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August 15, 2008

Dan Valoff  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg WA 98926

RE: Black Gold PUD (SEPA 08-01), Rezone (Z-08-07) and Black Gold PUD Phase 1 Short Plat (SP-08-28)

Dear Dan,

Thank you for the opportunity to comment on this proposal.

The application is for the development of approximately 286 residential units on 286 acres presently zoned R-3. It indicates that 28.6 acres will be set aside as open space thereby increasing the overall density to one unit per nine-tenths (.9) of an acre. The Eastern Washington Growth Management Hearings Board has previously determined the Kittitas County PUD ordinance (KCC 17.36) to be out of compliance with the Growth Management Act in that it allows for urban densities outside of a UGA. This project is not in an urban growth area. As such and based upon the meager information set forth in the SEPA checklist submitted with this application, Suncadia submits the following comments and request that the County issue a determination of significance for this project under WAC 197-11-330 and require an environmental impact statement be prepared.

Specifically, the Black Gold PUD SEPA checklist does not provide sufficient information to reasonably assess the probable, significant environmental impacts and does not propose or justify adequate mitigation for those impacts it does identify. In addition, the proposal, on its face, presents a reasonable likelihood of more than a moderate impact on environmental quality due to its size, density, location, and cumulative impacts.

The following comments are numbered to correspond with the sections in the SEPA checklist as submitted by the applicant:

A. Background

6. Phase 1 has three divisions but no explanation as to why; density is 7.54 units per acre.
7. No explanation of phases 2-7.
8. No indication of the extent and purpose of the two proposed actions.
10. A water right will be needed.

B. Environmental Elements

- 1.d. A geotechnical investigation is needed to evaluate soils and steep slopes with respect to anticipated development; the statement given provides no information at all as to the conditions, suitability and slope set-backs that might be required of the sites.
- 1.e. Response is inadequate to evaluate under KCC 15.04.090; engineering estimates of cuts and fills for a project of this scope is required and as otherwise required by KCC 17.36.030.
- 1.f. Stating that erosion may occur is inadequate; it needs to be evaluated.
- 1.g. Estimate of impervious surfaces is not supported and is not related to Phase 1.
- 1.h. Response is inadequate. See, for example, KCC 15.04.120(3).
- 3.a. From the materials submitted (lack of complete topography, road layouts, seasonal stream and wetland locations, etc.), it is impossible to assess or determine potential impacts; the statement on waste treatment is totally inadequate as it is impossible to determine how waste is to be dealt with even on Phase 1 or that such land is capable of handling disposal of waste from 80 units; no consideration is given to connecting to the regional sewage system.
- 3.b. The subject property is located within the drainage of the Cle Elum River, a tributary of the Yakima River and a water course that is fully appropriated. The property has no surface or ground water rights and none are available within that drainage. There is a moratorium on new ground water rights within the Upper Kittitas County, and this area is also under a memorandum of agreement between the County and the Department of Ecology restricting development without specific water rights and water availability. Roslyn presently holds inadequate and proratable water rights with which to serve its citizens. The transfer of water rights into a tributary basin of the Yakima River is both legally and technically



impossible. Even if available, any withdrawal or use of water in the area of this project will require a full environmental review, and this application is where that review should be done as proof of available water must be shown and environmental review should be done at the earliest possible time. WAC 197-11-055.

No information on whether waste discharges will harm ground or surface waters or where they will occur.

- 3.c. Response states that waste materials will be allowed to enter ground and surface waters. Further review needs to be done and mitigation proposed. Response is inadequate to determine management of water runoff—even for Phase 1.
- 3.d. Where waste is acknowledged to be a risk to surface and ground waters, best management practices are not adequate as they are designed to prevent such incursions. "...perhaps a sediment pond" is not an adequate indication of any meaningful mitigation.
- 4.c. and 5.b. The area is known to have threatened or endangered species. Simple lack of knowledge is not an adequate investigation.
- 9. No specific mitigation is proposed for the cumulative impacts of this project.
- 13.a. Listed sites may not be disturbed. Many listed cultural and historic sites are known to exist in the immediate vicinity of the project and the response to 13.b. acknowledges as much. However, no investigation has been done and the proposed development layouts, such as they are, may not adequately protect them. If they exist, mitigation will be required.
- 14.a. Without proper engineering, it is not possible to evaluate whether a system of roads can be constructed that will accommodate even Phase 1 of the project, let alone the other six phases.
- 14.d. No information is provided as to the construction of the existing road as to whether its original construction (engineering, base, compaction, grade, etc.) meet the applicable ASHTO and County standards for a private road system intended to serve this number of units. It is not possible to evaluate if compliance is even possible.
- 14.g. A traffic study should be required now so that impacts can be identified and the obvious need for mitigation proposed.
- 15. See comments below.

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The "Rural" comprehensive land designation and the actual use for this area are projected to continue with low densities and do not contemplate intensive residential development. While a residential PUD can be appropriate outside a UGA or UGN, the size, density, complexity and impacts of the Black Gold PUD reach far beyond the intended scope of Chapter 17.37 KCC. As proposed, the project is in all respects a "fully contained community" as that term is used in RCW 36.70A.350. Neither the County Comprehensive Plan nor Zoning Code provide for this use (although a reservation for this category is made in Chapter 17.38 KCC). What is needed is a comprehensive development agreement between the county and the applicant that allows for input from all interested parties and jurisdictions as the impacts on public infrastructure and services are obvious.

However, as the County has accepted the application, it now falls to the SEPA process to investigate and propose mitigation. It is not insignificant that the applicant's property to date has been subdivided into thirty-seven (37) parcels with another three (3) proposed in the pending short plat, all without any environmental review or ability on the part of the County to impose conditions on development. The SEPA checklist is incomplete and totally inadequate, and its only positive attribute is that it makes clear the conclusion that this project will have probable significant environmental impacts warranting an environmental impact statement.

Very truly yours,

  
F. Steven Lathrop

FSL/rle

cc: Suncadia, LLC