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KITTITAS COUNTY  
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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

April 22, 2016

Robert "Doc" Hansen  
Kittitas County Community Development Services  
411 N Ruby Street, Suite 2  
Ellensburg, WA 98926

Re: P-07-31

Dear Mr. Hansen:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Palomino Fields preliminary subdivision revision, proposed by Cle Elum Pines East, LLC. We have reviewed the documents and have the following comments.

#### **SHORELANDS/ENVIRONMENTAL ASSISTANCE**

There is no description in the provided documents as to what work will be done in each planned phase and how elements of the original MDNS with its requirements to comply with critical areas protection will be carried forward into the development agreement phases. This information should be made available for public review. No new construction should occur without the environmental reports being completed and made available for review.

Locations of critical areas, including floodplain and floodway location, location of wetlands, and depth to groundwater may have changed since original approval in 2008 due to up-gradient and offsite activities. All these critical elements and any previously submitted reports should be updated and made available for public review and comment as part of this action.

Both state and federal agencies require new or updated wetland reports for those reports that are older than 5 years. If previously submitted information indicates that there were no wetlands on site, then a new wetland delineation and rating report should be required. It is highly likely that with one stream on site and one just adjacent to the property, and up-gradient regional application of irrigation waters that there would be areas that would meet wetland criteria.

Ecology considers housing densities of greater than one house per one acre to be "high density" with respect to the size of buffer required to protect wetland resources. Ecology recommends that required buffers be outside of private lot lines, and put into permanent "open space" designation in a separate common area.



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It is very important that the current and potential flood regime of the site be accurately understood, using data that is recent. Adjacent properties with similar planned urban housing densities are already experiencing problems dealing with stormwater run-off. Stormwater facilities should be designed at a minimum to be consistent with the Eastern Washington Stormwater Manual (EWSM). ~~The EWSM in chapter 2 provides guidance on when and how existing site wetlands may or may not be used for stormwater storage, and chapter 5 describes how constructed wetlands can be used for detention and stormwater treatment.~~

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616 or email at [catherine.reed@ecy.wa.gov](mailto:catherine.reed@ecy.wa.gov).

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012  
[crosepacoordinator@ecy.wa.gov](mailto:crosepacoordinator@ecy.wa.gov)

April 27, 2016

To: Kittitas County Development Services  
From: Leri and Vicki Loiseau  
Subject: Palomino Fields Development

We are responding to your request for public comment regarding the Palomino Fields Development letter dated 3/25/2016. We would like to comment on the proposed development as it pertains to flood water management.

We live at 1925 Dry Creek Road and the floods of 2009, 2011 and 2016 all resulted in floodwater flowing from the proposed Palomino Field property across the John Wayne Trail behind our property. The floodwater also flows through an old culvert underneath the John Wayne Trail which directly empties onto our property. The floodwaters flow through our property and down through neighboring properties and ended up pooling alongside Dry Creek road, and often flowing across Dry Creek to adjacent properties.

These pictures were taken during the first 3 of 4 floods that we have experienced. I put them together in a logical flow so you can see how the floods have affected our property and our neighborhood.



The John Wayne Trail has old ditches on the north side of it that have filled in over the years so the water reaching the trail has nowhere to go. This picture is taken behind our house at 1925 Dry Creek Road. The property to the north of the trail is the proposed Palomino Fields development.



The floodwater from the field flows over the John Wayne Trail towards our property.



This is a picture of our back yard which is bordered on the north by the John Wayne Trail. There is an old pipe underneath the trail that directs the water flow towards our house. The water then flows out our fence and continues toward Dry Creek Road.



This is Dry Creek Road and the lane that goes to our property. The floodwater has flowed between several neighboring properties and ends up at Dry Creek Road. In this picture the lane to our cul de sac is under water.

Now that the Palomino Fields development is becoming a reality, we believe it is the developers obligation to address floodwater that flows across their property. As we see the results of improper floodwater management at the Black Horse at Whiskey Creek development, we are very concerned that the floodwater issue be addressed early in the planning process.

According to the SEPA Environmental Checklist, Section 3. Water #5 says "There is a portion of this subject property that contains floodplain areas that are associated with Currier Creek. Development is allowed within the 100 year floodplain as long as requirements of the Kittitas County Flood Development Code are met."

Was this study aware of the floodwater issues that occurred during the 2009, 2011, and 2016 floods? We were concerned that a 100 year flood occurred in 2009 and then again in January of 2011, May of 2011, then again in February of 2016.

Please accept our written comments into your records.

Thank you.

Mailing address: Leri and Vicki Loiseau  
110 W 6<sup>th</sup> Ave #173  
Ellensburg, WA 98926



# Palomino Fields Phased Development Agreement PH Comments

**To: Doc Hansen**

**From: Holly Myers, Environmental Health Supervisor**

**Date: March 31, 2016**

**RE: DA-15-00001 Development Agreement Phase Recommendation**

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Thank you for the opportunity to comment on the Palomino Fields Development Agreement regarding water and septic requirements to comply with Kittitas County Public Health requirements.

**Per SEPA MDNS for Palomino Fields Preliminary Plat (P-07-31), Section III (C, D, E, F, G, H, I, J), these are the requirements for compliance with Public Health prior to final plat approval.**

**Note: The applicant will develop a Group A Water System for the project. The Group A Water System shall be designed by a licensed engineer and approved by the Washington State Department of Health. The Group A Water System shall be approved prior to final plat approval. The group A Water System may be built in phases as provided for in the approved group A Comprehensive Water System Plan as required by DOH, pursuant to WAC 246. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Except for the existing exempt well that currently serves the property, no other exempt wells shall be developed to service the project. Any deviations to the water system requirements shall undergo further environmental and plat review.**

## **WATER**

### Chapter 13.35.027

1. All new uses of ground water shall require either:
  - 1) A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
  - 2) An adequate water right for the proposed new use; or



- 3) A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. No new use to which this chapter is applicable shall be approved without one of these required submissions.
2. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in [WAC 173-539A-030](#) and otherwise demonstrate how the proposed new use will not violate [RCW 90.44.050](#) as currently existing or hereafter amended.
3. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under [Title 18 KCC](#).

### **WELL LOCATION**

All wells must meet the distance requirement of 50 feet from the property line, 50 feet from the septic tank and 100 feet from the drain field as per Kittitas County Critical Areas Ordinance 17A.08.25, and KCC Chapter 13. If existing wells do not meet the setback requirement from property lines, the two adjoining parcels nearest the well must enter into a legal, shared well-users agreement.

### **ON SITE SEWAGE**

**16.20.030 Existing conditions** – (7) Except for administrative segregations, one soil log shall be performed and information recorded for each lot within the proposed subdivision. Soil logs shall be in accordance with WAC 246.272A.

The purpose of a soil log is to ensure that future property owners can be assured that they will be able to install a septic system on the property. A soil log is performed to ensure that suitable depth and type of soil is present on the property prior to final plat approval.

Based on projected population of 172 camp sites the existing septic systems will not support the increased numbers. A Large Onsite Septic System (LOSS) is required to meet the demand of the projected population if the flow is greater than 3500 gpd. LOSS systems are regulated through the Eastern Regional Office of Washington State Department of Health.

### **REQUIRED PLAT SIGNATURE BLOCK**

16.24.210 Certificate of county health officer.

A note on any approved plat shall contain the following note: I hereby certify that the plat has been examined and conforms with current Kittitas County Code [Chapter 13](#).

Dated this day of     , A.D., 20   .  
Kittitas County Health Officer

([Ord. 2014-015](#), 2014; Ord. 2005-31, 2005)

### **REQUIRED PLAT NOTES**



**16.12.020** Unless otherwise specified, information required below may be placed on either sheet one or subsequent sheets or on all sheets as necessary. (9) A statement regarding the contemplated sewage disposal, potable water supply, and drainage improvements for the proposed subdivision.

*Sincerely,*

A handwritten signature in black ink that reads "Holly Myers".

*Holly Myers, Environmental Health Supervisor*



507 N. Nanum Street, St.

507 N. Nanum Street, Suite 102 • Ellensburg, WA 98926

T: 509.962.7515 • F: 509.962.7581

[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

South Central Region • Ellensburg District Office • 201 N. Pearl St, Ellensburg, WA 98926  
Telephone: (509) 962-3421 • Fax: (509) 575-2474

April 28, 2016

Robert "Doc" Hansen, Director  
Kittitas County Community Development Services  
411 N. Ruby Street; Suite 2  
Ellensburg, WA 98926

**SUBJECT: Palomino Fields Development Agreement (P-07-31) surrounding Currier Creek – Proposal to Construct in Five Phases**

Dear Mr. Hansen,

Thank you for the opportunity to review this proposal and provide comments. The Washington Department of Fish and Wildlife (WDFW) has reviewed the 2008 application materials associated with this proposal on your website, the phasing plan provided to us upon request in April 2016, and we are familiar with the property.

WDFW has worked with this landowner and several others downstream in the Reecer/Currier Watershed to improve fish habitat and restore fish passage. With cooperation of this landowner and others, we now have coho salmon and steelhead spawning and rearing in the watershed and juvenile spring chinook rear in the system as well. We are unaware of any fish passage barriers between this site and the Yakima River for Currier and Reecer Creeks.

The 2008 SEPA mentions a stream habitat enhancement plan through this reach; we welcome the idea of implementing the project (or a similar project) for which 50% designs currently exist to improve instream habitat through this reach. These types of projects are most easily implemented prior to development and if the riparian buffer is in shared open space, rather than multiple private owners. WDFW is interested in exploring the potential to further improve habitat in Currier Creek on this property with the owners.

We encourage the applicants to work with WDFW as early as possible to make plans for the stream crossings over Currier Creek on Bender/Road E and Bowers Roads. These stream crossings, any trail crossings, and any other work that will impact the bed or flow of Currier Creek will require a Hydraulic Project Approval from WDFW. The Hearing Examiners findings note that concurrence from WDFW is a requirement for final plat approval.

We do not have detailed phasing plans for this project, but our interest is in ensuring the fish and wildlife habitat associated with Currier Creek is incorporated into the planning/phasing and that the creek, its buffer, and the floodplain are protected to the greatest extent possible. As such, we have the following recommendations for inclusion in Phase 1 to protect fish and wildlife habitat:

- All utilities, including septic plans, should be properly laid out and planned in Phase 1.
- The four wetlands referred to in the 2008 Hearing Examiner's findings should be clearly identified on the plans along with their buffers to ensure their protection.

- The 100 foot buffer from the top of bank on each side of Currier Creek should be clearly identified on all plans and in the field to ensure its protection and to prevent encroachment into the buffer.
- The riparian management plan that incorporates signage for Currier Creek referenced in the Hearings Examiner's findings should be complete and reviewed by WDFW. Implementation of this plan should occur in the first phase of development.
- All drainage features for stormwater and flood water should be planned and installed as part of Phase 1. The aerial photos in the attachment demonstrate that much of this development is within an active floodplain.
- All stream crossings (roads and trails) will require HPAs from WDFW and should be planned early in Phase 1 to ensure ease of constructability as well as provide the ability to construct adequately sized structures without impacting existing structures/infrastructure.
- We note that most of the parks are located within the 100 foot buffer for Currier Creek. Please provide plans for these parks, demonstrating that the functions of the buffer will not be impacted by development or actions in the parks.

Please feel free to contact me at (509) 962-3421 or [Jennifer.nelson@dfw.wa.gov](mailto:Jennifer.nelson@dfw.wa.gov) if you have any questions about these comments. I welcome the opportunity to meet with the proponents and/or the County staff to explore alternatives to minimize impacts to fish, wildlife, and their habitat.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Nelson".

Jennifer Nelson  
Area Habitat Biologist

Enclosure: Aerial photos of site