

TO: *Hearing Examiner, Rose Shriner, CDS*
RE: *BCT (Big Creek Trails)*
Date: *July 14, 2016*
FROM: Roger B. Olsen
2130 Nelson Siding Road
Cle Elum, WA. 98922
(509) 674-3881

I have some specific comments regarding this rezone and project. My resources are the applicant's submitted paperwork, Kittitas Counties Comprehensive Plan and the GMA (growth management act).

Rezone Criteria

Question 11-A deals with comp plan compatibility. At the heart of the rezone criteria in rural lands is whether the rezone, with a project, will be compatible with the comprehensive plan. This particular rezone and project is not. According to applicant's answer to question 11a on page 17, the comprehensive plan states at 8.2.3. that one of the purposes of the Rural Lands section is to preserve and maintain the rural character of Kittitas County. It doesn't matter how you look at the proposed 56 homes on 72 acres it cannot maintain and protect rural character and, as proposed, this development constitutes sprawl.

Question 11-C deals with merit and value. The proposed amendment doesn't have merit or value where it is proposed and as proposed. If some of the rural character protections, such as maximum cluster size found in the cluster development regulations were employed, the proposed amendment might have more merit and value.

Question 11-D deals with the appropriateness of the rezone. I don't see a convincing argument made by the applicant that meets the requirement for a need of more property in the requested zone. In fact, the proposed project has a 20 year life with a possible 5 year extension. This clearly shows there is no need for additional housing in the zone or the area. There are no changed circumstances that justify this rezone. Just because something that could not have been done before can now be done is not a good enough reason to do it. We already have a supply of undeveloped lots to last a lifetime so additional supply is not a good reason. There may exist a reasonable proposal for this property but this rezone and project is not reasonable given that it doesn't protect rural character and that this rezone allows sprawl.

Review Criteria 17.36.045

KC code 17.36.045 1. A. ii. ... "PUD makes economic and efficient use of land, streets, and public services." – This is a rural PUD being proposed and it does not meet this criteria. This criterion was meant for an urban PUD. The PUD is an urban tool, not a rural tool.

KC code 17.36.045 1. A. v. ... "Public benefits of PUD outweigh the effect of the modification of the underlying zoning standards". – There are a number of reasons why the underlying zoning outweighs any benefit of this PUD. Rural character and preservation of open space is better maintained with the underlying zoning.

KC code 17.36.045 1. b. i ... states a criteria that the "PUD is developed in a manner that maintains rural character". Kittitas County went through a GMA compliance process. One item that was challenged was whether 3 acre zoning protected rural character and that process determined that Kittitas County's 3 acre zoning did not. In fact, for all practical purposes, no county has been able to demonstrate that anything less than 5 acre zoning can protect rural character. In the process, one county, I believe it was Ferry County, did have GMA compliance for something like 2.5 acre zoning but the Board noted that happened early on in the GMA process and that if the same case were brought before them now, the result would not be likely that 2.5 acre zoning would be allowed. Early on in the GMA process less than 5 acre zoning was allowed but experience has shown that less than 5 acre zoning has not been shown to protect rural character.

There are 57 proposed homes on 92.7 acres according to the BCT concept map. One parcel is 21 acres not cluster with the remaining 56. Those 56 remaining lot are clustered on 72 acres resulting in an average of 1 du/1.28 acres. BCT contains low density sprawl, which does not protect rural character. Nothing prevents the continuation of this 57 lot cluster from being in close proximity to or adjacent to another 50, 100 or 200 lot cluster of homes in another PUD.

Kittitas County once had a Performance based Cluster Plat ordinance that allowed up to 14 homes to be clustered on 21 acres. In order to come into compliance with the GMA, that ordinance had to be changed. To protect rural character, the new ordinance allowed up to a maximum of 6 homes to be clustered together, each home had to be within 100 feet of each other, each lot size not larger than the minimum the State allowed for safe sanitation and each cluster could be no closer than ¼ mile from any other cluster. The GMA hearings board agreed that those requirements would protect rural character.

BCT does not maintain rural character, does not provide benefits better than the underlying zoning and it adds low density sprawl. The fact that BCT does not maintain rural character is reason enough to recommend denial of the project.

If that is not bad enough, already protected land is in this PUD and is being used to determine the number of allowed homes. All the land under the power lines is protected by Bonneville Power rights of way. Critical areas, steep slopes and wetlands are already protected. The project does not state how much of the 285 acres is already protected and/or is not buildable but it should.

This reminds me of the guy who needs \$1000 to pay for a county building permit and the county gives him \$500 to help pay for it. Already protected lands should not be used to determine how many homes can be built. At the very least the developer should have been required to show how 57 buildable 5-acre parcels could have been created on the proposed 285 acres.

In the short plat application, applicant states that this project is designed to serve the recreational, second home demographics. If the impacts of this project are dependent upon less than 365 days per year use, then that factor should limit owner's use of the property. Otherwise impacts should be calculated at full time residency.

The Plat application mentions non-authorized uses of some of the land and that the project "may" eliminate or control unauthorized uses. I say "may" is a big word. I am familiar with the land under

the BPA power lines since I have used it for snowmobile, ATV and vehicular use. Most everyone around here has utilized these “unauthorized” access areas. The land under the BPA power lines has been used for decades either as a recreational area or as corridor to recreational areas and trails. This project and others are cutting off historical access to recreational areas by favoring residential housing for the few over recreational access for the many.

According to the BCT concept map, 126.8 acres is “Outdoor Recreation Space”. This area consists of mostly steep slopes. BCT adds no added benefit to that land, the project or the public.

The Wildlife Protection and Open Space designation of 28.1 acres consists of wetlands and buffers near Big Creek and Little Creek. Again BCT adds no added benefits that don’t already exist.

The developer doesn’t say how much land is under the power lines or how much of this project is subject to the BPA easement and right of way but it is substantial. Take away already protect land and there is not much more that the 92.7 acres left. This project basically takes the 92.7 acres that can be used and gets credit for 285 acres.

This project is big enough to require a 2nd access road but I see none in the proposal other than at some time in the future Fowler Creek to Nelson Siding Road corridor is completed but that may never happen. In the interest of public health, safety and welfare, a second access should be required before project approval. I can tell you sprinkler systems are no substitute for a second way out of a dangerous wildfire situation.

In the interest of public health, at the very least the requirements of this and all future development should prohibit wood burning devices. The Cle Elum to Easton corridor has the worst air pollution in the county.

This property is not needed for additional housing. We don’t need more land for housing in the rural area and we certainly don’t need PUD’s in the rural area. A PUD is best utilized in an urban setting not a rural setting. There are a lot of “we may do this or that” but few “we will do this or that”. The timeline is 25 years, which is far too long. The plan is seriously lacking on promises. This rezone and project should be held to a much higher standard. No way should this be approved unless there is a sufficient bond posted to cover the costs of a failed project. This PUD is being used to circumvent the protections and guarantees of a MPR and/or a cluster development and that should not be allowed.

Thank you,

Roger Olsen