



## Frequently Asked Questions

Prepared for Kittitas County by GordonDerr LLP for October 21, 2009 Open House

### What is a Subarea Plan?

*GordonDerr LLP*

A Subarea Plan is part of the County's Comprehensive Plan that guides future land use of a specific area of land. Usually the "subarea" has physical, historic, or location characteristics that make it unique from other areas addressed in the Comprehensive Plan; therefore, special planning consideration is given to the subarea to recognize its unique characteristics. Like the Comprehensive Plan, creation of a Subarea Plan involves public commenting and input opportunities, as well as final approval from the Board of County Commissioners.

Kittitas County's Comprehensive Plan currently has two subarea plans, one for the Snoqualmie Pass Subarea and one for the Mountainstar Planned Resort, also known as Suncadia.

### Why does the Upper Teanaway Valley need a Subarea Plan?

*GordonDerr LLP*

The Upper Teanaway Valley is valued by Kittitas County residents for its beautiful scenery and recreational opportunities. The area has significant streams and riparian zones, fish and wildlife habitat conservation areas, wetlands, and steep slopes. Current and past land uses in this area include logging, farming, hunting, fish rearing, recreation, recreational development, and rural residential development. The Upper Teanaway watershed consists of approximately 60,000 acres, of which nearly 80% is owned by American Forest Land Company. The County recognized the unique nature of the Upper Teanaway Valley when it initiated a subarea planning process in 1995. The draft subarea plan resulting from this process never received final adoption by the Board of County Commissioners. Consistent with Comprehensive Plan Goal GPO 2.10C, which identifies the Teanaway Drainage Basin as a subarea plan study area, the County is initiating the preparation of a subarea plan and other planning tools to set a general blueprint for future land use. Once approved, this subarea plan will become part of the County's Comprehensive Plan, which means future development and use of the Valley must be consistent with the subarea plan.

### Why is this process happening now?

*GordonDerr LLP*

The County initiated the Subarea Plan for the Upper Teanaway Valley with Resolution 2009-100 at the request of the majority landowner, American Forest Land Company, who has offered to provide funding to reimburse the County for direct County costs and costs to hire outside planning and environmental consultants. The funding agreement is outlined in Resolution 2009-110. Without outside funding, the County would likely be unable to fund this expansive planning effort for many years and development of the Valley could occur in an uncoordinated way that may not protect the overall cohesive rural character of the area.

### Is this process related to the Solar Reserve proposal? How do I comment on that proposal?

*GordonDerr LLP*

The Teanaway Solar Reserve is proposed on a parcel of land within the Teanaway Subarea Planning Area; however review of the solar reserve has its own public process that is not related to the Subarea Planning process.

To view the application for the Teanaway Solar Reserve, go to the Current Land Use Site: <http://www.co.kittitas.wa.us/cds/current/> and scroll down to Conditional Use Permits to find a link to "CU-09-00005 Teanaway Solar Reserve."

**Does the county have written criteria and the associated specific metrics that goes with them to determine whether a land use designation may be changed (e.g., removing land from commercial forest to another designation)? If yes, what are the criteria/metrics? If no, will this be one of the first things that the planning group establishes so that both those advocating the change and those opposed to it know specifics as to what information is relevant to the decision and can formulate relevant arguments supporting their position?**

*Kittitas County Prosecutor's Office*

No. The new criteria include a WA Supreme Court criterion to consider the needs of the industry, which will need to be established before any de-designation would occur.

**What about the non-compliant Comprehensive Plan? Shouldn't the planning process wait until the County is GMA-compliant and wait until the de-designation criteria is compliant and the Critical Areas Ordinance has been updated?**

*Kittitas County Prosecutor's Office*

The timing of the project essentially accomplishes this. By the time any project in the Teanaway is considered, the County should have completed its compliance efforts and have compliant criteria. The criteria should be adopted in December of 2009, and nothing in this project would be considered for de-designation until December 2010.

**What about water?**

*Response by GordonDerr LLP*

The availability of water for current and future development in the Valley will be considered in the planning process and researched in the development of a Programmatic Environmental Impact Statement. The approval of the Subarea Plan will not authorize any specific development. All future development will be required to obtain approval for their water systems by Kittitas County or the Department of Ecology, depending on who has jurisdiction over the development proposal.

*Response by American Forest Land Company (AFLC)*

AFLC owns 597 acre feet of adjudicated water rights. It is our plan to apply to the Department of Ecology to transfer these rights to a different location, use and seasonality. This [water rights transfer process] is a process that is available to any owner of water rights and if the proposed changes meet the criteria used in reviewing the request, then the request is granted. We have asked a firm with experience in water rights transfers to provide a more detailed explanation of the process and will post that report as soon as it is available.

**Why doesn't AFLC wait out this economic downturn and try to harvest forest products again by managing the forest and contributing lumber and biomass to the economy?**

*American Forest Land Company (AFLC)*

The timber mill economy is not just [feasible] in an economic downturn. It has undergone basic, structural changes that will not support commercial-scale timber harvesting. Please see the Mason/Lippke report available on the Kittitas County website. AFLC will manage its timberlands within the constraints of current regulations so that the timber resources can be available to meet forest product needs if they become viable. We refer to these as second generation forest products, but even these products will require federal and state forest lands to contribute fiber in order for them to be economically viable. AFLC's timberlands are not

sufficiently large to support an ongoing timber economy by itself. This is true for biomass energy production, although we continue to explore biomass as having the greatest potential for economic viability due to recent changes in federal policy regarding thinning.

**What is the ownership history of the land referred to on County maps as being owned by AFLC?**

*American Forest Land Company (AFLC)*

Property Transaction History:

- October 1999 - U. S. Timberlands Yakima LLC ("UST") purchased property from Boise Cascade Corporation
- December 2003 - U.S. Timberlands changed its name to American Forest Resources, LLC ("AFR")
  - This name change was done to differentiate the business enterprise in Kittitas County from a similar business enterprise in Oregon operating under a similar name (U.S. Timberlands)
- May 2007- AFR conveyed its property rights to successor-in-interest AFR Acquisition, LLC
- May 2007 - AFR Acquisition, LLC merged its assets into American Forest Holdings, LLC
  - These transactions were undertaken to accomplish a corporate reorganization

American Forest Land Company, LLC (and its predecessor-in-interest Timber Resource Services, LLC) is the asset manager for the landowner. We have elected to refer to the ownership interests in the name of AFLC because that is the name that is generally known in the community and to avoid confusion.

**Why did AFLC purchase this land if they know about the challenges of owl circles and the dangers of bugs (like the spruce bud worm)?**

*American Forest Land Company (AFLC)*

The impact of the Spruce Bud Worm on the forestlands was not known until approximately 2004, significantly after the purchase of the property. Please see the maps depicting the annual advance of the Spruce Bud Worm into the Teanaway Valley from material provided by AFLC at the first Open House on August 20th. At the time of the property's purchase, there was every indication that a resolution to managing timber harvesting activities within Spotted Owl habitat would be achieved, specifically on privately held forest lands. Unfortunately the several routes to resolution were all closed off, and the issue remains in litigation to this date.

## **How can the major landowner pay for the government process?**

### *Kittitas County Prosecutor's Office*

Counties have discretion as to how the GMA requirements are met. RCW 36.70A.3201. Counties have the ability to contract for services. RCW 36.01.010; RCW 36.01.030; Ch. 39.29 RCW; Ch. 39.80 RCW. The County has done just that in hiring GordonDerr as contract planner on the County's behalf in this matter. Government fees are always tied to cost recovery, and typically Environmental Impact Statements are paid for by the applicant, including reviewing experts hired by the County as SEPA lead agency. Ch. 43.21C RCW. What the GMA requires is environmental review, public participation, and an independent decision based on the record. This matter will undergo an EIS. The public participation has begun early. Ultimately, any proposal will need to be presented to both the Planning Commission and the BOCC who are independent and will make their decisions based upon the record before them.

## **Our acreage is in the proposed subarea as shown on the 2009 Teanaway Subarea Map Draft. How was this boundary formed?**

### *GordonDerr LLP*

Several factors influenced the current draft boundary of the subarea, including land ownership; topography; environmental features; land use activities; and transportation routes. This proposed boundary is still subject to change, but the County believes it provides a logical outer boundary to the Upper Teanaway Valley. Only lands within the subarea boundary will be subject to the new Subarea Plan, but the County will consider land use, environmental factors, and other features outside the boundary to make sure future land use is compatible inside and outside the subarea.

## **When will public comments made at public meetings be available to the public? How can we access this information?**

### *GordonDerr LLP*

At each public meeting, recording equipment captures all public comments. These comments are then transcribed. Those interested in hearing public comments can obtain a copy of a CD from Community Development Services in Ellensburg. Written transcripts will also be posted on the Upper Teanaway Subarea Plan website, but transcripts may take a week or more to prepare following meetings.

At various stages in the planning process, draft plan text or maps will be available for public review. These materials will always be posted on the plan website and available at CDS for review.

## **Why isn't the Teanaway Subarea mentioned as one of the subareas needing to be addressed on the Comprehensive Plan web pages? How does the Comprehensive Plan update apply to the Upper Teanaway Valley?**

### *GordonDerr LLP*

The current Comprehensive Plan compliance update is limited to certain areas of the County found to have non-compliant planning, according to the Growth Management Act. The current planning effort in the Teanaway Valley is a separate planning process. In general, the Comprehensive Plan is a countywide policy document that applies throughout the County, including the Upper Teanaway Valley. Annual amendments to the Comprehensive Plan are usually considered during October through December. The County is currently considering several annual amendments, including establishment of a transfer of development rights program.

## **What is the impact of the Teanaway Elk Calving Area on choosing development locations?**

### *GordonDerr LLP*

The Kittitas County Code does not currently include development regulations specific to development in elk calving areas or other priority wildlife habitats. However, through the course of plan development and the preparation of an environmental impact statement, the County will consult with the Washington Department of Fish and Wildlife and other resource agencies to consider what impact, if any, the plan's policies would have on sensitive habitat areas, such as elk calving areas.

## **What can be done with large parcels that are currently in Forest and Range and Rural 3 zones? Can they be split into 20- and 3- acre parcels if they meet SEPA requirements, water availability, and other basic considerations?**

### *GordonDerr LLP*

Yes. If an application for subdivision met all standards of the Kittitas County Code and was found to have no significant environmental impact based on SEPA analysis, Forest & Range lots could be subdivided to the minimum lot size of 20 acres and Rural 3 lots could be subdivided to the minimum lot size of 3 acres. Title 16 - Subdivisions also includes provision for administrative segregations (KCC 16.08.015) and performance-based cluster plats (KCC 16.09).

## **How will the Upper Teanaway Valley be served by public facilities and services and how would these utilities be paid for?**

*GordonDerr LLP*

As part of the environmental impact statement process, the County will consider the current level of public facilities and services in the Upper Teanaway Valley and assess what improvements may be necessary to serve the existing and future population. The cost of bringing utilities to new developments will be the responsibility of the project’s developer.

**How will access be provided to the subarea?**

*GordonDerr LLP*

Currently, the Teanaway Road provides the main access to the Upper Teanaway Valley. Through this planning process, the County will consider whether additional points of access are necessary or desired. All new access plans must be adopted as part of the County’s transportation plan.

**Why have zoning if it can be changed?**

*GordonDerr LLP*

The County zoning map reflects the land use policies contained in the County’s Comprehensive Plan. The County amends its land use policies from time to time to respond to changing circumstances in the County, such as population growth or new planning priorities. According to the Kittitas County Code, property owners may apply for a zone change if the zone change will result in land use development that is still consistent with the planning policies of the Comprehensive Plan.

As part of this subarea planning process the County will prepare planning policies specific to the Upper Teanaway Subarea. Concurrent with the plan’s adoption, the County will propose changes to zoning within the subarea to ensure that future development is consistent with the new planning policies. Drafts of the subarea planning policies and proposed zone changes will be available for public review and comment.

**There are so many potential impacts to the environment associated with development of the Teanaway. How will the environmental impacts,**

**such as those to wildlife, traffic, water, utilities, recreation, critical areas, and other areas be evaluated before the plan is adopted?**

*GordonDerr LLP*

Beginning in early 2010, the County will conduct a full programmatic environmental impact statement analysis of the draft subarea plan. The EIS will consider impacts to a variety of environmental areas, including wildlife, traffic, water, utilities, recreation, and critical areas. Because the County’s critical areas regulations have not been amended since 1993, the EIS will also evaluate subarea-specific critical areas policies. The EIS process will include additional opportunities for public comment and public review of the draft EIS and related draft subarea plan.

**Is participation at the public meetings limited to only those living within the subarea? Does public notice also include those who own property but do not live in the subarea?**

*GordonDerr LLP*

Anyone is welcome to attend and participate in any public meeting on the Upper Teanaway Subarea Plan. Initial notice was mailed to all property owners within the subarea, regardless of residential status, as well as to property owners living within a mile of the subarea boundary. For those not owning property in the subarea, but who would like to receive mailings, please provide your name and address to CDS or planning staff at the public meetings to be placed on the master mailing list.

**Is it possible to have hard copies of pertinent information available at Community Development Services (CDS), or is electronic capability required to participate?**

Hard copies are available at Community Development Services. We recommend that you call ahead of your arrival, as limited copies are readily available and copies may need to be made.

**More Information on the Webpage!**

The Upper Teanaway Subarea Plan has its own webpage on the County’s website where you can access information about public meetings and opportunities to comment, as well as download handouts, draft plan materials, and some public comments.

<http://www.co.kittitas.wa.gov/cds/teanaway.asp>

Questions or Comments? Email: [teanawaysubarea@co.kittitas.wa.us](mailto:teanawaysubarea@co.kittitas.wa.us)