

September 24, 2009

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Kittitas County  
CDS

Community Development Services  
411 N. Ruby Street  
Ellensburg, WA 98926

Dear County Commissioners/County Development Services:

We write to again challenge the Dakota Heights Performance Based Cluster Plat P-07-00053, a proposed 14-lot cluster plat, served by a class B well on approximately 21.03 acres of land that is zoned AG-3, located off Watson Cutoff Road and Upper Peoh Point Road. (Section 6, T9N, R16E) We previously challenged this same plat on February 8, 2008.

Historically, on October 5, 2006, you approved the Pine View Estates Cluster Housing Development application from Jeff Potter, Tacoma, WA which is also located off Watson Cutoff Road and Upper Peoh Point Road, Cle Elum, against the recommendations of the Kittitas County Planning Commission and the Washington State Department of Ecology.

There were three additional 14-lot cluster plats that were submitted by one developer on October 14, 2006 in this same vicinity: Vaquero Valley P-06-37, White Tail P-06-33 and Watson Cutoff P-06-34. Our neighborhood challenged this development in court and these three cluster plat applications were withdrawn. Dakota Heights looks like a reconfiguration of one of those three plats.

Since Dakota Heights LLC 14-lot Performance Based Cluster Plat is not an isolated division of land. This entire development is in opposition to the landmark Supreme Court decision Campbell-Gwynn. Adjacent projects require cumulative review so that the potential impacts of all the development and possible mitigation can be appropriately assessed.

Now that there is a moratorium on drilling wells supported by our AG and Governor Gregoire, it is more imperative that the Geiger-owned development be challenged.

The county needs to consider common ownership related to common development, impact on infrastructure, environment, natural resources, wildlife, air quality, light pollution, quality of life and finally, the policies of the Departments of Ecology and Health need to be addressed. In the letter from the county, the only 2 conditions briefly mentioned are outdoor lighting directed downward and development and construction occurring between 7 am and 7 pm. There are far more essential considerations.

Here is why Dakota Heights Cluster Plat threshold determination should be that of a Determination of Significance:

1. WATER: Kittitas County is failing to protect the Upper County Watershed which affects the availability of water for Upper County Residents.

According to the WA state Departments of Ecology and Health, this development would not qualify for a Group B well. The proposed Dakota Heights LLC requires a Class A well which in turn, requires a different system and a water right. Currently, there is a wait list and priority system due to an over-allocated basin. Water is our most important issue when reviewing these applications. This should not have to go back to the state agency for review. Dakota Heights is yet another example of unchecked development where there is inadequate information on water supply to support such sprawl. Citizens in the area have informed the county about problems with well, reduced flow and sediment in the water in the Upper Peoh/Watson Cutoff/Lower Peoh areas. With the ongoing work on water issues and potential litigation, (once again), Kittitas County is acting irresponsible manner to continue to authorize cluster plat divisions of land, knowing that the owners will be utilizing a water source that may not be legal. The State Department of Health has stated that this county can allow up to 9 hook ups for a single development. Since this Dakota Heights proposal is part of a larger project, a cumulative review is required.

The county is condoning altered hydrology systems in Upper County by allowing development in the fields and forests that are the source of our watershed. Long-term modifications to and reductions in water quantity will have dramatic impact upon Upper County.

According to Bill Hinkle, a Yakima Basin ground water study is underway. It has not yet been completed, which further explains why there is a moratorium on drilling any new wells. Kittitas County is still in the process of undertaking an extensive inventory of past and present well production countywide. Hinkle said the basin wide study doesn't cover much of Upper County which needs a much closer look. "There are decisions being made on developments without a way to evaluate the impacts," he said. In the meantime, the Notice of Application Dakota Heights Cluster Plat P-07-00053 reads, "The lead agency for this proposal has determined that the proposal will not have a probably significant adverse impact on the environment." Facts are not available in support this determination.

The intense use of groundwater has caused major water-level declines and significantly decreased the saturated thickness of aquifers in some areas. Land drainage is a source of ground-water depletion, as the construction of drainage ditches and canals in superficial systems can lead to regional lowering of the water table.

Declining ground water levels have three main effects on water wells. First, as the depth to water increases, the water must be lifted higher to reach the land surface. As the lift distance increases, so does the energy required to drive the pump. Therefore, power costs increase as ground-water levels decline. Second, ground water levels may decline below the bottom of existing pumps, necessitating the expense of lowering the pump, deepening the well, or drilling a deeper replacement well. Third, the yield of the well may decline

below usable rates. Please research the number of residents having trouble with water supply, experiencing dry wells, sediment in the water and decreased flow.

## 2. SALMON AND OTHER ENDANGERED SPECIES:

According to the Department of Fish and Wildlife, an excess of wells can lower the water table. A lowered water table affects the ability of our waterways to maintain temperature. A rise in temperature has already been noted in both the Teanaway and Yakima Rivers. This increase in temperature will cause the rivers to lose their ability to support aquatic diversity.

Sewage run-off from yet another 14 residences built on 21 acres built on blue clay soil will flow down to the Yakima River, acting as pollutants to the aquatic life.

## 3. TRAFFIC AND CONGESTION:

The county has an obligation for the greater good of the taxpayers to evaluate all cumulative impacts of development activity, including but not limited to, traffic.

With regard to traffic, both the state and the county agree that a single family home typically is on the road 10 times a day. The Dakota Heights Cluster would add 140 trips a day. In isolation, this traffic flow is not extreme, however, the cumulative effect of the traffic from the other approved developments off Upper Peoh Point is significant.

Additional vehicles to the current 5,000 vehicles using the South Cle Elum road and bridge would exacerbate the problem of urban density traffic. Combined with poor traffic planning, our infrastructure is at risk.

State law requires local governments to plan for growth. Road usage is a vital part of that plan. RCW 36.70A070 directs that a local government must establish a level of service, inventory all transportation facilities and services 'to define existing capital facilities and travel levels,' and project future needs.

RCW 36.70A70 requires a transportation element that implements, and is consistent with the land use element. Urban densities are inappropriate. Under this RCW, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standard adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

## 4. COMPROMISING RECREATION AND WILDLIFE HABITAT

This land is a migration route for elk and deer. According to the Department of Fish and Wildlife, elk need such passageways in order to migrate to the lowlands for winter

feeding and water. Approval of Dakota Heights will prevent the elk from moving across the land to the Yakima River.

Changes in scenic quality and recreational opportunities owing to loss of open space, decreased parcel size and fragmentation, all of which will degrade the recreational experience for cross country skiers, hikers, campers, mountain bikers and lead to increased likelihood of land use conflicts (Gobster and Rickenback, 2004.)

Tourism is big business. According to Thomas Michael Power, professor and chair of the Department of Economics at the University of Montana,...”more and more travelers want to make direct contact with the landscapes, communities and cultures they visit. By turning forest, range and farmland into houses, we are undermining what is unique about our area and may well be destroying our own market.”

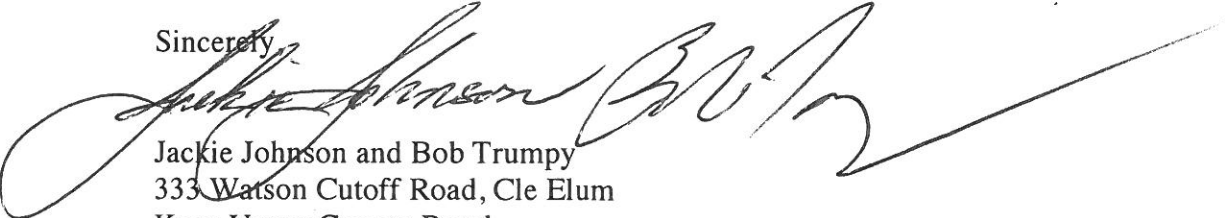
If you approve the proposed Dakota Heights Cluster Plat by issuing a Determination of Non-Significance, you continue to support the destruction of more resources that draw tourists and others who seek out forest, field and farms for recreation, food source and relaxation.

You continue to neglect to research and pay attention to the environmental impact of converting sensitive areas (forest, fields and wildlife) into cluster developments. The State Growth Management Plan states that cluster housing needs to be located adjacent to cities where the infrastructure is already in place. Adjacent cluster plat developments on Ag-3 zoned land do not meet that specific criteria. Cluster plats do not belong in rural settings like Upper Peoh Point Road. Cluster plats need to be confined to the city limits where infrastructure is in place and water is available. If Dakota Heights Cluster Plat is issued as a DNS, you are in violation of the RCW’s mentioned above, the moratorium on drilling and the Growth Management Act.

Commissioners approving these cluster plat applications seem to be more about select individuals profiting and less about using common sense to preserve the natural resources and therefore, quality of life, we currently enjoy in Upper County. Completing an environmental checklist has no merit when considering the outcome of building a 14 lot cluster development.

We urge you to adequately and thoroughly evaluate this proposal through an environmental impact statement with consideration to ethics, impact on wildlife, infrastructure, water availability, air quality, light pollution, traffic, etc. to avoid further litigation.

Sincerely,



Jackie Johnson and Bob Trumpy  
333 Watson Cutoff Road, Cle Elum  
Keep Upper County Rural