

May 6th, 2020

To: Jeremy Johnston
Kittitas County CDS, Planner II

Fm: Charles Marshall
Owner Representative

Re: LP-19-00003 Wallace Ranch

Dear Mr. Johnston,

Thank you for the opportunity to respond to the recent written comments from Kittitas County departments, outside agencies, and the public that were provided by your office on April 9th & 24th, 2020.

I have attached a Matrix that gives a summary of the comments and our responses. In addition, I have attached letters from our water and zoning advisors that expand on key issues.

Note that I have been able to speak directly with most of the agencies and community members that have questions about the project, and have agreed to meet directly with residents that want to once it is safe to do so.

Regarding the agencies we are happy that several of them recognize the benefits the Conservation Plat offer in maintaining rural character, protecting sensitive areas, and etc. We have agreed that we will do all three studies they have requested – traffic analysis, sensitive area analysis and archaeological survey – which we believe answers the concerns expressed. We will begin this work (including a boundary survey in response to some questions raised by several neighbors) as soon as possible given the restraints imposed by the virus lockdown.

Over the next few weeks, I expect to have more detailed information for you. In the meantime, please do not hesitate to call or email with questions or comments. (206) 939-0065.

charlesmarshall@hotmail.com

Best Regards,

Chip Marshall

**WALLACE RANCH (LP-19-00003)
COMPLIANCE DOCUMENT**

DATE OF COMMENT	NAME/AGENCY	REDUCED COMMENT	APPLICANT RESPONSE	COUNTY RESPONSE
MARCH 9, 2020	PAT NICHOLSON – KITTITAS COUNTY	ALL ACCESSES AND ROAD TO BE IFC AND PW COMPLIANT.	Noted and will comply.	
MARCH 9, 2020	PAT NICHOLSON – KITTITAS COUNTY	AS DEVELOPMENT PROGRESSES, CONTACT FIRE MARSHAL REGARDING FIRE-FLOW NEEDS AND HYDRANTS.	Noted and will be in touch with Fire Marshal prior to water design.	
MARCH 9, 2020	PAT NICHOLSON – KITTITAS COUNTY	ANY GATES TO HAVE KNOX KEYBOXES, PADLOCKS, OR GATE ACTUATOR KEYWAYS.	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	LOT 1: PLEASE PROVIDE ACCESS TO LOT 1, AS NO ACCESS IS SHOWN ON THE PLAT. (PRIOR TO FINAL APPROVAL)	A 30-ft easement will be provided to serve Lot 1 and will be shown on the next round of plans.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	EASEMENTS: PLEASE PROVIDE THE EASEMENT/AGREEMENT TO PUBLIC WORKS FOR ACCESS ACROSS BURLINGTON NORTHERN PROPERTY AND CONNECT THE PRIVATE ROAD TO STATE ROUTE 10. (PRIOR TO FINAL APPROVAL)	Applicant is working with Burlington Northern on documents, including traffic review by TENW.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	SIGHT DISTANCE: THE PRIVATE ROAD ACCESSING THORP PRAIRIE ROAD MUST MEET ACCESS SPACING AND SIGHT DISTANCE REQUIREMENTS. THE PUBLIC ROAD CLASSIFICATION AT THIS LOCATION REQUIRES SPACING OF 300 FEET BETWEEN ACCESSES AND A SIGHT DISTANCE OF 475 FEET. PLEASE ENSURE THIS ACCESS WILL MEET THESE REQUIREMENTS GIVEN THE CURRENT VEGETATION AND CURVATURE OF THE ROADWAY. (PRIOR TO FINAL APPROVAL)	Encompass will conduct a field survey determining appropriate site distance and will propose a new access location and/or mitigation as needed.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	PRIVATE ROAD AND DRIVEWAY EASEMENTS: PRIVATE ROAD AND DRIVEWAY EASEMENTS SHALL BE CLEARLY DEPICTED ON THE FACE OF THE PLAT. ROADWAYS AND ACCESSES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS SHOWN IN THE KITTITAS COUNTY CODE 12: SECTION 12.04.080 TABLE 4-4 PRIVATE ROAD MINIMUM DESIGN STANDARDS. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	PRIVATE ROAD CERTIFICATION: PRIVATE ROADS SERVING ANY OF THE LOTS WITHIN THIS DEVELOPMENT SHALL BE INSPECTED AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER FOR CONFORMANCE WITH CURRENT KITTITAS COUNTY ROAD STANDARDS. KITTITAS COUNTY PUBLIC WORKS SHALL REQUIRE THIS ROAD CERTIFICATION TO BE COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY OF THE STRUCTURES WITHIN THE PROPOSED PLAT. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	TRANSPORTATION IMPACT ANALYSIS: A TRANSPORTATION IMPACT ANALYSIS WILL BE REQUIRED FOR ALL DEVELOPMENT THAT WILL GENERATE MORE THAN 9 PEAK HOUR VEHICLE TRIPS (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	TIMING OF IMPROVEMENTS: THIS APPLICATION IS SUBJECT TO THE LATEST REVISION OF THE KITTITAS COUNTY ROAD STANDARDS, DATED 12/15/15 (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	TURNAROUND: WHEN A ROAD EXTENDS MORE THAN 150' FROM THE CENTERLINE OF A COUNTY ROAD OR OTHER PUBLICLY MAINTAINED ROAD OR SERVES MORE THAN THREE LOTS, A TURNAROUND SHALL BE PROVIDED. THE TURNAROUND SHALL BE A CUL-DE-SAC FOR ROAD SERVING FIVE OR MORE LOTS. CUL-DE-SAC DESIGN MUST CONFORM TO THE SPECIFICATIONS OF THE INTERNATIONAL FIRE CODE. A CUL-DE-SAC SHALL HAVE AN EASEMENT DIAMETER OF AT LEAST 110 FEET AND A DRIVING SURFACE OF AT LEAST 96 FEET IN DIAMETER. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	

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DATE OF COMMENT	NAME/AGENCY	REDUCED COMMENT	APPLICANT RESPONSE	COUNTY RESPONSE
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	DRIVEWAYS: A DRIVEWAY SHALL SERVE NO MORE THAN FOUR TAX PARCELS. SEE KITTITAS COUNTY ROAD STANDARDS. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
		a. NEW ACCESS EASEMENTS SHALL BE A MINIMUM OF 30' WIDE. THE ROADWAY WIDTH SHALL HAVE A MINIMUM WIDTH OF 12' IF THE LENGTH OF THE DRIVEWAY IS LESS THAN 150', OR 16' IF THE LENGTH OF THE DRIVEWAY IS MORE THAN 150'.	Noted and will comply.	
		b. MAXIMUM GRADE SHALL BE 15%.	Noted and will comply.	
		c. CRUSHED SURFACE DEPTH PER WSDOT STANDARDS.	Noted and will comply.	
		d. MAINTENANCE OF DRIVEWAY APPROACHES SHALL BE THE RESPONSIBILITY OF THE OWNER WHOSE PROPERTY THEY SERVE. THE COUNTY WILL NOT MAINTAIN ACCESSES.	Noted.	
		e. ANY FURTHER SUBDIVISION OR LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS.	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	PLAT NOTES: PLAT NOTES SHALL REFLECT THE FOLLOWING: (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
		a. KITTITAS COUNTY WILL NOT ACCEPT PRIVATE ROADS FOR MAINTENANCE AS PUBLIC STREETS OR ROADS UNTIL SUCH STREETS OR ROADS ARE BROUGHT INTO CONFORMANCE WITH CURRENT KITTITAS COUNTY ROAD STANDARDS AND FORMALLY ADOPTED BY THE KITTITAS COUNTY BOARD OF COUNTY COMMISSIONERS.	Noted.	
		b. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE.	Noted.	
		c. AN APPROVED ACCESS PERMIT WILL BE REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CREATING ANY NEW DRIVEWAY ACCESS OR PERFORMING WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY.	Noted and will comply.	
		d. ANY FURTHER SUBDIVISION OR LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITTITAS COUNTY ROAD STANDARDS.	Noted.	
		e. A PUBLIC UTILITY EASEMENT 10 FEET IN WIDTH IS RESERVED ALONG ALL LOT LINES. THE 10 FOOT EASEMENT SHALL ABUT THE EXTERIOR PLAT BOUNDARY AND SHALL BE DIVIDED 5 FEET ON EACH SIDE OF INTERIOR LOT LINES. SAID EASEMENT SHALL ALSO BE USED FOR IRRIGATION.	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	PLAT APPROVALS: ALL PLATS MUST SHOW THE ACCEPTANCE SIGNATURE OF THE COUNTY ENGINEER. THE ACCEPTANCE BLOCK SHALL BE AS FOLLOWS (PER KCC 16.24.170): EXAMINED AND APPROVED THIS _____ DAY OF _____, A.D., 20____. _____ KITTITAS COUNTY ENGINEER (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	PRIVATE ROAD MAINTENANCE AGREEMENT: THE APPLICANT SHALL MEET ALL APPLICABLE CONDITIONS OF ANY PRE-ESTABLISHED OR REQUIRED PRIVATE ROAD MAINTENANCE AGREEMENTS. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	ACCESS PERMIT: AN APPROVED ACCESS PERMIT SHALL BE REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO CRATING ANY NEW	Noted and will comply.	

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DATE OF COMMENT	NAME/AGENCY	REDUCED COMMENT	APPLICANT RESPONSE	COUNTY RESPONSE
		DRIVEWAY ACCESS OR PERFORMING WORK WITHIN THE COUNTY ROAD RIGHT OF WAY. (CONDITION OF PRELIMINARY APPROVAL)		
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	<u>ADDRESSING</u> : CONTACT THE KITTITAS COUNTY RURAL ADDRESSING COORDINATOR AT (509) 962-7523 TO OBTAIN ADDRESSES PRIOR TO OBTAINING A BUILDING PERMIT. A PARCEL CANNOT RECEIVE A BUILDING PERMIT OR UTILITIES UNTIL SUCH PARCEL IS IDENTIFIED WITH A 911 ADDRESS. (CONDITION OF PRELIMINARY APPROVAL)	Noted and will comply.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	<u>FIRE PROTECTION</u> : CONTACT THE KITTITAS COUNTY FIRE MARSHAL REGARDING ANY ADDITIONAL ACCESS REQUIREMENTS FOR EMERGENCY RESPONSE. (CONDITION OF PRELIMINARY APPROVAL)	Noted.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	<u>MAILBOX PLACEMENT</u> : CONTACT YOUR LOCAL POST OFFICE FOR LOCATION AND DESIGN REQUIREMENTS BEFORE BEGINNING CONSTRUCTION. (CONDITION OF PRELIMINARY APPROVAL)	Noted.	
APRIL 7, 2020	KITTITAS COUNTY DEPT. OF PUBLIC WORKS	SURVEY COMMENTS:		
		1. PER KCC:16.24.010, PRELIMINARY PLATS SHALL BE PREPARED BY A LICENSED LAND SURVEYOR.	Noted and will comply.	
		2. THE APPLICATION FAILS TO MEET THE REQUIREMENTS OF WAC:332-130-145.	Noted and will comply prior to final plat review.	
MARCH 9, 2020	KEITH KISTLER – BONNEVILLE POWER ADMINISTRATION (BPA)	THIS PROPOSAL HAS THE POTENTIAL TO IMPACT BPA FACILITIES IN THAT AREA. BPA WANTS TO ENSURE THAT THE APPLICANT IS AWARE OF DEVELOPMENT RESTRICTIONS IN THE BPA RIGHT-OF-WAY. IF THE APPLICANT DECIDES THEY NEED TO USE THE ROW FOR DEVELOPMENT OF ANY REASON, THEY NEED TO BE MADE AWARE OF THE RESTRICTIONS BASED ON THE EASEMENTS THAT GO WITH THE AFFECTED PARCELS OF LAND AND FILE AN APPLICATION AT THE LINK PROVIDED.	Applicant has contacted BPA and they see no issue with the plan. If applicant wishes to build a roadway or water/utility line across the BPA right-of-way it will require a standard application from BPA which applicant has been told are generally granted.	
APRIL 8, 2020	SARA VICKERS- KITTITAS RECLAMATION DISTRICT (KRD)	WALLACE RANCH PLAT DOES NOT CONTAIN KRD IRRIGABLE ACRES. KRD WOULD LIKE TO ADVISE THE COUNTY THAT PARCEL #18575 OF THE WALLACE RANCH PLAT BORDERS THE KRD 1146 WASTEWAY. LANDOWNERS WITHIN THE WALLACE RANCH PLAT WILL HAVE NO RIGHT TO USE ANY KRD RIGHT-OF-WAY BORDERING THIS PARCEL. PLEASE CONTACT KRD FOR EXACT RIGHT-OF-WAY DISTANCES. SINCE THERE IS HIGH VOLUME OF WATER SPILLING IN THE 1146 WASTEWAY, KRD WOULD REQUEST THAT THE WALLACE RANCH POST SIGNAGE TO KEEP PEOPLE OFF THE RIGHT-OF-WAY.	Applicant has spoken with KRD and has received map showing their area of concern. None of applicant's lots impact the KRD Right-of-Way.	
APRIL 8, 2020	JENNIFER NELSON – DEPARTMENT OF FISH AND WILDLIFE	WDFW RECOMMENDS THAT CONSERVATION MEASURES ARE APPLIED TO ALL OPEN SPACE TRACTS TO ENSURE THAT ALL FUTURE RECREATIONAL AND AGRICULTURAL USES ARE CONSISTENT WITH THE PROTECTION OF CRITICAL AREAS. WDFW IS AVAILABLE TO REVIEW AND/OR ASSIST IN CREATING MANAGEMENT PLANS FOR THESE OPEN SPACE AREAS.	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc.	
APRIL 8, 2020	JENNIFER NELSON – DEPARTMENT OF FISH AND WILDLIFE	WDFW RECOMMENDS INCORPORATING AN ADDITIONAL OPEN SPACE CORRIDOR BETWEEN THORP PRAIRIE ROAD AND THE YAKIMA RIVER TOWARD THE NORTHWESTERN EDGE OF THE PROPOSED DEVELOPMENT AREA TO PROVIDE WILDLIFE A SAFER MIGRATORY CORRIDOR THROUGH THIS AREA OF DEVELOPMENT. (EXAMPLE IS PROVIDED IN HER LETTER)	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc.	
APRIL 8, 2020	JENNIFER NELSON – DEPARTMENT OF FISH AND WILDLIFE	WDFW RECOMMENDS THAT THE LOTS ALONG THE LEFT BANK BE RECONFIGURED SUCH THAT THE OPEN SPACE DESIGNATION INCLUDES THE RIPARIAN ECOSYSTEM AND SHORELINE MANAGEMENT AREAS FOR ADDITIONAL PROTECTION FOR THE YAKIMA RIVER, WATER QUALITY, AND	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc.	

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		THE RIPARIAN. OPEN SPACE ALONG THE YAKIMA RIVER PROVIDES GREATER VALUE AND PROTECTION FOR CRITICAL AREAS AND NATURAL RESOURCES THAN ALONG THE RAILWAY CORRIDOR.		
APRIL 8, 2020	JENNIFER NELSON – DEPARTMENT OF FISH AND WILDLIFE	BECAUSE OF THE DIVERSITY AND THE PRESENCE OF ALL FIVE CRITICAL AREAS, WDFW RECOMMENDS A CRITICAL AREA REPORT BE COMPLETED BY A QUALIFIED PROFESSIONAL PRIOR TO PLAT APPROVAL SO ANY IMPACTS CAN BE APPROPRIATELY MITIGATED FOR. THIS REPORT SHOULD ALSO INCLUDE THE POTENTIAL CUMULATIVE IMPACTS TO THE SHORELINE ENVIRONMENT PER KITTITAS COUNTY CODE 17B05.020B. (THE FIVE AREAS SHE MENTIONS ARE: PLANT AND WILDLIFE DIVERSITY, WETLANDS, FREQUENTLY FLOODED AREAS, AND GEOLOGIC HAZARDS.	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc. A critical area report will be provided.	
APRIL 8, 2020	JENNIFER NELSON – DEPARTMENT OF FISH AND WILDLIFE	AT A MINIMUM, A CRITICAL AREA REPORT AND FUTURE MANAGEMENT PLANS FOR THE PROPOSED OPEN SPACE TRACTS ARE NEEDED TO DETERMINE WHETHER OR NOT THIS PROJECT WILL HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT.	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc.	
APRIL 3, 2020	GWEN CLEAR – DEPT. OF ECOLOGY	ALL OF HER PROTECTIONS MENTIONED IN THE LETTER WILL REQUIRE THE APPLICATION OF BEST MANAGEMENT PRACTICES THAT PREVENT THE ENTRY OF SEDIMENT AND TURBIDITY TO THE UPPER YAKIMA RIVER AND ITS TRIBUTARIES. EXISTING STREAMSIDE VEGETATION MUST ALSO BE PROTECTED AND MAINTAINED. PROJECT PLANNING, DEVELOPMENT AND USE OF THE SITE NEEDS TO INCLUDE WATER QUALITY PROTECTION THROUGHOUT. NOTE THAT ALL IRRIGATION WATERWAYS, SUCH AS THE KRD CANAL AND LATERALS, MUST BE PROTECTED TO ALLOW THEM TO COMPLY WITH WATER QUALITY STANDARDS.	Noted and will comply.	
APRIL 3, 2020	GWEN CLEAR – DEPT. OF ECOLOGY	IF THIS PROJECT ANTICIPATES DISTURBING GROUND WITH THE POTENTIAL FOR STORMWATER DISCHARGE OFF-SITE, THE NPDES CONSTRUCTION STORMWATER GENERAL PERMIT IS RECOMMENDED. THIS PERMIT REQUIRES THAT A STORMWATER POLLUTION PREVENTION PLAN SHALL BE PREPARED AND IMPLEMENTED FOR ALL PERMITTED CONSTRUCTION SITES.	Noted and will comply.	
APRIL 6, 2020	PAUL GONSETH – WA STATE DEPARTMENT OF TRANSPORTATION	THE SUBJECT PROJECT IS ADJACENT TO STATE ROUTE 10 (SR 10) AND IN THE VICINITY OF INTERSTATE 90 (I-90). SR 10 IS A CLASS 3 MANAGED ACCESS HIGHWAY WITH A POSTED SPEED LIMIT OF 55 MILES PER HOUR. I-90 IS A FULLY-CONTROLLED LIMITED ACCESS FACILITY WITH A POSTED SPEED LIMIT OF 70 MILES PER HOUR.	Noted.	
APRIL 6, 2020	PAUL GONSETH – WA STATE DEPARTMENT OF TRANSPORTATION	THE LOTS ALONG SR 10 ARE SERVED BY AN EXISTING GRANDFATHERED APPROACH AT MILEPOST 91.92 RIGHT. THIS APPROACH CAN BE PERMITTED TO SERVE THE PROPOSED LONG PLAT; HOWEVER, AN ACCESS CONNECTION PERMIT MUST BE OBTAINED BY THE PROPERTY OWNER. THE APPLICANT IS REQUIRED TO CONTACT MARK KAISER AT THE WSDOT – SOUTH CENTRAL REGION OFFICE AT 509-577-1668 TO UPDATE THE PERMIT. AN UPDATED RAILROAD CROSSING AGREEMENT FOR ALL THE EXISTING OR PROPOSED PARCELS IS REQUIRED FOR WSDOT TO ISSUE AN ACCESS CONNECTION PERMIT.	Noted and will comply.	
APRIL 6, 2020	PAUL GONSETH – WA STATE DEPARTMENT OF TRANSPORTATION	SR 10 & I-90 ARE EXISTING FACILITIES. THE PROPONENT SHOULD BE AWARE THAT THEY ARE DEVELOPING IN AN AREA WITH TRAFFIC NOISE. THEY SHOULD ALSO EXPECT THAT TRAFFIC NOISE MAY CONTINUE TO GROW INTO THE FUTURE AND, AS ESSENTIAL PUBLIC FACILITIES, THE HIGHWAYS MAY NEED TO BE EXPANDED TO ACCOMMODATE FUTURE TRAFFIC GROWTH. IF THE PROPONENT IS CONCERNED WITH TRAFFIC NOISE	Noted.	

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		AFFECTING THIS DEVELOPMENT, IT IS THEIR RESPONSIBILITY TO DAMPEN OR DEFLECT ANY TRAFFIC NOISE FOR IT.		
MARCH 12, 2020	SYDNEY HANSON – DEPT. OF ARCHAEOLOGY & HISTORIC PRESERVATION	RECOMMENDED: A PROFESSIONAL ARCHAEOLOGICAL SURVEY OF THE PROJECT AREA BE CONDUCTED PRIOR TO GROUND DISTURBING ACTIVITIES. ALSO RECOMMEND CONSULTATION WITH THE CONCERNED TRIBES' CULTURAL COMMITTEES AND STAFF REGARDING CULTURAL RESOURCE ISSUES.	Applicant will complete a survey as requested and is currently seeking proposals from firms suggested by DAH.	
MARCH 9, 2020	JOHNSON MENINICK – CONFEDERATED TRIBES & BANDS OF THE YAKAMA NATION	REQUEST A FULL ARCHAEOLOGICAL SURVEY OF THE SUBJECT PARCEL(S).	Applicant will complete a survey as requested and is currently seeking proposals from firms suggested by DAH.	
APRIL 8, 2020	FULLER FRASER - ROSLYN, WA	OPEN SPACE DESIGNATIONS SHOULD BE MORE MEANINGFUL TO FISH AND WILDLIFE SPECIES.		
		a. A CORRIDOR FOR WILDLIFE SHOULD CONNECT THE RIGHT AND LEFT BANKS OF THE YAKIMA RIVER AND THE UPLAND AREAS AS WELL.	See response to WDFW above.	
		b. THERE SHOULD BE AN ADDITIONAL OPEN SPACE DESIGNATION ALONG THE LEFT BANK (LOOKING DOWNSTREAM) OF THE YAKIMA RIVER (BRISTOL FLATS) THAT WOULD PARALLEL THE RIVER THE PRECLUDE MULTIPLE ACCESS POINTS TO THE RIVER. HOME SITES SHOULD CROWD THE RAILROAD, NOT THE RIVER. GIVE THE MULTIPLE SPECIES OF FISH THAT ARE PRESENT, SEVERAL OF WHICH ARE THREATENED OR ENDANGERED, THE YAKIMA NATION SHOULD BE INVOLVED IN THIS PLANNING EFFORT AS WELL AS WDFW.	See response to WDFW above.	
		c. A "CRITICAL AREAS" REVIEW/REPORT SHOULD BE REQUIRED BY PROFESSIONAL BIOLOGISTS FROM THE YAKIMA NATION AND WDFW SO THAT KITTITAS COUNTY CAN MAKE INFORMED DECISIONS REGARDING WILDLIFE CONNECTIVITY AND ADEQUATE RIPARIAN SETBACKS.	Applicant is working with Fish and Wildlife and has engaged with Sewall Wetland Consulting, Inc. A critical area report will be provided.	
NOT DATED	ROBERT & PATRICIA PHILIP – CLE ELUM, WA	EXHIBITS AND MAPS ARE USED IN CONJUNCTION WITH THE CONCERNS CONCERN 1: DEER & ELK MIGRATION THROUGH THE PROJECT.		
		CONCERN 2: PORTION OF PROPERTY CURRENTLY IN AGRICULTURAL USE – THERE HAS BEEN NO CROP WHAT SO EVER SINCE WE HAVE LIVED HERE SINCE 2002.		
		CONCERN 3: APPEARS THE LAND CLASSIFICATION AND TAXES BEING PAID ARE IN QUESTION.		
		CONCERN 4: CONCERNED ABOUT WATER USE.	Wallace Ranch owns senior rights and has its own diversion from the Yakima River. It is not a member of KRD. Also, lots will be served with public water systems that will require mitigation, and a portion of the Wallace Ranch senior irrigation rights are proposed for mitigation. The Department of Ecology has jurisdiction over approval of water rights and mitigation for the Wallace Ranch development, including the determination whether any domestic wells in the vicinity will be impaired. Both a water right and public water system approval will be needed before final plat approval.	
		CONCERN 5: OPEN SPACE RULE – NONE OF THE LAND LISTED AS OPEN SPACE CAN EVER BE USED FOR ANY OTHER PURPOSE.		
		CONCERN 6: PROPERTY LINES – ENCOMPASS SURVEY HAS SOME LINES THAT ARE CORRECT AND SOME LINES THAT ARE INCORRECT WITH PROPERTY OWNERSHIP. IT APPEARS THIS HAS SOMETHING TO DO WITH	Once Covid-19 restrictions are lifted, the applicant's surveyor will clearly show the Wallace boundary on the ground to clarify any confusion there may be.	

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		THE FENCES. INCORRECT FENCES ARE BEING PLACED FOR THE BENEFIT OF THE WALLACE FAMILY.		
		OTHER CONCERNS: FIRE MITIGATION & TRAFFIC MITIGATION	Applicant has begun discussions with Fire District 7 and TENW for traffic analysis.	
APRIL 5, 2020	DENNY & ALISON KIDDER – CLE ELUM, WA	CONCERN: DENSITY & DESIGNATION THAT WILL BE CREATED BY THE RESULT OF THIS PLAT.	Applicant has reached out to Mr. & Mrs. Kidder to discuss in more detail.	
		OTHER CONCERNS: TRAFFIC, WATER & OPEN SPACE.		
MARCH 9, 2020	RUSSELL MAU – WA STATE DEPARTMENT OF HEALTH	REQUIRING THIS DEVELOPMENT TO PROVIDE WATER AS A SINGULAR PUBLIC WATER SYSTEM.	See response letter from water rights attorney Thomas Pors. As to the timing of approval of water rights, it is clear under state law that a water right and water system approval is required prior to final plat but not prior to preliminary plat approval. See JZ Knight v. City of Yelm, 173 Wn.2d 325, 267 P.3d 973 (2011). See also Kittitas County PHD comment, Finding 1 re Water, below.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	ON SITE SEWAGE: APPLICATION DID NOT PROVIDE ADEQUATE INFORMATION ON WASTEWATER DISPOSAL METHODS. PUBLIC HEALTH REQUESTS CLARIFICATION ON THE ON-SITE SEWAGE DISPOSAL SYSTEM PLAN. A MINIMUM OF ONE SOIL LOG FOR EACH PROPOSED LOT WHERE INDIVIDUAL SEWAGE DISPOSAL SYSTEMS ARE CONTEMPLATED MUST BE COMPLETED. PUBLIC HEALTH REQUESTS CLARIFICATION ON THE ON-SITE SEWAGE DISPOSAL SYSTEM PLAN.	Applicant will comply and provide soil logs prior to final plat approval. Client is proposing single, shared and/or community septic systems to be provided.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	GROUP A WATER SYSTEMS WILL BE USED FOR THE NORTH A LOTS 28 CONNECTIONS AND RIVERSIDE B LOTS 18 CONNECTIONS. A GROUP B SYSTEM WILL BE USED FOR 10 CONNECTIONS FOR THE SOUTH A LOT. THE APPLICANT MUST PROVE LEGAL AND PHYSICAL AVAILABILITY OF WATER FOR ALL NEW USES OF WATER ON PROPOSED LOTS OF THIS PROJECT. A WELL LOG OR 4 HOUR DRAW DOWN TEST AS PROOF OF WATER ADEQUACY FOR EACH NEW WELL	See Tom Pors letter	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	METERING IS REQUIRED FOR ALL NEW USES OF DOMESTIC WATER FOR RESIDENTIAL WELL CONNECTIONS AND USAGE MUST BE RECORDED IN A MANNER CONSISTENT WITH KITTITAS COUNTY CODE CHAPTER 13.35.027 AND ECOLOGY REGULATIONS.	Noted	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	THE APPROVAL OF THIS DIVISION OF LAND PROVIDES NO GUARANTEE THAT USE OF WATER UNDER THE GROUND WATER EXEMPTION (RCW 90.44.050) FOR THIS PLAT OR ANY PORTION THEREOF WILL NOT BE SUBJECT TO CURTAILMENT BY THE DEPARTMENT OF ECOLOGY OR A COURT OF LAW (SETTLEMENT AGREEMENT)	Noted. This does not dispute or prevent the project's ability to demonstrate physical and legal water availability. See Tom Pors letter.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	SOIL LOGS ARE REQUIRED FOR LOTS. A MINIMUM OF ONE SOIL LOG FOR EACH PROPOSED LOT WHERE INDIVIDUAL SEWAGE DISPOSAL SYSTEMS ARE CONTEMPLATED MUST BE COMPLETED PRIOR TO PRELIMINARY PLAT APPROVAL.	Applicant has corresponded with KCDOH and will comply prior to final plat approval and not preliminary plat approval. Jesse Cox has confirmed this timing as accurate.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	PRIOR TO FINAL PLAT APPROVAL – APPLICANT SHALL PROVIDE ONE OF THE FOLLOWING DOCUMENTS BEFORE FINAL PLAT APPROVAL: A LETTER FROM A WATER PURVEYOR STATING THAT THE PURVEYOR HAS ADEQUATE WATER RIGHTS AND WILL PROVIDE THE NECESSARY WATER FOR THE NEW USE; AN ADEQUATE WATER RIGHT FOR THE PROPOSED NEW USE; OR A CERTIFICATE OF WATER BUDGET NEUTRALITY FROM THE DEPARTMENT OF ECOLOGY OR OTHER ADEQUATE INTEREST IN WATER RIGHTS FROM A WATER BANK.	Agreed – this is in county regs and is consistent with the subdivision statute (RCW 58.17.110).	

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DATE OF COMMENT	NAME/AGENCY	REDUCED COMMENT	APPLICANT RESPONSE	COUNTY RESPONSE
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	PRIOR TO FINAL PLAT APPROVAL: 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. FAILURE TO OBTAIN MITIGATION BEFORE COMMENCEMENT OF AN ACTIVITY REQUIRING MITIGATION SHALL BE A CODE VIOLATION SUBJECT TO ENFORCEMENT UNDER TITLE 18 KCC.	Applicant will comply.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	PRIOR TO FINAL PLAT APPROVAL: 13.35.020(B) REQUIRES PROOF OF ADEQUATE WATER SUPPLY, WHICH CAN BE SUBMITTED THROUGH A WELL LOG OR 4 HOUR DRAW TEST RESULT. IF SHARED WELLS ARE USED, A SIGNED, NOTARIZED, AND RECORDED SHARED WELL-USERS AGREEMENT MUST BE SUBMITTED. 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.	Applicant will comply and is in the preliminary stages of procuring water and designing the water system. See letter from Tom Pors.	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	THE APPROVAL OF THIS DIVISION OF LAND PROVIDES NO GUARANTEE THAT USE OF WATER UNDER THE GROUND WATER EXEMPTION (RCW 90.44.050) FOR THIS PLAT OR ANY PORTION THEREOF WILL NOT BE SUBJECT TO CURTAILMENT BY THE DEPARTMENT OF ECOLOGY OR A COURT OF LAW (SETTLEMENT AGREEMENT)	Noted	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	THE FOLLOWING NOTE SHALL BE PLACED ON THE PLAT: METERING IS REQUIRED FOR ALL NEW USES OF DOMESTIC WATER FOR RESIDENTIAL WELL CONNECTIONS AND USAGE MUST BE RECORDED IN A MANNER CONSISTENT WITH KITTITAS COUNTY CODE CHAPTER 31.35.027 AND ECOLOGY REGULATIONS.	Noted	
APRIL 9, 2020	JESSE COX & ERIN MOORE – KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT	THE FOLLOWING NOTE SHALL BE PLACED ON THE PLAT: THE APPROVAL OF THIS DIVISION OF LAND PROVIDES NO GUARANTEE THAT USE OF WATER UNDER THE GROUND WATER EXEMPTION (RCW 90.44.050) FOR THIS PLAT OR ANY PORTION THEREOF WILL NOT BE SUBJECT TO CURTAILMENT BY THE DEPARTMENT OF ECOLOGY OR A COURT OF LAW.	Noted	

APRIL 17, 2020	BRADLEY ROREM- SHADY GROVE PROPERTIES LLC	FIRST REQUEST IS TO NOTIFY SHADY GROVE WITH NOTICES OF ANY KIND: SEPA, COMMENT PERIODS, APPEAL PERIODS, ADMIN. REVIEW PROCEDURES RELATED TO SEPA DETERMINATION, COPIES OF ANY DECISIONS, CODE INTERPRETATIONS OR DETERMINATIONS MADE TO DATE (NOT THE COMPLETENESS DETERMINATION & NOTICE OF APPLICATION). AND AS TO EACH OF THESE, WITH RESPECT TO THE TWO ABOVE REFERENCED APPLICATIONS AND ANY RELATED APPLICATIONS, INCLUDING BUT NOT LIMITED TO CODE INTERPRETATIONS.	See JMMK letter. Applicant has reached out to discuss with Shady Grove Properties in more detail.	
APRIL 17, 2020	BRADLEY ROREM- SHADY GROVE PROPERTIES LLC	REQUEST THAT YOU CHANGE COURSE FROM YOUR STATED INTENTION TO ISSUE A DETERMINATION OF NON-SIGNIFICANCE UNDER THE OPTIONAL SEPA DNS PROCESS. WE REQUEST THAT YOU ISSUE A DETERMINATION OF SIGNIFICANCE REQUIRING PREPARATION OF AN EIS.	See JMMK Letter	
APRIL 17, 2020	BRADLEY ROREM- SHADY GROVE PROPERTIES LLC	PLEASE PROVIDE COPIES OF THE FOLLOWING RECORDS RELATED TO THE ABOVE REFERENCED DEVELOPMENT PROPOSALS OR APPLICATIONS:		

**WALLACE RANCH (LP-19-00003)
COMPLIANCE DOCUMENT**

DATE OF COMMENT	NAME/AGENCY	REDUCED COMMENT	APPLICANT RESPONSE	COUNTY RESPONSE
		<p>1. ALL COMMUNICATIONS BETWEEN APPLICANT/REPRESENTATIVE AND ANY COUNTY/ELECTED OFFICIAL COMMUNICATION.</p> <p>2. THE TITLE OF ALL STUDIES OR TECHNICAL REPORTS REVIEWED OR UNDER REVIEW BY THE COUNTY SEPA OFFICIAL.</p> <p>3. ALL RECORDS LEADING TO THE CONCLUSION THAT THE PROPOSED DEVELOPMENT OF NEW RESIDENTIAL LOTS BORDERING THE YAKIMA RIVER WILL NOT RESULT IN THE FOLLOWING IMPACTS WITHIN THE DESIGNATED FLOODPLAIN: INCREASED FILL, FLOW OBSTRUCTIONS, INCREASE RUNOFF OR CONTAMINANTS OVER EXISTING LEVELS.</p> <p>4. ALL RECORDS LEADING TO THE CONCLUSION THAT THE PROPOSED DEVELOPMENT WILL NOT SIGNIFICANTLY ALTER VIEWS FROM ADJACENT PROPERTIES OF THE DESIGNATED YAKIMA RIVER SHORELINE.</p>		
APRIL 17, 2020	BRADLEY ROEM- SHADY GROVE PROPERTIES LLC	WE HAVE NOT SEEN ADEQUATE SIGNAGE OR POSTING OF THE PROPERTY TO ALERT NEIGHBORS (ONE SMALL SIGN POSTED IN A DITCH ON HIGHWAY 10, WELL REMOVED FROM THE SHORELINE THE APPLICANT SEEKS TO DEVELOP.). PLEASE CLOSELY MONITOR THE APPLICANT'S COMPLIANCE WITH NOTICE AND POSTING REQUIREMENTS OF COUNTY CODE.		
APRIL 22, 2020	J.B. MULCAHY - CHIMPANZEE SANCTUARY NORTHWEST	INCONSISTENT WITH RURAL WORKING LAND USE DESIGNATION.	See JMMK and Pors Letters. Applicant has reached out to JB Mulcahy to discuss in more detail.	
APRIL 22, 2020	J.B. MULCAHY - CHIMPANZEE SANCTUARY NORTHWEST	REASONABLE LIKELIHOOD OF SIGNIFICANT IMPACT ON RURAL CHARACTER.		
APRIL 22, 2020	J.B. MULCAHY - CHIMPANZEE SANCTUARY NORTHWEST	REASONABLE LIKELIHOOD OF SIGNIFICANT IMPACT ON SHORELINE ENVIRONMENT.		
APRIL 22, 2020	J.B. MULCAHY - CHIMPANZEE SANCTUARY NORTHWEST	REASONABLE LIKELIHOOD OF SIGNIFICANT IMPACTS ON AIR QUALITY, SURFACE WATERS, GROUNDWATER, ENERGY, LIGHT & GLARE, TRAFFIC, PUBLIC SERVICES & UTILITIES.		
APRIL 22, 2020	J.B. MULCAHY - CHIMPANZEE SANCTUARY NORTHWEST	THE PROJECT PROPOSAL OFFERS NO STUDY OR EXPERT REPORT TO SUPPORT ANY CONTRARY CONCLUSIONS TO THE ABOVE. INSTEAD, THE PROJECT NARRATIVE & SEPA ASSUME THAT CLUSTERING THE PROPOSED 58 LOTS IN A NEW SUBDIVISION WILL BE MORE ENVIRONMENTALLY FRIENDLY THAN THE ALTERNATIVE OF SELLING OFF THE CURRENTLY SEGREGATED LOTS INDIVIDUALLY. THIS 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.		

Law Office of Thomas M. Pors

May 4, 2020, 2020
Wallace Ranch/09114

Jeremy Johnston, MURP
Kittitas County Community Development
411 N Ruby ST, Suite 2
Ellensburg WA 98926
jeremy.johnston@co.kittitas.wa.us

Re: Wallace Ranch Conservation Plat (LP-19-00002; SD19-00002)

Dear Mr. Johnston:

The applicant for this matter has retained me to advise them regarding water rights and water supply for this project. This letter constitutes the applicant's response to public comments received by your office relating to these issues, including comment letters from:

1. Robert and Patricia Philip (undated);
2. Denny and Alison Kidder, dated April 5, 2020;
3. Russell E. Mau, PhD, PE, Wash. State Dept. of Health (March 9, 2020 email);
4. Jesse Cox and Erin Moore, Kittitas County Public Health Dept (KCPHD), dated April 9, 2020.

WATER SUPPLY FOR WALLACE RANCH DEVELOPMENT

Water supply for this conservation plat will be provided by a new public water system, which must be designed by a professional engineer to meet all applicable state drinking water standards and approved by the State Dept. of Health Office of Drinking Water (DOH-ODW). A pre-application meeting with DOH-ODW has already occurred, and no issue has been identified with the preliminary plan of developing three satellite systems to be owned and operated by one entity. Up to two Group A systems using different wells or via intertie will be developed for the North and South A lots, and a third Group A system served by a separate well will be developed for the Riverside B lots. Water system construction and final approval of the water systems from DOH-ODW is required before final plat approval, but not before preliminary plat approval. This ensures that no lots will be sold or building permits issued before legal and physical availability of water is established, which complies with KCC 13.35.020. See "*Timing Considerations*" below.

New ground water rights for these new public water systems have been applied for through the Department of Ecology and assigned application number G4-36094. (Copy attached to this letter. These applications are designed to be "water budget neutral" to the

Jeremy Johnston
May 4, 2020

Yakima River total water supply available (TWSA). Wallace Ranch is providing some of its own senior adjudicated surface water rights as mitigation for the potential impact of the new groundwater withdrawals on TWSA. The Upper Kittitas Groundwater Rule (Chapter 173-539A WAC) allows new uses of groundwater if they are “water budget neutral.” WAC 173-539A-030 defines “water budget neutral” as an appropriation or project where withdrawals of public groundwater are exchanged for other water rights into the trust water right program that are at least equivalent to the amount of consumptive use. Consumptive use estimates for this project will be consistent with current Kittitas County and Department of Ecology standards. In addition, the mitigation and groundwater rights will be fully compliant with KCC 13.35.027, the County’s “Permanent Measures” for insuring compliance with the Upper Kittitas Groundwater Rule and case law relating to water availability for land use projects.

A pre-application conference for Application G4-36094 was held on February 11, 2020 with the Water Resources Section Manager of the Department of Ecology and no adverse issues were identified. Water right change applications for the mitigation water to be transferred to the trust water right program will be filed with the Kittitas County Water Conservancy Board in the near future. Details concerning these senior water rights were submitted as part of the Wallace Ranch Conservation Plat application.

Legal water adequacy for this project and any question related to potential impairment of other wells or senior water rights will be determined by the Department of Ecology during evaluation of the mitigated water budget neutral permit. Physical water adequacy will be determined by engineers at DOH-ODW based on well tests and engineering requirements. Final approval from these agencies is required prior to final plat approval. Again, this ensures that no lots will be sold or building permits issued before legal and physical availability of water is established, which complies with KCC 13.35.020. See “*Timing Considerations*” below.

TIMING CONSIDERATIONS

The statewide water concurrency statute, RCW 19.27.097(1), requires that applicants for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. That nexus, and the County’s related ordinance, KCC 13.35.020, apply after a final plat is approved, because a landowner cannot apply for building permits until the final plat is approved.

The state subdivision statute, RCW 58.17.110, requires that local governments shall inquire into and determine if “appropriate provisions” are made for, among other things, potable water supplies. The Washington Supreme Court has interpreted this statute as requiring that water system facilities required to serve a proposed plat be in place prior to final plat approval. *JZ Knight v. City of Yelm*, 173 Wn.2d 325, 267 P.3d 973 (2011). A preliminary plat, on the other hand, is meant to give local governments and the public an approximate picture of how the final subdivision will look. *Friends of the Law v. King County*, 123 Wn.2d 518, 528, 869 P.2d 1056 (1994).

Jeremy Johnston
May 4, 2020

The applicant must make a threshold showing that the completed development is able to comply with applicable zoning ordinances and health regulations. *JZ Knight*, 173 Wn.2d at 343-44. KCPHD's proposed Water Finding 1 and proposed Conditions B-1 and B-2 are consistent with the need to comply with these water availability requirements prior to final plat approval, and the applicant has no objection to these findings and conditions.

The applicant also has no objection to KCPHD's other findings and proposed conditions relating to water supply.

Sincerely yours,
Thomas M. Pors
Thomas M. Pors

Enc. Water right application G4-36094

Cc: Robert Wallace, Charles Marshall, Mark Kirkpatrick, Duana Kolouskova, Tyson Carlson

Application for a Water Right Permit

For Ecology Use
RECEIVED
Date Stamp

JAN 27 2020

Dept of Ecology
Central Regional Office

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION FOR THE FOLLOWING:

- GROUND WATER SURFACE WATER PERMANENT
 SHORT TERM TEMPORARY

NO FEE REQUIRED FOR THE FOLLOWING:

- DROUGHT COST REIMBURSEMENT

Follow the attached instructions. Attach additional sheets as necessary.

Section 1. APPLICANT

- I have participated in a pre-application conference with Ecology.

Applicant/Business Name: WALLACE RANCH II, LLC	Phone No: (425) 455-9976	Other No:
Address: 330 - 112 th Avenue NE, PO Box 4184		
City: Bellevue	State: WA	Zip: 98009
Email Address (if available): rwallace@wallaceproperties.com		

Contact Name (if different from above): Tyson Carlson, Aspect Consulting	Phone No: 509.895.5923	Other No:
Relationship to Applicant: Consultant		
Address: 123 East Yakima Ave, Suite 200		
City: Yakima	State: WA	Zip: 98901
Email Address (if available): tcarlson@aspectconsulting.com		

Legal Land Owner or Part Owner Name of the Proposed Place of Use: WALLACE RANCH II, LLC	Phone No:	Other No:
Address: same as above		
City:	State:	Zip:
Email Address (if available): Department of Ecology		

For Ecology Use	APPLICATION NO: 64-36094	SEPA: Exempt/Not Exempt
	Water Resources Program	
	Fee Paid: 50.00	Check No: 290
	ECY Coding: 001-001-WR1-0285-000011	
Date Returned	By	Priority Date 01-23-2020 By [Signature] WRIA: 39 KITT [Signature]
Pre-application interviewer:		

RECEIVED

JAN 27 2020

**Dept of Ecology
Central Regional Office**

ADDITIONAL SHEET FOR WALLACE RANCH II, LLC WATER RIGHT APPLICATION

Section 2 - Statement of Intent/Project Description. The Wallace Ranch comprises approximately 1163.7 acres. The site is bounded on the west by the Thorpe Prairie Road and on the east by Lookout Mountain. It is bisected by the Yakima River, The John Wayne Trail (west side of the river) and the BN railroad and Highway 10 (east side of the river). The Wallace family has owned the ranch for several generations and the land has been segregated into 50 twenty-acre plus tracts. The owner recently applied to Kittitas County to replat the parcels as a conservation plat that will preserve farmland and cluster the residential development into three areas shown on the attached map. Each of those clustered residential areas would be served by a new Group A public water system, which will consist of well(s), storage and distribution lines.

Wallace Ranch proposes to mitigate for water uses under the new application by relying on a portion of its senior pre-1905 surface water rights within the Yakima Basin. The intent is to fallow a portion of the acreage currently irrigated with one of those rights on the left (Northeast) bank of the Yakima River and permanently donate an appropriate quantity of saved water to the Washington Trust Water Program, as mitigation for water use for the proposed development under the subject application. The appropriate quantity of mitigation will be determined based on the consumptive quantity of ground water to be used by the new public water system(s) serving the proposed 56 residential lots and associated amenities. The lots will all be served by individual or community septic drainfields.

Section 3 - Well Locations. Up to 4 wells are proposed to be drilled within the boundary defined on the pending Wallace Ranch plat map and as shown in the attachment to the application, being within Sections 3, 10, 11 and 14 of Township 19N, R16EWM.

Section 4 - Place of Use. The proposed place of use is the boundary defined on the pending Wallace Ranch plat map and as shown in the attachment to the application, being within Sections 3, 10, 11 and 14 of Township 19N, R16EWM.

[Attached is a more specific legal description from plat map application]

Department of Ecology

JAN 23 2020

Water Resources Program

Section 2. STATEMENT OF INTENT

Do you own the land on which the proposed point of diversion/withdrawal is located? YES NO
 If no, do you have legal authority to make this application for use of another's land? YES NO

Briefly describe the purpose of your proposed project: The applicant seeks new ground water rights to serve up to 56 lots on a clustered conservancy plat pending approval by Kittitas County. Impacts to surface water rights and Total Water Supply Available will be mitigated by transfer of a portion of an existing senior pre-1905 surface water right appurtenant to the Wallace Ranch property into the State Trust Water Right Program for instream flow and mitigation purposes.

See additional Sheet for additional project description.

Anticipated length of time to compete your project: One year to start construction; five years to complete construction and twenty years to complete putting the water to beneficial use.

Water Use List all purposes for which water will be applied to a beneficial use and list quantity required for each.

Purpose(s) of Use	Rate (check one box only)		Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
	<input type="checkbox"/> Cubic Feet per Second (CFS)	<input checked="" type="checkbox"/> Gallons per Minute (GPM)		
Municipal	300		Up to 20 AFY (CU)	year-round
TOTAL:				

Short Term/Temporary Water Use

Is this a request for a short term project (less than four months and non-recurring)? YES NO

Is this request for a temporary permit? YES NO

If yes to either question above, indicate the dates that the water will be needed:

FROM: ___/___/___ TO: ___/___/___

Section 3. POINT OF DIVERSION OR WITHDRAWAL

(Complete A or B, and C below)

A.) If Surface Water Source	B.) If Ground Water Source
------------------------------------	-----------------------------------

Department of Ecology

JAN 23 2020

Water Resources Program

<input type="checkbox"/> Spring <input type="checkbox"/> Creek <input type="checkbox"/> River <input type="checkbox"/> Lake <input type="checkbox"/> Other: _____ Source Name: _____ Tributary to: _____ Number of proposed diversion points: _____ Do you have an existing diversion? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> Well(s) <input type="checkbox"/> Other: _____ _____ Well diameter & depth: <u>to be determined; likely 6- to 8-</u> <u>inch casing and up to ~800 feet in depth</u> Number of proposed points of withdrawal: <u>up to 4</u> Do you have an existing well? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If available, attach Water Well Report and pump test. Well Tag ID No. _____
--	--

Department of Ecology

JAN 23 2020

Water Resources Program

C.) Point of Diversion/Withdrawal – Legal Description

Parcel No.	¼	¼	Section	Township	Range	County
Parcels within pending Wallace Ranch Plat			3, 10, 11 & 14	19N	16E	Kittitas
Lot(s)	Block(s)		Subdivision			

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:

_____ Feet (North/ South) and _____ feet (East/ West)

from the (NW SW NE SE _____) corner of Section_____.

Parcel No.	¼	¼	Section	Township	Range	County
Lot(s)	Block(s)		Subdivision			

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:

_____ feet (North/ South) and _____ feet (East/ West)

from the (NW SW NE SE _____) corner of Section_____.

NOTE: If more than two points of diversion/withdrawal attach additional information on a separate sheet of paper.

Section 4. PLACE OF USE

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

A portion of Sections 3, 10, 11 & 14, Township 19 North, Range 16 East, W.M., as more fully described on the Additional Sheet and attached site plans for the Wallace Ranch preliminary plat application.

¼	¼	Section	Twp.	Range	County	Parcel No.
		3, 10, 11 & 14	19N	16E	Kittitas	multiple

Do you own all the lands on which the proposed place of use is located? YES NO.

If no, do you have legal authority to make this application for use of another’s land? YES NO

Provide owner name(s), address, and phone number: _____

Are there any other water rights or claims associated with this property or water system? YES NO

If yes, provide the water right and/or claim numbers: S4-83897-J, S4-83912-J, S4-83900-J, S4-83899-J, and S4-83898-J.

Department of Ecology

JAN 23 2020

Water Resources Program

Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map.

Department of Ecology

JAN 23 2020

Water Resources Program

Section 5. WATER SYSTEM DESCRIPTION

Describe your proposed water system (include type and size of devices used to divert or withdraw water from source): Three Group A or Group B water systems designed to service 26, 18 and 12 lots, respectively, from up to 4 new wells to be drilled within or immediately adjacent to the platted lots.

All water systems will receive planning and engineering approval from the Washington State Department of Health.

Mitigation of impacts to senior surface water rights and "total water supply available" will be from a portion of Wallace Ranch's senior pre-1905 surface water rights to be transferred to the Washington State Trust Water Program for mitigation and instream flow purposes.

Section 6. DOMESTIC WATER SUPPLY SYSTEM INFORMATION

(Complete A or B, and C below)

<p>A.) Domestic Water Systems only</p>	<p>B.) Municipal Water Systems only <i>(defined under RCW 90.03.015)</i></p>
<p>Projected number of connections to be served: <u>56</u></p> <p>Type of connections: <u>single family homes or recreational cabins</u> <i>(e.g., home, recreational cabin)</i></p>	<p>Present population to be served water: <u>0</u></p> <p>Estimate future population to be served: <u>140</u> (20 year projection)</p>
<p>C.) Water System Planning</p>	
<p style="text-align: right;">Department of Ecology</p> <p>Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>If yes, date plan was approved ___/___/___ Water System Number: <u>JAN 23 2020</u></p> <p style="text-align: right;">Water Resources Program</p> <p>Name of water system: _____</p> <p>Are you within the service area of an existing water system? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>If yes, explain why you are unable to connect to the system: _____</p>	

Application for new Group A public water system(s) will be submitted simultaneously with this application for water rights.

Section 7. IRRIGATION/STOCKWATER/OTHER FARM USES

Irrigation

Total number of acres requested to be irrigated under this application = 5.6 ACRES

NOTE: Outline the area to be irrigated on your attached map.

Stockwater

List number and kind of stock: _____

Department of Ecology

Is the proposed project for a dairy farm? YES NO

JAN 23 2020

Other Proposed Farm Uses

Describe all proposed uses: _____

Water Resources Program

Family Farm Water Act (RCW 90.66):

Calculate the acreage in which you have a controlling interest, including only:

- Acreage irrigated under water rights acquired after December 8, 1977,
- Acreage proposed to be irrigated under this application, and
- Acreage proposed to be irrigated under other pending application(s).

Is the combined acreage under existing rights greater than 6000 acres? YES NO

Do you have a controlling interest in a Family Farm Development Permit? YES NO

If yes, enter Permit No: _____

Section 8. OTHER WATER USES

Hydropower

Indicate total feet of head _____ and proposed capacity in kilowatts: _____

Describe works: _____

Indicate all uses to which power is to be applied: _____

FERC License No: _____

Mining/Industrial Use

Describe use, method of supplying and utilizing water: _____

Other Use

Section 9. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? YES NO

Are you proposing to store more than 10 acre-feet of water? YES NO

Will the water depth be 10 feet or more? YES NO

Department of Ecology

If you answered yes to any of the above questions, please describe: _____

JAN 23 2020

Water Resources Program

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an Application for Permit to Construct a Reservoir and a Dam Construction Permit and Application.

Section 10. DRIVING DIRECTIONS

Provide detailed driving directions to the project site: Lot "A" project site is located at approximately 11997 Thorp Prairie Road, approximately 4 miles northwest of the Elk Heights Road exit from Interstate Highway 90 East. From

Cle Elum, take I-90 East toward Ellensburg, take exit 93 for Elk Heights Rd, turn left onto Elk Heights Rd. toward Taneum CR, after 0.4 miles, turn left onto Thorp Prairie Road, after 4.0 miles, turn right onto unpaved private road.

Lot "B" project site is located at 24471 Highway 10, approximately 7.6 miles east/southeast of Cle Elum. From Cle Elum head east on WA-903, merging onto WA-970 toward Ellensburg. After 4.3 miles, turn right onto Highway 10 toward Ellensburg. The destination is the irrigated field on your right after 3.3 miles.

Site Address: Lot A: approximately 11997 Thorp Prairie Road, Cle Elum

Lot B: 24471 Highway 10, Cle Elum

Department of Ecology

JAN 23 2020

Water Resources Program

Section 11. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Robert C. Wallace, member

 Print Name
 (Applicant or authorized representative)



 Signature

1-17-20

 Date

Robert C. Wallace, member

 Print Name
 (Legal Owner or Part Owner Place of Use)



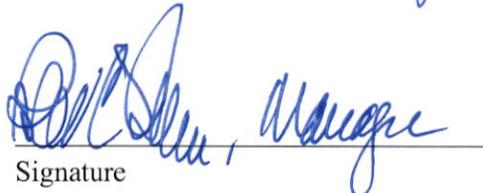
 Signature

1-17-20

 Date

Robert C. Wallace, member

 Print Name
 (Legal Owner or Part Owner Place of Use)



 Signature

1-17-20

 Date

Please check the region in which the project is located:

*Submit your application to: DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 1250 W. Alder Street Union Gap, WA 98903-0009 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1265 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 – 160 th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

Department of Ecology
 JAN 23 2020
 Water Resources Program

Via E-Mail Only

Jeremy Johnson
Kittitas County Community Development
Jeremy.johnson@co.kittitas.wa.us

May 4, 2020

Re: Wallace Ranch Conservation Plat
LP-19-0002; SD-19-00002

Dear Mr. Johnson:

As you are aware, this office represents Wallace Ranch LLC with respect to its conservation plat application. The applicant's consultants have provided comprehensive review and response to the agency and public comments received. In addition, we provide the following responses to two specific topics raised in a couple of the public comments.

The Wallace Conservation Plat is Consistent with Kittitas County Code and the Comprehensive Plan's Rural Conservation Plat and Rural Working Designation Policies.

As recognized in one comment letter, the Rural Character description in the Comprehensive Plan acknowledges a variety of lifestyle choices, including "many sizes and shapes" of rural properties with many economic activities, small rural residential development and varied recreational opportunities. KCCP, page 85, 8.4.1.

"Rural character" in Kittitas County is predominantly a visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features. It balances environmental, forest, and farm protection with a variety of rural development and recreational opportunities. Many sizes and shapes of properties can be found in the Rural Lands as well as assorted economic activities and opportunities, small rural residential development, and recreational opportunities throughout the County. The Interstate and State Highway systems which traverse the length and width of the County introduce countless travelers and visitors to the County. The County's highways and byways provide access to opportunities and means to create and preserve agri-tourist activities. They also provide access to extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being "rural." This rich mix of uses and transportation systems allows the variety of lifestyle choice, which makes up the fabric of rural Kittitas County community life.

The Comprehensive Plan explains that rural lands "exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character." KCCP, page 83.

The following land use goal and policies also provide context for rural lands and are a selection of the many policies with which the Wallace Conservation Plat is consistent:

RR-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety

RR-P8: Incentive-based land use strategies will be examined and adopted to encourage land uses which are compatible to the rural environment.

RR-P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

RR-P10: Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces and recreational opportunities.

RR-P12: Set allowed densities based on the available water resources and reserve adequate resources to support the Kittitas County's economic base, including agriculture.

RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, critical areas 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.

RP-14: Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

All of the foregoing is based on the Growth Management Act's definition of rural character and development, which definitions provide space for each county to establish what 'rural' means based on its individual characteristics:

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) “Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, **including clustered residential development**, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

RCW 36.70A.030 (emphasis added).

All of the foregoing drive the County’s development regulations, which permit and provide the regulatory framework for this Conservation Plat. The Comprehensive plan drives how County’s adoption of development regulations, which in turn regulate specific development projects. However, the Comprehensive Plan is not a document used to make specific land use decisions. *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861 (1997). The development regulations, i.e. Kittitas County Code (KCC), assumes that role.

Part of the purpose behind conservation platting is the following:

In order to provide tools to foster appropriate densities, while making development economically feasible, to recognize benefits to the greater community through an effort to conserve natural resource lands, ensure the continued existence of open space, conserve water resources, protect public health by reducing the number of septic drain fields, concentrate urban densities in urban growth areas and minimize the impact of "Rural Sprawl" in rural lands as designated in the Kittitas County Comprehensive Plan, Cluster Platting, Conservation and Agricultural Platting techniques will foster the development of urban, rural and resource designated lands at appropriate densities while conserving resource lands, protecting rural character, protecting the environment and maintaining a high quality of life in Kittitas County.

KCC 16.09.020.

The Wallace Conservation Plat has been deliberately designed with the foregoing policies and conservation plat regulations in mind. The clustering of lots while still maintaining rural character provides the appropriate balance for permanent dedication of open spaces, agricultural land and recreational opportunities. Interestingly, one comment raises the topic of ‘rural sprawl’, which is exactly what this conservation plat is designed to avoid. Rural sprawl has been viewed as a series of 20-acre lots which are sold off to individual ownership, leaving rural areas without organized rural use and segregated into 20-acre lot after 20-acre lot destroying the ability to retain agricultural uses or large scale open spaces

or recreation areas. A focus on lot size alone, in this manner, can lead to undesirable rural sprawl. *Woods v. Kittitas Cty.*, 162 Wn.2d 597, 622 (2007); *see also Clark County Citizens United, et al v. Clark County et al*, WWWGMHB 16-2-0005 (2017). The conservation plat mechanism avoids this very specter by providing standards which ensure preservation of open spaces while allowing residential use at rural densities, with rural characteristics and based on rural facilities and services.

Although the conservation plat is not appropriately evaluated on the basis of specific Comprehensive Plan policies in isolation, the plat in fact does both provide appropriate rural development and conserves agricultural and rural open spaces at a very high level. Without the conservation plat, the Wallace Ranch property would otherwise be developed into larger lots that would destroy the agricultural use currently active on the property – contrary to the Comprehensive Plan’s goals RRG-22 and RRG-23. Under the basic zoning parameters, those large lots would be sold off individually for development and the current agricultural use would ultimately have to be abandoned. However, the County’s conservation platting regulations accomplish exactly what is intended for the Rural Working Designation and Forest and Range zoning – preservation of the agricultural use, preservation of substantial open space and residential development without any increase in density on lots with rural character and relying on rural utilities and services. The conservation platting regulations are being implemented in the Wallace Conservation Plat to achieve these very goals and policies.

Finally, the comparison to the County’s Rural Residential designation misunderstands the Conservation Plat, which presents neither LAMIRD-style density nor development characteristics. To the contrary, as demonstrated in the application, the density proposed under the Wallace Conservation Plat is consistent with the Rural Working zone, i.e. one residence per twenty acres. In contrast, LAMIRD or Rural Residential-style densities are much higher and would result in smaller lots with a very different set of characteristics. Nor does development under the Rural Residential designation require or provide for the level open space and ongoing working land plus recreation area commitments made with this Conservation Plat. The applicant asks the County to review the Wallace Conservation Plat on the basis of the actual application materials and proposed preliminary plat map, not based on comments which do not appear to understand or recognize the actual development proposal.

An Environmental Impact Statement Is Not Warranted.

There has also been a request that the County require an Environmental Impact Statement be prepared for the project. This request is unwarranted since all considerations related to the Conservation Plat are already adequately addressed through the County’s adopted regulations and standards, and can be clearly addressed through mitigation measures under a Mitigated Determination of Non-Significance.

The purpose of an EIS is to address probable significant environmental impacts that otherwise would be left unmitigated. But the size, scale or scope of a given project does not alone support a determination that an EIS is necessary. *Moss v. City of Bellingham*, 109 Wn. App. 6 (2001). Instead, where the potential impacts of a project are addressed by the

Jeremy Johnson
May 4, 2020
Page | 5

County's adopted rules and regulations, the County relies on those regulations to evaluate the project. WAC 197-11-158.

WAC 197-11-158 creates a flexible process whereby SEPA officials are authorized to rely as much as possible on existing plans, rules and regulations, filling in the gaps where needed by imposing mitigation measures under SEPA. It is not an all-or-nothing proposition, as characterized by appellants.

Moss, 109 Wn. App. 6, 22.

The public comments provided on the Wallace Conservation Plat raise development considerations that are all governed by existing Kittitas County and Washington State regulations. Traffic, critical areas, archaeologic surveying, water quality, impervious surfaces, shoreline evaluation all are handled through existing regulations and are appropriately dealt with through mitigation measures and plat conditions consistent with how other development is reviewed in Kittitas County. The applicant has indicated in its materials its ability to comply with requirements for specific studies and mitigation related to all these topics. Likewise, the applicant has or will be submitting applications for all necessary and related permits, including but not limited to a Shoreline Substantial Development Permit and the necessary Health Department and Ecology permits.

Thank you for your considerations of the foregoing comments and the complete set of responses provided by the applicant.

Sincerely,



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