

December 8, 2008

To the Commissioners and Hearing Examiner

White Water Performance Based Cluster Plot



I am opposed to this project for many reasons.

1. It is this every kind of project that has the County in court and before the State boards for not being in compliance with the GMA. This is a urban growth in an rural setting, just what the GMA and other State Board have repeat ably said these projects do not comply with State Guidelines.
2. Also this project is planned on what the County has said is prime farm land and has said it is trying to protect of this type of development. And with the recent turndown in the economy and the fact that real estate as a means of County income has shown in many studies the cost more than it produces doesn't make any sense.
3. The project has to have two County approved road for this property in to be approved. Iron Mountain Road is a one lane paved road and Godawa Lane has a Privative Road sign posted on it. Also Godawa Lane has a irrigation ditch that runs down the side if it and passes under it, it has a ninety degree turn in it that doesn't meet fire access requirements. Who is going to pay to bring these roads up to standards, as a tax payer I hope its not the County.
4. The White Water project will also be required to have a Water Right in order to have a Class A water system. It can not use a Class B system as a water system. Has the State done a water test to make sure that there is enough water there that wells down stream will not be effected by the amount of water needed by this project.
5. The land this project covers is also a main pathway for the Deer and Elk in their travels from the Mountains to the Valley. I see both kinds of animals in this area all year round, also a great number of Geese and Hurons use the fields in the area year round.
6. This type of project just doesn't fit in our neighborhood at all, this is a farming and ranching area that has some three acre lots but most are ten acres or bigger. And the three acre lots mostly have some animals on them.
7. This kind of project will cause a lot of problems for School busing, emergency, and other services for the area. This area is serviced by only one bridge over the Yakima River as a access for a lot of emergency services. The past has shown that when the bridge is closed or blocked it is about twenty miles to get to this area.
8. How much more Electrical Power can be used on this hill before every one is effected by having to up date the lines.
9. The Project has not shown a need for more property of this nature to be needed in the County. The County has about Seven Thousand pieces of real estate for sale now, and sales are real slow if at all. There is no need for additional lots it this

time. Some projects already in exist are going belly up because of the economy and people are not getting things done they were promised , we don't need any more in the Upper County.

10. Its time to wait til the Upper County Water Survey is done before starting a other big water project that made cause problems that could have been prevented.
11. I found no Land Use Sign on Godawa Lane. I thought both roads had to be posted for land use.

Larry Fuller

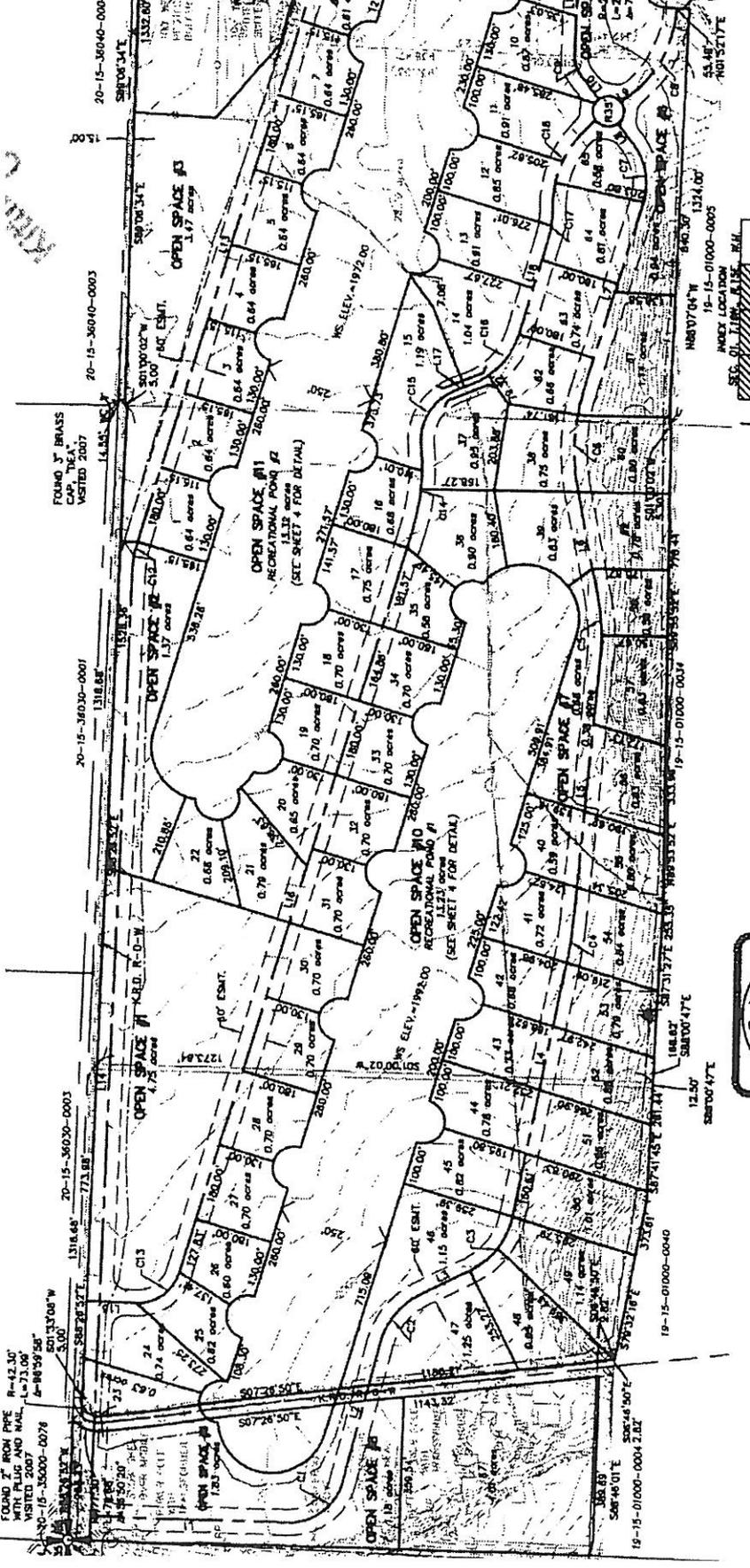
Larry Fuller

500 HAWK HAVEN RD

CLATSOP, WA

674-219079

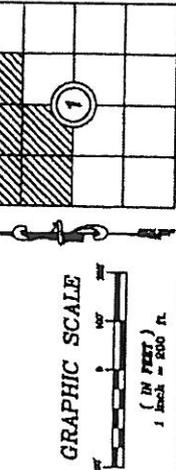
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 Call Before You Dig
 1-800-853-4344



Encompass
 ENGINEERING & SURVEYING
 108 EAST 2ND STREET
 CLE ELUM, VA 98722
 PHONE: (508) 674-7433
 FAX: (508) 674-7419

WHITE WATER
PERFORMANCE BASED CLUSTER FLAT
 PTL NORTH 1/2, SECTION 1, T.19N, R.15E., W.4M
 KITTITAS COUNTY, STATE OF WASHINGTON

OWN BY: DATE: JOB NO.
 G. WEISER 07/08 08068
 CRD BY: SCALE: SHEET
 D. NELSON 1"=200' 2 of 4



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Surveying Act of the request of MISTY MOUNTAIN, LLC. in WA 2008.

DAVID P. NELSON DATE
 Certificate No. 18082

DAVID P. NELSON
 Surveyor's Name
 County Auditor
 Deputy County Auditor

RECORDER'S CERTIFICATE

Filed for record this... day of ... 20... at... M
 in book... of page... at the request of
 DAVID P. NELSON
 Surveyor's Name
 County Auditor
 Deputy County Auditor

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	188.78	175.00'	77.8612
C2	155.57	180.00'	48.3079
C3	183.58	180.00'	85.0428
C4	102.44	100.00'	61.6132
C5	143.14	500.00'	16.2428
C6	243.04	600.00'	27.8102
C7	142.87	150.00'	49.2640
C8	217.48	175.00'	81.3748
C9	55.00'	60.00'	40.0024
C10	280.17	175.00'	81.3748
C11	256.31	275.00'	219.713
C12	71.00'	275.00'	43.7448
C13	31.00'	100.00'	29.1214
C14	200.71	500.00'	22.9236
C15	163.77	150.00'	74.2828
C16	162.11	180.00'	41.5678
C17	64.57	200.00'	49.7017
C18	254.87	250.00'	57.9907

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE
L1	N81°13'00" W	495.13
L2	N78°17'00" W	337.47
L3	N85°35'30" W	172.87
L4	S78°59'57" W	582.83
L5	N45°05'30" W	811.53
L6	S78°59'57" W	245.62
L7	N73°30'00" W	453.07
L8	S11°37'22" W	57.77
L9	S80°27'50" W	24.57
L10	S15°22'27" W	64.78
L11	N60°17'00" W	246.00
L12	S62°02'30" W	150.87
L13	S72°30'00" W	143.97
L14	S67°58'30" W	253.09
L15	N11°33'00" E	112.02
L16	N42°30'00" W	178.45
L17	N42°30'00" W	178.45
L18	N73°30'00" W	236.34

YAKIMA PROJECT – KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Allison Kimball

From: Tammy Swanberg on behalf of CDS User
Sent: Tuesday, December 09, 2008 3:54 PM
To: Allison Kimball
Subject: FW: Keri Mankus White Water Performance Based Cluster Plat (LP-08-00028) response

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 3:52 PM
To: CDS User
Subject: Keri Mankus White Water Performance Based Cluster Plat (LP-08-00028) response

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to: traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been zoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one(1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Keri Mankus*

*Keri Mankus
211 Watson Cutoff Rd.
Cle Elum, WA 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open

space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008)*. This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and

cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points

Class A Water System: = 50 points

Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and

if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

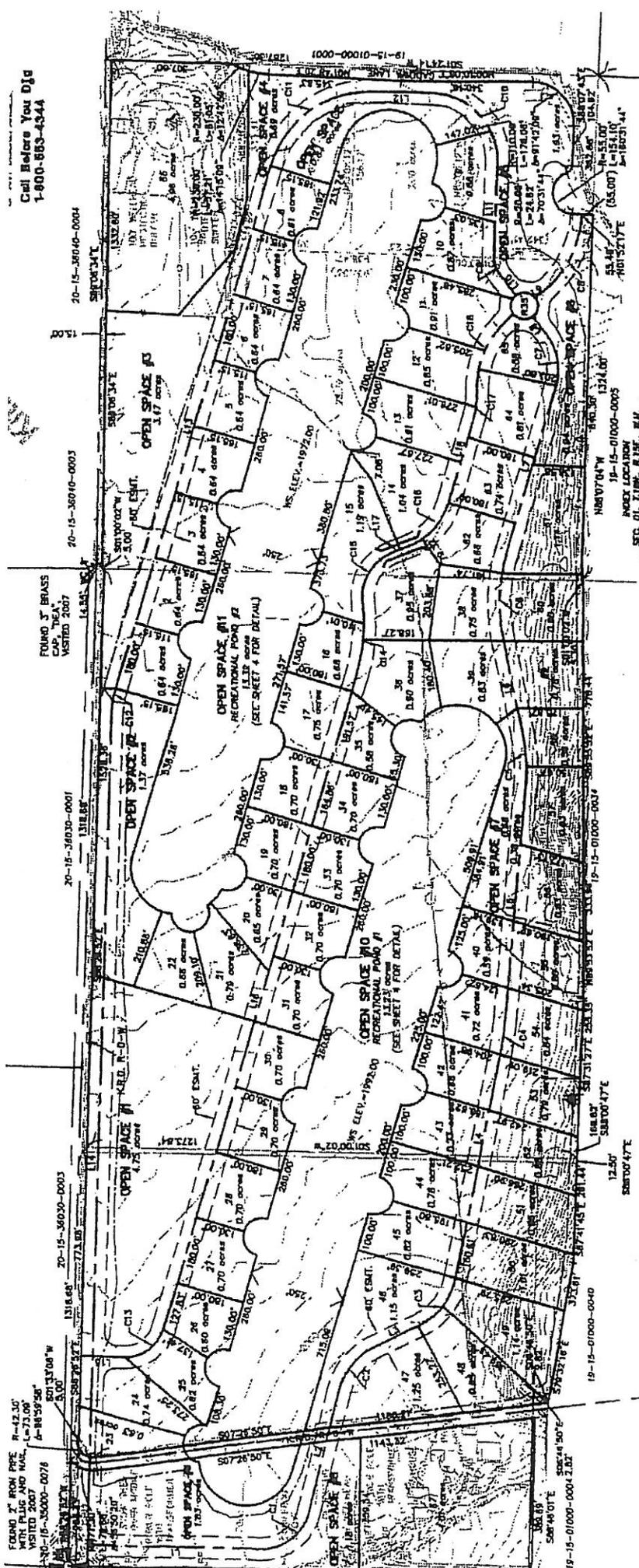
These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Keri Mankus

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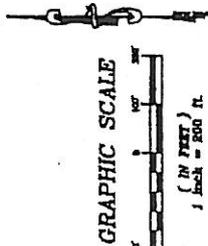
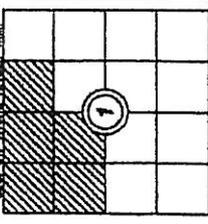


Encompass
ENGINEERING & SURVEYING
108 EAST 2ND STREET
CLE ELUM, WA 98022
PHONE: (509) 674-7433
FAX: (509) 674-7419

WHITE WATER
PERFORMANCE BASED CLUMBER FLAT
PTL NORTH 1/2 SECTION 1, T.19N, R.15E, W.M.
KITITIAS COUNTY, STATE OF WASHINGTON

OWN BY: G. WEISER
DATE: 07/08
JOB NO.: 08068

CHKD BY: D. NELSON
SCALE: 1"=200'
SHEET: 2 OF 4



LEGEND

- ✠ A CERTAIN CURVE AS NOTED
- ⊙ EXISTING WELLS
- ⊠ ELECTRIC TRANSFORMER
- TRAIL



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of MISTY MOUNTAIN, LLC.

DAVID P. NELSON
Surveyor's Name

DATE: 07/08
Certificate No.: 18082

RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 20____ at _____, WA
in book _____ at page _____ at the request of
DAVID P. NELSON
Surveyor's Name

County Auditor: _____ Deputy County Auditor

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE
L1	N07°33'00"W	456.13
L2	N75°00'00"W	337.43
L3	N02°36'30"W	122.17
L4	S78°58'55"E	512.81
L5	N05°05'30"W	811.53
L6	S78°23'31"W	244.52
L7	N17°23'03"W	493.07
L8	S01°52'22"W	57.77
L9	S30°03'50"E	24.57
L10	S15°52'27"W	84.78
L11	N08°07'54"W	244.00
L12	S02°02'00"W	150.77
L13	S72°23'55"E	143.13
L14	S04°28'52"E	253.00
L15	N01°13'00"E	114.02
L16	N12°02'38"W	164.64
L17	N12°02'38"W	164.64
L18	N12°59'58"W	236.54

CURVE	LENGTH	RAIUS	DELTA
C1	108.28	175.00	27°38'12"
C2	154.57	166.00	46°20'28"
C3	103.59	166.00	45°04'58"
C4	106.44	100.00	61°18'13"
C5	143.15	500.00	16°24'39"
C6	243.02	600.00	27°28'10"
C7	152.82	150.00	54°29'38"
C8	237.48	175.00	58°28'46"
C9	55.06	60.00	30°02'24"
C10	260.12	175.00	61°33'48"
C11	356.31	225.00	73°49'13"
C12	71.82	225.00	15°57'48"
C13	131.26	100.00	25°12'14"
C14	200.21	500.00	12°59'28"
C15	162.72	150.00	74°28'28"
C16	162.14	166.00	61°32'41"
C17	85.77	266.00	16°32'00"
C18	245.82	250.00	51°02'00"

YAKIMA PROJECT - KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Allison Kimball

From: Tammy Swanberg on behalf of CDS User
Sent: Tuesday, December 09, 2008 3:53 PM
To: Allison Kimball
Subject: FW: Joanne Mankus White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 3:48 PM
To: CDS User
Subject: Joanne Mankus White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation

District (KRD). The map shows all the soil the development will cover is Class I type soil. Class I type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

Thank you very much,

Joanne Mankus

Joanne Storey Mankus
211 Watson Cutoff Rd.
Cle Elum, WA 98922

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01) Point of Diversion Change*. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008). This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how

they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature

and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture -5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
b. What views in the immediate vicinity would be altered or obstructed?
c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
c. What existing off-site sources of light or glare may affect your proposal?
d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
b. Would the proposed project displace any existing recreational uses? If so, describe.
c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

*Thank you for the opportunity to comment on this project,
Joanne Mankus*

I am using the free version of SPAMfighter for private users.
It has removed 3585 spam emails to date.
Paying users do not have this message in their emails.
Try [SPAMfighter](#) for free now!

Allison Kimball

From: Melissa and Jim Briggs [peohpoint@eburg.com]
Sent: Tuesday, December 09, 2008 1:42 PM
To: Allison Kimball
Cc: CDS User
Subject: Fw: WW - updated comments

Community Development Services
Allison Kimball, Planner II

9 Dec, 2008

To Allison,

I would like to include the following to my comments from the 5th of Dec. regarding the White Water Performance Based Cluster Plat (LP-08-00028) based on a conversation with the Department of Ecology. Thank you, Melissa Bates

Regarding the lay-out of ponds and homes on the White Water application, it is possible that wetlands could be created, both on this property and on adjacent properties. According to Ecology, wetlands created on the property by this development would create "non-jurisdictional" wetlands which gives the owners the ability to remove those wetlands. Unfortunately, wetlands created on neighboring lands by this project become "jurisdictional" wetlands and prevent that owner from removing those wetlands. If this occurred, it could be considered a "taking" of private property. The developers must provide financial compensation and/or mitigation for any changes that occur on neighboring lands due to this project. If the county does not address these concerns the county could be liable for any harm that occurs from allowing this project to proceed. Thank you very much, Melissa Bates

Melissa Bates
120 Elk Haven Rd.
Cle Elum, WA 98922

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:24 PM
To: Allison Kimball
Subject: FW: Gary Mankus White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 4:17 PM
To: CDS User
Subject: Gary Mankus White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is

actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Gary Mankus*

*Gary Mankus
211 Watson Cutoff Rd.
Cle Elum, WA 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *Critical Area Studies conducted after the approval of this proposal serves to put the cart before the horse.*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small."
This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right

is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KITT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008)*. This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be

awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows:

Open Space: 44.82 acres = 40 points

Class A Water System: = 50 points

Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous:

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09

PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on

the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

- c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

- d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

- b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

- c. Describe any structures on the site.

- d. Will any structures be demolished? If so, what?

- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

- i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least

Allison Kimball

From: Tammy Swanberg on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:33 PM
To: Allison Kimball
Subject: FW: Jesus L. Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 4:30 PM
To: CDS User
Subject: Jesus L. Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Alison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation

District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one(1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Jesus L Basterrechea*

*Jesus L. Basterrechea
1020 Mc Donald Rd. #8
Cle Elum, WA. 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008)*. This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points

Class A Water System: = 50 points

Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development *must* be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not

contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09 PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

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Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act);

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other
evergreen tree: fir, cedar, pine, other
shrubs
grass
pasture
crop or grain
wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
water plants: water lily, eelgrass, milfoil, other
other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Jesus L. Basterrechea

I am using the free version of SPAMfighter for private users.
It has removed 3585 spam emails to date.

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:12 PM
To: Allison Kimball
Subject: FW: John Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 3:59 PM
To: CDS User
Subject: John Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to: traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicant's SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

Thank you very much,

John Basterrechea

John Basterrechea
6030 Lower Peoh Point Rd.
Cle Elum, WA 98922

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. **Water**

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01) Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).* This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development *must* be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not

contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09 PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider:

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other
evergreen tree: fir, cedar, pine, other
shrubs
grass
pasture
crop or grain
wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
water plants: water lily, eelgrass, milfoil, other
other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- b. What views in the immediate vicinity would be altered or obstructed?

- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. What existing off-site sources of light or glare may affect your proposal?

- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the proposed project displace any existing recreational uses? If so, describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

John Basterrechea

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:12 PM
To: Allison Kimball
Subject: FW: Kimberly Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 4:04 PM
To: CDS User
Subject: Kimberly Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Alison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

Thank you very much,

Kimberly Basterrechea

*Kimberly Basterrechea
6030 Lower Peoh Point Rd.
Cle Elum, WA 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. **Water**

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).* This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer: "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows:

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not

contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09 PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Kimberly Basterrechea

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:11 PM
To: 'Joanie & Gary'
Cc: Allison Kimball
Subject: RE: Cole Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response

I am forwarding your email to Allison.

Thanks,

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 4:07 PM
To: CDS User
Subject: Cole Basterrechea White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Cole Basterrechea*

*Cole Basterrechea
6030 Lower Peoh Point Rd.
Cle Elum, WA. 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).* This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer: "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows:

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In

this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRS) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act);

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other
evergreen tree: fir, cedar, pine, other
shrubs
grass
pasture
crop or grain
wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
water plants: water lily, eelgrass, milfoil, other
other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

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Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

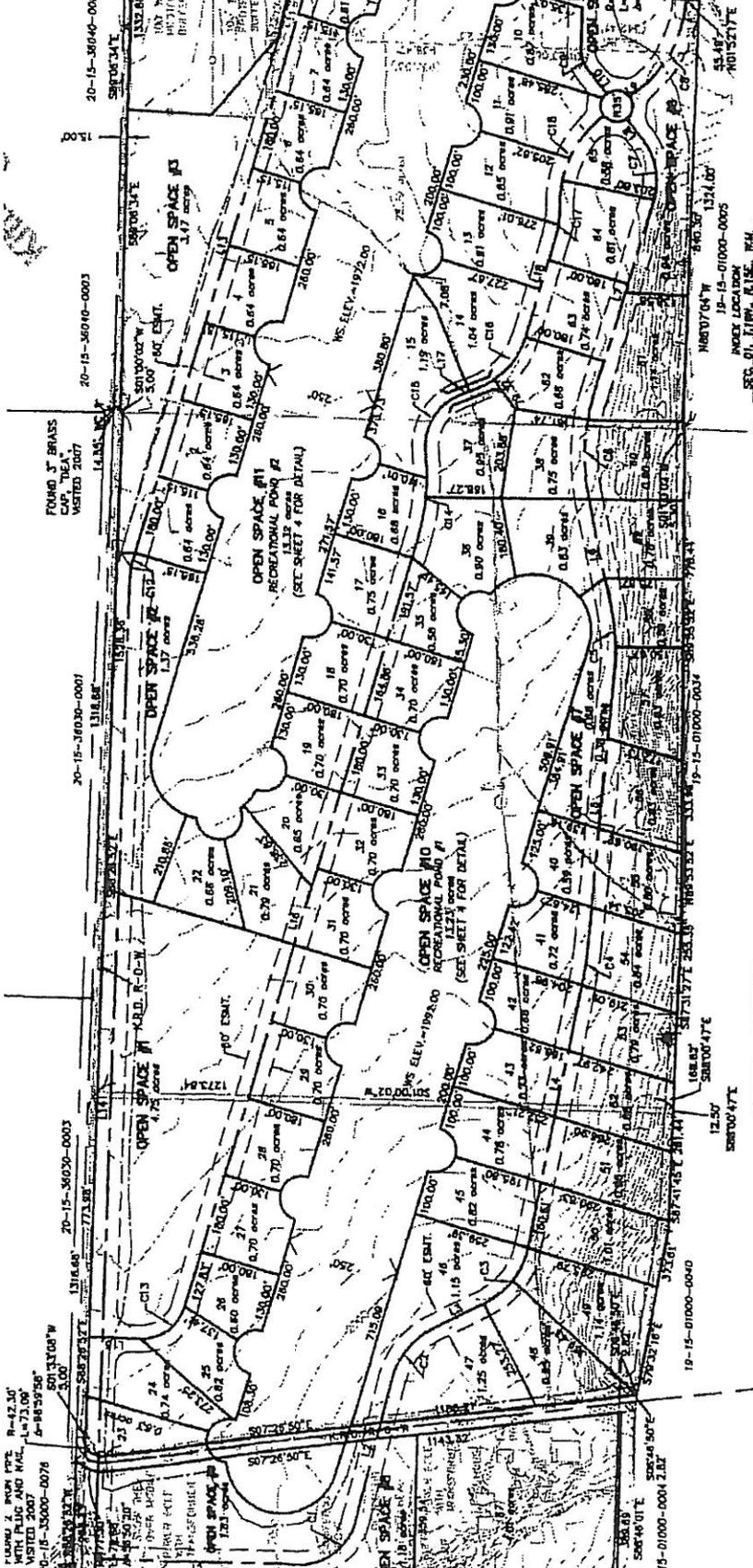
- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Cole Basterrechea

OF ANY DISCREPANCIES
Call Before You Dig
1-800-853-4344



YAKIMA PROJECT - KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:24 PM
To: Allison Kimball
Subject: FW: Anne Storey White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 4:15 PM
To: CDS User
Subject: Anne Storey White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Alison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to: traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Anne Storey*

*Anne Storey
6030 Lower Peoh Point Rd.
Cle Elum, WA. 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KITT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this*

property to be recorded weekly (per certified mail March 25th, 2008). This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows:

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded *AFTER* that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09 PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRS) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting

process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Anne Storey

December 5, 2008

CDS
411 N. Ruby St., Suite 2
Ellensburg WA 98926

Re: White Water PBCP – LP-08-00028
Staff Planner: Allison Kimble

RECEIVED
DEC 09 2008
Walla Walla County
CDS

To Whom It May Concern,

I am a long time resident – 35+ years – and personally helped John Rothlisberger farm the land included in this proposed cluster plat. I know this land to be prime farmland and enclose information from KRD refuting the applicants claim the land is not prime farmland.

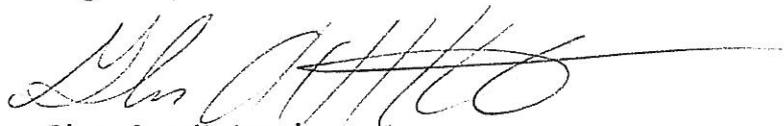
I do not believe this is a cluster plat; it looks more like a subdivision. The plat map shows no contiguous open space and no clustering of the proposed homes.

I strongly value individuals' property rights but not at the expense of surrounding neighbors. This proposal is not appropriate for rural areas.

I also question who will pay for the widening of Iron Mountain and Godawa Lane, the applicant claims these 2 roads are county roads. I do not feel county tax payers should pay for improvements and maintenance as the roads **only** service the proposed development, they are private roads.

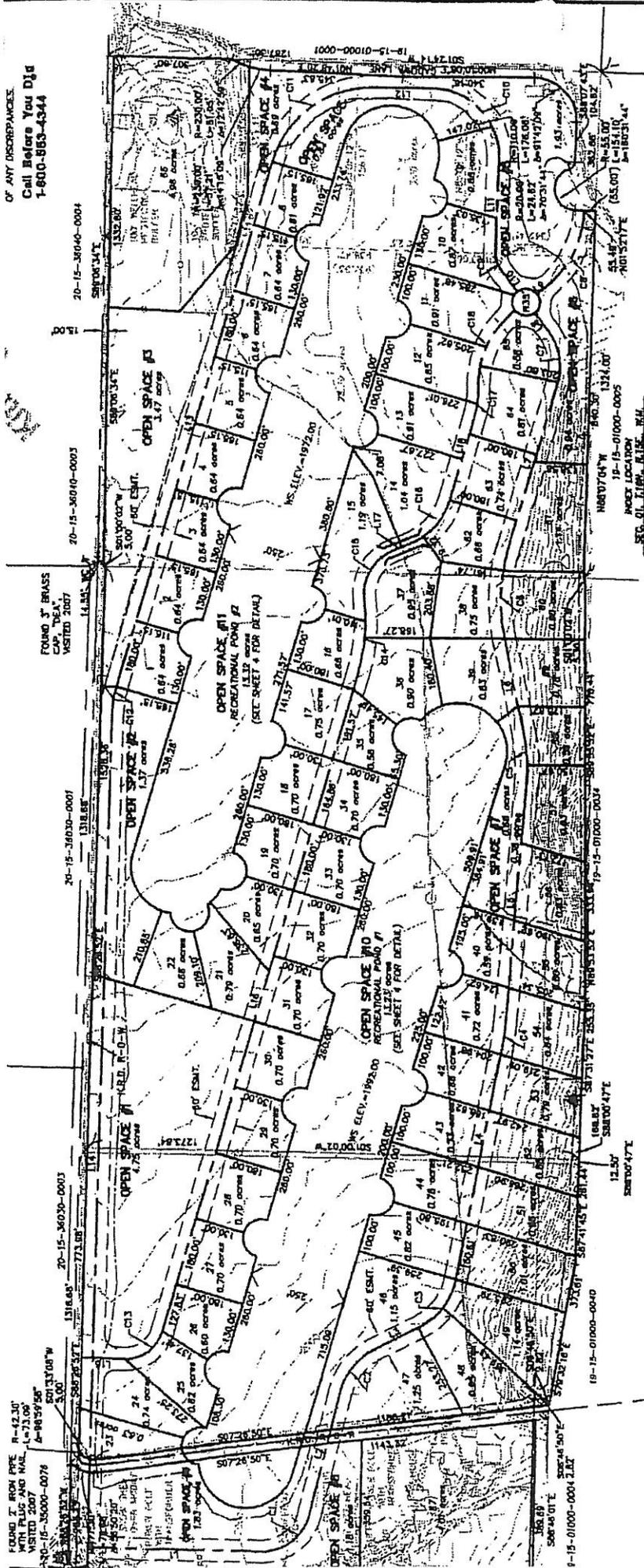
I also enclose a copy of comments submitted by Melissa Bates, this document covers line by line the applicants SEPA check list and fully addresses my concerns.

Thank you for this opportunity to comment.
Regards,



Glen Armitstead
560 Hawk Haven Rd.
Cle Elum, WA 98922

OF ANY DISCREPANCIES
Call Before You Dig
1-800-863-4344

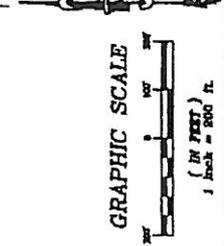
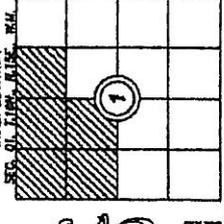


Encompass
ENGINEERING & SURVEYING
108 EAST 2ND STREET
CLE ELUM, WA 98022
PHONE: (509) 874-7433
FAX: (509) 874-7419

WHITE WATER
PERFORMANCE BASED CLUSTER PLAT
PTN. NORTH 1/2 SECTION 1, T.19N, R.4E, W.4M
KITITAS COUNTY, STATE OF WASHINGTON

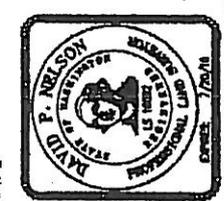
OWN BY: DATE: JOB NO.
G. WEISER 07/08 08068

CRD BY: SCALE: SHEET
D. NELSON 1"=200' 2 of 4



LEGEND

- ✠ A SETBACK CORNER, AS NOTED
- ⊙ EXISTING WELLS
- ELECTRIC TRANSFORMER
- TRAIL



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Surveying Act of the State of Washington, Chapter 20A, RCW, effective 1/1/2008.

DAVID P. NELSON DATE
Certificate No. 18092

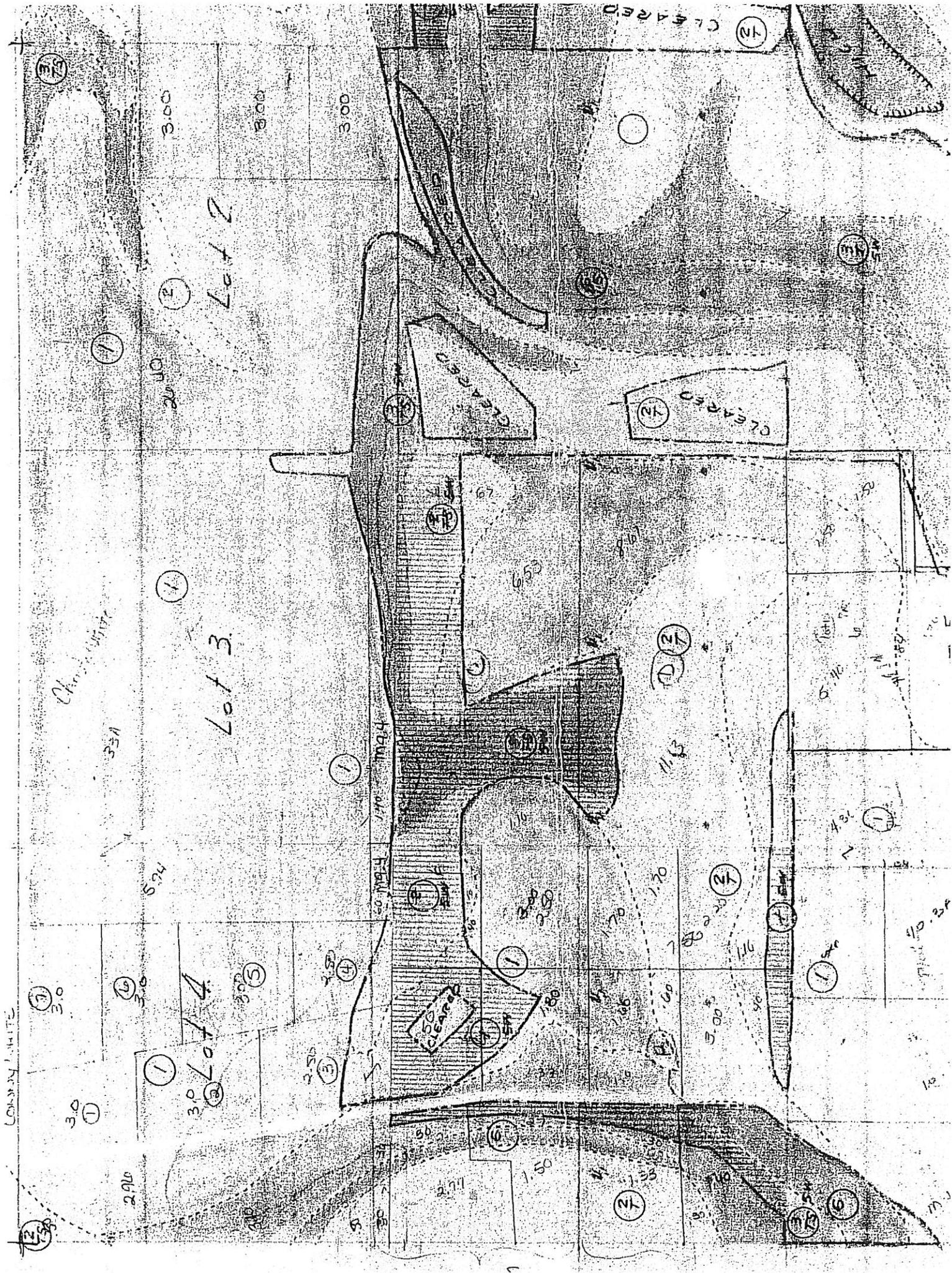
RECORDER'S CERTIFICATE

Filed for record this day of 20..... at M
in book of at page at the request of
DAVID P. NELSON
Surveyor's Name

County Auditor Deputy County Auditor

CENTERLINE OF EASEMENTS

LINE NUMBER	BEARING	DISTANCE	CURVE	LENGTH	PARKING	DELTA
1	N01°33'00"W	450.13	C1	189.78	125.00	72.9872
2	N70°10'00"W	337.47	C2	153.53	100.00	46.9029
3	N20°45'00"W	372.83	C3	163.89	100.00	52.0434
4	S78°58'51"W	392.63	C4	109.44	100.00	61.6171
5	N45°05'30"W	611.83	C5	143.14	100.00	61.2429
6	S78°26'21"W	245.62	C6	243.04	800.00	2.73197
7	N13°30'03"W	402.07	C7	162.87	150.00	54.7837
8	S31°52'22"W	37.77	C8	232.86	275.00	49.26549
9	S30°22'00"W	24.77	C9	255.81	40.00	40.0000
10	S31°52'22"W	64.78	C10	200.17	175.00	61.64249
11	N68°07'04"W	246.00	C11	254.31	275.00	23.9617
12	S00°10'00"W	156.87	C12	21.07	275.00	14.8244
13	S72°28'33"W	141.62	C13	131.26	800.00	2.73197
14	S48°26'52"E	225.00	C14	200.79	800.00	2.25259
15	N01°33'00"E	112.00	C15	162.77	125.00	24.3828
16	N73°26'06"W	17.6645	C16	162.14	100.00	61.38278
17	N22°02'58"W	40.54	C17	65.87	200.00	18.9701
18	N73°26'06"W	236.54	C18	236.82	250.00	53.9701



Lot 2

Lot 3

Lot 4

Lot 7

CLEANED

CLEANED

CLEANED

CLEANED

CHIMNEY

FURNACE

CONCRETE

300
300
300

200

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2.96

3.50

3.50

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YAKIMA PROJECT – KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 4:12 PM
To: Allison Kimball
Subject: FW: Susanne Storey White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Mandy Weed

From: Joanie & Gary [mailto:jgkidsnk@cleelum.com]
Sent: Tuesday, December 09, 2008 3:58 PM
To: CDS User
Subject: Susanne Storey White Water Performance Based Cluster Plat (LP-08-00028) response
Importance: High

Please send signed & dated receipt

Community Development Services
Allison Kimball, Planner II

7 Dec, 2008

To Alison Kimball,

I have strong objections to the White Water cluster plat application.

I have read over all the comments and concerns below addressed by Melissa Bates and Diedre Link and agree with them deeply.

My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. All of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to service 67 homes.

The applicant claims there are no farmlands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will completely destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing wood stoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028).

WE may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

*Thank you very much,
Susanne Storey*

*Susanne Storey
6030 Lower Peah Point Rd
Cle Elum, WA 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

Application from Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White & Joanne White, Peter A. White & Michael Lee White

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small." This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01)Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008)*. This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points
Class A Water System: = 50 points
Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development must be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not

contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRS) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

- c. How many parking spaces would the completed project have? How many would the project eliminate?

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project,

Susanne Storey

Allison Kimball

From: Philip Widner [pwidner@gmail.com]
Sent: Sunday, December 07, 2008 9:05 PM
To: Allison Kimball
Cc: CDS User
Subject: FW: White WaterComments Melissa
Attachments: header.htm

To whom it may concerned

I would like to offer my objections to the proposed White Water sub division. I agree with the enclosed comments by Melissa Bates, in addition we object because of some factual errors in the proposal.

The proposal indicates that Iron Mountain Road is a County Road and in fact it is NOT a county road, nor does it meet the county standards.

In addition the proposal indicates that the property in question is not viable or significant farm land when in fact it is one of the last FLAT farmable parcels in the upper county and has been actively farmed for many years. The current and past owners have requested and received cost shares for irrigation improvements from the government. The current owners have also requested and acted on killing migrating Elk in the area claiming the elk interfere with their farming activities. It clear that until the possible profits from development came along the owners were quite content with taking advantage of any and all benefits from farming. For this reason as well as the KRD assessment that the land is class 1 farm land, this property should not be split into a housing tract.

Philip Widner

pwidner@tadco.com
206-963-2500
206-963-2599

From: deidre [mailto:linkdal@televar.com]
Sent: Saturday, December 06, 2008 9:52 AM
To: pwidner@tadco.com
Subject: White WaterComments Melissa

Community Development Services
Alison Kimball, Planner II

4 Dec, 2008

To Alison,

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028). I have followed the SEPA checklist format so that it is easier for you to follow my specific comments/concerns. I may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project.

Thank you very much, Melissa Bates

Melissa Bates

*120 Elk Haven Rd.
Cle Elum, WA 98922*

WAC 197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small."

This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)?
If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.
Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01) Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).* This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not

indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer: "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows:

Open Space: 44.82 acres	= 40 points
Class A Water System:	= 50 points
Active Recreation :	= 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development *must* be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature

and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

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Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

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Other important factors to consider:

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

environmental checklist

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk

of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the

county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?

- b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that I have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least this project should go back to a qualified engineering firm and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project, Melissa Bates

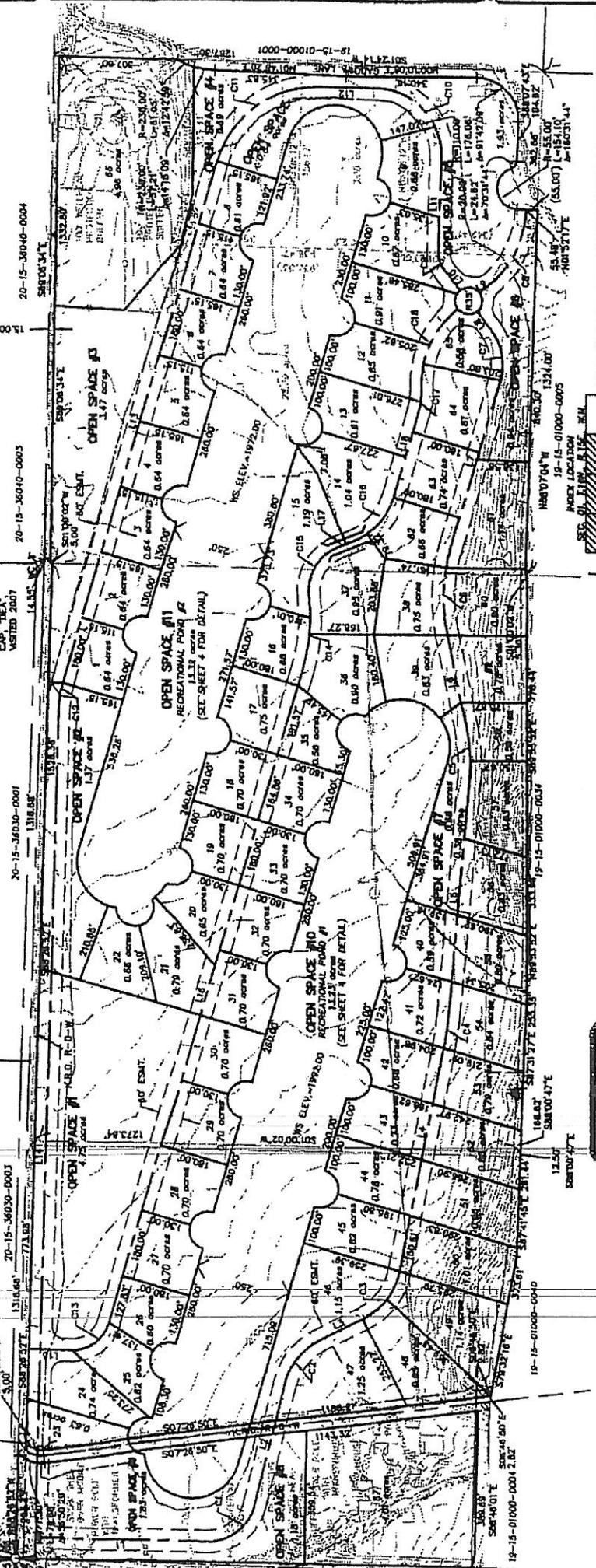
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CLE ELUM, WA 98922
PHONE: (509) 674-7433
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WHITE WATER
PERFORMANCE BASED CLUSTER PLAT
PT 1/4 NORTH 1/2 SECTION 1, T.19N, R.19E, W.14
KITKITAS COUNTY, STATE OF WASHINGTON

OWN BY: G. WEISER
DATE: 07/08
JOB NO.: 08068

CHKD BY: D. NELSON
SCALE: 1"=200'
SHEET: 2 OF 4

DAVID P. NELSON
REGISTERED SURVEYOR
NO. 1250
EXPIRES 7/20/18

LEGEND
 * A SECTION CORNER AS NOTED
 ⊙ EXISTING WELLS
 ○ EXISTING TRANSFORMER
 --- TRAIL

GRAPHIC SCALE
(IN FEET)
1 inch = 80.0 ft

SURVEYOR'S CERTIFICATE
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the request of...
DATE: MAY 2008

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE
1	N01°33'00"W	480.13
2	N78°10'00"W	337.47
3	N08°38'30"W	122.87
4	S78°38'30"W	592.83
5	S01°33'00"W	813.53
6	S78°10'00"W	245.63
7	N78°10'00"W	482.07
8	S01°33'00"W	37.77
9	S33°00'00"W	24.47
10	S11°52'00"W	64.78
11	N69°07'00"W	248.00
12	S00°00'00"W	158.77
13	S72°28'30"W	143.87
14	S68°28'30"W	228.89
15	N01°33'00"W	312.02
16	N78°10'00"W	128.45
17	N01°33'00"W	424.34
18	N78°10'00"W	238.54

RECORDER'S CERTIFICATE
Filed for record this... day of... 20... at... M
in book... of page... at the request of
DAVID P. NELSON
Surveyor's Name
County Auditor: Deputy County Auditor

SURVEYOR'S CERTIFICATE
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the request of...
DATE: MAY 2008
Certificate No.: 18092

YAKIMA PROJECT – KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Allison Kimball

From: Melissa and Jim Briggs [peohpoint@eburg.com]
Sent: Tuesday, December 09, 2008 1:42 PM
To: Allison Kimball
Cc: CDS User
Subject: Fw: WW - updated comments

Community Development Services
Allison Kimball, Planner II

9 Dec, 2008

To Allison,

I would like to include the following to my comments from the 5th of Dec. regarding the White Water Performance Based Cluster Plat (LP-08-00028) based on a conversation with the Department of Ecology. Thank you, Melissa Bates

Regarding the lay-out of ponds and homes on the White Water application, it is possible that wetlands could be created, both on this property and on adjacent properties. According to Ecology, wetlands created on the property by this development would create "non-jurisdictional" wetlands which gives the owners the ability to remove those wetlands. Unfortunately, wetlands created on neighboring lands by this project become "jurisdictional" wetlands and prevent that owner from removing those wetlands. If this occurred, it could be considered a "taking" of private property. The developers must provide financial compensation and/or mitigation for any changes that occur on neighboring lands due to this project. If the county does not address these concerns the county could be liable for any harm that occurs from allowing this project to proceed. Thank you very much, Melissa Bates

Melissa Bates
120 Elk Haven Rd.
Cle Elum, WA 98922

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 8:31 AM
To: Allison Kimball
Subject: FW: White Water PBCP C/O Alison Kimball

Mandy Weed

From: David Thompson [mailto:davidt@eburg.com]
Sent: Monday, December 08, 2008 10:28 PM
To: CDS User
Subject: White Water PBCP C/O Alison Kimball

Allison Kimball

Referance to : White Water PBCP

My Name is David W. Thompson, I live at 4030 Lower Peoh Point RD. This sits on the corner of Lower Peoh Point Rd and Godawa Lane.

I have some very serious concern with this project.

1. Godawa Ln is a dirt road. The prevailing winds comes from the west which means that each time someone drives down this road a dust cloud envelopes the house.
I did not see anything in the SEPA that addresses the issue of dust control from the increase amount of traffic on this road. I have an elderly person that the dust will and already has an adverse effect on.
2. Godawa Ln is a dirt road. Is this road going to be paved? If so, who is going to pay for it. The developer or the land owners or Tax payers. Well I lose some of my property so this can be brought up to county standers? If this road is widen to sixty feet then it will take half of my back yard. This will not increase the value of my property but take value away. Will I be compensated for this lost in value?
3. Water. With this many wells being put in up stream from mine will I have any water left. If I have to drill another well because of this. Will the county or the developer pay for this?
4. Septic system. Will the number of new septic systems have an adverse effect on my well ?
5. Man Made lakes. If the water for the two lakes is coming from the KRD, How will the lakes get water when the KRD is shut off ? Will both lake then become a breeding ground for mosquitoes? Will it become a hazarded for kids and wildlife getting caught in the mud? Will the septic systems leach into the lakes?
6. Noise. The increase traffic will increase the amount of noise. If half the estimated 600 trips use Godawa Ln as the access to the sub-division and I lose half of my back yard the noise this will produce will have an adverse effect on my family. The road will be about thirty feet from my house.

Please do not allow this sub-division to ruin the rural setting of this area.

I can be reached at 674-9015

David W. Thompson
Homer Owner

Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Thursday, December 11, 2008 1:07 PM
To: Allison Kimball
Subject: FW: proposed development of White property

Mandy Weed

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

From: Don Torget [mailto:dontorget@gmail.com]
Sent: Thursday, December 11, 2008 12:55 PM
To: CDS User
Subject: proposed development of White property

To Whom It May Concern,

During this busy time of year the issue of commenting on the proposed development of the White's property slipped by us. We hope you will still consider our comments and concerns and will respond appropriately to these concerns.

Only two issues concern us. First issue is, how does the county plan to accommodate the very large influx of cars on Pays Rd. if this development is given the green light as it is proposed? The second issue is one of zoning. All of this area, as we understand it, is zoned ag. 3. Why are the Whites (or developers) exempt from following the mandates which every other property owner has had to adhere to? It appears discriminatory if only some of the property owners in this area are forced to have a three acre minimum and others be able to circumvent the zoning.

We are firm believers in private property rights. However, the county has a responsibility to adhere to zoning issues and uphold what has already been on the books. If the county has now decided to change the zoning, it should apply to all properties in this area. What does the state regulatory office have to say about the arbitrary changes to zoning at the county level?

Mr. and Mrs. Don Torget
830 Pays Rd.
Cle Elum, Wa 98922

Alison Kimball Planner II

December 7, 2008

RECEIVED
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To Alison,

Before we start we want to question the legibility of how this was presented for public notifications.

A. Background

1. Name of proposed Project-White Water Cluster.
 - a. Displaying of project to the general public via visual posted identification on project- see attached photos A and B taken from intersection of Pays and Iron Mountain Road on the Northwest corner, C taken up drive to mobile home off Iron Mountain, D Iron Mountain Intersection with Pays Rd in background, and E Iron Mountain Road traveling south.

To Alison Kimball,

We resubmit the remarks of Melissa Bates along with attachments, adding some additional information. The impact of uncertain domestic water supply, population density, and septic contamination. None of these have been addressed with facts, only assumptions.

William Harris

William T Harris 12-9-08

Joyce Harris

Joyce Harris 12-9-08

340 Godawa Lane
Cle Elum, Wa, 98922

WW - updated comments

Subject: WW - updated comments

From: "Melissa and Jim Briggs" <peohpoint@eburg.com>

Date: Fri, 5 Dec 2008 10:18:48 -0800

To: "deidre" <linkdal@televar.com>, "Brenda Deeds" <deedsseeds@cleelum.com>, "Larry Fuller" <fuller@eburg.com>, "don & pat franz" <dc-pj@cleelum.com>, "Joanie Mankus" <jgkidsnk@cleelum.com>, "wendy & larry williams" <splitpineacres@eburg.com>, "barb beedle" <barbb@cleelum.com>, "virginia lund" <gingerly@cleelum.com>, "jackie & bob trumpy" <trumpyr@cwu.edu>, "tim & hillary Foss" <tfoss@inlandnet.com>, "ernie merlino" <merlino@inlandwireless.com>, "susan and jock gauron" <susan.gauron@yahoo.com>, "bill and joyce harris" <joyceharris@inlandnet.com>, "Steve and Deb busick" <slbusick@inlandwireless.com>, "bob and dar gray" <grays@wildblue.net>, "benny and grace benjamin" <gtbenjamin@inlandwireless.com>, "Louie and sherry osmonovich" <sherryo@inlandnet.com>, "duane and lorna kenny" <kd7dkb@inlandnet.com>, "Paula Thompson" <thompson@elltel.net>, "Patti and Mike Zinker" <zinker@netscape.com>

Hi Bill,

Deidre said you had trouble opening my comments so I am cutting and pasting to this email. I have modified it since last night (I found the cluster platting bonus points plus I added and clarified info on the water rights). Let me know what you think. Cheers, Melissa

Community Development Services

4 Dec, 2008

Alison Kimball, Planner II

To Alison,

Please accept these comments on the White Water Performance Based Cluster Plat (LP-08-00028). I have followed the SEPA checklist format so that it is easier for you to follow my specific comments/concerns. I may wish to add further comments once the Dept.s of Ecology and Health have submitted their views on this project. Thank you very much, Melissa Bates

Melissa Bates

120 Elk Haven Rd.

Cle Elum, WA 98922

WAC 197-11-960 Environmental checklist.

A. background

1. Name of proposed project, if applicable:

White Water Performance Based Cluster Plat (LP-08-00028)

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is listed as a Performance Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than $\frac{3}{4}$ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than $\frac{3}{4}$ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small."

This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely because they need the services an urban area can provide.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. environmental elements

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat,

WW - updated comments

muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Based on (a) above the CCR's need to ban wood burning stoves.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

Attachment

In 2007 the Whites applied for a Point of Diversion Change: ***Water Right Change Application No. CS4-01296CTCL (KITT-07-01) Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).*** This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn watering work, especially if based on KRD

Water - Surface 4

This is the collection box for the water rights located $\frac{1}{4}$ mile south across the Duncalf property. Photo A, this is the discharge on the White property. Photo B, the collection box is not closed off, so the water passing through - continuous down drain ditch crossing small portion on South East corner of White property and entering Harris property, Photo C.

water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

attachment

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that requires an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. An hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer, "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (ie drain fields). If they can't build upon it - it they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres = 40 points

Class A Water System: = 50 points

Active Recreation : = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. The fallacy behind these assumptions are numerous;

1.) A cursory look at the map shows NO effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development *must* be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should in no way be considered part of the open space when it is not an optional use.

In Response to Melissa Bates - B1. Ground water

In a recent earthquake in early 2002 Mike White along with neighbors on Pays and Groeschell Roads suffered damage to their well water. Mike had to drill a new well, demonstrating how frugal the water table is. The large volume of water needed for this subdivision can not be at the expense of the neighboring property owners.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection.

Chapter 16.09

PERFORMANCE BASED CLUSTER PLATTING

Sections

[16.09.010](#) Purpose and Intent.

[16.09.020](#) Uses Permitted.

[16.09.030](#) Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in [KCC 16.09.090](#) can be found in [KCC 17.14](#) performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in [Title 15A](#). (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in [KCC 16.09.090](#) of this chapter.

Other important factors to consider;

Sixty-seven individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

environmental checklist

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

attach

2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

attach

4. **Plants**

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

In response to Melissa Bates 3.d

The proposed measure to reduce or control surface ground and run-off water is only for the construction activity. White Water does not address storm run-offs from roofs, yards, and roads.

The water migration from Pond #2 on the east corner could create wet lands on my west farm land. This will make it non usable.

Swale to the Northeast end provides run-off of storm and irrigation water on the Northwest corner of our property. (see attachment A)

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

White Water - see 4c above

c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a poor assumption that the County has the most up-to-date info on this issue.

d. Proposed measures to preserve or enhance wildlife, if any: *attach*

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could terrestrial animals expect to get from one side of the development to the other?

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

In response to Melissa Bates 5 d.

Elk migration will be forced to the East on agricultural lands to get around this area. Just as the elk fence along I-90 has forced the migration to the west.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

- b. Has the site been used for agriculture? If so, describe.

attach

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance.

- c. Describe any structures on the site.

- d. Will any structures be demolished? If so, what?

- e. What is the current zoning classification of the site?

- f. What is the current comprehensive plan designation of the site?

- g. If applicable, what is the current shoreline master program designation of the site?

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

White Water - "no other critical area exist on the property." What does this mean in reference to other?

- i. Approximately how many people would reside or work in the completed project?

The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.

- j. Approximately how many people would the completed project displace?

- k. Proposed measures to avoid or reduce displacement impacts, if any:

1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

In response to Melissa Bates 8 b.

This site has been generating crops and livestock production since the KRD water delivery system installed in the mid 1930's. The Class # 1 classification is not only for this parcel, but neighbor lands to the North-East and South.

Subject: Re: White Water PBCP

From: "deidre" <linkdal@televar.com>

Date: Fri, 5 Dec 2008 07:55:49 -0800

To: "deidre" <linkdal@televar.com>, "Brenda Deeds" <deedsseeds@cleelum.com>, "Larry Fuller" <fuller@eburg.com>, "don & pat franz" <dc-pj@cleelum.com>, "Joanie Mankus" <jgkidsnk@cleelum.com>, "wendy & larry williams" <splitpineacres@eburg.com>, "barb beedle" <barbb@cleelum.com>, "virginia lund" <gingerly@cleelum.com>, "jackie & bob trumpy" <trumpyr@cwu.edu>, "melissa bates" <peohpoint@eburg.com>, "tim & hillary Foss" <tfoss@inlandnet.com>, "ernie merlino" <merlino@inlandwireless.com>, "susan and jock gauron" <susan.gauron@yahoo.com>, "bill and joyce harris" <joyceharris@inlandnet.com>, "Steve and Deb busick" <slbusick@inlandwireless.com>, "bob and dar gray" <grays@wildblue.net>, "benny and grace benjamin" <gtbenjamin@inlandwireless.com>, "Louie and sherry osmonovich" <sherryo@inlandnet.com>, "duane and lorna kenny" <kd7dkb@inlandnet.com>, "Paula Thompson" <thompson@elltel.net>, "Patti and Mike Zinker" <zinker@netscape.com>

I made up 6 sets of the KRD soil map with soils class description and enlarged plat map (3 pages in each set). So anyone who wants to include a set with their comments let me know. While it is repetitive, visually the impact is the planners face all the time. Does that make sense?

d

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

From: [deidre](#)

To: [Brenda Deeds](#) ; [Larry Fuller](#) ; [don & pat franz](#) ; [Joanie Mankus](#) ; [wendy & larry williams](#) ; [barb beedle](#) ; [virginia lund](#) ; [jackie & bob trumpy](#) ; [melissa bates](#) ; [tim & hillary Foss](#) ; [ernie merlino](#) ; [susan and jock gauron](#) ; [bill and joyce harris](#) ; [Steve and Deb busick](#) ; [bob and dar gray](#) ; [benny and grace benjamin](#) ; [Louie and sherry osmonovich](#) ; [duane and lorna kenny](#) ; [Paula Thompson](#) ; [Patti and Mike Zinker](#)

Sent: Thursday, December 04, 2008 6:40 AM

Subject: White Water PBCP

Hi everyone,

KRD would also like comments on this project. I stopped in there yesterday. Contrary to what the Whites claim ALL the land they have planned for building is PRIME Type 1 farm land, as rated by the KRD. Got a copy of the soil map KRD uses and a copy of descriptions of soil types. Include a copy of your KRD letter with your comments to CDS. Melissa and I will have drafts available shortly for anyone to use, all or in part.

Deidre

Internal Virus Database is out of date.

Checked by AVG - <http://www.avg.com>

Version: 8.0.169 / Virus Database: 270.8.4/1752 - Release Date: 10/28/2008 10:04 AM

YAKIMA PROJECT – KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Looks like a subdivision, walks like a subdivision, smells like a subdivision... there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking it's toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

c. Proposed measures to reduce or control housing impacts, if any:

Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation *attach*

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

In response to Melissa Bates 14 Transportation

Kittitas County maintains Godawa Lane as a graveled road only to the Northeast corner of development. (attachments A and A.1). The road on the south side of the project does not exist.

Southeast portion is only 15 feet in width and not maintained by the county. (attachment B and B.1)

White residence's traffic creates excessive road dust for ourselves and neighbors at entrance to Lower Peoh Road. This traffic is from beauty Shop customers and western shooters club practice.

The end solution to all these unknown assumptions is that Kittitas County should require Sapphire Skies to move this subdivision 1.4 miles to the Northwest. Here, the infrastructure of South Cle Elum and Cle Elum could supply water, sewage, fire, traffic and police service.

William T Harris 12-9-08
William T Harris

Joyce H Harris 12-9-08
Joyce H Harris

340 Godawa Lane
Cle Elum, WA 98922

1191 Iron Mountain Road
Cle Elum, WA 98922
December 4, 2008

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

RE: LP-08-00028 – White Water Cluster Plat

Dear County Planners,

I live at the end of Iron Mountain Road and would like to voice my serious concerns regarding this 67 home cluster plat. Some of my concerns are significant and some are involve the quality of life we chose when we purchased our 20 acres 16 years ago.

Grave concerns:

- Ground water – There are times at the end of August and beginning of September when our water pressure is low and it appears that we do not have an adequate supply of water. With 67 additional homes in the area, I fear for our water source. I propose that a study to evaluate the adequacy of the area ground water to sustain current users and 67 new home users be done prior to approval.
- AG 3 zoning – I do not understand how AG 3 zoning can become a 67 cluster plat zoning. It makes zoning regulations null and void. Was there ample community notification to affected parties prior to the AG 3 zoning change?
- Traffic – Iron Mountain Road is a small county road, that is not maintained by the county. I trust that development will have to be done on the road, but the potential of 134 more cars is overwhelming. I propose that a traffic study be done to evaluate additional traffic. What requirements to roads would be required? Is there budget available for road improvements or are tax levies planned?
- Irrigation – downstream irrigation will be impacted by the proposed ponds. The water will be warmer with potential for algae, etc. The fertilization from all the homes will seep into the pond and produce nitrates.

Quality of life concerns:

- Country living – 16 years ago we left the suburbs of Seattle to live in the country. We purchased AG 3 land so that we would remain in the country. All the properties surrounding this long plat are 10 – 50 acres. I understand that these properties could be divided into 3 acres, but it would still be country. 67 homes on 112 acres is not country.
- Lighting – We can vividly see the stars at night. When 67 homes and the adjacent street lights are on, there will be no visibility of stars.
- Noise – The ambient sound in this area, with all the homes/families, will increase from rural sounds to non-rural sounds.

Sincerely,

Judy MacMillan

Judy MacMillan



December 3, 2008

Kittitas County CDS
411 N Ruby Street #2
Ellensburg, WA 98926
Attn: Allison Kimball

Re: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Ms Kimball:

Agriculture, wildlife, water – these are but a few of the resources that the Peoh Point area boasts. Small farms eking out an existence, land owners enjoying and paying for the privilege of living in an area of low density and wildlife living in the natural setting it has come to depend on for its existence. Why would the county even consider allowing a plan that would put 67 houses in the middle of this; 67 houses in the middle of land zoned Ag-3?

We believe it is time for the county planners to take a good look at the beauty we have all taken for granted in Kittitas County and start making good zoning decisions which will enable us to keep it that way. Land is our biggest asset and careful thought and investigation should go into the consideration of this project. As adjacent property owners we are asking that this proposed project be denied.

Where will this proposed development get its water and what will they do with their sewage? How will this affect run off and air quality? How will it affect the Elk habitat? How will it impact traffic?

We are sure that you are aware that there are several developments at this very moment putting houses up for auction because they are not selling, do you really think we need more?

Thank you for your consideration in this matter.

Sincerely,


Shelley Bennett
910 Iron Mountain Road
Cle Elum, WA 98922



Allison Kimball

From: Mandy Weed on behalf of CDS User
Sent: Tuesday, December 09, 2008 8:31 AM
To: Dan Valoff; Scott Turnbull; Jeff Watson; Allison Kimball
Subject: FW: White Water PBCP, LP-08-00028

Mandy Weed

From: deidre [mailto:linkdal@televar.com]
Sent: Tuesday, December 09, 2008 7:48 AM
To: krd.keli@fairpoint.net
Cc: CDS User
Subject: White Water PBCP, LP-08-00028

Dear Keli,

While I value an individual's property rights, I do not feel those rights come at the expense of surrounding property owners. One of the proposed ponds covers a KRD lateral. If this proposal were to go through, who pays for the engineering to make sure users beyond the White property suffer no impairment? I feel moving the lateral is only an option if the developer(s) pay 100% of the cost. If that can not legally happen the lateral stays where it is and the pond gets made smaller.

The fact the County maybe be lacking in their designation for this property is no reason to attempt to mislead the Planning Department. The calculation for how many irrigatable acres clearly shows this property to be prime farmland. I mean, you don't get assessed for 101 irrigatable acres to water clay and rocks. Pllleeze!!! The property has a long history as a productive farm.

Another even bigger concern I have, and while not necessarily a KRD concern (tho it could), is the use of 67 individual septic systems surrounding these 2 man-made ponds. Contamination and or stagnate water could pose a huge problem. A group septic appears to be impossible as ALL the available space of the 112 acres is already used.

Oh, and what happens on a water short year? I really do question the "completeness of this application.

Thank you for this opportunity to comment.

Regards,

Deidre Link
560 Hawk Haven Rd.
Cle Elum WA 98922

WHITE WATER:

DECEMBER 9 2008

ALLISON KIMBALL, PLANNER II.

RECEIVED
DEC 09 2008
Kittitas County
CDS

1

EXTREME AMOUNT OF WATER FOR HUMAN CONSUMPTION FROM WELLS.

2

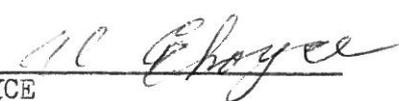
DRAIN FIELDS FROM SEPTIC TANKS POSSIBLY DRAINING INTO
WATER TABLE AND WELLS ON SITE AND SURROUNDING NEIGHBORING PROPERTIES.

3

ROADS.

4

TRAFFIC.


AL CHOYCE

December 5, 2008

CDS
411 N. Ruby St., Suite 2
Ellensburg WA 98926

RECEIVED
DEC 05 2008
Kittitas County
CDS

Re: White Water PBCP – LP-08-00028
Staff Planner: Allison Kimble

To Whom It May Concern,

I've lived here all my life and know the land the proposed application covers to be some of the best farmland in Upper County. I'm providing documentation from KRD refuting the claim the land is not prime farmland. I personally know John Rothlisberger farmed this property for many years.

While I strongly value individuals' property rights, good planning in rural areas dictates what is appropriate. The proposed cluster plat does not even *look* like a cluster plat. This kind of density belongs close to a large city not in rural areas. I feel the proposed cluster plat does not meet the intent of code 16.09. There is no clustering of the homes and there is no contiguous open space.

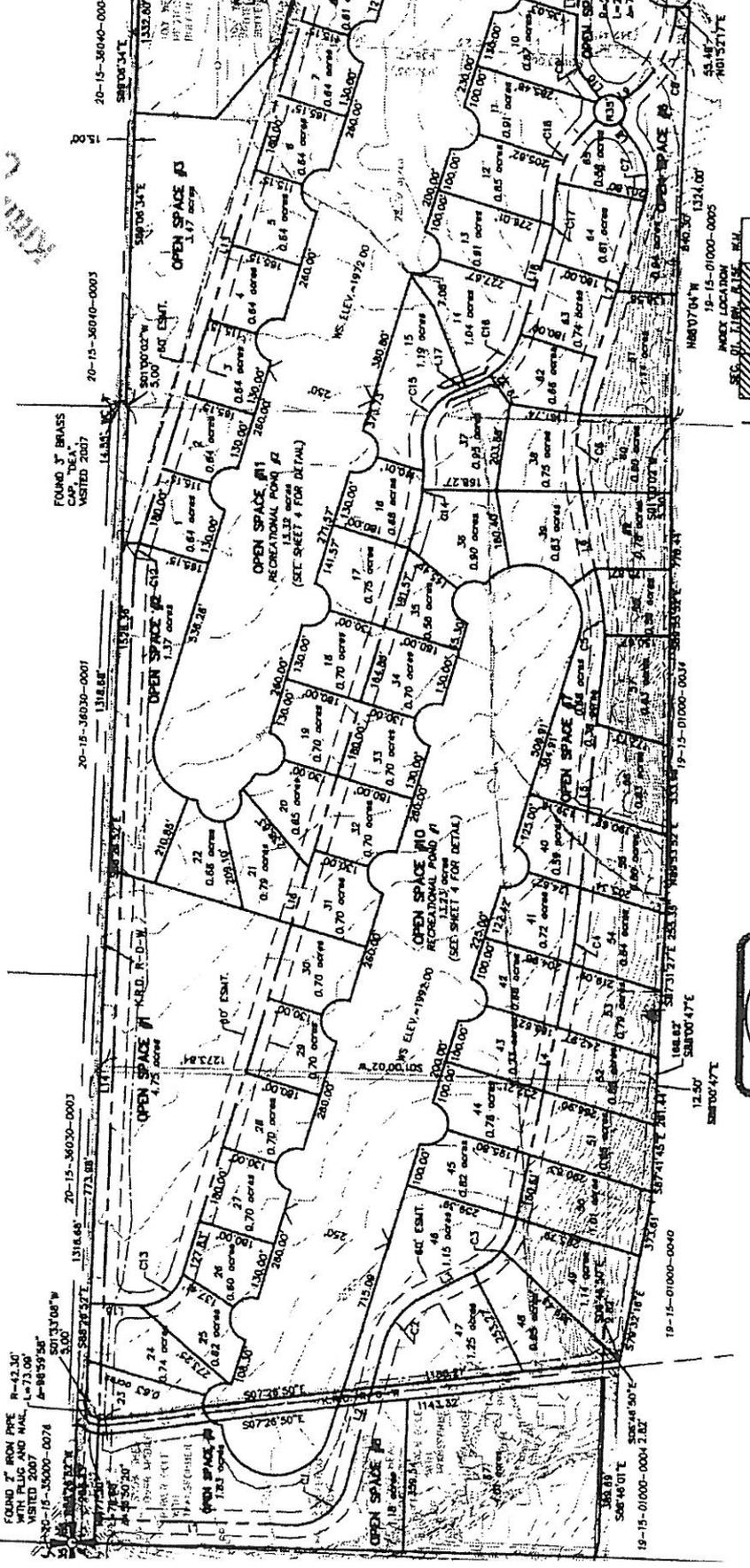
The other issues I have with this proposal are covered very well by the comments submitted by Melissa Bates. I ask you reference those comments for my concerns with water quantity/quality, septic, soil removal, traffic, air, wildlife, fire and services.

Thank you for this opportunity to comment.
Regards,



Steve and Chris Filleau
351 Hawk Haven Rd.
Cle Elum, WA 98922

AND INFORM THE DESIGN ENGINEER
OF ANY DISCREPANCIES
Call Before You Dig
1-800-853-4344

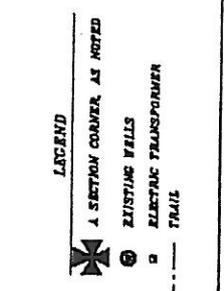
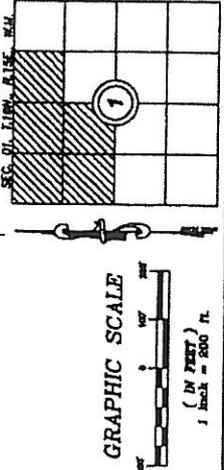


Encompass
ENGINEERING & SURVEYING
108 EAST 2ND STREET
GLE ELM, VA 98022
PHONE: (509) 674-7433
FAX: (509) 674-7419

WHITE WATER
PERFORMANCE BASED CLUSTER FLAT
PTL NORTH 1/2, SECTION 1, T.19N, R.45E, W.4
KITITAS COUNTY, STATE OF WASHINGTON

DWN BY: G. WEISER
DATE: 07/08
JOB NO.: 08068

CRD BY: D. NELSON
SCALE: 1" = 200'
SHEET: 2 of 4



DAVID P. NELSON
PROFESSIONAL SURVEYOR
STATE OF WASHINGTON
LICENSE NO. 15100
EXPIRES 7/28/18

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE
L1	N01°31'00"W	450.13
L2	N70°18'04"W	337.47
L3	N02°45'30"W	122.87
L4	S78°49'45"E	592.63
L5	N65°05'50"W	613.53
L6	S70°28'43"W	245.62
L7	N73°30'05"W	463.07
L8	S81°52'22"W	57.77
L9	S80°27'36"E	24.67
L10	S15°54'27"W	64.78
L11	N00°07'04"W	244.00
L12	S00°02'08"W	150.77
L13	S72°30'05"E	1431.87
L14	S48°28'52"E	2254.02
L15	N01°31'00"W	112.02
L16	N73°30'05"W	1798.45
L17	N73°30'05"W	40.54
L18	N73°30'05"W	238.54

LEGEND

- ▲ SETBACK CORNER AS NOTED
- ⊙ EXISTING WALLS
- ELECTRIC TRANSFORMER
- TRAIL

RECORDER'S CERTIFICATE

Filed for record this day of 20..... at M
in book of page at the request of
.....
DAVID P. NELSON
Surveyor & Name

County Auditor Deputy County Auditor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of..... MISTY MOUNTAIN, LLC
in..... MAY..... 2008.

DAVID P. NELSON
Certificate No. 18092
DATE

YAKIMA PROJECT – KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON