

352 Danko Road
Cle Elum, WA 98922
25 September 2008

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SEP 26 2008

Kittitas County
CDS

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

Subject: Comment on the Airport Heights Rezone (RZ-08-00009) and Preliminary Plat (LP-08-00026)

To Whom It May Concern:

We support overlay zoning for the Cle Elum Airport. No adjacent development such as Airport Heights should be approved until the airport overlay zone is in place.

We oppose the rezone from Ag-3 to PUD. PUD is inconsistent with the surrounding land use and will provide high-density housing in an otherwise rural area. The proposed parcel is inappropriately included in the Cle Elum UGA. This portion of the Cle Elum UGA is completely surrounded by land that is outside the UGA as documented in attachment 1.

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 impacts detailed below.

This letter contains three types of comments:

- Impacts on the Residence at 352 Danko Road
- Impacts on the Cle Elum 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. Though it was exacerbated by snowplowing (large piles directed the run-off), the result was unacceptable. See Attachment 2 with photos of runoff flooding from last winter. *We request that improved drainage and adequate snow storage for the existing road and extension be required of the developer 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 developer 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.

We are concerned about environmental damage done to our property by the developer as they extend Danko Road along our north border. Our property extends past the 'gully', over which the developer will normally place 'fill' (along my fence line). 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 developer recently put in a PUD below the proposed area, and excavated the 150' bench leaving bare earth and weeds. This is unacceptable and we request that any 'cut and fill' bare earth be appropriately designed for erosion control, weed control, and properly seeded. The Kittitas County Weed Board should hold the developer accountable (as they do ourselves as a landowner) for appropriate weed control.

We are especially concerned about the survival of a 100' 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 are concerned about wildfire safety egress. The proposed PUD 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 Lannigan Springs and Sapphire Skies developments to the north also.

Impacts on Cle Elum Airport Comments (Craig's comments):

Briefly, this rezone is illegal. RCW 36.70A.547 and 36.70A.200 requires a county, city or town to enact development regulations to discourage incompatible land uses adjacent to general aviation airports. This language was included in the Kittitas County Comprehensive Plan and adopted by the BOCC some years ago. A reference to Kittitas County compliance follows:

Under the URL: <http://www.co.kittitas.wa.us/boc/countycode/title15b.asp?isprn=1> it says: 15B.01.010 Purpose and authority. (sic) It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for nonproject legislative actions in compliance with Chapters 36.70A and 43.21C RCW. (Ord. 98-10 (part), 1998).

I specifically noted that Kittitas County sent the 'Notice of Application' to 14 entities. But the City of Cle Elum and the WSDOT Aviation Division were excluded. This is gross negligence. The proposed PUD is within the UGA of the City of Cle Elum and adjacent to the city owned airport, so one would think that they should be made aware of these actions by the county. Further, since the airport may be shut down if structures are built adjacent to the runway, it would seem appropriate to 'notify' the aviation community.

I am the Aircraft Owners and Pilots Association, Airport Support Network Volunteer for the Cle Elum Airport. I notified WSDOT/Aviation about this PUD rezone. WSDOT just authorized

\$1.4 million to put in a new runway. It is insane to allow one-acre residential lots within a hundred some feet of the tarmac (I counted 40 paces from the lot corner to the runway asphalt).

To give some perspective, I read in the local paper that the developer was offering 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. The developer obviously sees the need to keep ALL structures clear of the approach to the runway, and offered to 'protect' that acre for 20 years (the same time commitment associated with the runway improvement grant). But that same developer is now claiming that a high-density PUD should be adjacent to that one-acre 'clear' parcel. The Airport Heights PUD high-density rezone is inappropriate.

Washington State DOT, Aviation Division, has co-authored a 'Guide for Airport Advocates' in which they clarify what 'incompatible land uses' means. See Attachment 3: AOPA's Guide for Airport Advocates Participating in the Planning Process booklet. On page 6 they state "areas located close to airport property should be low-density, low-intensity, with little residential development." The Airport Heights Planned Unit Development proposes a rezone to high-density, high intensity residential development. Please note that the Cle Elum Airport is currently surrounded (north, south, east and west) by agricultural zoning. It is rational to reject this PUD rezone.

There is an FAA regulation concerning a minimum lateral distance from any structure to the runway. Kittitas County already has an airport 'overlay zone' around Bower's Field and is shown in Attachment 4 (Source: Bower's Field Airport, Airport Master Plan Update, June 2004, p. 40). Notice the 'Sideline Safety' area on each side of the runways. This precludes any structures to a minimum distance of the runway. It is appropriate to refrain from developing the area around Cle Elum Municipal Airport until its overlay zone is created.

In an interesting observation, the 5.37 acres of the Lannigan Meadows development identified as "urban redevelopment area" appears directly west of the Cle Elum Airport runway and includes the runway 'clear zone' mentioned above. It is an amazing encroachment on the airport! It is our understanding that this area has the potential for 'high-density' residential development (under the Lannigan Meadows project) directly under the existing runway approach 'clear zone'.

As a pilot, airplane owner, and user of Cle Elum Municipal Airport, I request that you deny this proposed PUD. Airports close because of encroachment. That is a simple observation. Encroachment will kill this airport as well. No amount of promises from the developer will change that simple correlation. Attachment 1 is a Kittitas County Compas map that shows the obvious encroachment of the proposed PUD to the runway. Please reject this PUD rezone.

General Comments About the Development Proposal and SEPA:

The existing Danko Road has a chipseal surface that is failing. See Attachment 5 photos of Danko Road damage and some repair. 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, Kittitas County or the developer (who built the existing substandard road)?

The wildlife (deer and elk) that the developer proposes to encourage already exists in this parcel. Unfortunately, the area they prefer on the slope adjacent to the Cle Elum Airport property has 3 lots on it. We recommend that the developer work with the Big Game Management Roundtable to minimize depredation by wildlife on his new development. We have a bird list in excess of 70 species that have been seen on or near our property. All of these occur in the development parcel as well.

Individual septic systems will remove a large portion of the existing vegetation that the developer proposed to keep.

As AG-3 zoning this parcel is already in conformance with the surrounding land. We prefer the land uses possible in the AG-3 over the high-density PUD development. There are clear and compelling reasons to deny the rezone.

KCC 17.36.030(5)(h): 'Permanent Retention of ... Open Space'? Who holds title to the proposed open space? Will it have conservation easements in perpetuity placed on it? Who pays the taxes? Is the "all encompassing Homeowner's Association" covered under new CCR's? Binding legal agreements have to be secured prior to any permitting action.

KCC 17.36.030(5)(k) The proposed "14 lots larger than normal with the intent of re-development" again places unacceptable density and proximity impacts on the Cle Elum Airport.

SEPA 7.b. I-90 and the BNSF railroad also will contribute substantial noise to this development.

SEPA 11.d Bright lights should be banned after dusk not after dawn as stated. Mercury vapor and high-pressure sodium lights should also be prohibited by the CCR's.

Sincerely,

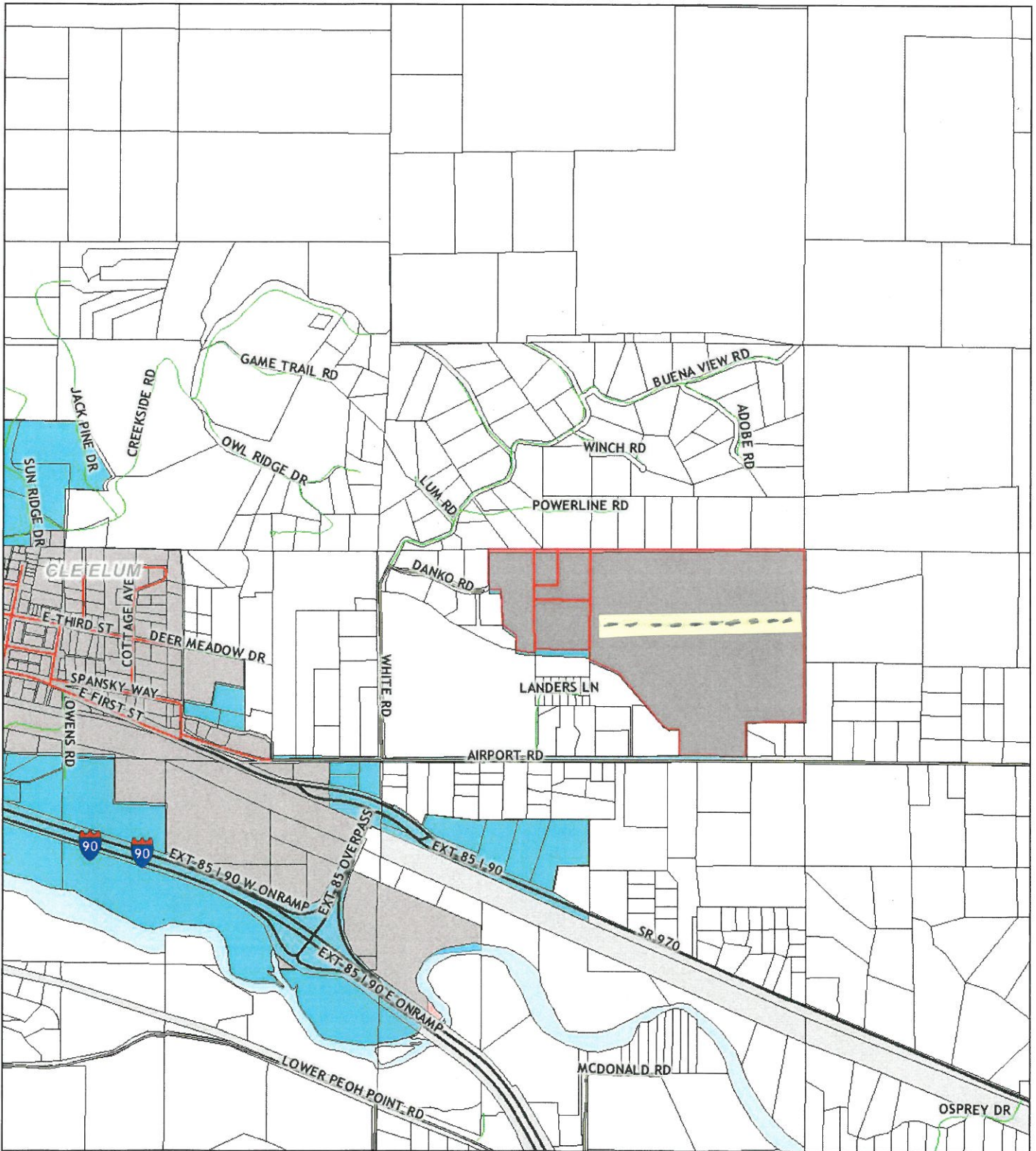
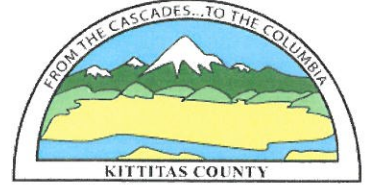


Craig H. Johnson



Beth E. Rogers

9/25/08



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Attachment 2 Danko road Flooding, 9 February 2008



Flood going down the 352 Danko Road driveway on the right.

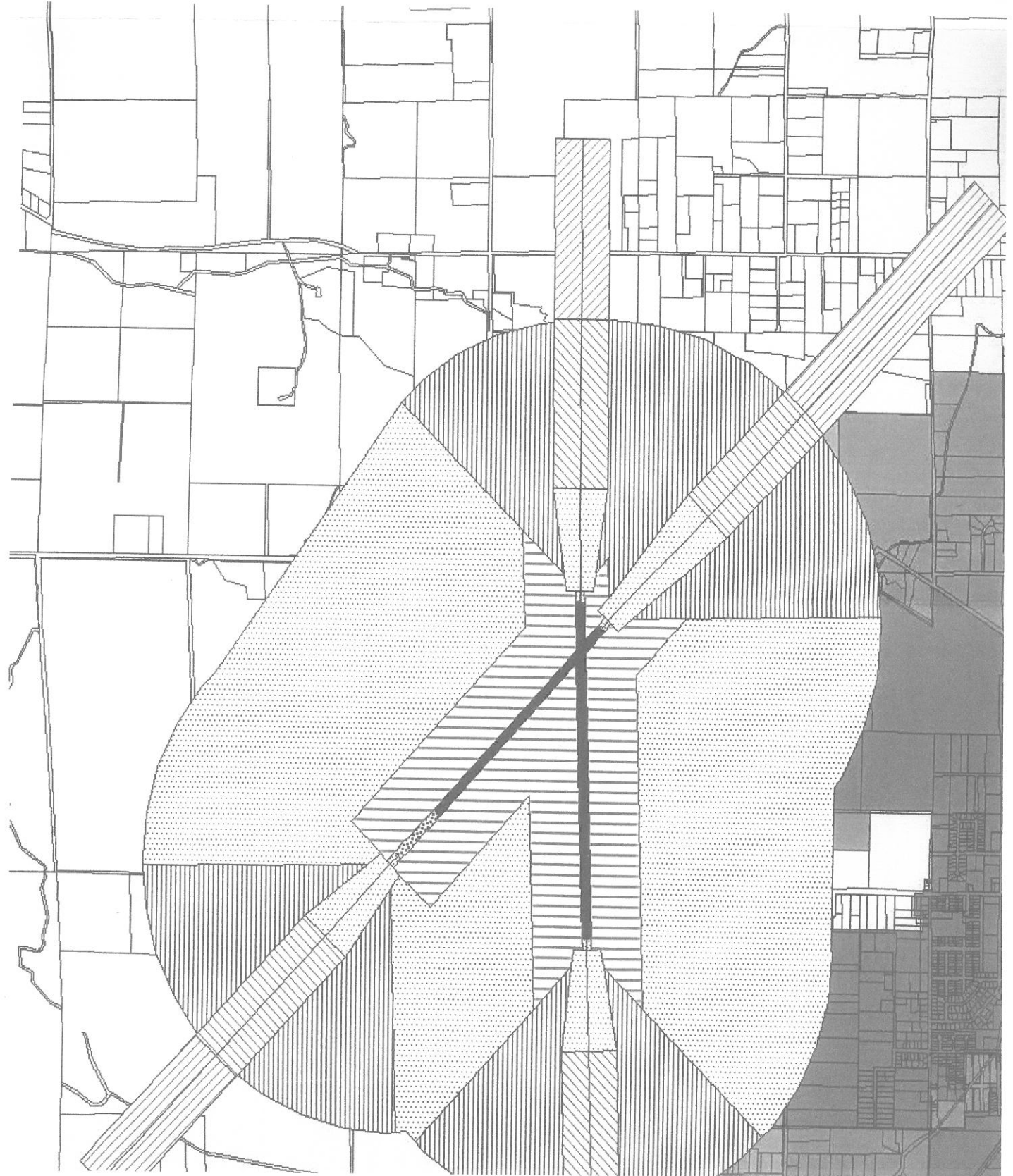


Lake at the end of Danko Road.



Flow coming down Danko Road

BOWERS
**EXHIBIT 2.6: BOWERS
 APPROACH**



- Airport Safety Zones**
- 1000 FOOT EXTENT
 - 200 FOOT EXTENT
 - AIRPORT
 - INNER SAFETY
 - INNER TURNING
 - OUTER SAFETY
 - RUNWAY
 - RUNWAY PROTECT
 - SIDELINE SAFETY
 - Parcels
- Landuse**
- AGRICULTURAL
 - COMMERCIAL AGRI
 - COMMERCIAL FORE
 - COMMERCIAL TOUR
 - ELLENSBURG
 - FOREST MULTIPLE
 - HIGH DENSITY RESI
 - INDUSTRIAL
 - INDUSTRIAL ELLEN
 - LIMITED COMMERC
 - LOW DENSITY RESI
 - LOW DENSITY RESI
 - OPEN SPACE ELLEN
 - PUBLIC RECREATIO
 - RESIDENTIAL SNOG
 - RURAL
 - RURAL RESIDENTIA

Attachment 5. Danko Road's failing road surface and county rework.



Damage caused by construction traffic. 9/9/08



Pavement degradation. 9/9/08



Even public works thinks it is "broken". This work was to prevent the snowplows from getting stuck again. 9/21/08