



**Washington State  
Department of Transportation**  
Douglas B. MacDonald  
Secretary of Transportation

Aviation Division  
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February 19, 2010

Mr. Kottkamp  
Kittitas County Development Services  
411 N. Ruby St. Suite 2  
Ellensburg, WA 98926

RE: Airport Heights Preliminary Plat (LP-09-00008)

Dear Mr. Kottkamp,

Thank you for the opportunity to provide comment on the Airport Heights Preliminary Plat (LP-09-00008). The Washington State Department of Transportation (WSDOT) is concerned that the proposed plat, if approved in its current form, would allow significant incompatible development adjacent to Cle Elum Municipal Airport.

WSDOT's Airport Land Use Compatibility Program addresses elements of safety, airspace hazards, noise and land use in relation to public use airports. WSDOT is primarily concerned with the safety and compatibility of placing single-family residential development adjacent to the airport and within the airport operating environment.

The Growth Management Act (GMA) recognizes public use general aviation airports as essential public facilities and requires cities and counties to discourage incompatible land uses adjacent to them through their comprehensive plan policies and development regulations (RCW 36.70.547 and RCW 36.70A.200). The encroachment of incompatible land uses upon Washington state airports diminishes their ability to function as essential public facilities and often leads to operational impacts and closures. The consequences of unchecked encroachment on the state's aviation facilities include:

- Degrading airport operations - Incompatible development can significantly increase the operational cost of an airport by producing complaints, litigation, and changes in established approach, departure, and en route procedures.
- Impeded airport expansion - Almost all transportation systems must expand to meet growing population demand. Once incompatible land uses are established, it makes airport expansion to accommodate traffic growth nearly impossible.

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- Hampered economic development - Airports are valuable transportation assets and economic engines that promote business and commerce.

Cle Elum Municipal Airport has undergone a major reconstruction of its runway and taxiway. The City of Cle Elum funded this improvement with over two million dollars in grants from the FAA and WSDOT Aviation. Future investments in this airport are anticipated and further encroachment of residential development upon this facility could substantially diminish the airports operations and future funding.

WSDOT Aviation has reviewed the Airport Heights Preliminary Plat and offers the following observations and recommendations:

- A. The minimum residential lot size for Agricultural-3 is 1 dwelling unit per 3 acres.
- B. Lot 1 and the unnumbered lot to the south do not meet the minimal lot size requirements of the AG-3 zoning.
- C. Lots 5 and 6 do not meet the minimal lots size requirements as required by RCW 58.17.
- D. RCW 58.17 requires that leased property be subtracted from the total acreage of lots 5 and 6.
- E. The final plat map should:
  1. Reference the adjacent airport property.
  2. Depict the airport's current runway protection zone (RPZ) in lots 5, 6 and 7.
  3. Depict the planned 508 foot runway extension and future RPZ (as demonstrated in the 2006 Cle Elum Municipal Airport Layout Plan) in lots 5, 6, 7, 8, 9, 10 and the un-numbered lot.
  4. Label the unnumbered lot or tract pursuant to County Codes.
- F. As a condition of approval, we recommend:
  1. All residential structures in lots 5, 6, 7, 8, 9, 10 and the unnumbered lot should be moved as far away as possible from the extended runway centerline. The majority of off-airport property aircraft accidents occur along the extended runway centerline.

2. The proposed residential building footprints should be depicted in the final plat map.
3. All proposed stormwater facilities shall meet both the FAA's and WSDOT's best management practices for aviation related stormwater facilities. Wildlife strikes have killed one hundred ninety-four people and destroyed one hundred sixty-three aircraft according to the *FAA Wildlife Strikes to Civil Aircraft in the United States* between 1990 and 2005.
4. An aviation easement shall be required of property that is within the RPZ. The agreement shall state:
  - a. "Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited."
  - b. "Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport, is prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky."
  - c. "Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are prohibited."
  - d. "The property will remain clear of man-made and naturally occurring objects that penetrate the FAA's FAR Part 77 'Imaginary Airspace Surfaces.'"
5. A notice shall be placed on title for lots 1 through 10 and the unnumbered lot that states:
  - a. "The subject property is located adjacent to Cle Elum Municipal Airport and may be impacted from a variety of aviation activities. Such activities may include but are not limited to noise, vibration, odors, hours of operation, low overhead flights and other associated activities."
  - b. "No through-the-fence access will be granted to adjacent residential development."

We thank you again for the opportunity to comment, and remain available to provide technical support and assistance. WSDOT Aviation fully supports Kittitas County in its efforts to protect Cle Elum Municipal Airport from incompatible development and to encourage the long-term viability of the airport for future generations.

Please don't hesitate to contact me at 360-651-6312 or [timmerc@wsdot.wa.gov](mailto:timmerc@wsdot.wa.gov) if you have any questions.

Sincerely,



Carter Timmerman  
Aviation Planner  
WSDOT

CC:

Dan Valoff, Kittitas County  
Doug Peters, CTED  
Deepa Parashar, Federal Aviation Administration  
Matthew Morton, City of Cle Elum  
John Dobson  
Craig Johnson

*City of Cle Elum*  
119 West First Street  
Cle Elum, WA 98922



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February 19, 2010

Dan Valoff, Staff Planner  
Kittitas County Community Development Services  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

**RE: Airport Heights Preliminary Plat (LP-09-00008)**

Dear Mr. Valoff,

We sincerely appreciate the opportunity to comment on the aforementioned Kittitas County Community Development Services Project. The City of Cle Elum recognizes that the proposed plat meets the minimum lot size of the underlying zoning district, however we have several concerns with the continuing development of land surrounding the Cle Elum Municipal Airport. It is essential to protect general aviation airports from the encroachment of incompatible land uses and residential develop is just that.

In 1996, Washington State passed land use legislation (RCW 36.70A.510, RCW 36.70.547). Under this provision of the Growth Management Act (GMA), all towns, cities and counties are required to discourage encroachment of incompatible development adjacent to public use airports through adoption of comprehensive plan policies and development regulations. GMA also identifies airports as essential public facilities.

The proposed plat is adjacent to the Cle Elum Municipal Airport (CEMA). The Cle Elum Municipal Airport was founded in 1959 and has been identified by the Washington State Department of Transportation and the Federal Aviation Administration as a significant general aviation airport in the Central Cascades Region. The Cle Elum Municipal Airport was identified as an essential public facility by the City of Cle Elum during the 2006 comprehensive plan update process and is identified in both the transportation and capital facilities chapters of the plan. The Airport has also been identified in the transportation chapter of the Kittitas County Comprehensive Plan. This plat is situated within the FAR Part 77 Imaginary Surfaces and appears to be situated in conflict with the CEMA Runway Safety for Cle Elum Municipal Airport Runway 7-25. We believe this plat to be in direct conflict with the CEMA aviation, approach and safety zones for Runway 7-25 (*Cle Elum Municipal Airport FAR Part 77 Imaginary Surfaces are depicted on the WSDOT Aviation Division Cle Elum Municipal Airport Airspace Plan [No. 32102-AIRP-ASO1]*).

Additionally, proposed lots 5 and 6 each contain a portion of the Runway Object Free Area (ROFA) that the City leased from the applicant on September 25, 2008 for a period of twenty years. As part of that lease both parties agreed to work in good faith towards a property acquisition of the ROFA and any additional acreage west of the runway 7-25 agreed to by the



parties. Including the ROFA as part of lots 5 and 6 will create nonconforming lot sizes in the future once the acquisition of the ROFA is complete.

However, if Kittitas County decides to approve the plat and rezone, Cle Elum respectfully requests the following requirements be considered;

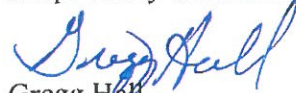
Prior to Final Plat Approval:

1. The plat should be reconfigured to take into account the ROFA lease area by the City and exclude it from the proposed lots. If that is not required the City asks that plat and deed notes be required for lots 5 and 6 that specifically refer to the existing lease and that will allow the City to maintain the area pursuant to our lease.
2. The developer shall be required to conduct a Part 77 Airspace Obstruction Analysis with the Federal Aviation Administration for the proposed plat to; evaluate the effect of the construction or alteration on CEMA operating procedures, determine the potential hazardous effect of the proposed construction on air navigation, identify mitigating measures to enhance safe air navigation, and for the charting of new objects.

Notes to Appear on the Face of the Plat:

3. *This subdivision is in the vicinity of the Cle Elum Municipal Airport and is located within the designated Cle Elum Municipal Airport Runway Safety Zone and within the FAR Part 77 Imaginary Surfaces for Runway 7-25. Future landowners should expect to experience noise, vibrations, fumes, dust, the effects of lighting, and other effects associated with the operation of an airport or aircraft taking off and landing at an airport. No use shall be permitted that causes discharge into the air of fumes, smoke, dust, or similar which will obstruct the visibility and/or adversely affect the operation of an aircraft or interfere with navigational facilities or equipment necessary to aircraft operation. No development or use shall occur that in anyway interferes with the safe operation of aircraft in the airspace and avigation ways of the Cle Elum Municipal Airport.*
4. *Building location, types, heights and densities shall not encroach upon or otherwise impact Cle Elum Municipal Airports current or future compliance with the Federal Aviation Administration FAR Part 77 Imaginary Surface requirements as detailed in the Part 77 Airspace Obstruction Analysis performed prior to final plat approval by the developer and recorded under Kittitas County Auditors File No. \_\_\_\_\_.*

Respectfully Submitted,



Gregg Hall  
City Administrator

352 Danko Road  
Cle Elum, WA 98922  
19 February 2010

Kittitas County Community Development Services  
411 N. Ruby St, Suite 2  
Ellensburg, WA 98926

Subject: Comment on the Airport Heights Preliminary Plat (LP-09-00008)

To Whom It May Concern:

No adjacent development such as Airport Heights should be approved until an airport overlay zone is in place. We support overlay zoning for the Cle Elum Municipal Airport (which the county and city should have completed years ago).

Residential development is incompatible with the adjacent municipal airport (a GMA 'Essential Public Facility').

The SEPA should be denied and an Environmental Impact Study should be required to fully address the impacts of development at this location on the Cle Elum Airport. A DNS should not be issued due to the negative impacts detailed below.

This letter contains three types of comments:

- Impacts on the Residence at 352 Danko Road
- Impacts on the Cle Elum Municipal Airport.
- General Comments About the Development Proposal and SEPA.

**Impact on Residence at 352 Danko Road Comments:**

We own the property at 352 Danko Road, which is located at the end of the existing Danko Road with a driveway that exits from the existing cul-de-sac. The north property line adjoins the proposed extension of Danko Road. This property is at the lowest elevation of the existing and proposed extension of Danko Road.

Poor drainage design of the existing Danko Road allows all the runoff from Danko Road to collect in the cul de sac and flow down the 352 Danko Road driveway. This is exacerbated by snowplowing (e.g. large snowpiles that direct the run-off), and the result is unacceptable. See Figure 1 with photos of runoff flooding from the winter of 2009. 2010 has been a low runoff year and we still had to take measures to prevent flooding. *We request that improved drainage and adequate snow storage for the existing road and extension be required of the applicant to prevent flooding the residence at 352 Danko Road.*

The existing cul-de-sac of Danko Road encroaches on the 352 Danko Road property. *We request that the applicant be required to remove all road base materials from the property except the existing driveway and move the rocks currently delineating the edge of the cul-de-sac to the property line. We request that the driveway be brought to the new grade of Danko Road using*

*broken gravel (not the round stuff in the existing cul-de-sac). In addition, we request that Kittitas County remove the encumbrance for the existing cul-de-sac from the property title.*

The Airport Heights Plat (and therefore the Preliminary Storm Drainage Report) misrepresent the location of the west property line of the plat with our east property line. The three southern most points on the east boundary of SP-95-26 (The most northern of these is our SE property corner.) are actually at the bottom of the 'unnamed seasonal drainage channel' into which the runoff is to be channeled (see figure 5 for a photo). The drainage path specified is directly across the 'unnamed seasonal drainage channel' from our septic drainfield. Our house is also only feet from this 'seasonal drainage'. Directed flows entering in that area will erode our property and eventually lead to the failure of our septic system. *We ask that all flows be redirected into the 'unnamed seasonal drainage channel' (at an angle?) and include protection of our property from drainage and subsequent soil-erosion.*

This applicant has shown little regard for the environment and failed to complete existing projects in this neighborhood.

- Eight to 10 years ago he had crews bulldoze all vegetation and top soil off the the slope on the east side of the "seasonal drainage" leaving behind large piles of dirt. Those piles are still present and along with the slope now covered with noxious weeds and other non-native vegetation.
- About 5 years ago when forced by Public Works to rebuild the west end of Danko Road to bring it up to county spec a large pile of dirt was left at the end of Danko Road near our driveway (see above reference to snow removal and flooding). This pile is still present and is covered with noxious weeds and other non-native vegetation. (see Figure 2). We are concerned about further environmental damage done to our property by the applicant as they extend Danko Road along our north border. Our property extends past the 'seasonal drainage', over which the applicant will normally place 'fill' (along our fence line, see Figure 3). We do not approve of 'fill' on our property, or burying our fence line. *We ask that the road design and construction be done to prevent any 'cut or fill' on our property.*
- The applicant recently put in the Lanigan Meadows PUD below the proposed area of this new development, Excavation of the 150' bench left a gravel pit and several piles of dirt now covered with noxious weeds and failed erosion control measures. (see Figure 4). This degraded area constitutes the "open space" designated area of the Lanigan Meadows PUD and part of the Tract A urban redevelopment area. This failure to complete projects is unacceptable and we request that any 'cut and fill' bare earth be appropriately designed for erosion control, weed control, and properly seeded within 1 year of the construction commencement. We consider the presence of noxious weeds to be damaging to our property as we struggle to comply with county weed standards. *The Kittitas County Weed Board (or appropriate county authority) should hold the applicant accountable (as they do ourselves as a landowner) for appropriate weed control.*

We are concerned about the survival of a 100' Douglas-fir on our property that is within 5' of our northeast property corner. We own this tree, and it's valuable to us for our birding recreation. *We ask that you not let the applicant move dirt onto our property or damage our trees for any reason.*



The applicant proposes to use onsite soils for the fill across the seasonal drainage. Since all the soils on this plateau are of the same type and have been determined to be unsuitable for roadbeds (ergo the pile at the end of Danko Road) all fill material should be brought in from offsite and any onsite excavation materials be moved offsite. We are concerned about safety and wildfire safety egress. The proposed development extends Danko Road as a 'dead-end cul-de-sac'. But us upwind neighbors (to the west) need downwind egress (to the east) in case of wildfire. *We recommend an emergency access through the airport to Airport Road.* We actually had a KC Sheriff Deputy come to the door on his trail bike and warn us that we should prepare to evacuate our house because of a wildfire to the west. This was a real event and it raised awareness of the need for safe exit during a wildfire situation. We request the county stipulate that Danko Road be designed to allow public emergency egress to the east. This would be advantageous for the Lanigan Springs and Sapphire Skies developments to the north also. *Again, we recommend an emergency access east (downwind) through the airport to Airport Road.*

### **Impacts on Cle Elum Airport Comments:**

This plat is illegal. Kittitas County Comprehensive Plan section GPO 4.16A states that the county be required, "To adopt plans and regulations in compliance with RCW 36.70.547, or as amended thereafter, to protect airport operations." RCW 36.70.547 states that: "Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport."

Airport Heights LP-09-00008 is exactly that: an 'incompatible use' as defined by the Washington State DOT, Aviation Division. WA DOT Aviation Division co-authored a 'Guide for Airport Advocates' in which they clarify what 'incompatible land uses' means. On page 6 they state "areas located close to airport property should be low-density, low-intensity, with little residential development." The Airport Heights Plat proposes a residential development as opposed to its current agricultural use. *It is rational to reject this proposal for increased-density residential development.*

The applicant apparently committed to a 20-year lease at \$1000/yr of one acre (adjacent to the west end of the runway) to the City of Cle Elum. This acre would be kept absolutely clear. But that same applicant is now proposing a development that would sell that land to private parties. Apparently the lease would terminate after two decades and then the airport would close. The applicant shows no interest in supporting this 'essential public facility'. *The Airport Heights 'increased-density' residential plat is inappropriate.*

In addition, in SEPA 8A the applicant states "Also a portion of the Urban Redevelopment parcel has been reviewed for the possible extension of the Cle Elum airport runway." It is interesting to observe that Tract A ("FOR AIRPORT EXPANSION) does not line-up with the runway. Any airport expansion innuendo is irrational and disingenuous. A substantive 'expansion' area would at least extend the runway. *The county should require substantive protection of land-use adjacent to the airport.* Since the runway direction is directly across the safety zone mentioned in the previous paragraph the applicant is either wrong in his boundaries of the Urban Redevelopment

parcel or they were improperly specified and evaluated in the first place. In either case the land directly west of the Cle Elum airport runway should not be sold off to private individuals.

Where is the enforcement for the SEPA 8.k.1 statement “With these two projected zones the applicant has required future structures to be built only in Zone 6.”? There is no ‘overlay zone’, no deed notes, other legal documentation or other policy in place to keep a landowner from disregarding any FAA regulation concerning a minimum lateral distance from any structure to the runway. Though the applicant refers to a Sideline Safety’ distance north of the runway, there is no legal deterrent to residential building at will. Similar enforcement is applicable for height restrictions. *It is appropriate to refrain from developing the area around Cle Elum Municipal Airport until its overlay zone is created and adopted into county code by the BOCC.*

Further, there are runway lights currently situated on the ‘lease area’ (see Figure 6). These lights are used for navigation and approach to the airport. *There is no provision in the proposed plat to protect or preserve the current aviation lighting. It would be appropriate that this area also remain ‘clear’.*

Airports close because of encroachment. That is a simple observation that happened to Blaine last year, and Vancouver the year before. Encroachment could kill this airport as well. No amount of promises from the applicant will change that simple correlation. *Please reject this plat.*

Since the applicant is listed on the City of Cle Elum website as a member of their airport advisory committee we ask that he be required to assist them in completing the overlay zone for the airport and that he not be allowed to sell any parcels in this development until it is in place.

#### **General Comments About the Development Proposal and SEPA:**

The existing Danko Road has a chipseal surface that is failing. The road is unlikely to survive the traffic of bringing in construction equipment. *Who will be responsible for rebuilding the existing portion of Danko Road? Will Kittitas County or the applicant (who built the existing substandard road) repair the damage?*

The wildlife (deer and elk as well as coyote and 70+ species of birds) that the applicant proposes to encourage already exists in this parcel. *We recommend that the applicant work with the Big Game Management Roundtable to minimize adverse effects of wildlife on (or from) this new development.*

SEPA B (Env) 1 (Earth) f (erosion): “Could erosion occur...” was answered with, ‘upon completion, storm water and erosion controls will be in place.’ This is not what happened at Lanigan Meadows, completed a few years ago by this same applicant. Figure 4 shows the current failed silt barriers and barren/eroding slopes on Track A of Lanigan Meadows PUD. *Please require the applicant to fix his past incompetence, and do not give him the chance to make promises that are not carried out, as the evidence demonstrates.*

The contention that erosion is not a factor in this area is false. Everywhere there is bare earth and water there is erosion. Examples are the “open space” of Lanigan Meadows, the ‘seasonal drainage’ just above the Danko Road proposed extension where the 2009 floods left a two foot eroded creek bank and the north side of the existing Danko Road (part of which is nearly flat) that is kept devoid of vegetation by the owners as a weed control measure.

SEPA B (Env) 3 (Water) c (runoff): The applicant states that, “There is a storm water detention pond...” What is not discussed is the negative impact of a pond off the end of an airport runway. Please refer to guidance from WA DOT AV DIV at:

<http://www.wsdot.wa.gov/aviation/AirportStormwaterGuidanceManual.htm> *We recommend that a pond not be built off the end of runway 25.*

SEPA B (Env) 2 (Air) b (offsite sources): This is answered with, ‘offsite emissions from Cle Elum Municipal Airport...’ Even the applicant recognizes that homes next to an airport are incompatible. *Please deny this residential plat.*

SEPA B (Env) 7 (Health) 2 (control): The applicant does not, ‘foresee any environmental health hazards for this project.’ On the contrary, neighbors in the adjacent plat to the west were once warned by county deputies to evacuate due to wild fire. *Both developments should have evacuation egress to the east (connect Danko Road through the Airport) for emergencies.*

SEPA B (Env) 7 (Health) b (Noise): The applicant recognizes that, ‘Cle Elum Airport...produces intermittent noise near this project...’ The airport is not only ‘near’ this project, it is ‘adjacent’ to Airport Heights LP-09-00008. Putting residences with 1-200’ of aircraft on take-off is a recipe for disaster, and subsequent airport closure. *Do not put residences at this location.*

SEPA B (Env) 8 (Land Use) f (designation): Yes it is RURAL. *Please leave it rural.*

SEPA B (Env) 11 (Light) d (control): All bright lights (not just ‘halogen’) should be banned after dusk (not after ‘dawn’ as stated). All dusk-to-dawn lighting of the mercury vapor and high-pressure sodium lights should also be prohibited by the CCR’s. All lighting should be shielded to prevent glare in addition to being downwardly directed.

SEPA B (Env) 14 (Trans) g (control): The applicant states that, “Measures to reduce or control transportation are not needed...” *We respectfully disagree and request that the county post additional and appropriate signage (e.g. speed limit, end of road) on Danko Road. We also recommend that Danko Road be rebuilt to county standards.*

SEPA B (Env) 15 (Public Service) b (control): The applicant states that, ‘No measures to control direct impacts are needed.’ *We disagree and contend that the siting of ten new residences adjacent to an ‘essential public facility’, such as Cle Elum Municipal Airport, is inappropriate and will lead to the closure of said airport and associated public services (e.g. wildfire support, medivac).*

Sincerely,  
Craig H. Johnson

Beth E. Rogers





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 17, 2010

Dan Valoff  
Kittitas County Community Development  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: LP-09-00008

Dear Mr. Valoff:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Airport Heights subdivision, proposed by the Schuler Deneen Family Ranch, LLC, James Schuler, and PQD Construction Inc. We have reviewed the documents and have the following revised comments.

### **Water Resources**

#### Water Use Addressed in the Checklist

##### *Groundwater for Group A Water System*

In the environmental checklist ENVIRONMENTAL ELEMENTS, No 3. Water, b. Ground: the applicant states that "ground water will be provided for this project through a water right transfer transferring senior water rights." Additional information about the water right(s) transfer should be detailed in this section so all commenting agencies and persons would have an opportunity to address any potential concerns or environmental impacts. This information could include, but is not limited to, the amount of water proposed for transfer, the location of the existing point of withdrawal/diversion of the water right(s), and priority date of the water right(s).

Ecology notes that an application for water right change (CS4-01566CTCLsb3@2, Lanigan Meadows Utilities, Inc) was filed and signed by Pat Deneen in July of 2009.



Mr. Valoff  
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The application requests to change a portion of a seasonal irrigation right from the Teanaway River to well located on or near the project property for the purpose of continuous group domestic supply. These types of seasonal to year-round use transfers often require mitigation to address impacts associated with the new season of use. The checklist does not describe any such mitigation.

This application for change is currently being considered by the Kittitas County Conservancy Board (KCCB). At this time, Ecology cannot determine whether or not the project's proposed use of groundwater would result in negative environmental impacts because the KCCB has yet to render a decision. As such, Ecology will reserve judgment regarding the adequacy of this right to serve the project's groundwater needs until the KCCB makes its decision.

As a consequence, if the proposed transfer of water rights to the project is not possible for whatever reason, ALL consumptive water use must be adequately mitigated for prior to use pursuant to WAC 173-539A. ALL unmitigated new consumptive uses will result in negative environmental impacts and be in violation of State law (WAC 173-539A). The subject property lies within one of the state's most water-short areas. Unmitigated use of water by the project will have a direct impact on senior water rights. When senior water rights are not met, each new unmitigated groundwater use, small as it may be, will result in the impairment of senior water rights.

If you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

#### **Shorelands/Environmental Assistance**

The "seasonal drainage" ditch and the area that it flows into (especially in the south part of the property where stormwater facilities are proposed) should be evaluated and characterized. A wetland reconnaissance by a qualified wetland professional should be done to determine whether these areas meet the criteria needed to be classified as a wetland. All wetlands on site should be identified/delineated before the subdivision is approved. If wetlands are present on site, the wetland should be placed in a separate lot or otherwise protected with appropriate buffers from proposed development impacts. Any unavoidable impacts to wetlands should be mitigated.



Mr. Valoff  
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If you have any questions concerning the Shorelands/Environmental Assistance comments, please contact Catherine Reed at (509) 575-2616.

### **Water Quality**

#### Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> . Please submit an application or contact Lynda Jamison at the Dept. of Ecology, (509) 575-2434, with questions about this permit.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

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Best management practices must be used to prevent any sediment, oil, gas or other pollutants from entering surface or ground water.

If you have any questions concerning the Water Quality comments, please contact Lynda Jamison at (509) 575-2434.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Clear".

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012

## Dan Valoff

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**From:** John Townsley [highlight@q.com]  
**Sent:** Friday, February 19, 2010 9:27 AM  
**To:** 'John Townsley'; Dan Valoff; CDS User  
**Cc:** 'Craig Johnson'; 'John F. Dobson'; 'Timmerman, Carter'  
**Subject:** RE: Airport Heights preliminary Plat (LP-09-00008); Terra Design Group authorized agent for Shuler Deneen Family Ranch LLC

Please amend my comments below to incorporate by reference all comments offered by Carter Timmerman, WSDOT Aviation provided to you today, attention:

Mr. Kottkamp  
Kittitas County Development Servi  
411 N. Ruby St. Suite 2  
Ellensburg, WA 98926

I, and the Washington Pilots Association, concur and agree with all of the comments and recommendations made by Mr. Timmerman regarding the matter before you.

John Townsley  
Washington Pilots Association

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**From:** John Townsley [mailto:highlight@q.com]  
**Sent:** Friday, February 19, 2010 8:34 AM  
**To:** dan.valoff@co.kittitas.wa.us; cds@co.kittitas.wa.us  
**Cc:** 'Craig Johnson'; 'John F. Dobson'; 'Timmerman, Carter'; 'John Townsley'  
**Subject:** Airport Heights preliminary Plat (LP-09-00008); Terra Design Group authorized agent for Shuler Deneen Family Ranch LLC

To: Mr. Dan Valoff, Staff Planner and Kittitas County Community Development Services Staff Contact for this proposal:

Re: Airport Heights preliminary Plat (LP-09-00008); Terra Design Group authorized agent for Shuler Deneen Family Ranch LLC. Notice of Application published 4 Feb 2010.

In accordance with the Notice of Application, written comment is provided prior to 5:00 PM today, 19 Feb 2010.

This proposed development is located east of the City of Cle Elum, north of Airport Road, off Danko Road, Cle Elum WA, and is located in a portion of Section 30, T20N, R16E, WM in Kittitas County. Map numbers 20-16-30030-0004, 0008, 0009, and 20-16-30056-0016 as described in the Notice of Application dated 4 Feb 2010.

After reviewing the project and materials made available by the proponent, WSDOT Aviation, and prior similar proposals recently considered in the vicinity of Cle Elum Municipal Airport I conclude this project is in violation of various sections

of the County Comprehensive Plan. It is also inconsistent with several relevant sections of Washington's Growth Management Act. Information provided to you by WSDOT Aviation and by Dr. Craig Johnson adequately address the specific citations with the County and City of Cle Elum Comprehensive Plans, and State law. I will not repeat them here.

Given the preponderance of the evidence presented by other individuals (Dr. Johnson, WSDOT Aviation, and others unnamed) it is clear that County issuance of a SEPA DNS is inappropriate. The location of the proposed residential development in close proximity to the runway, beneath the flight path of arriving and departing aircraft, raises significant concerns. Aircraft noise is a well known and exhaustively studied adverse impact on residential properties located beneath aircraft flight paths. Residents will be subjected to noise at all hours of the day or night which can have deleterious effects on health, and on the development of children. Homes placed near the extended centerline of the runway will experience particularly intense noise episodes as departing aircraft are low and using the highest power settings available to safely execute the takeoff maneuver. There is a long history in Washington and elsewhere of significant conflict between home owners in residential developments and airports because of noise. Conflicts have resulted in expensive litigation, undesirable constraints on airport operations, and limitations on the benefits that the larger community receives from their airport. Homes located beneath the flight path near the extended centerline of the runway are also subject to greatly elevated risk of accidental destruction with the resulting potential for injury or death of occupants. Studies conducted by the State of California and others clearly show that residential developments beneath the flight path around an airport are highly undesirable. One only needs to read preliminary and final accident reports published by the Federal Aviation Administration (see [http://www.faa.gov/data\\_research/accident\\_incident/](http://www.faa.gov/data_research/accident_incident/)) to validate the obvious risks of accidental death or injury to persons on the ground that are associated with residential developments adjacent to airports. In summary, a DNS under SEPA cannot be legitimately issued by the County for this project. To do so be inconsistent with substantial amounts of significant information that is readily available from many credible sources, .

Please keep me informed of the status of this proposal, including any public meetings, public hearings, decisions regarding granting or denying the proponent's application by County officials, and appeals to the decision.

John Townsley  
Washington Pilots Association  
607 W Montgomery Ave  
Spokane, WA 99205



## Dan Valoff

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**From:** John Townsley [highlight@q.com]  
**Sent:** Friday, February 19, 2010 8:34 AM  
**To:** Dan Valoff; CDS User  
**Cc:** 'Craig Johnson'; 'John F. Dobson'; 'Timmerman, Carter'; 'John Townsley'  
**Subject:** Airport Heights preliminary Plat (LP-09-00008); Terra Design Group authorized agent for Shuler Deneen Family Ranch LLC

To: Mr. Dan Valoff, Staff Planner and Kittitas County Community Development Services Staff Contact for this proposal:

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John Townsley  
Washington Pilots Association  
607 W Montgomery Ave



Spokane, WA 99205

## Dan Valoff

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**From:** Kittitas County Commissioners Office  
**Sent:** Friday, February 12, 2010 2:20 PM  
**To:** Kirk Holmes; Dan Valoff; Mandy Weed  
**Subject:** FW: Cle Elum Airport Height Project Again

Julie Kjorsvik  
Clerk of the Board  
Kittitas County Board of Commissioners  
509-962-7508  
509-962-7679 Fax  
<http://www.co.kittitas.wa.us/>

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-----Original Message-----

From: lee bates [mailto:bateslee@eburg.com]  
Sent: Friday, February 12, 2010 2:04 PM  
To: Kittitas County Commissioners Office  
Subject: Cle Elum Airport Height Project Again

\_Recommend Deny Airport Heights Development at Cle Elum WA Airport \_ \_February 2010 \_

Why doesn't this developer give up? Does big money dictate?

I recommend that the Kittitas County Commissioners deny the Airport Heights Development at Cle Elum WA Airport since encroachment of residential areas is killing General Aviation and local airports. This is entirely due to greed. The airport is a money making vital part of the community. A prime example is the moron public officials who bulldozed an airport at Chicago due to greed. This has to stop. Just like the out of control Congress with its out of control spending created by greed, the public officials need to be accountable to the people. Congress is on the verge of a mass scale of Congressmen to be voted out because they forget who they work for.

RCW 36.70.547 states: "Every county, city and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport."

WA DOT Aviation Division publication states: "Residential development, schools, hospitals and other medical facilities are discouraged adjacent to airports."

The town of Eatonville's disregard for aviation safety as expressed in Ordinance 2006-6 caused the Central Puget Sound Growth Management Board to enter a determination of invalidity.

WA DOT Aviation Division commented against the rezone for Airport Heights PUD stating it "would allow significant incompatible development next to the airport. Therefore we recommend that this application be denied."

It appears to me that the Airport Heights Development interferes with the Safety Zone and Turning Zone of the Cle Elum Airport. As a pilot, I do not want to crash into any houses as I am turning a killing a whole bunch of people.

I feel common sense should prevail and the Airport Heights Development be denied for the reasons I listed above.

Lee Bates  
P O Box 1666  
Ellensburg WA 98926  
[bateslee@eburg.com](mailto:bateslee@eburg.com)  
(509) 925 5055

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14