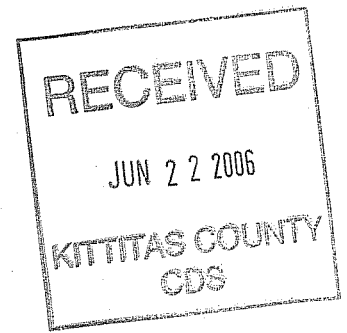


810 Sanders Road
Ellensburg, WA 98926

June 21, 2006

Joanna Valencia and Patrick Butler
Kittitas County Community Development Services Department
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926



Dear Ms. Valencia and Mr. Butler:

Thank you for the opportunity to comment on the environmental impacts of The Grove PUD Rezone (Z-06-14) application. In reviewing the application and relevant references, we have discovered that a **Determination of Non-Significance under SEPA would be completely inappropriate in this case.**

The proposed PUD would have significant adverse impacts on the natural and human environment, specifically in regards to water, land use, transportation, and public services. Further, gross inaccuracies and omissions in the proponent's application make it impossible for the lead agency to assess whether a DNS is warranted, and reflect a disregard for the legal processes of Kittitas County, the City of Ellensburg, and the State of Washington.

In the attached document, we delineate errors, omissions and inaccuracies in the SEPA checklist and rezone application submitted by the proponent. Of particular concern are the following items:

1. The proposal to fill in the main channel of Mercer Creek, which is listed as a "private diversion", would adversely impact the flood capacity and increase the erosion potential of Mercer Creek.
2. The proposed zoning and unit density are not consistent with the City of Ellensburg's Comprehensive Plan or the Airport Overlay Zone.
3. The proponent misleadingly represents the adjacent pasture as "CWU Future Expansion"; CWU's Master Plan 2005 indicates that there are no plans for expanding the campus to this property.
4. The proponent states that there are no other pending applications associated with this property. Sara Wolfe applied to the City of Ellensburg for the annexation of her property in January, 2006, and that application is still pending. The density proposed by The Grove disregards the recommendations made by the Ellensburg City Council in reviewing the annexation request.

We submit this letter and the attached document as our formal comments on The Grove PUD Rezone. Thank you for incorporating this information into your assessment of the proposal's environmental impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles S. Wassell, Jr.".

Charles S. Wassell, Jr.

A handwritten signature in black ink, appearing to read "Rebecca D.G. Wassell".

Rebecca D.G. Wassell

Encl: Inaccuracies in The Grove's application for a PUD and SEPA checklist

Cc: City of Ellensburg, WA State Department of Ecology, WA State Department of Fish and Wildlife

Inaccuracies in The Grove's Application for a
Planned Use Development and SEPA Checklist

June 21, 2006

Items are addressed in the order they appear in the "Notice of Application: The Grove PUD Rezone (Z-06-14)."

1. Item 13 on the Rezone Application – *The application states that there are no other applications pending regarding this property.* Sara Wolfe applied to the City of Ellensburg for annexation, which was recommended by the City in January of 2006 (c.f. City Council of Ellensburg Resolution No. 2006-02). Her application for annexation is currently under review by the Washington State Boundary Review Board for Kittitas County.
 - By pursuing a PUD from the County while trying to pull out of annexation proceeds, the opportunity for public comment is reduced. Under the existing annexation proceedings, there will be opportunity for comment with the Boundary Review Board, then presumably two additional opportunities with the Ellensburg City Council. Under the PUD proposal there is a single opportunity for public comment to the County, and no formal opportunity to comment to the City of Ellensburg on The Grove's presumed request for extension of public utilities; extension of public utilities is *de facto* annexation under whatever zoning the County decides upon.

2. On the CWU Locator Map there is a region labeled as "Central Washington University Future Expansion."
 - There is no stated plan for CWU expansion; the CWU Campus Facilities Master Plan 2005 (p. 52) states that:

Non-contiguous university property (i.e. Flight Technology Building, ..., Airport Road Property) is not included in the zoning and does not fall into these zone planning criteria [...] These properties will be addressed individually as specific proposals for their use warrant. Some parcels may be part of future land exchanges.

 - Note that CWU ownership in no way equates to future CWU expansion.

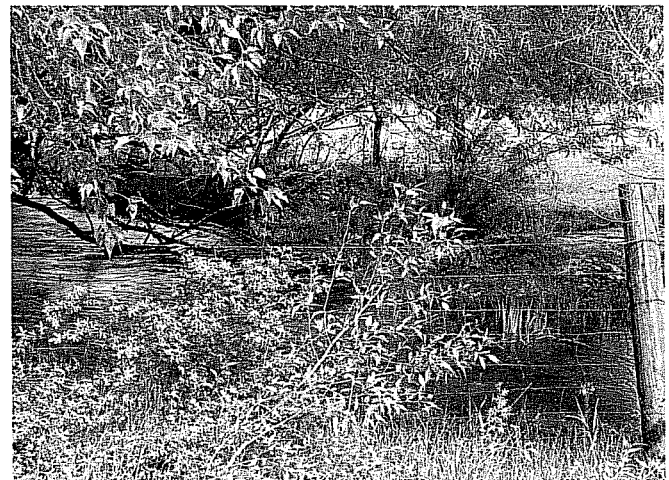
3. Item 11A of the Rezone Application asks whether the proposed amendment is compatible with the comprehensive plan. *The application states that the existing land use designation of High Density Residential – Ellensburg allows for up to 18 dwelling units per acre.* The application is not consistent with either the Kittitas County Comprehensive Plan or the City of Ellensburg Comprehensive Plan.
 - Ellensburg Urban Growth Area document, adopted June 16, 1997
 - i. (p. 3) "*Development proposals and public projects within the UGAs shall be jointly reviewed by the County and City.*" We are unaware of any joint consideration of the proposed PUD.
 - ii. (p. 3) "*Comprehensive ... planning within the UGA shall be accomplished on a joint basis between the City and County. Primary planning responsibility*

should be vested with the City by virtue of the UGA designation.” Approval by the County of the proposed PUD would significantly impact development in the vicinity at a time that the City of Ellensburg is formulating their new comprehensive plan.

- iii. (p. 4) “Development and subdivisions in the Urban Growth Area will be subject to joint review with the Cities according to the development standards and comprehensive plans developed for that UGA, when those standards are developed. The county shall enforce these standards in the permit review process.” This suggests that the City of Ellensburg comprehensive plan is the prevailing document, for the purposes of determining design standards, zoning, etc.
 - iv. Figure H in the City of Ellensburg Comprehensive Plan shows that the Wolfe property is intended to be High Density Residential for 250 feet from the arterial (Airport Road). The remaining 380 feet (approx.) of the property is intended to be zoned Urban Residential. It is hardly the case that the property, in its entirety, is designated High Density Residential – Ellensburg.
 - The Kittitas County Comprehensive Plan (December 2001) section 2.3(A) states that “Residential densities and housing types are the subject of this Plan and should be based on the expansion of the Ellensburg Comprehensive Plan or other cities’ comprehensive plans and zoning ordinances.”
 - The proposed development is inconsistent with the Kittitas County Comp Plan ‘Goals and Objectives’ and ‘Kittitas County Housing Strategies’. In particular, it is inconsistent with (emphasis added):
 - i. GPO 3.14 Designate high density residential land use zones such as PUDs, cluster development, and MPRs **outside of Urban Growth Areas** and Urban Growth Nodes.
 - ii. Strategy 3.6 Include multi-family units **in commercial zones**.
4. Item 11B of the Rezone Application asks whether the proposed amendment bears a substantial relation to the public health, safety, or welfare. *The application states that security is ensured by The Grove’s practice of offering free accommodation to a member of the law enforcement community.* Law enforcement residence is elective, not compulsory, and therefore not guaranteed. The possibility of one law enforcement officer in residence among 504 residents and 4 staff members hardly “ensures security.”
5. Item 11E of the Rezone Application asks whether the subject property is suitable for development in general conformance with zoning standards for the proposed zone.
 - Ellensburg Municipal Code section 13.17.02 states that “Locational criteria for siting of R[esidential]-H[igh] zoned land shall be limited to major arterials or within the Central Business District.” The Ellensburg Comprehensive Plan construes “limited to major arterials” as “within 250 feet of major arterials.” The remainder of the property does not conform to zoning standards for the proposed zone.
 - Section 13.11.050A(1) of the EMC, regarding the Airport Overlay Zone, states that “Where the requirements and restrictions imposed by the Airport Overlay Zone safety zones conflict with the requirements of the underlying zoning district, the more

restrictive requirement shall be applied.” Approximately the northern third of the Wolfe property is within the AOZ and is therefore inconsistent with R-H zoning.

6. Under item 11F of the Rezone Application, the application states that: *The immediate properties on the south and east are currently owned by Central Washington University. Immediately south and east of those properties are multi-family, housing complexes.* The Preliminary Development Plan for The Grove at Ellensburg, item 3, states essentially the same thing. The properties to the south are predominantly high density housing. The properties to the east, north and west are predominantly single-family residential housing.
7. In item 11G of the Rezone Application, *the application refers only to irrigation water from Mercer Creek.* The property, including the pond, receives irrigation water from the Cascade ditch through a tile line that runs through CWU’s pasture to the east.
8. In the Preliminary Development Plan, item 3, *the application states that the area around Mercer Creek will be kept in a natural state.* The area is not natural now, but will certainly depart further from the natural condition if the creek and pond are filled in and replaced with volleyball courts and a clubhouse. Creeks do not naturally make right angles. Pictures of recent flooding of the Wolfe property (May 2006) clearly demonstrate the ‘natural’ course of Mercer Creek as it currently exists. The photo in the bottom-left shows the supposed ‘main channel’.





- During the flooding of late May and early June this year approximately 80% of Mercer Creek's flow traveled through the channel that is proposed for filling. There would be significant hydrologic impact from the proposed actions. This alone should eliminate any possibility of a Determination of Non-Significance, and require the preparation of an environmental impact statement.
9. In the Preliminary Development Plan, item 4, the application states that *site landscaping will comply with County requirements*. However, as noted in point 3 above, "Development and subdivisions in the Urban Growth Area will be subject to joint review with the Cities according to the development standards and comprehensive plans developed for that UGA, when those standards are developed." The landscaping at The Grove should comply with the requirements of the City of Ellensburg.
 10. Preliminary Development Plan, item 8: see point 5, above, regarding the Airport Overlay Zone. The net acreage is effectively 9 (approximately) for a density of 21.3 du/ac.
 11. SEPA Checklist item A6 suggests that construction will commence in August 2006. This is not possible, given the timeline set forth by the WA State SEPA legislation. See RCW 43.21C.080.
 12. SEPA Checklist A9 asks: *Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.* The application states "none known." See point 1, above.
 13. SEPA Checklist A10: Three governmental approvals or permits are listed. There are several that are omitted, mostly with regard to the environmental impact of the proposed PUD on Mercer Creek. In particular, the proponent will need approval from Washington Department of Fish and Wildlife for in-stream work, and the Department of Ecology for changes in irrigation withdrawal. The Army Corps of Engineers may also have an interest as Mercer Creek is considered a tributary of the Yakima River, which is a "water of the United States." The applicant also neglects to mention the need for building permits.

14. SEPA Checklist A11: See point 4, above, with regard to provision of security.
15. SEPA Checklist B1f: *The application states that there will be limited erosion potential from the project.* Increased impervious surface and decreased Mercer Creek channel capacity will lead to increased bank and bed erosion both up- and down-stream from the project site. Restricting a large volume of flow to the undersized channel that runs along the north and west of the property will lead to channel incision (downcutting) and bank erosion.
16. SEPA Checklist B3a: The channel that the applicant proposed to maintain is not Mercer Creek's original stream channel.
17. SEPA Checklist B3a5: *The applicant states that there will be no structures in the 100-year floodplain of Mercer Creek.* With all the land use and stream channel changes that have occurred in the area, the 100-year floodplain map is not accurate. No one can say with certainty where the limits of the floodplain are, or that there will be no structures within it. Of particular note, the floodplain has not been re-evaluated since Airport Road was elevated – effectively cutting off half of the previous floodplain.
18. SEPA Checklist B3c1 and B3d: The applicant states that snowmelt runoff is expected, but does not answer the question of how it will be collected and disposed of.
19. SEPA Checklist B8b: *The application states that there is no current agricultural use at the site.* In fact, the property is currently grazed by cattle and horses, and is described by the County Assessor as a "farm." See attached document from Kittitas County Assessor.
20. SEPA Checklist B8c and B8j: The applicant fails to note that there are four apartments on site, in addition to the main residence, and that four or more tenants would be displaced by the completed project.
21. SEPA Checklist B8f: The current land use designation of the site is NOT High Density Residential – Ellensburg. See point 3, above. The site is currently zoned Ag-3, and is in annexation proceedings as a combination of R-H and R-L zones, per the City of Ellensburg Comprehensive Plan.
22. SEPA Checklist B8l: The applicant states that "this proposal is compatible with other student housing in the area." However, student housing in this proposed site is not consistent with CWU's master plan. The CWU master plan for housing is due to be released in June 2006, and will undoubtedly reinforce the goals and objectives from the Master Plan.
 - The property adjacent to the Wolfe property is not considered part of campus, and there are not currently any plans for CWU to develop the property. There is supposition that the land will be leased for a school or fire station.
 - The property is not contiguous to campus, and thus does not fit the CWU vision of a pedestrian-oriented campus, with easily identifiable definitive entrances. The CWU Master Plan 2005 states that "movement to and across the campus should be clear and direct, yet still carry people through spaces of interest and variety." In another

section of the document it states “arriving on campus should be both as direct as possible and should be immediately evident by definitive entries.” It is stated that “the entire campus is compact enough to encourage walking or biking, as it offers a safe, pleasant walking environment.” The Master Plan further notes that “the main housing growth in the city of Ellensburg is to the north of campus, increasing the need to create a definitive entry for this end to greet the traffic along 18th Avenue.” Finally, the Master Plan states that “under the Commute Trip Reduction Law (RCW 70.94.521), state agencies are required to implement programs to reduce single-occupant vehicle commuting at all major worksites throughout the state.” These references can be found in the Master Plan pages 9, 20-21, and 42.

- CWU has a “10-minute rule” for siting of academic facilities, based on the time necessary to walk from one academic building to another (p. 13 in Master Plan). There are few, if any, buildings within a 10-minute walk of the proposed site. Furthermore, in its current state, portions of Airport Rd between the proposed site and CWU are not well-suited for pedestrians.

23. SEPA Checklist B9: A portion of item B9a is not answered. Item B9b does not consider the current tenants and their income levels, nor does it note that there is more than one existing residence on the site.
24. SEPA Checklist B10b: *Item 10 b states that there will be no impact on views.* The planned development will substantially alter views from all directions – it is completely disingenuous to suggest otherwise.
25. SEPA Checklist B10c: The residences that are proximal to the proposed PUD are one- and two-story residences on relatively large lots (1+ acres), characterized in part by their views of Manastash Ridge and surrounding countryside. We disagree that the proposed buildings will be consistent with the surrounding residential aesthetics.
26. SEPA Checklist B11b: We anticipate that light from the development will impact views, particularly of the night sky.
27. SEPA Checklist B12a: The application allows that there are no public recreational facilities in the area. There should be a public park within ½ mile of this and all developments, per the 1995 Ellensburg Comprehensive Plan. Note that the City of Ellensburg levies an impact fee on developers, for the purpose of providing parks/recreational opportunities, while it is our understanding that the County does not; by applying through the County, the applicant may be trying to circumvent these fees.
28. SEPA Checklist B13b (landmarks): The site hosted the historic Enfield Dairy, which became the Anderson Dairy. One of the buildings on site is the old milking parlor.
29. SEPA Checklist B14b: The applicant does not answer half of the question. Also note that the lack of public transit is inconsistent with CWU’s Master Plan, which strives to reduce individual car trips and increase walkability (Master Plan p. 42).

30. SEPA Checklist B14d: It is thoroughly inaccurate to state that improvements to existing roads or streets will not be required. The Airport Rd. frontage will need to be fully improved which will require, among other things, installation of a large culvert to transport Mercer Creek under it. Airport Rd is heavily-used by walkers, runners, and bikers, yet there is no sidewalk or bike path for a stretch between the proposed site and Helena Rd; with increased occupancy by students, and increased vehicular traffic, both sidewalks and a bike lane would be advisable.
31. SEPA Checklist B15: The applicant notes that the development could result in an increased need for public services, but offers no measures to mitigate such impacts.