



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

February 29, 2008

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

Dear Mr. Valoff:

Thank you for the opportunity to provide additional comments on the optional determination of non-significance process for the cluster plat of approximately 21.03 acres into 14 lots, proposed by Todd and Terry Geiger [P-07-53], also known as Dakota Heights LLC. We have the following additional comments to Ecology's previous letter dated February 12, 2008:

**Water Resources**

This parcel, parcel No. 1916060100019, was originally proposed to be developed into a 14-lot Performance Based Cluster Plat by White Tail LLC back in October 2006. In November 2006, a Mitigated Determination of Non-significance (MDNS) was issued by Kittitas Community Development Services. That MDNS was appealed by the Department of Ecology in December 2006.

Ecology believed White Tail LLC's project was related to three other adjacent 14-lot Performance Based Cluster Plats that were proposed at the same time by the same owners, for a total of 56 lots. Ecology believed the County's review of this original project violated WAC 197-11-060(3)(b) because it did not consider the cumulative environmental impacts, including cumulative impacts of water use, of this plat and the other three interdependent developments. At the time, these four developments were under common or overlapping ownership, which proposed to share interdependent facilities (including roads and utility corridors) and were being developed contemporaneously.

Further, Ecology raised concerns that the checklist was inadequate because it failed to disclose any information relative to the potential environmental impacts of the proposed use of water for development, alone or in conjunction with related developments. Those impacts would include adverse effects on existing water rights and any hydraulically connected water bodies. The SEPA exemption for ground water withdrawals (WAC 197-11-800(4)) does not apply here because the platting approval for this project itself requires SEPA compliance that in turn nullifies application of the exemption. See WAC 197-11-305(1)(b)(i).



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According to the map attached to the current proposal, File No. P-07-53, roads will be shared with adjacent parcel No. 1916060100008. This adjacent parcel, owned by Pine View Estates LLC, was one of the original 14-lot Performance Based Cluster Plat (File No. P-06-20). Since there are still common facilities, interconnected plans, and relatively contemporaneous development of the two parcels which derive from a common parcel recently created, it is our opinion that the Dakota Heights parcel no. 1916060100019 continues to part of a larger a larger project. In other words, the change in ownership has not altered its status as part of the proposed group use.

In summary, Ecology considers at a minimum these two projects (Pine View Estates and Dakota Heights) to be a single project and therefore subject to cumulative environmental review and a group domestic use under RCW 90.44.050. Because the combined total 28 lots between both projects would exceed water use of 5,000 gallons per day under the groundwater exemption (RCW 90.44.050), these projects require a water right.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Thomas Tebb". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

G. Thomas Tebb, L.E.G.  
Section Manager  
Water Resources Program  
Central Regional Office

GTT:MD:gh  
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cc: Gwen Clear, Department of Ecology, CRO