

## KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

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### MEMORANDUM

TO: Dan Valoff  
FROM: Christina Wollman, Planner II  
DATE: February 5, 2008  
SUBJECT: Tumbling Ridge PUD Rezone Z-07-16 and Preliminary Plat P-07-61

In order to fully review the environmental impacts of the Tumbling Ridge PUD, the Department of Public Works requests the following information:

Geotechnical Investigation: Geotechnical conditions shall be investigated and tested to verify geologic hazards.

Testing shall be completed by a civil engineer licensed to practice in the State of Washington in accordance with WSDOT Geotechnical Design Manual or AASHTO design manuals. Test results and the engineering report shall be provided to Public Works along with the road plans and profiles.

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FEB 21 2008

KITTITAS COUNTY  
CDS

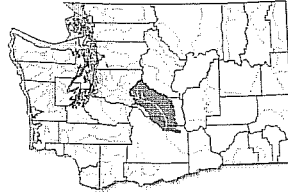


STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 19, 2008



Your address  
is in the  
**Upper  
Yakima  
watershed**

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

Dear Mr. Valoff:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Tumbling Ridge rezone and long plat, proposed by Tumbling Ridge, LLC [Z 07-16/P 07-61]. We have reviewed the documents and have the following comments.

### **Air Quality**

If the proponent is planning to remove trees or debris from the property, they need to verify that the property is located outside the Urban Growth Area (UGA), where residential and land clearing burning is prohibited. They can do so by contacting their county planning department. If the project location is outside the UGA, they need to obtain a burn permit from Ecology if they are planning to burn trees or debris from the property. Only natural unprocessed vegetation may be burned in an outdoor fire. If the project location is inside the UGA, they must use an alternative to burning.

Due to the dry conditions of our region, we are reminding people that extra efforts are needed to control blowing dust and dirt. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on property. The FDCP should include, but is not limited to, the following components:

- Identify all potential fugitive dust emission points.
- Assign dust control methods.
- Determine the frequency of application
- Record all dust control activities.
- Train personnel in the FDCP.



- Shut down during windy conditions.
- Follow the FDCP and monitor dust control efforts.

Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

If you have any questions concerning the Air Quality comments, or would like assistance in creating a FDCP, please contact Maureen McCormick at 509-454-7660.

### **Water Resources**

Any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for industrial purpose, or for the irrigation of more than ½ acre of lawn or non commercial garden will require a permit from the Department of Ecology.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development if in combination, the withdrawal will exceed the exemption criteria.

Use of water under the groundwater exemption has been interpreted in two Attorney General Opinions (AGO 1997 and AGO 2005) and by the Supreme Court in the Campbell & Gwinn decision. The 1997 AGO states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic purposes exceeds 5,000 gallons per day or if a total of more than 0.5 acre of lawn and garden are irrigated.

Mr. Valoff  
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Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited, your use could be curtailed by those with senior water rights.

All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

With the Supreme Court's guidance on the limitations of groundwater exemptions, all lots within this proposed subdivision would be covered by a single groundwater exemption provided this development is not part of a larger project.

To comply with the 5,000 gallon per day limit, Ecology recommends metering the wells for this development. Water use data should be recorded by the property owner of the well monthly. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions. For metering information, please contact Ken Schuster at (509) 454-4263.

To comply with irrigating up to 0.5 acres of lawn and garden, Ecology recommends requiring property covenants for each lot to limit the amount of the lawn and garden to be irrigated so it adds up to the maximum allowable acreage.

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

## **Water Quality**

### Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

Mr. Valoff  
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The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> . Please submit an application or contact Cory Hixon at the Dept. of Ecology, (509) 454-4103, with questions about this permit.

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012



**Washington State**  
**Department of Transportation**  
**Paula J. Hammond**  
Secretary of Transportation

**South Central Region**  
2809 Rudkin Road, Union Gap  
P.O. Box 12560  
Yakima, WA 98909-2560

(509) 577-1600  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

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**KITTITAS COUNTY  
CDS**

February 19, 2008

Community Development Services  
Kittitas County  
411 N. Ruby, Suite 2  
Ellensburg, Washington 98926-6300

Attention: Dan Valoff, Staff Planner

Subject: Tumbling Ridge 14-Lot Preliminary Plat (P-07-61)  
& Planned Unit Development Rezone (Z-07-16); Parcel #20-15-31050-0001  
~1,000 Feet Northwest of I-90, Exit 80 (Bullfrog Road Interchange)

We have reviewed the proposed project and have the following comments.

1. The property is not adjacent to any WSDOT-maintained roads, but is about 1,000 feet northwest of the Interstate 90 Bullfrog Road Interchange (Exit 80). I-90, including the ramps, is a fully-controlled limited access facility with a posted speed limit of 70 miles per hour. No direct access will be allowed within the limited access boundaries of I-90 or Bullfrog Road.
2. In the past (comment letters dated November 23, 1999; July 17, 2000; September 20, 2000; September 9, 2002; and October 24, 2002), we expressed our concerns that Suncadia is creating impacts to the I-90 Exit 80 interchange. While this proposal will not create as great an impact to the interchange as Suncadia, the additional traffic, together with the traffic from Suncadia and other recent developments in this area, will require improvements to Exit 80 that would not be necessary without these developments. To be fair and consistent we recommend the County require the proponent to contribute to future improvements to the interchange in proportion to their impacts to it.
3. I-90 is an existing facility and the proponent will be generating a more noise-sensitive land use. The proponent should be aware that they are proposing development in an area with traffic noise. They should also expect that traffic noise will continue to grow into the future, and, as an essential public facility, I-90 will need to be expanded to accommodate future traffic growth. It is the developer's responsibility to dampen or deflect any traffic noise for this development.
4. Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. Please contact Rick Gifford of the WSDOT South Central Regional Office at (509) 577-1985 for specifics.

Dan Valoff, Kittitas County – Tumbling Ridge PUD (14 Lots)

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5. The WSDOT has long-range plans to widen I-90 to six lanes from Easton (milepost 71.56) to Cle Elum (milepost 84.2). The plans are only preliminary. No decisions have been made, and no funding has been procured.

Thank you for the opportunity to review and comment on this proposal. If you have any questions concerning our comments, please contact Rick Holmstrom at (509) 577-1631.

Sincerely,



Bill Preston, P.E.

Regional Planning Engineer

BP: rh/jjg

cc: File #1, SR 90 (related to SR 90, #20 (2006))  
Rick Gifford, Traffic Engineer  
Terry Kukes, South Central Area 1 Maintenance Supervisor  
Gregg Hall, City of Cle Elum

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Confederated Tribes and Bands  
of the Yakama Indian Nation

Established by the  
Treaty of June 9, 1855

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

February 4, 2008

Subject: Tumbling Ridge PUD Rezone (Z-07-16) & Tumbling Ridge 14-Lot Preliminary Plat (P-07-61) Applications

Dear Mr. Valoff,

Thank you for contacting the Yakama Nation Cultural Resource Program regarding the applications listed above. These projects fall within the ceded lands of the Yakama Nation, defined as the usual and accustomed areas and places utilized by the ancestors of the Yakama People for the gathering of foods, medicines, and ceremonial purposes. These legal rights are outlined in the Treaty of 1855 between the Yakama Nation and the United States government. Just as in the past, these lands and their resources continue to fulfill a central role in the culture of members of the Yakama Nation in the present, and will continue to do so in the future.

The application describes a Planned Unit Development (PUD) rezone of 17.74 acres and an associated 14-lot plat on the subject property. The project is located west of Cle Elum off of Bullfrog Road and Jenkins Drive within the northern ½ of Section 31, T20N, R15E.

A review of the Washington State Department of Archaeology and Historic Preservation (DAHP) cultural site files indicates the presence of site 45KT1367 within the northern portion of the subject property. This site is associated with Native American utilization of the area. According to Revised Code of Washington (RCW) 27.53.060:

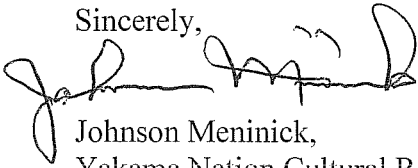
On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any archaeological object from such site, except for Indian graves or cairns, or any glyptic or painted record of any tribe or peoples, or historic graves as defined in chapter 68.05 RCW, disturbances of which shall be a class C felony punishable under chapter 9A.20 RCW, without having obtained a written permit from the director for such activities.

We refer you to the Washington State Legislature website for other aspects of this RCW (<http://apps.leg.wa.gov/RCW/default.aspx?cite=27.53.060>). Given the potential violation and subsequent penalties which may be incurred should the proposed plat be constructed and 45KT1367 damaged, we recommend the application be suspended and further consultation undertaken between the Yakama Nation and DAHP.



Please contact me at 1-509-865-5121 ext. 4737 or tribal archaeologist Dave Woody at ext. 4760 if you have any questions regarding that which is written above.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnson Meninick". The signature is fluid and cursive, with a large initial "J" and "M".

Johnson Meninick,  
Yakama Nation Cultural Resources Program Manager

CC: Scott Williams, Assistant State Archaeologist, Washington State Department of  
Archaeology and Historic Preservation (DAHP)

Kate Valdez, Yakama Nation Tribal Historic Preservation Officer (THPO)



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STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

128 - 10<sup>th</sup> Avenue SW • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000

January 25, 2008

Dan Valoff  
Staff Planner  
Kittitas County Community Development Services  
411 North Ruby Street Suite 2  
Ellensburg, Washington 98296

Dear Mr. Valoff:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**County of Kittitas - Proposed rezone of Tumbling Ridge PUD (Z-07-16) & Tumbling Ridge 14-lot preliminary plat (P-07-61). These materials were received on 01/25/2008 and processed with the Material ID # 12616.**

We have forwarded a copy of this notice to other state agencies. If this is a draft amendment, adopted amendments should be sent to CTED within ten days of adoption and to any other state agencies who commented on the draft.

If you have any questions, please call me at (360) 725-3045.

Sincerely,

*Linda Weyl*  
*for*

Joyce Phillips  
Growth Management Planner  
Growth Management Services

Enclosure

## STATE AGENCIES REVIEWING DEV REGS

Revised December 2007

Cities and counties need to send electronic copies of their draft development regulations to the Washington State Department of Community, Trade and Economic Development (CTED), GMS Review Team, [reviewteam@cted.wa.gov](mailto:reviewteam@cted.wa.gov), at least 60-days ahead of adoption. If a jurisdiction only has hard copies available, it should mail a copy to each of the agencies' representatives listed below, at least 60-days ahead of adoption. Adopted regulations should be sent to CTED, either by mail or email, immediately upon publication, as well as to any state agencies that commented on the draft. A jurisdiction does *not* need to send its regulations to the agencies which have been called ahead and that have indicated the local regulations will *not* be reviewed. The jurisdiction should keep a record of this contact with state agencies and the state agencies' responses.

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Department of Social and Health Services  
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(360) 902-8164 Fax: 902-7889  
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SEPA/GMA Coordinator  
Department of Ecology  
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Review Team  
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Hugo Flores  
Washington State Dept of Natural Resources  
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E-mail: [hugo.flores@dnr.wa.gov](mailto:hugo.flores@dnr.wa.gov)

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Environmental Health Division  
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Email: [Kelly.cooper@doh.wa.gov](mailto:Kelly.cooper@doh.wa.gov)

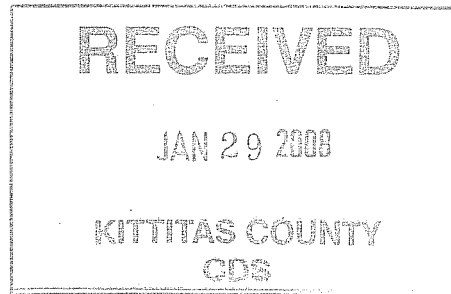
# Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.  
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Susan K. Harrel  
Jeff Slothower  
James T. Denison, Jr.  
D. Keith B. Dunnagan

Direct Telephone (509) 925-5622  
Direct Fax (509) 925-3861  
Telephone (509) 925-6916  
Fax (509) 962-8093



January 28, 2008

Dan Valoff, Staff Planner  
Kittitas County Community Development Services  
411 North Ruby  
Ellensburg WA 98926

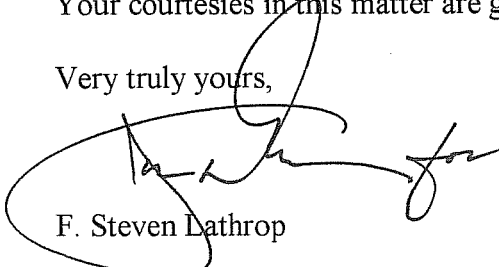
RE: Tumbling Ridge PUD Rezone (Z-07-16) and  
Tumbling Ridge 14-lot Preliminary Plat (P-07-61)

Dear Dan,

I represent Suncadia, LLC, which owns property adjacent to the property referenced in the hereinabove referenced applications. I have downloaded from your web-site copies of the Tumbling Ridge applications, Public Works comments, Notice of Application and Affidavit of Posting. I would request now that you provide me with any additional documents which may be part of your file(s) for the Tumbling Ridge applications. Further, I would request that I be provided with copies of any notices, comments, staff reports, resolutions, ordinances, or other documents which may be produced or filed relative to these applications from this point forward.

Your courtesies in this matter are greatly appreciated.

Very truly yours,



F. Steven Lathrop

FSL/rlc

cc: Suncadia, LLC