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VIA EMAIL ONLY:

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Re: *State Environmental Policy Act (SEPA) Appeal*
File No.: RZ-24-00001 (Gibson Rezone)
Docket Item No.: 2024-13

Dear Commissioners and Planning Manager:

This firm represents Kristin Gibson, the applicant for a non-project rezone of 42.4 acres of property currently zoned Agriculture 20 (Ag 20) to Forest & Range zoning district. (RZ-24-00001) ("Gibson Rezone."). The nonproject rezone is being processed through the 2024 Annual Comprehensive Plan Docket process established in KCC Title 15B.¹ Kittitas County Community Development Services (CDS) has complied with all procedures applicable to annual amendments to the comprehensive plan and development regulations, including environmental review under the State Environmental Policy Act (SEPA).

By letter dated November 26, 2024, Ellensburg Cement Products, Inc. (Ellensburg Cement) has registered objections to the process applied by Kittitas County CDS with respect to its Notice of

¹ Kittitas County has established a specific procedure for annual updates to its comprehensive plan and development regulations in accordance with RCW 36.70A.130(2). The adopted procedures are set forth in KCC Title 15B with processes related to amendments of development regulations set forth in KCC Ch. 15B.04. The application review process for amendments to docketed applications for amendment of development regulations are set forth in KCC 15B.04.040 and KCC 15B.03.040.

Appeal of Kittitas County's SEPA threshold determination and issuance of a Mitigated Determination of Nonsignificance (MDNS) under File No. RZ-24-00001 and Comprehensive Plan Docket No. 2024-13. Ellensburg Cement has asserted that Kittitas County CDS has failed to follow appeal procedures under KCC 15A.07.010(3) with respect to appellate review of the SEPA MDNS for the Gibson Rezone. Those provisions, however, are not applicable to applications docketed under the annual comprehensive plan review processes and procedures.

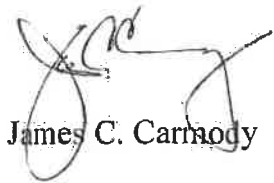
Kittitas County has established specific processes and procedures related to non-project legislative actions including the amendment of the comprehensive plan and development regulations. KCC 15B.01.010 provides:

Non-project legislative actions, including, but not limited to, the adoption and amendment of the comprehensive plan *and development regulations, are exempt from the procedural requirements of Title 15A of this code and Chapter 36.70B RCW.* Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for non-project legislative actions in compliance with Chapters 36.70A and 43.21C RCW.

Title 15A applies only to project permit applications. Amendments to county plans, development regulations, and standards are governed by KCC Title 15B. The Board of County Commissions makes final determinations on docketed comprehensive plan and development regulation amendments as well as final SEPA determinations. Kittitas County has followed its adopted processes and procedures applicable to the annual amendments process.

Ellensburg Cement's request and argument is simply based upon an inapplicable ordinance provision. The applicant asks that the Board of County Commissioners proceed with the SEPA appeal on a consolidated basis with the underlying rezone application.

Very truly yours,
MEYER, FLUEGGE & TENNEY, P.S.



James C. Carmody

cc: Client