

April 22, 2020



**Via Electronic Mail**

Kittitas County Community Development Services  
Attn: Mr. Jeremy Johnston, Planner II  
411 N. Ruby, Suite 2  
Ellensburg, Washington 98926  
jeremy.johnston@co.kittitas.wa.us

Re: Wallace Ranch Conservation Plat  
LP-19-00003 and SD-19-00002

Dear Mr. Johnston:

I write on behalf of Chimpanzee Sanctuary Northwest (“CSNW”), a nonprofit organization that owns land adjoining the proposed Wallace Ranch subdivision project designated as Project File Numbers LP-19-00003 and SD-19-00002 (the “Project”). I am the Co-Executive Director of CSNW, and we request that CSNW be registered as a party of record and provided with copies of all notices of any kind relating to the Project, a copy of any Threshold Determination under the State Environmental Policy Act (“SEPA”) whether already issued or at the time of issuance, and notices from your office regarding any comment periods, appeal periods, and review processes relating to any SEPA determination, including any Determination of Non-Significance (“DNS”). To that end, our mailing address is PO Box 952, Cle Elum, WA 98922. Our tax parcel numbers are 12628, 576734, 586734, and 666734. My e-mail address is [jb@chimpsnw.org](mailto:jb@chimpsnw.org). We respectfully request all notices via both U.S. Mail and electronic mail.

Founded in 2003, CSNW provides sanctuary for chimpanzees discarded from the entertainment and biomedical testing industries. Many of our chimpanzee residents had never felt grass under their feet until we rescued them. We also care for rescued cows and a steer, who graze and firewise our 90-acre property. At CSNW, we strive to be valued members of the community and good neighbors. To that end, we have invested a great deal into creating an appropriate buffer between our facilities and neighboring properties—including by acquiring additional parcels—so that our chimpanzee residents are not disturbed by neighbors and visa versa. With that context in mind, any proposed redevelopment of neighboring properties that falls outside of current land-use and zoning designations is going to catch our attention. To that end, I write now to provide a summary of CSNW’s concerns and comments regarding the Project, which appears ripe for requiring an Economic Impact Statement (“EIS”) pursuant to SEPA.

**DIANA GOODRICH AND J.B. MULCAHY, CO-DIRECTORS**

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## **A. Inconsistent with Rural Working land use designation**

The proposed Project—which seeks to subdivide what are mostly undeveloped rural parcels into 58 lots for 57 luxury single-family estates plus community amenities—is not consistent with the Land Use designation in the Kittitas County Comprehensive Plan (“Comprehensive Plan”). Section 2.2 of the Comprehensive Plan provides that one of the three Growth Management Act planning goals is to reduce sprawl—specifically, to “[r]educe the inappropriate conversion of undeveloped land into sprawling, low-density development.” (Comprehensive Plan p. 7 (citing RCW 3670A.020(2)).) To that end, rural zoning is required to: “[p]reserve rural character;” “[f]ocus density to cities and UGAs – reduce sprawl;” “[d]ecrease the costs of infrastructure – sewer, water, and transportation;” and “[p]rotect valuable resource lands – mineral lands, forests and agriculture.” (Comprehensive Plan p. 8.) The Project falls within such rural zoning—namely, the Forest and Range zoning classification within the Rural Working land use designation. (Comprehensive Plan Appendix 4 – Land Use Designations Map and Zoning & Future Land Use Map.) The Comprehensive Plan describes this land use designation as one that “generally encourages farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with rural environmental and supporting agriculture and/or forest activities.” (Comprehensive Plan p. 24.) Yet, the Project would result in 57 luxury single-family estates, which neither supports farming, ranching, agriculture, timber or mineral uses, or any other compatible commercial or industrial that is supportive of agriculture or foresting.

Contrasting the Rural Working land use designation to other rural land use designations only cements the point that the Project is not compatible with the Rural Working land use designation. For example, the Rural Residential land use designation is appropriate for land with “infill potential at similar residential density” to nearby Limited Areas of More Intensive Rural Development (“LAMIRDS”) or Urban Growth Areas (“UGA”). (Comprehensive Plan. p. 24.) Thus, Rural Residential lands “generally have a lower population density than urban areas but higher than most rural areas.” (*Id.*) Another rural land use designation—LAMIRDS—is appropriate for “small, rural communities where rural residents and others can gather, work, shop, entertain, and reside.” (*Id.*) Thus, while the Project would perhaps be appropriate if sited in a Rural Residential or LAMIRDS land use designation, by comparison, it would appear inappropriate for siting within the existing Rural Working land use designation, which is not intended for such residential uses.

## **B. Reasonable likelihood of significant impact on rural character**

“‘Rural character’ in Kittitas County is predominantly a visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features.”

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(Comprehensive Plan p. 86.) The Comprehensive Plan provides several goals designed to preserve and protect this “rural character.” (Comprehensive Plan p. 83.) As relevant here, goal RR-G4 provides that “[u]ndeveloped land should not be converted to development of sprawl and low density.” (*Id.*) Similarly, goal RR-P17 provides that the County should “[l]imit development in rural areas through density requirements that protect and maintain *existing* rural character, natural open space, critical areas, and recreation areas.” (Comprehensive Plan p. 88.) The Project would violate these express goals, by promoting sprawl to change the existing rural character of what is essentially undeveloped land.

Specifically, the Project Narrative describes the current condition of the property as being “segregated into a total of 50, 20+/- acre tracts” with “several older homes and farm buildings,” areas “currently in agricultural use (primarily hay),” and “varied” topography, from “flat grasslands along the [Yakima] river, plateaus on both sides of the property, and steeper areas that slope down to the river.” (Project Application Exhibit 2.) If the Project were approved, this essentially undeveloped and agricultural site would be converted into “58 lot[s] within 6-8 phases.” (*Id.*) Developing such a subdivision is the exact kind of sprawl that changes “existing” rural character that goals RR-G4 and RR-P17 seek to avoid. It also would risk establishing “a precedent for future actions with significant effects,” whereby other landowners may also seek to follow the precedent of this Project to convert their own Rural Working land to residential subdivisions, thereby further spreading the sprawl that the Comprehensive Plan denounces. (See WAC 197-11-330(3)(e)(iv).)

### **C. Reasonable likelihood of significant impact on shoreline environment**

The Project proposes that 18 of the 58 sub-division lots be sited within the designated shoreline environment for the Yakima River. (Project Application Exhibit 4.) To that end, Goal RR-P13 in the Comprehensive Plan provides that “[d]evelopment shall be located distances from ... rivers ... determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.” (Comprehensive Plan p. 88.) The Kittitas County Shoreline Master Program, in turn, provides detailed management policies for the rural conservancy environment, as well as policies and regulations governing residential shoreline development. (Shoreline Master Program pp. 40-41, 117-118.) Here, the Project’s Shoreline Substantial Development Permit Application is intended to address those goals, policies, and regulations, but in doing so, the Application reveals several likely significant issues worthy of further study in an EIS.

First, the Rural Conservancy Environment Management Policies require that shoreline uses be consistent with at least the following policies:

- “7. Apply residential development standards that preserve the existing character of the shoreline consistent with the purpose of the environment and ensure no net loss of shoreline ecological functions.”
- “9. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.”

(Shoreline Master Program p. 41.) To that end, the Shoreline Substantial Development Permit Application called for the applicant to “explain” whether and how its proposed development will “be consistent with the policies of RCW 90.58.020 and the Kittitas County Shoreline Master Program,” as well as to “[p]rovide any additional information needed to verify the project’s impacts to shoreline ecological functions,” such as by attaching “relevant reports as necessary.” (Shoreline Substantial Development Permit Application p. 6.) But the Application in this case did not do so. Instead, rather than “explain” or provide any detail or “reports” that would allow your office or the public to “verify” the proposed development’s impacts, the Application merely concludes that “[r]esidential development standards will be consistent with the Shoreline Development Regulations,” and that “development, including shoreline access for lot owners, will not substantially degrade or permanently deplete the biological resources of the area.” (Project Application Exhibit 4.) More than bare conclusions should be required, so that your office and the public can evaluate actual evidentiary information and reports offered as support for the applicant’s conclusions. (See WAC 197-11-335.)

Second, the Residential Development Policies require that:

- “1. Residential development shall be designed and constructed in a way that ensures no net loss of shoreline ecological function.”
- “2. Residential development and appurtenant structures and uses should be set back an adequate distance from steep slope areas and shorelines vulnerable to erosion to ensure that shoreline and/or soil stabilization structures will not be needed to protect the residential use. (e.g., bulkheads, rip-rap or other shoreline or slope stabilization structures.)”

(Shoreline Master Program pp. 117-118.) Here, the Shoreline Substantial Development Permit Application concludes that “[n]o uses are proposed that would degrade ecological functions or natural character of the river shoreline area,” that there will be “no net loss of shoreline ecological function,” and that “[n]o structural shoreline stabilization” is required. (Project Application Exhibit 4.) Once again, however, the Application offers no explanation, detail, backup, or other support for those conclusions. More information should be required—such as an explanation, a report, evidence or further support demonstrating **how** the Project’s designs will “ensure no net loss of shoreline ecological function,” and **how** the proposed set backs from the shoreline will “ensure that shoreline and/or soil stabilization structures will not be needed”—so that a proper assessment and fulsome evaluation can be performed. (See WAC 197-11-335.)

Third, the Residential Development Policies further state:

- “3. Residential development and appurtenant structures and uses should be sited in locations sufficiently set back from flood prone areas to ensure that flood hazard protection measures are not necessary to protect the structure.”
- “6. New lot creation should not create a need for new shoreline stabilization or flood hazard reduction measures and should be consistent with the shoreline environment designation policies and general shoreline policies.”

(Shoreline Master Program p. 118.) To that end, the Shoreline Substantial Development Permit Application discloses that the Project would include the creation of approximately “5 acres” of new impervious surfaces, as well as construct between 90,000 and 100,000 square feet of new structures “within the floodplain.” (Shoreline Substantial Development Permit Application pp. 4, 5.) Thus, although more detail from the applicant could clarify what those designs would be, as proposed, the Project not only seemingly violates the policy to site new residential development away from “flood prone areas,” but also appears to violate the policy to “not create a need for new shoreline stabilization or flood hazard reduction measures.” Though the applicant claims that “[n]o ... flood control works are proposed or required” (Project Application Exhibit 4), the Application offers no explanation, detail, backup materials, or other support for that conclusion. Again, more should be required, so that a proper assessment and fulsome evaluation can be performed. (See WAC 197-11-335.)

Fourth, the Residential Development Policies also “[e]ncourage residential development that provides common ownership of the shoreline to protect views of the shoreline, provide equitable access for property owners and to protect the natural character and functions of the shoreline consistent with other provisions in the Master Program.” (Shoreline Master Program p. 118.) Here, the Project appears to ignore this policy, by siting 18 individual sub-division lots along the shoreline environment, without dedicating any apparent common ownership along the shoreline so as to protect it.

**D. Reasonable likelihood of significant impacts on air quality, surface waters, groundwater, energy, light and glare, traffic, public services, and utilities.**

The Project proposes that, in lieu of the applicant individually selling off 50, 20+/- acre Rural Working parcels, the applicant would instead subdivide certain parcels into a 58-lot sub-division for 57 single-family estate properties plus community amenities. Thus, basic math indicates a reasonable likelihood that 57 single families moving into the area would generate a greater and likely significant impact on at least the following:

- Air quality is likely to worsen due to increased traffic, given that residents in a sub-division are likely to work off site and commute daily in their cars. In contrast, residents on 20+/- acre Rural Working parcels are more likely to both

live and work on their own agricultural land, thereby reducing daily commuter traffic by comparison.

- Surface waters are likely to be significantly impacted, as the Shoreline Substantial Development Permit Application reveals that 18 proposed sub-division lots would be sited on the shoreline for the Yakima River, and approximately “5 acres” of new impervious surfaces will be constructed, thus increasing the risk of runoff and other surface water contamination—not only from the construction of the sub-division, but also from daily use by sub-division residents.
- Groundwater is likely to be significantly impacted, because the Project proposes to cluster residential groundwater demand for 57 single-family homes, which would increase the strain on groundwater sources in that localized area, as compared to spreading out groundwater demand over 50, 20+/- acre properties that may or may not be as fully developed as the proposed sub-division lots would be.
- Energy is likely to be significant impacted, because the energy demands of 57 single families, plus community amenities, are likely to exceed whatever energy demands might otherwise exist in the status quo (or even if, as the applicant suggests, all 50, 20+/- acre Rural Working lots were sold off individually).
- Light and glare is likely to be significantly impacted, because 57 single-family homes in a sub-division will generate added indoor light visible through windows, added outdoor light (such as street lights), and added light from vehicle headlights and commuter traffic.
- Traffic is likely to worsen, for the reasons discussed above regarding air quality.
- Public services are likely to be significantly impacted, as the proposed sub-division will likely increase demand for emergency services, school enrollment, police, and utilities.
- Utilities are likely to be significantly impacted, as the proposed sub-division will likely increase demand for the same.

Importantly, the Project proposal offers no study or expert report to support any contrary conclusions to the above. Instead, the Project Narrative and SEPA Environmental Checklist assume that clustering the proposed 58 lots in a new sub-division will be more environmentally friendly than the alternative of “selling off the currently segregated lots individually.” (Project Application Exhibit 2.) Respectfully, that conclusion is unsupported, as there is no study or report from any expert consultant to back it up and provide the missing detail and explanation for the Project’s design, let alone its impact on various environmental elements. Without such “reasonably sufficient” information to support the Application’s conclusions, there is not adequate support for a Threshold Determination of “no probable significant adverse environmental impacts” to justify issuing a DNS. (See WAC 197-11-335, 197-11-340.)

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Moreover, though we applaud the applicant's wishes to lessen the impact on the environment, it is not at all clear that clustering 58 lots into a new sub-division would achieve that result. Specifically, the Application does not explain how many of the existing 50, 20+/- acre Rural Working lots are developable for non-agricultural, residential uses, such as that which the Project would develop. Based on the Slope Analysis Map,<sup>1</sup> it appears that, due to topography, not all 50 existing Rural Working lots could feasibly be redeveloped for the kind of residential use that the Application suggests. It also appears that high voltage power line easements render much of the existing Rural Working lots undevelopable for any middle- or high-income residential subdivision.<sup>2</sup> Perhaps for that reason, the Project proposes a clustered 58-lot sub-division in the three areas of applicant's property that are "relatively flat," thereby "avoiding steep slopes, wetlands and other sensitive areas." (Project Application Exhibit 4.) In other words, the rest of the applicant's property appears largely unusable for any comparable residential use, and without knowing the number of existing 20+/- acre Rural Working lots that are realistically available for such residential redevelopment, it may not be fair to compare the impact of 50 hypothetical redeveloped 20+/- acre residential lots as against the impacts of 57 residential 2-5 acre clustered lots in the proposed sub-division. More information should be required, so as to provide critical detail and insight on this point. (See WAC 197-11-335.)

Relatedly, the likely buyers for the existing 20+/- acre Rural Working lots are likely very different than the likely buyers for the Project's proposed sub-division estate homes. In the case of the former, a buyer of such a large rural lot is more likely to live and work on the lot, thus supporting the Comprehensive Plan's goals of promoting and maintaining the existing rural character, rural working land use, and other agricultural uses. (See Sections A and B above.) Conversely, in the case of the Project's proposed sub-division, families moving into such a neighborhood are not expected to maintain their 2-5 acre lots for any agricultural or rural working use, but rather will likely use their homes as either vacation properties or primary residences with the need to commute elsewhere for work.

Also, the Application remains vague in certain critical respects affecting the proposal to cluster redevelopment. For example, the Application seeks "to reserve the ability to make revisions to the preliminary plat by shifting density between the development areas proposed in order to accommodate the market and any design restraints," but the Application does not provide any detail for what alternatives may be considered to fall

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<sup>1</sup> [https://www.co.kittitas.wa.us/uploads/cds/land-use/Long%20Plats/LP-19-00003%20Wallace%20Ranch/LP-19-00003%20Wallace%20Ranch%20Slope%20Analysis%20Map\\_8.5x11.pdf](https://www.co.kittitas.wa.us/uploads/cds/land-use/Long%20Plats/LP-19-00003%20Wallace%20Ranch/LP-19-00003%20Wallace%20Ranch%20Slope%20Analysis%20Map_8.5x11.pdf)

<sup>2</sup> High voltage power lines running through the applicant's property are visible on Google Maps. A power line easement also is reflected in the Survey Map linked on the Long Plats – LP-19-00003 Wallace Ranch webpage. (See <https://www.co.kittitas.wa.us/uploads/cds/land-use/Long%20Plats/LP-19-00003%20Wallace%20Ranch/ROS-LotB1.pdf>.)

within the scope of the Project. (Project Application Exhibit 2.) This alone should justify requiring a thorough EIS review, or, at minimum, requiring more information prior to a Threshold Determination—as opposed to the contemplated DNS—to ensure that the Project’s details are thoroughly vetted and understood before any approvals are considered. (See WAC 197-11-335.)

By way of further example, though we applaud the Application’s suggestion for dedicating open space that should result in “public benefits and advantages,” the Application also remains vague in that respect, by offering only some “[p]otential uses for some of that open space” without committing to actually developing such uses, such as hiking and biking trails, water facilities, community gardens, or other rural recreational uses. The Application also discloses that the “open space” under the proposed Conservation Plat may, in fact, be developed for use by the proposed sub-division residents as a “community and equestrian center for the residents’ general use.” (Project Application Exhibit 2.) Although the sub-division residents would enjoy such a use, it would not seem to qualify as a “public benefit,” let alone as dedicated “open space.” At a minimum, the details of proposed “open space” dedication should be more thoroughly explained and defined, with a full commitment proposed as to how the open space will be used and developed for benefit to the public. (See WAC 197-11-335.) But even then, the Project’s land still is not designated for—and thus likely not appropriate for—such proposed recreational uses, but instead is designated for Rural Working land use. (See Section A above.) In contrast, Rural Recreation lands are designated for perhaps the types of uses suggested in the Project Application, including “hiking areas, and recreational and seasonal recreational residences.” (Comprehensive Plan p. 24.)

\* \* \*

In sum, we respectfully submit that a DNS is not appropriate here, as there is not “reasonably sufficient” information to justify finding “there will be no probable significant adverse environmental impacts” from the Project. (WAC 197-11-335, WAC 197-11-340.) Instead, based on the foregoing comments, we submit that a fulsome EIS is appropriate for the Project proposal because it is reasonably likely to have “probable adverse environmental impacts which are significant.” (RCW 43.21C.031; WAC 197-11-330(1)(b).) After all, “[t]he EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects,” and is “intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement.” (WAC 197-11-400(4).) Alternatively, at a minimum, further detail and explanation should be provided to your office (and the public) before any Threshold Determination is made, so that the Application’s environmental impact conclusions can be properly evaluated. (WAC 197-11-335.)



We greatly appreciate your attention to this matter and are available for any questions you may have of us about the foregoing.

Sincerely,

J.B. Mulcahy  
Co-Executive Director, Chimpanzee Sanctuary Northwest

cc: Diana Goodrich, Co-Executive Director (diana@chimpsnw.org)