

June 6, 2022

Kelly Bacon, Kittitas County CDS  
c: Mark Cooke, Director Public Works  
c: Josh Frederickson, County Engineer  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: SEPA comments on Cape (SE-22-00002)

Kelly and colleagues:

I'm Jon Osterberg (wife Luanne), property owner at 1100 Alice Road, Cle Elum, parcel 425834. We use the Little Peoh Point Tracts easement road (note, it is NOT a driveway) to access our home, which was built shortly after the previous owner, Gary Kalb, bought 5 acres in 1976. Kalb was an original owner in Little Peoh Point Tracts; we bought and have lived there since July 2004.

I'm commenting on the recent Determination of Nonsignificance (DNS), which Luanne and I believe overlooks key points.

- 1) Documents refer to the easement road as a "driveway." Clearly, by county-code definition, it is not. Eight property-owners access nine parcels via the easement road. (See attached map.) Our place has been accessed via the easement road since 1976. Also, the original covenants of Little Peoh Point Tracts state that all LPPT property owners – even those with properties not bordering the access road – may use that road.
- 2) As a LPPT property owner, we are part of the Alice Road Maintenance association and pay annual fees toward its upkeep and repair. We are concerned that Alice Road could be damaged by traffic required to deliver the heavy materials and equipment needed to develop the Cape driveway at the top of the easement road. We would be among those responsible for Alice Road repairs.
- 3) As stated in my February 3 letter, I'm concerned about grading or "improving" our lower end of the easement road, which was improperly expanded prior to July 2004 for Sapphire Skies' abandoned project. The prior dirt easement road had been crowned so that rainwater drained to its sides into shallow culverts. But the 30-foot-wide Sapphire road was not crowned, and Sapphire did not build swales or culverts. As a result, since 2004, runoff has gouged deep channels into the road itself with each rainstorm and snowmelt. (I believe the grade is 16% alongside our property.) If the county allows Cape's easement road changes, a crown-culvert solution must be included, and not at the expense of other property owners.

- 4) We're told the county also would require widening and paving Alice Road itself to 22' plus shoulders and ditches, up to 32' total. I don't see how that can be done without taking property from our neighbors, let alone eroding the rural nature of our community. And shouldn't those Alice Road improvements have been highlighted in the SEPA docs and responses?

I request that Kittitas County reassess its DNS based on the inaccurate description of a "driveway," a lack of addressing easement road water runoff, and no plan for mitigating possible damage to Alice Road. There should be assurances in writing that Alice Road Maintenance members will not be responsible for repairs or changes.

Thank you for your attention.

Jon and Luanne Osterberg  
1100 Alice Road  
Cle Elum, WA 98922  
jonosterberg@hotmail.com  
(425) 499-2169

Attached: LPPT map of property owners, Feb. 3 letter to Kelly

February 3, 2022

Kelly Bacon, Permit Coordinator  
Kittitas County CDS  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: Cape (SE-22-00002)

Kelly:

I'm the property owner at 1100 Alice Road, Cle Elum, parcel 425834. Ours is a home on 5 acres accessed via Alice Road and an easement road that leads to eight different properties. I just today became aware of this proposed project.

The Cape application concerns our shared easement road, calling it a "driveway."

I fear this project to resurface the easement road could be harmful. Your notice of application says, "A Determination of Non-Significance is expected to be issued." Please consider my comments, as I believe the project could indeed cause harm.

1. "Robbie and Bonnie Cape are proposing driveway improvements including surfacing, widening as needed to meet County standards, and re-establishing and installing new drainage swales as needed." Background: At its lower reaches, the easement road property is owned by myself and our next-door neighbors, the Thayers. The property line runs down the middle of the road. However, there is an easement, atop which the road (obviously) was built, circa 1976.

Sapphire Skies and HMIC sought to develop the acreage uphill from my home two decades ago. Shortly before we bought our home in July 2004, Sapphire had expanded the existing easement road (originally built to access Burlington Northern/Plum Creek timber above) by dumping fill, topped with a mix of dirt and crushed gravel. The original dirt road had been crowned so that rainwater drained to its sides into shallow culverts. But the new 30-foot-wide Sapphire road was not crowned, and Sapphire did not build swales or culverts. As a result, since 2004, rainstorms have gouged deep channels into the road itself. Sapphire never should have been allowed to develop the easement road without addressing drainage. Subsequent uphill-owners HMIC (Harold Kern, manager) promised in 2005 that engineers were "planning culverts and hydro-seeding" to resolve the problems near my property and the parcels uphill. But that never happened.

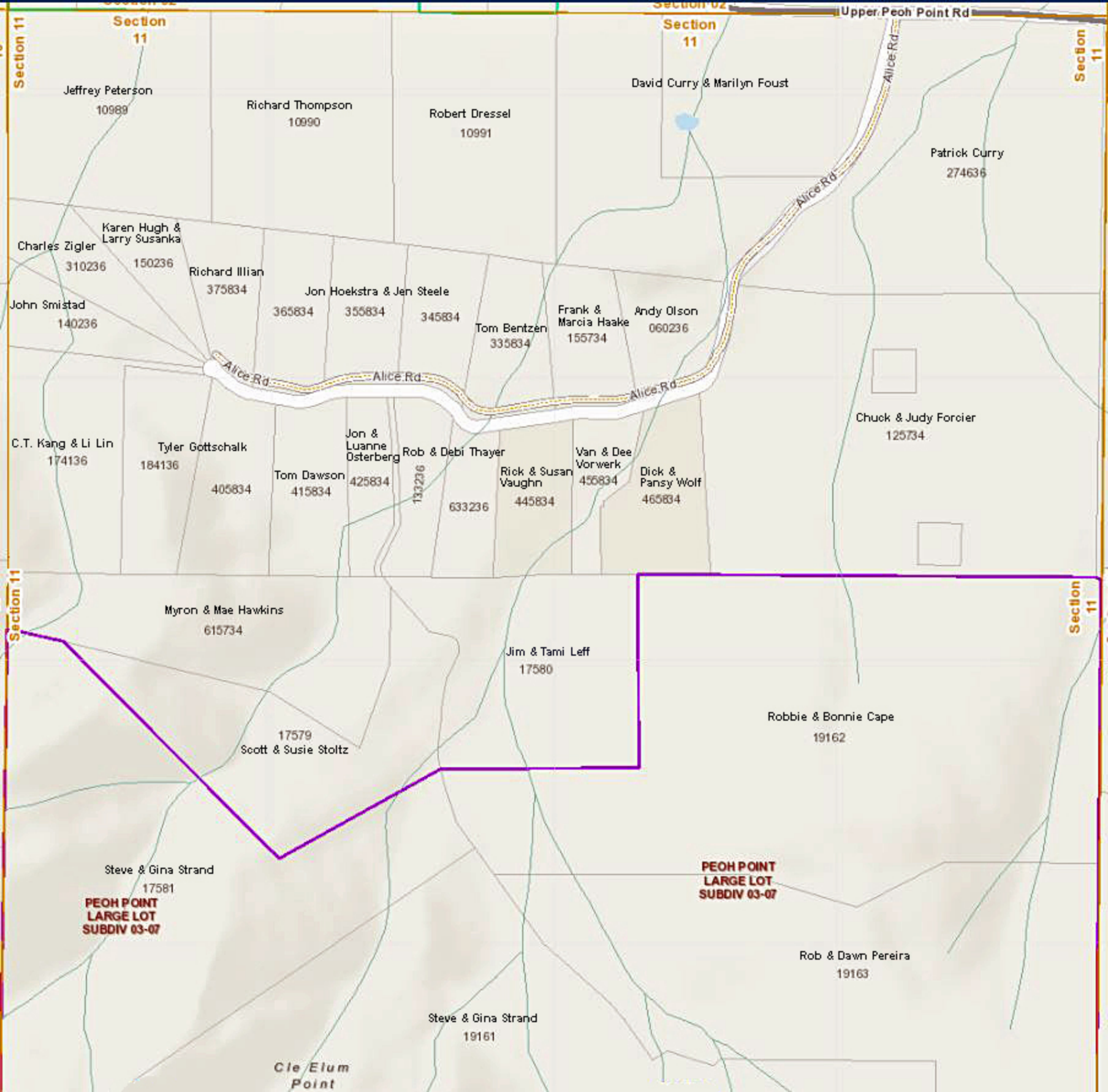
Currently, with each downpour, new gouges appear in the road. The runoff empties onto Alice Road and our neighbor's property below. Paving the easement road will only accelerate the speed of that water runoff. If the Cape project were to proceed, it must include a crowned roadway with swales and culverts, to protect the road itself and Alice Road below.

2. Re: "widening" the easement road (quoting from your notice) – please know that I have zero interest in selling or yielding any of my property to accommodate that.

3. Re: “approximately 5,000 cubic yards of regrading and base material” being delivered to the site, the only access is via Alice Road. Alice Road is a private road of compacted dirt and gravel maintained by the Little Peoh Point Tracts property owners. Delivering that much material, and the heavy equipment required to work it, might well damage Alice Road, incurring significant repair costs. The Alice Road property owners should not bear that burden. So, who will pay?
4. Re: “No changes to drainage patterns will occur,” and “No surface water withdrawal or diversions are proposed and existing drainage patterns will not be altered.” As noted above, drainage patterns SHOULD be changed to remediate the existing problem caused by Sapphire Skies.
5. Re: “animals known to be near the site” – aside from the songbirds, deer, and elk already noted, there are bear, cougars, bobcats, and wild turkeys known to frequent the area.
6. Re: “Is the site part of a migration route?” Perhaps irrelevant, but residents noted a change in deer and elk patterns after Sapphire Skies extended the easement road uphill. I’ve personally seen a marked decrease in the frequency of deer on my property since the road uphill was bulldozed in 2004-2005.
7. Re: “gas transmission pipelines located in the vicinity,” my two propane tanks border the easement road, just across the fence on my property.
8. Re: “Adjacent properties should benefit from the improved driveway.” A paved easement road would benefit us by reducing dust in the summer. Conversely, speeding on the road already is a problem, and a smooth paved surface would likely increase speeding, and vehicle noise. A paved road in general could erode the rural nature of our community.
9. Re: “Will the proposal require improvements to existing roads, not including driveways?” Yes. As noted earlier, runoff water will need to be diverted along the easement road and, at its intersection with Alice Road, perhaps diverted beneath Alice Road.
10. Re: “How many vehicular trips per day....” Note that the existing easement road serves eight property owners and nine parcels, not four as listed.
11. I see the proposed construction time is May-June. The easement road is my only access to our home. How do we drive to our home during those weeks? May-June is a busy time for hosting friends and family, including a wedding shower we’re hosting this May.

Thank you for listening, Kelly.

Jon and Luanne Osterberg  
1100 Alice Road  
Cle Elum, WA 98922  
jonosterberg@hotmail.com  
(425) 499-2169



Section 11

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Upper Peoh Point Rd

Section 11

Jeffrey Peterson  
10989

Richard Thompson  
10990

Robert Dressel  
10991

David Curry & Marilyn Foust

Patrick Curry  
274636

Charles Zigler  
310236

Karen Hugh & Larry Susanka  
150236

Richard Illian  
375834

Jon Hoekstra & Jen Steele  
365834 355834

345834

Tom Bentzen  
335834

Frank & Marcia Haake  
155734

Andy Olson  
060236

John Smistad  
140236

C.T. Kang & Li Lin  
174136

Tyler Gottschalk  
184136

405834

Tom Dawson  
415834

Jon & Luanne Osterberg  
425834

Rob & Debi Thayer  
133236

Rick & Susan Vaughn  
445834

Van & Dee Vorwerk  
455834

Dick & Pansy Wolf  
465834

Chuck & Judy Forcier  
125734

Myron & Mae Hawkins  
615734

Jim & Tami Leff  
17580

17579  
Scott & Susie Stoltz

Robbie & Bonnie Cape  
19162

Steve & Gina Strand  
17581

**PEOH POINT  
LARGE LOT  
SUBDIV 03-07**

**PEOH POINT  
LARGE LOT  
SUBDIV 03-07**

Rob & Dawn Pereira  
19163

Steve & Gina Strand  
19161

Cle Elum  
Point