from ½ mile away.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The

development agreement shall be consistent as authorized in Kittitas County Code
15A.11.Development Agreements.

Sincerely,

Neil H Wilson

(Legal Signature)

Neil H Wilson

(Legal name) print

9640 Vantage Hwy

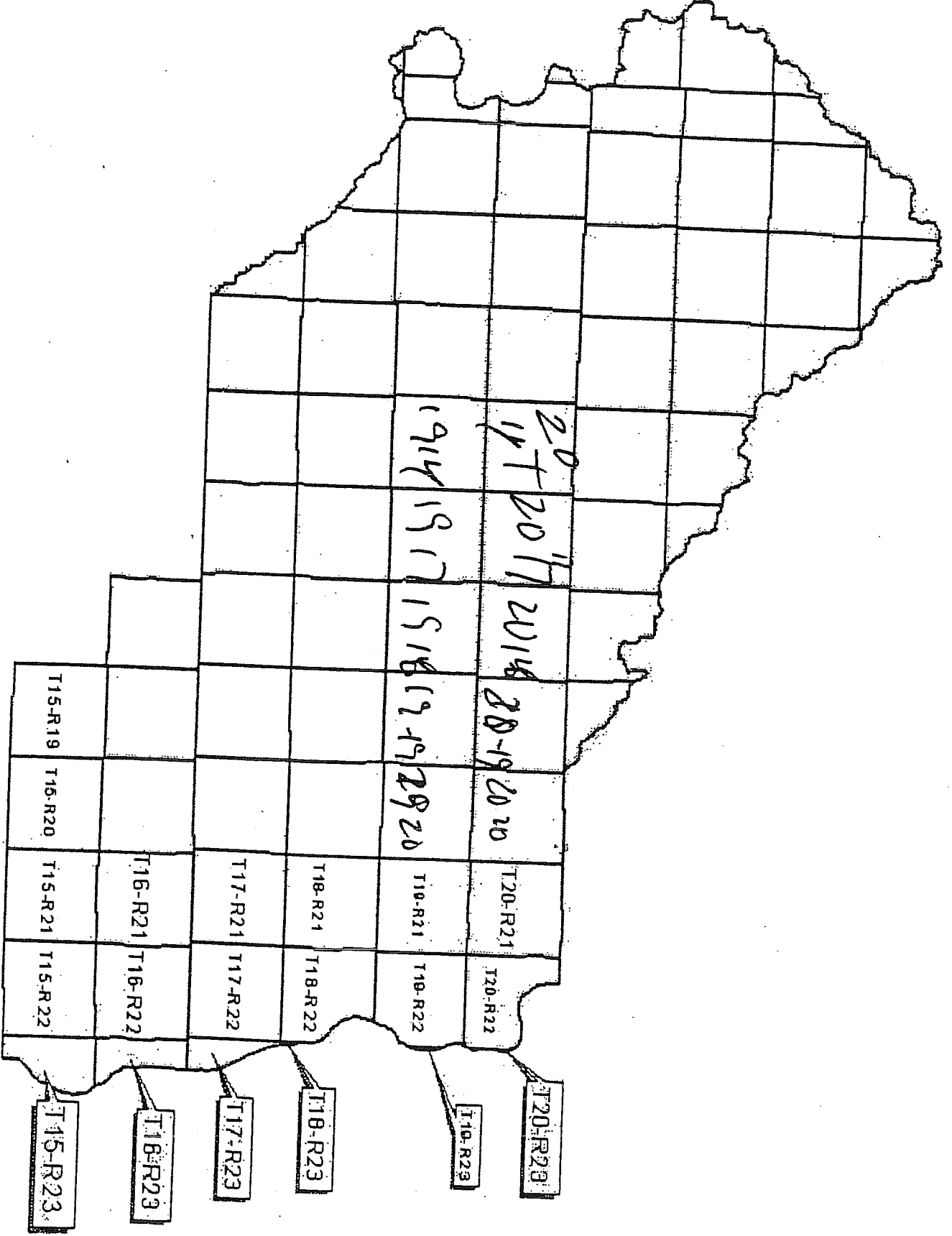
(Legal Voting Address) print

Ellensburg

(City) print

WA 98926

(State & Zip) print



1

KITTITAS COUNTY BOARD OF COMMISSIONERS

**** PUBLIC HEARING SIGN UP SHEET ****

Public Hearings are an opportunity for citizens to give their views to the Board of County Commissioners for consideration in their decision making process. If you wish to speak, please PRINT YOUR NAME CLEARLY below.

When you are recognized:

- 1. STEP TO THE MICROPHONE and give your name and address.
2. Your comments will be limited for each individual.
3. If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

MEETING: DEVELOPMENT CODE
DATE: JUNE 11, 2007 TIME: 6:00 P.M.

Table with 4 columns: NAME (PLEASE PRINT), MAILING ADDRESS, Who are you representing (self/other)?, Testifying (Yes/No). Rows include names like STEVE LATHROP, Kerri Woehler, LILA HANSON, Paula J Thompson, Lindsay Ozbolt, Dendre Link, John Jensen, Karin Mooney, Marge Brandsrud, Catherine Arne Clegg, Howard Carlson, Noah Goodrich, Roger Olsen, DAVID LEHITZILL, WM. D. SCHMIDT, Dale Dyk, and BEN Foubias.

EXHIBIT #: 15
HEARING: DEN WALK
DATE: JUN 10 7
SUBMITTED BY: Julie Kjorsvik

KITTITAS COUNTY BOARD OF COMMISSIONERS
 *** PUBLIC HEARING SIGN UP SHEET ***

Public Hearings are an opportunity for citizens to give their views to the Board of County Commissioners for consideration in their decision making process. If you wish to speak, please PRINT YOUR NAME CLEARLY below.

When you are recognized:

1. STEP TO THE MICROPHONE and give your name and address.
2. Your comments will be limited for each individual.
3. If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

MEETING: DEVELOPMENT CODE
 DATE: JUNE 11, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)	
Art Sinclair	2912 Faust RD	self		✓
Louise Sinclair	2910 FAUST RD	SELF		✓
URBAN EBERHART	Ellensburg	Farm Bureau		✓
Chad Bala	Cle Elum WA	TD Corp		✓
Helen Wise	4106 E 3rd	self		✓
Vincent Tomaso	P.O. Box 355	Self	Yes	✓
Wayne Nikes	P.O. Box 52 Cle Elum	self	yes	✓
Andy Rosbac	E-3urg	Farm Bureau		LEFT
Mike Moore	181 Purique loop	Self		✓
John Vikes	P.O. Box 499 Ellensburg	self	No	✓
JOHN HANSON	1502 E. St. Rd 98933	Self	maybe	LEFT
HARVEY DODGE	1150 LEONS RD.		NO	✓
Kevin Eslinger	2421 Denmark Rd	Self	NO	LEFT
MAREN SANDALL	P.O. Box 954 E-Burg	Self		✓
SANDY SANDALL	" " "	"		✓
Jill Arango	609 1/2 N Anderson	Self	NO	✓
Jerry Martens	P.O. Box 458, Cle Elum, Wa	Self	Yes	✓

KITTITAS COUNTY BOARD OF COMMISSIONERS
**** PUBLIC HEARING SIGN UP SHEET ****

Public Hearings are an opportunity for citizens to give their views to the Board of County Commissioners for consideration in their decision making process. If you wish to speak, please PRINT YOUR NAME CLEARLY below.

When you are recognized:

1. STEP TO THE MICROPHONE and give your name and address.
2. Your comments will be limited for each individual.
3. If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

MEETING: DEVELOPMENT CODE
DATE: JUNE 11, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)
William F Woods, Jr	350 BARCLAY Rd. EVANSBURG, WA 98926	SELF	NO
Koen Weaver	127 MADON RD	SELF	YES

✓
✓

**KITTTAS COUNTY COMMISSIONERS
SPECIAL MEETING**

MONDAY JUNE 11, 2007

6:00 P.M.

**Kittitas County Fairgrounds Event Center
Teaway Hall**

1. **Call to Order**
2. **Public Hearing continued from June 4, 2007, to consider the Planning Commissions Recommendations for the Kittitas County Development Code Update.**
3. **Review of Schedule**

Monday June 11, 2007 6:00 p.m. – Title 17 Zoning Code; (if time permits) Chapter 16.09 Performance Based Cluster Platting

Wednesday June 13, 2007 6:00 p.m. – Performance Based Cluster Platting; (if time permits) Title 17B Forest Practices

Thursday June 14, 2007 6:00 p.m. – Title 17B Forest Practices; Title 15A Project Permit Application Process; Chapter 17.99 Design Standards; Chapter 14.08 Flood Damage Prevention

* The above hearings will be held at the Kittitas County Fairgrounds Event Center /Teaway Hall

* The schedule is dependant on the amount of public testimony and will be adjusted accordingly at the discretion of the Board of County Commissioners. The Public Hearing may be continued to specific dates and time as determined by the Board of County Commissioners.

4. **Other Business**
5. **Adjourn**

Roger Olsen 2130 Nelson Siding
Myself

TO: Kittitas County Community Development Services
ATTN: BOCC (Board of County Commissioners)
RE: Public Hearing-Zoning Code Update
Date: June 14, 2007
FROM: Roger B. Olsen
2130 Nelson Siding Road
Cle Elum, WA. 98922
(509) 674-3881

First of all I must apologize to Commissioner McClain for testifying last Monday evening that he is asking for a sales tax increase to cover the increased law enforcement costs due to growth. He did not. I got it wrong. Per the Daily Record, the Law & Justice Council co-chairman and Sheriff Gene Dana gave commissioners a presentation depicting the need for more officers and criminal justice services in the face of increasing population and rising calls for officers to respond to problems. **Sheriff Dana said** the Law and Justice council was calling on the commissioners to consider putting the sales tax increase on the ballot to let the voters decide. It was my mistake and I once again apologize and I appreciate Commissioner McClain for correcting me.

The following are a few examples of what I believe planning under the GMA requires. *M O L E*

From the CTED publication "Keeping the Rural Vision"

Page 22 "Counties should establish land use designations and residential densities that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area. The primary purpose of rural areas is not to accommodate growth. That is the function of urban areas."

Futurewise vs. Pend Oreille-EWGMHB-11/1/2006

"The Growth Boards have repeatedly opined that rural densities of less than one dwelling unit per 5 acres creates sprawling, low-density development, fails to protect water quality and quantity, and fails to protect the natural resource environment."

1000 Friends vs. Chelan County-EWGMHB-9/2/2004

"It is clear from the decisions cited in the parties' briefs and in argument that this Board, together with the Western and Central Puget Sound Boards, has held that the Growth Management Act makes lot sizes smaller than five acres urban density."

Moses Lake vs. Grant County-EWGMHB-11/20/2001

"The Boards have held that five-acre lots in rural areas of a county will be subject to "increased scrutiny" by the Board to assure, among other things, that the number, location, and configuration do not constitute urban growth."

EXHIBIT #: 4
HEARING: Dev. Code
DATE: 6/13/07
SUBMITTED BY: Roger Olsen

Futurewise vs Whatcom County 05-2-0013 final 9-20-2005

“We find that the rural residential densities...R2A zone (1 dwelling unit per 2 acres); and RRI zone (1 dwelling unit per 3 acres) are not rural densities but suburban densities encouraging sprawl.”

These are just a few references as to how the Boards view what is rural and what is urban. I might be wrong on how the EWGMHB will decide on the issue of 3-acre zoning. However, I would rather have egg on my face as an ordinary citizen than have egg on my face as a county commissioner. I am convinced 3-acre zoning is not an appropriate rural zone anywhere except in the most unusual circumstances or as part of a LAMIRD.

I get the feeling the County likes deceiving itself into thinking they are not really allocating much land to 3-acre zoning by including all land within the boundaries of Kittitas County. It does sound better to say 3-acre zoning is only using 3% of our total land than it is to say we have already allocated 10% of our rural land to 3-acre zoning. The former is comparing apples to oranges and the latter is comparing apples to apples. I do hope the County does not embarrass itself in front of the EWGMH by using the former as a justification for 3-acre zoning.

PBCP's-These should be restricted in such a way that density does not exceed 1du/5acres even after all the bonus density has been allowed. The EWGMHB in KCCC vs. Kittitas County did have this to say about the 2005 PBCP ordinance, which is virtually the same as our current 2006 ordinance. *“The Board finds the Petitioners’ arguments compelling and, had they been made in a timely manner, might have persuaded this Board that the County was in error and the performance based cluster platting provisions violate the GMA requirements for rural densities. There must be controls in place to limit clustering to prevent urbanization of the rural areas.”* **This is a sign and a warning and a red flag.** The current zoning code before you still has the PBCP allowing clustering 5-acre parcels with a resultant density of 1du/2.5 acres, which is urbanization. PB 3-Acu

PUD's-We should not allow PUD's in rural areas primarily because they typically have densities greater than 1du/5 acres. They are a planning tool for urban areas. Whenever we get into “community” wells, community water systems and community waste water systems we are really talking about “urban” services. By requiring urban services we are crossing that line in the GMA that says if urban services are required in rural areas, then that is urban development and it is not allowed in rural areas. I've seen two recent PUD applications. One has an average density of 1du/2-acres and the latest has a density of 1du/1.5-acres. These are not appropriate rural densities.

FCC's-I see no need for FCC's at this time or in the near or distant future. Our cities and urban growth areas are more than large enough by a factor of 2-3 times the size needed to accommodate the expected growth for decades to come. As I stated on Monday, we have enough capacity in the rural area to accommodate 80,000 people. With that kind capacity in the rural area, we would not need to add one more person in the urban areas for at least 60 years if all growth occurred in rural areas.

UGN's-They should have been converted into LAMIRD's years ago. By stalling the designation of the outdated UGN's into LAMIRD's, the County is not preventing or containing urban sprawl.

Kittitas County is allowing its rural areas to be urbanized. PUD's, FCC's, PBCP's and 3-acre zoning are planning policies that urbanize rural areas. These are inconsistent with the KCCP and they violate the GMA. Kittitas County should place a moratorium and stop accepting applications for development involving the above until those policies are found to be consistent with the KCCP and in compliance with the GMA. If the EWGMHB finds the County in violation of the GMA, then many past actions were wrong.

I agree 3-acre lots sell like hotcakes. One-acre lots would sell even faster and half-acre lots faster still. If large lot projects in rural areas cross that line of urbanization, they are not worth it and should not be allowed. If large lot projects in urban areas create sprawl and gobble up farmland, they should not be allowed. Being a capitalist myself, I've always thought there should be a mechanism that we can come up with that will satisfy the demand for large lot buyers. It is indulgent and extravagant but the demand is real. In the rural areas, I like the idea of "mini Suncadias" with a clustered housing community and the rest set-aside as open space for hiking, biking or for riding horses but only if the overall average density does not cross that line into urban densities. There is a mechanism for that kind of development and it is the Master Planned Resort not the PUD. In urban areas I like the idea of large lot residential estates that are larger than the 4-homes/acre requirement. I also understand, and consider more important, the reality that our critical areas, agricultural areas and rural areas are more valuable than my belief in supply and demand. The reality of an ever-exploding population must be dealt with an eye to the long-term future and not short-term gain.

Sincerely,

Roger Olsen

new *Seriously Local*



9:30 am
Currently:
59

RealFeel® High: 62
Humidity: 38
Winds: NW at 7 mph

Weather

[Click here for a 15-day forecast!](#)

PLACE CLASSIFIED ORDER PHOTOS 4 WEEKS FREE

NEWS SPORTS WEEKLY SECTIONS FEATURED CLASSIFIEDS YELLOW PAGES ENTERTAINMENT DAILY RECORD News RSS Sports RSS

Electronic Edition Login:

Friday, March 09, 2007

Login Pass

News:

Friday, March 9, 2007 10:51 PM US/Western

More sales taxes for more cops?

By MIKE JOHNSTON
senior writer

Ellensburg resident Jackie Herum, after attending a Thursday meeting of the Kittitas County commissioners, said she's anxious to become one of the first members of a citizens' committee that will scrutinize a proposal to increase the countywide sales tax rate to pay for more law enforcement officers and other law and justice needs.

"If we want better police protection we have to be willing to pay for it," said Herum. "I think the voters of the county want to hear from their fellow citizens on what they believe is really needed."

That's the philosophy county commissioners also heard from members of the county Law & Justice Council on Thursday as they approved the formation of a citizens' committee that will make recommendations on a plan to increase the sales tax by three-tenths of 1 percent to help pay for mounting criminal justice costs and caseloads.

Law & Justice Council co-chairman and Sheriff Gene Dana gave commissioners a presentation depicting the need for more officers and criminal justice services in the face of increasing population and rising calls for officers to respond to problems.

He said what's needed is "sustainable source" of funding. He said the county's population has increased 15.7 percent in the last nine years, but the total number of local officers, not including the State Patrol, has only gone up 9 percent, from 55 to 59 commissioned officers.

He said the total number of calls for service to the local departments have climbed by 15.3 percent in the last nine years, and Kittitas County has the fifth worst property crime rate per 10,000 residents of the 39 counties in the state.

Dana said the council is calling on commissioners to consider putting the sales tax increase on the ballot to let the voters decide whether to up the county sales tax from the current 7.7 cents per \$1 in retail sales to 8 cents.

If approved by a majority of county voters, the added tax would raise an estimated \$2 million annually that would be distributed to local law enforcement agencies.

Dana said county voters defeated tax proposals in past years to expand and improve the county jail, and law enforcement officials are heeding their message.

"We heard people say, 'We want more cops on the street, we don't want a Taj Mahal for a jail,'" Dana said.

Under questioning by Commissioner Mark McClain, Dana agreed that the funds raised by the added taxes will not be used in any way to expand the capacity of the county jail.

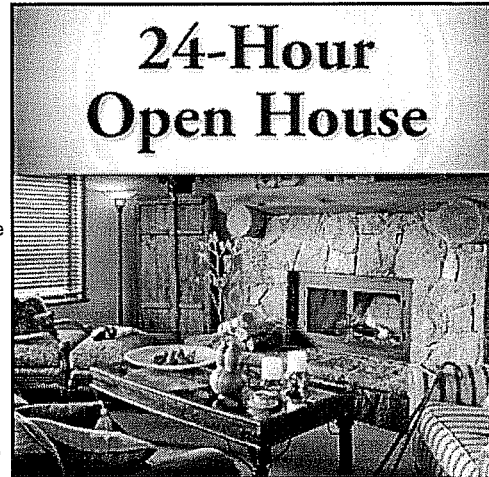
McClain said that by law, development impact fees can't be used for law enforcement costs, only for fire protection and park services, roads and public schools.

Police chiefs Mike Studer of Kittitas, Scott Ferguson of the Cle Elum-Roslyn department and Dale Miller of Ellensburg said their respective councils support the sales tax proposal for more officers.

Undersheriff Clayton Myers said the citizens' committee should be just that: a variety of citizens from different walks of life, rather than a mix of citizens and law enforcement officials. He said citizens tend to hold back their participation when a group is top heavy with government officials.

Miller said city and county law and justice officials should act as providers of information to the committee and not be voting members. Commissioners and others at the Thursday meeting agreed.

"It's of the utmost importance that recommendations come to the commissioners from the



Did you know...

Windermere

ELLENSBURG

(509) 925-5577 or 1-800-448-5958
808 S. Main, Ellensburg

More News

Cooler Machines

Ellensburg girls defeat Ridgefield 60-34

The Daily Record is experiencing technical difficulties. Due to these issues some subscribers may receive their newspapers later than their normal delivery time. We apologize for any inconvenience this may cause.

On a Massive Scale

Historic Downtown Ellensburg gets another designation

More sales taxes for more cops?

OnStar, alert neighbor lead to arrests in string of burglaries

Story Tools

printer friendly version

e-mail this story

CLASSIFIEDS

JOBS

AUTOS

HOMES

Seriously Local
COUPONS

TOP JOBS

EXHIBIT #: 5

HEARING: Dev. Code

DATE: 6/12/07

SUBMITTED BY: Roger Olson

1

* Perf. Based cluster Plat

KITTITAS COUNTY BOARD OF COMMISSIONERS

**** PUBLIC HEARING SIGN UP SHEET ****

Public Hearings are an opportunity for citizens to give their views to the Board of County Commissioners for consideration in their decision making process. If you wish to speak, please PRINT YOUR NAME CLEARLY below.

When you are recognized:

1. STEP TO THE MICROPHONE and give your name and address.
2. Your comments will be limited for each individual.
3. If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

MEETING: DEVELOPMENT CODE
DATE: JUNE 13, 2007 TIME: 6:00 P.M.

NAME (PLEASE PRINT)	MAILING ADDRESS	Who are you representing (self/other)?	Testifying (Yes/No)
LOUIS MUSSO KC PBRD #1	BOX 187 CLE ELUM	PBRD	YES ✓
MARGO CORDNER	1380 Watson Rd	self	yes ✓
BILL SCHMIDT	310 MISSIONVIEW DR	SELF	MAYBE ✓
PAUL THOMPSON	PO BOX 23 Thoy WA	KCCC	yes ✓
John Offes	P.O. Box 499 Ellensburg	self	maybe ✓
DAVID WHITWILL	211 W. Mt Hood Ct EBUNG	CW HBA	YES ✓
LILA HANSON	1307 Swank Prairie Rd Cle Elum WA 98922	self/farm	yes ✓
Roger Olsen	2130 Nelson Cir	Self	yes ✓
Vincent Tomaso	P.O. Box 355	SELF	No ✓ YES
Paul White	6390 Cove Rd	Self	No ✓ YES
Bruce Robinson	2381 Cooke Canyon Rd	self	No ✓

EXHIBIT #: 10
HEARING: Dev. Code
DATE: 6/13/07
SUBMITTED BY: Julie Kjosvick

