

ELLENSBURG DAILY RECORD

Editorial: County finally getting its day in court on land-use issue

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Kittitas County will be in the statewide spotlight this week as the Washington State Supreme Court hears arguments on cases involving land use and groundwater wells in Kittitas County.

In regard to the land-use case the county deserves credit for standing up for local control of decisions, but is open to criticism on whether the difference between a three-acre and five-acre rural lot was worth investing several years of county resources.

The cases are being watched closely by other counties and groups with an interest in land use. At the heart of the land-use case is the county's contention that it should have the authority to allow three-acre lots in rural areas. The state Growth Management Hearings Board has stated the county cannot go below five acres per lot in the rural area.

The groundwater well case centers on the county's belief that it does not have the legal authority to determine if a property owner building a home or a developer has a legal right to use a groundwater well, or a permit-exempt well, to supply homes, and that authority rests with the state and courts.

These are both issues that can be, and likely will be, in play in other counties. Kittitas County officials sound confident about their position on the land-use case, citing other instances where a court ruled that the state board could not make specific rulings on lot sizes. That confidence explains why the county was willing to commit several years to seeing this case through the court system.

The groups opposing the county's position claim that a three-acre lot minimum does not protect the rural character or resources, and prefer the minimum be set at five acres.

It should be remembered that before county opted to participate in the Growth Management Act in the 1990s, the rural lot minimum was one acre. There were people who opposed the increase to three acres.

Much has changed since the lot-size debate got under way in 2006 - one main change being there is far less demand for lots whether three or five acres in the current economy.

Statewide legal ramifications aside, county residents have to ask themselves whether this was a worthwhile investment of county resources - resources financed by taxpayers.

There is the local control issue. Most residents would rather have land-use decisions be made on the local level. That's not to say that everyone agrees with land-use decisions made on the local level. Those who have challenged the county's stance, would likely say that local decisions are fine as long as they comply with state law.

Rural acreage is a complicated issue from the local viewpoint. From the economic bottom-line stance, smaller lots would mean more homes and thereby more construction-related jobs and tax revenue from developed property. On the other hand, that market traditionally has been driven by second-home sales to West Side residents. It's not a market that has developed to meet local demands for affordable housing. A home on three acres is out of the reach of most private-sector employees in this county. This does not even touch on the issue of rural aesthetics - those who would prefer the landscape not be chopped up into housing lots.

So we, through our county representatives, have invested in a court case that takes a principled stance on local control and has some financial payoff. It will not make it easier for those living and working in Kittitas County to own a home.

Coincidentally, as the showdown between the county and state reaches the highest court in the state, the county is attempting to modify other planning decisions to come into compliance with the growth hearings board rulings. It's yet to be seen if these latest versions (primarily urban growth area designations) will curry the hearing board's favor, but it is fair to say the county is attempting to move in the direction of planning documents that comply with the hearing board's interpretation of the Growth Management Act.

It is better if the county resolves disagreements with the state without a multi-year legal battle.