

From: [Jon Hoekstra](#)
To: [Kelly Bacon \(CD\)](#)
Cc: [Jeremy Johnston](#); [Mark Cook](#); [Josh Fredrickson](#)
Subject: SEPA Comments on DNS regarding SEPA Checklist (SE-22-0002) Cape
Date: Thursday, June 9, 2022 9:32:05 AM
Attachments: [Hoekstra-Steele SEPA Comments-SE-22-00002 9Jun22.pdf](#)

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Dear Kelly,

Please find attached written SEPA comments on the Determination of Nonsignificance (DNS) issued by the County regarding the SEPA Checklist (SE-22-00002 Cape) and associated grading permit application (GP-22-00009). In our attached comments, we raise a number of objections to the DNS and associated grading permit application. We request that the County withdraw the determination based on insufficient information from the applicant.

We kindly request acknowledgement and confirmation from you that these comments have been received by the County.

Should you have any questions or want clarification regarding any of our comments, we can be reached at this email.

Thank you for your consideration.

Respectfully,
Jon Hoekstra and Jen Steele

1101 Alice Road, Cle Elum, WA 98922

Cc:
Jeremy Johnston, Responsible Official
Mark Cook, Public Works Director
Josh Fredrickson, County Engineer

June 9, 2022

Kelly Bacon
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Subject: SEPA Comments on the Determination of Nonsignificance issued by the County regarding SEPA Checklist for Application SE-22-00002 (Cape)

Dear Kelly,

We are writing to provide SEPA comments on the Determination of Nonsignificance (DNS) issued by the County regarding the SEPA Checklist (SE-22-00002 Cape) and associated grading permit application (GP-22-00009).

We (Jon Hoekstra and Jen Steele) live at 1101 Alice Road, Cle Elum, WA 98922 (parcel 355834). Our driveway, home, and property are immediately downhill and downstream of the intersection where the proposed project accesses Alice Road. Our property is one of 20 parcels in the Little Peoh Point Tracts that is served by Alice Road, and we, together with the other owners of these tracts, privately maintain Alice Road through the nonprofit Little Peoh Point Tracts Alice Road Maintenance.

While we do not object to the residential construction proposed, at this time we object to the SEPA DNS and associated proposed grading for several reasons:

1) The SEPA checklist and project proposal did not properly identify or account for all of the parcels and users that are served by the access road and is thus mischaracterized as a driveway. The access road proposed for grading and improvement is used by the owners of nine separate parcels. At least five of those parcels already have addressed residences, and each residence is accessed from the access road. The proposed residence at 1008 Alice Road (Parcel 19162), which is the subject of the application, would be the sixth improved residence relying on the access road. The remaining parcels also rely on the access road to access their properties for recreational and other uses. For reference, a list of these parcels and respective owners is provided on Attachment A along with maps showing addressed parcels and their respective access points onto the access road. The applicant's own engineering drawings note eight places along the access road where access to adjacent properties needs to be maintained. The number of parcels and users served by the access road exceeds the County's minimum design standards for a "joint use driveway" which is to serve no more than four "parcels and/or units" (see Kittitas County Code 12.04.080, Table 4-4A). Accordingly, under the County Code, the County should require that the proposed project properly adhere to the design standards for a private road serving 3-14 parcels and/or users.

2) The SEPA checklist and determination did not adequately address or evaluate the presence of steep grades along the access road. While the checklist identified that portions of the existing access road "is in a hazardous slope area" and noted that the "steepest slope on the site" is "[a]pproximately 16%", no further evaluation of such critical area or steep slope concerns was addressed. In fact, as the application materials detail, adjacent slopes at the larger site are in places "over 25%," and reiterate that grades along the proposed improved access road are up to 16%.

These slopes exceed the maximum slopes allowed under the minimum design requirements for private roads. See KCC 12.04.080, Table 4-4A; see also KCC 12.04.080 Table 4-4B. Notably, the access road exceeds the 15% grade as it approaches Alice Road. As residents living immediately downhill of that intersection, we are concerned that vehicles traveling downhill, especially during winter or inclement weather, could lose control and fail to stop at the intersection and crash into cross traffic or our property. We are also concerned that a paved surface will accelerate runoff and funnel stormwater flows to the bottom of the hill where they could washout Alice Road or flood our property if drainage controls are inadequately engineered or inappropriately constructed. These concerns were not sufficiently disclosed or evaluated in the SEPA determination.

3) The SEPA checklist and determination did not adequately address the right of way for the proposed widening and paving project where it passes through the easement from Alice Road through the Little Peoh Point Tracts. The easement for the portion of the access road is 30 feet wide at its northern extent as it approaches Alice Road. When properly evaluated as a private road instead of a driveway, under the County Code, there is insufficient right-of-way. As proposed, the project roadway improvements include two 10-foot lanes with 1-foot shoulders and 4-foot drainage ditches on either side for a total width of 30 feet. While this might technically “fit” within the easement, there is no margin for alignment errors that would encroach on adjacent properties, and a narrower roadway would fail to meet minimum design standards.

4) The SEPA checklist and determination did not adequately address potential damage to Alice Road by construction activities. The SEPA checklist states that the proposed project will not require improvements to any existing roads. As such, it is lacking any identification and evaluation of the impacts to Alice Road. With respect to construction activities, we are very concerned that the high volume and heavy weight of construction traffic associated with this proposed project will cause damage to Alice Road that requires expensive repairs. The applicant estimates that “approximately 5,000-cubic yards of regrading and base material for surfacing” will have to be brought in for the proposed project. That suggests that as many as 500 fully-loaded dump truck trips in and out of Alice Road will be required. Alice Road is a gravel-surfaced road that is privately maintained by the owners of the 20 parcels in the Little Peoh Point Tracts. Our annual budget for road maintenance, snow removal, etc. is approximately \$5,000. Any damage to Alice Road from the proposed project would cause an expensive, undue, and unfair financial burden on the Little Peoh Point Tract owners. We believe that the County should add as a condition on any permits issued to the developer that the developer assume full financial liability for repairing any damage that their project may cause to Alice Road.

5) The SEPA checklist and determination did not address use of and any required improvements to Alice Road. The SEPA checklist limited its evaluation and disclosures to the portion of the access road south of Alice Road. However, SEPA comments from Kittitas County Public Works dated February 17, 2022 indicate that the accessing portions of Alice Road would have to be certified to private road standards. This would include at a minimum certification up to the point of an approved fire apparatus turnaround. No such issues were identified or evaluated as part of the SEPA review. We understand from Public Works staff that the costs of any improvements necessary to achieve that certification would be borne by the developer. However, that requirement was not identified as a required mitigating condition in the determination, and the potential environmental impact of that full project scope was not identified in the SEPA checklist or evaluated by the County in making its SEPA determination. In fact, Alice Road is not addressed in the grading permit application at all.

We request that the County withdraw the DNS based on insufficient information from the applicant, especially in regard to 1) an accurate accounting of the parcels and users who are served by the

access road, 2) assessment of how the proposed project will address steep grades and a narrow right of way within the County's minimum design requirements for a private road, and 3) environmental review of the full project scope as it impacts Alice Road. We also request that any determination should include required mitigating conditions that will ensure that Alice Road will not be damaged by construction activity associated with the proposed project, and that the applicant would be solely responsible for the costs of any repairs, improvements, conditions, or mitigation that the County may require. If the grading permit is actually contingent on Alice Road improvements, we also request that those improvements are included in the application and evaluated as part the SEPA review before any determination is made.

We previously provided comments on the original SEPA review, submitted February 13, 2022, which comments are attached hereto and incorporated by reference.

Thank you for the opportunity to make comments. We kindly request confirmation that our comments have been received. We also request notice of any action that the County takes regarding this SEPA determination or the underlying grading permit application.

Sincerely,

Jon Hoekstra and Jen Steele
1101 Alice Road, Cle Elum, WA 98922
jonhoekstra1@gmail.com

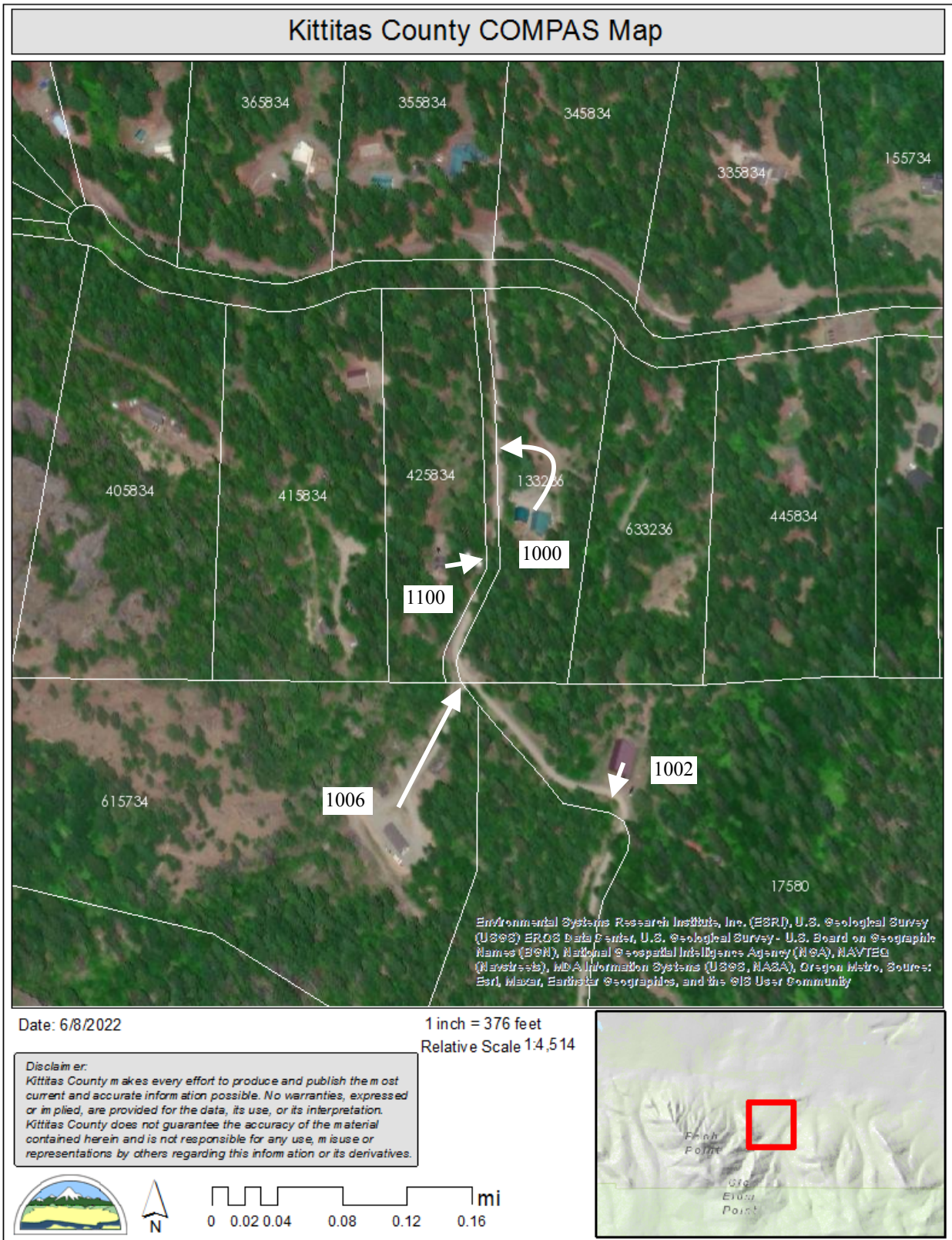
cc: Jeremy Johnston, Responsible Official
Mark Cook, Director of Public Works
Josh Fredrickson, County Engineer

Attachment A

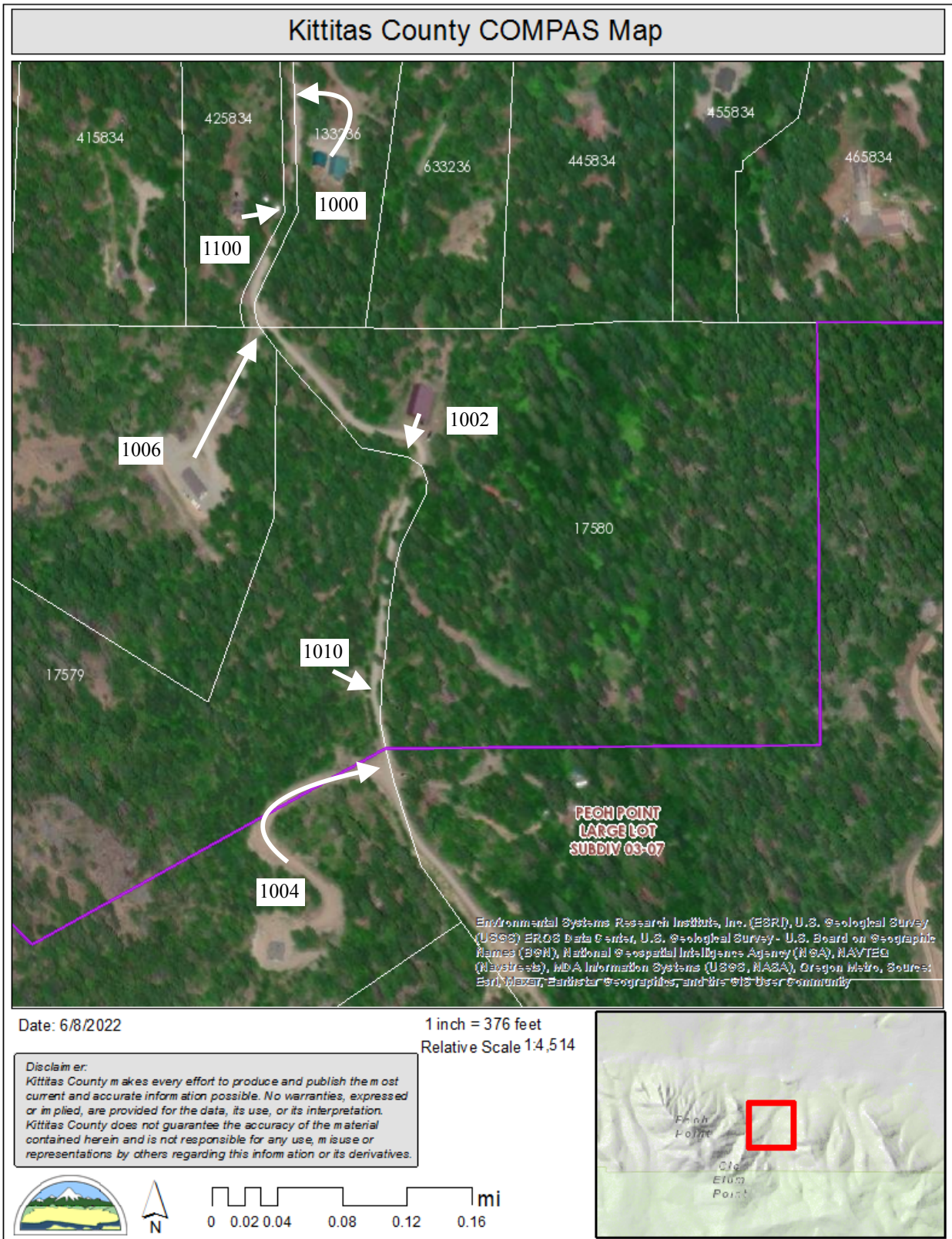
Parcels and users served by the Access Road (9 parcels, 5 addressed residences)

Parcel #	Owner	Address	Residence
133236	Thayer	1000 Alice Rd	Yes
425834	Osterberg	1100 Alice Rd	Yes
615734	Hawkins	1006 Alice Rd	Yes
17580	Leff	1002 Alice Rd	Yes
17579	Stoltz	1010 Alice Rd	
17581	Strand	1004 Alice Rd	Yes
19161	Strand	N/A	
19162	Cape	1008 Alice Rd	Proposed
19163	Pereira	N/A	

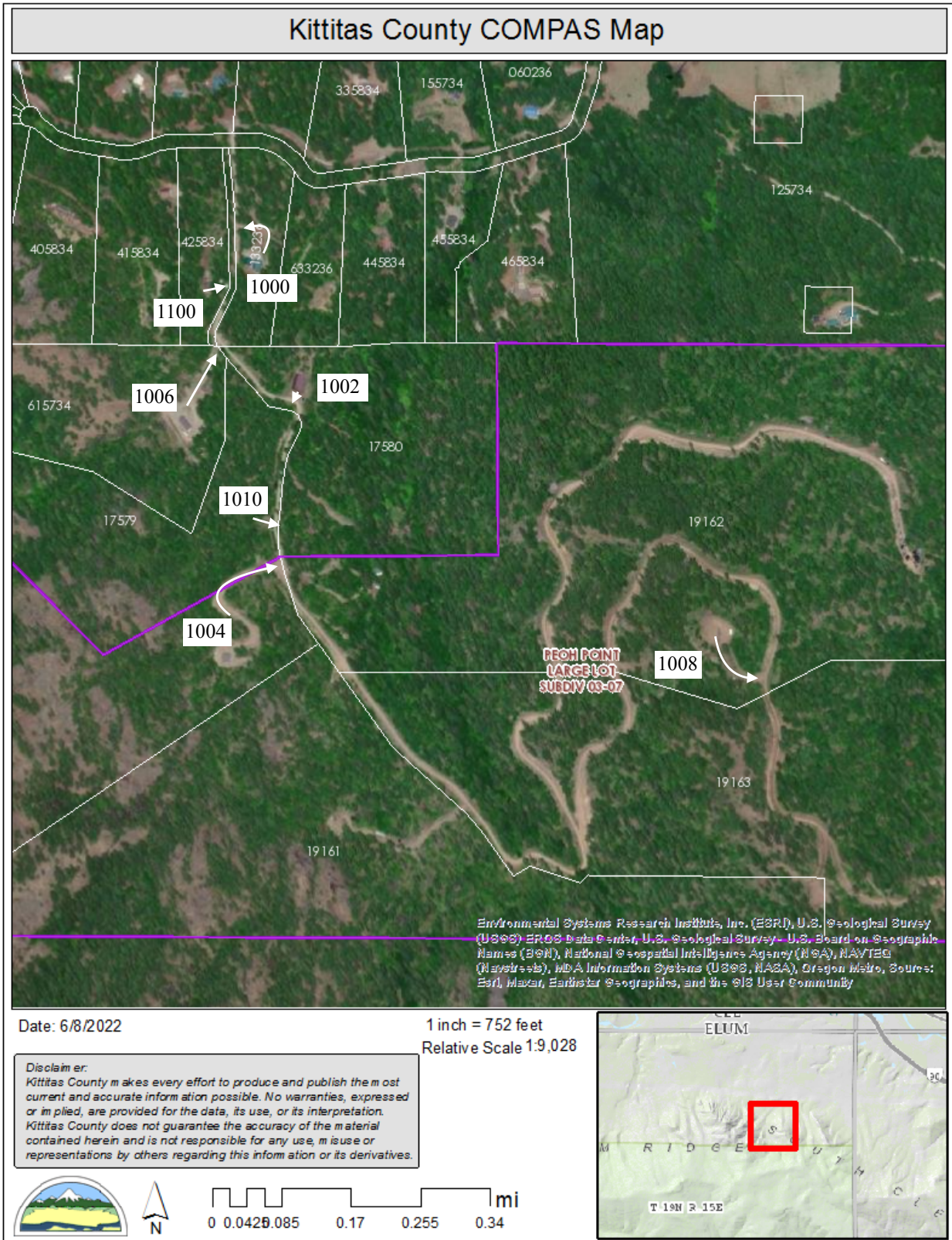
Vicinity Map 1



Vicinity Map 2



Vicinity Map 3



Parcels and users served by Alice Road (20 parcels, 13 addressed residences in the Little Peoh Point Tracts)

Parcel #	Owner	Address	Residence
060236	Olson	491 Alice Road	Yes
155734	Haake	791 Alice Road	Yes
335834	Bentzen	871 Alice Road	Yes
345834/355834	Hoekstra/Steele	1101 Alice Road	Yes
365834	Hoekstra/Steele	1111 Alice Road	Yes
375834	Ilian	1211 Alice Road	Yes
150236	Hugh/Susanka	1331 Alice Road	Yes
310236	Zigler	1391 Alice Road	
140236	Smisted	1393 Alice Road	
174136	Kang/Lin	1330 Alice Road	Yes
184136/405834	Gottschalk	1230 Alice Road	
415834	Powell	1110 Alice Road	Yes
633236	Thayer	N/A	
445834	Vaughn	880 Alice Road	Yes
455834	Vorwerk	780 Alice Road	Yes
465834	Wolf	680 Alice Road	Yes
125734	Forcier	630 Alice Road	Yes
274636	Curry	N/A	

Plus all parcels and users served by the access road (total of 29 parcels, 18 addressed residences)



From: Jon Hoekstra jonhoekstra1@gmail.com
Subject: Comments re SE-22-00002 Cape
Date: February 13, 2022 at 5:07 PM **To:** kelly.bacon.cd@co.kittitas.wa.us
Cc: Jon Hoekstra jonhoekstra1@gmail.com Dear Kelly,

Please find attached written comments about the proposed project SE-22-00002 Cape as described in the SEPA checklist and application materials posted online. In the letter, we detail a number of comments and concerns regarding the project's compliance with County codes, its infringement on others' private property rights, and its potentially significant environmental impacts.

Should you have any questions or need clarification regarding any of our comments, I can be reached at this email. Thank you for your consideration.

Sincerely, Jon Hoekstra

Comments re SE-22-...pe.pdf



February 13, 2022

Kelly Bacon
Kittitas County Community Development Services 411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Subject: Comments regarding the "Cape Driveway Improvement project" (SE-22-00002 Cape)
Dear Kelly,

This letter is to provide a number of comments and concerns with regard to the SEPA process concerning a Clearing and Grading Permit and proposed road paving project described in SE-22-00002 Cape.

We (Jon Hoekstra and Jen Steele) live at 1101 Alice Road, Cle Elum, WA 98922 (parcel 355834). Our driveway, home and property are immediately downhill and downstream of the intersection where the proposed project accesses Alice Road. We, along with the other owners of property in the Little Peoh Point Tracts served by Alice Road, are financially responsible for privately maintaining Alice Road, and we have use and access rights to the easement through which the lower segment of the subject access road passes (along the boundary between parcels 425834 and 133236).

We have a number of concerns about the proposed project as described in the SEPA checklist regarding its compliance with County codes, its infringement on others' private property rights, and its potentially significant environmental impacts. We are particularly concerned about factual misrepresentations and incomplete information that make it difficult for the County SEPA official to make an informed determination regarding appropriate mitigation for this proposed project.

A. Background

The proposed project is repeatedly described in this and subsequent sections of the SEPA checklist as a "driveway improvement" for parcel 19162; and in B.14.f it is described as an "existing driveway that serves four parcels." This is a misleading and inaccurate characterization. As can be seen on the extents that accompany the SEPA checklist, and according to online County GIS data, the access road serves 9 separate parcels owned by 8 different property owners:

425834 Osterberg	17581 Strand
133236 Thayer	19161 Strand
615734 Hawkins	19162 Cape (the applicant)
17579 Stoltz	19163 Pereira
17580 Leff	

The extents accompanying the SEPA checklist identify approximately 1.34 miles of "driveway" that is proposed to be paved, of which more than 60% runs through these other owners'

properties, *not* on the applicant's parcel. This raises fundamental questions about whether the applicant has any right to alter and independently pave a road through someone else's private property, and whether the County can permit such action without the affected owners' consent?

The 9 parcels served by the access road have an average lot size of 37.9 acres (range 4.72-83.00 acres). According to Kittitas County Code (see 12.04.080, Table 4-4A), private roads that serve 3-14 properties and average lot sizes >10.0 acres are classified as a "Private Road." That same table indicates that a "Joint Use Driveway" can only serve up to 4 parcels. The subject access road does not meet the definition of "Driveway"; it should be appropriately classified as a "Private Road."

The proposed paving project does not meet at least two of the County's minimum design standards for a Private Road. Along the lower segment of the road, where it accesses Alice Road, the right of way easement is only 30' wide, and the adjacent property owners have expressed their opposition to any widening of that easement through their property (see letters from Jon Osterberg dated February 3, 2022 and Rob Thayer dated February 8, 2022). The grade along this lower segment of the road is more than 13%, and additional sections in excess of 10% grades would be required for the proposed road to make its >800-foot ascent above the base elevation at the intersection with Alice Road. We note that a similar attempt to "improve" this access road in the early 2000's fell through when County road standards could not be met.

We also note that while the applicant states in A.7 that they have no plans for future additions, expansion, or further activity related to or connected with this proposal, they describe their project "as part of a single family residential building permit for Parcel #19162", which could have additional environmental impacts during and after construction.

B. Environmental Elements 1. Earth

The applicant's response to B.1.b states that the steepest slope on the site is "Approximately 16%." However, the soil map accompanying the SEPA checklist identifies that about 80% of the project area is characterized by soils with 45-65% slopes. The property report for parcel 19162 states that it contains slopes >30%. And in B.8.1.h, the applicant acknowledges that a portion of the road is in a hazardous slope area. Inspection of hazardous slope areas on COMPAS 3.0 indicates that much of the upper portions of the road are in hazardous slope areas.

We are concerned about erosion and earth movement hazards that may be created or exacerbated by the proposed project. Road cuts along such steep slopes can create slope instabilities that pose hazards to adjacent properties above or below the road if not properly designed, engineered and constructed. Such instabilities may also result in siltation and debris flowing into area streams and drainage structures, impacting aquatic habitat, slope stability, and compromising the integrity of stormwater management systems. The applicant's response

to B.1.f states that “erosion is not anticipated due to the controls that will be in place during the work including a stabilized construction entrance, covering of stockpiles, and silt fence as needed.” However, no engineering, design drawings or detailed plans are presented to demonstrate how and where specific controls would be deployed to comply with County requirements and to ensure that erosion and stability impacts are effectively avoided, minimized or mitigated.

We are also concerned by the applicant’s reference in B.1.f to “a stabilized construction entrance.” The applicant has provided no details about how the construction entrance at Alice Road would be delineated and what modifications they are proposing to “stabilize” that area. We are concerned that the applicant is proposing actions on property he does not own, or promising a control measure that he cannot implement. We are further concerned that a “stabilized” construction entrance would alter or damage Alice Road in a way that puts an undue and unfair financial burden on the owners of Little Peoh Point Tracts who are financially responsible for maintaining Alice Road.

2. Air

In addition to diesel emissions acknowledged in the SEPA checklist, we are concerned that the proposed project will generate large quantities of dust that will significantly affect adjacent properties and residents.

In B.1.e, the applicant estimates that the project will require “approximately 5,000-cubic yards of regrading and base material for surfacing.” This suggests that the project would require as many as 500 fully loaded dump truck trips in and out of Alice Road and up and down the access road. No information is provided about how the applicant will minimize and control dust emissions associated with such heavy and frequent traffic along these gravel roads. If this project were to be approved, we request that the County require stringent dust controls including, but not limited to, oiling of Alice Road and the access road before and after construction at the applicant’s sole expense, supplemental oiling as necessary during construction to avoid dust generation, also at the applicant’s sole expense, and enforced low speed limits for all vehicles associated with construction.

3. Water

We are very concerned about the impacts the proposed project would have on streams and stormwater runoff in the area, and the downstream consequences for our property and that of other neighbors.

The applicant states in B.3.a.1 that “there are (3) Non-Fish (Type 4) streams in the vicinity of the proposed driveway improvements” and in B.3.a.2 that “no changes to the drainage patterns will occur.”

Inspection of County GIS data shows that the access road actually crosses 1 perennial stream and 4 seasonal streams. These streams have important habitat value for wildlife, and they convey significant amounts of snowmelt and other precipitation from higher elevation

properties and through lower elevation properties in the vicinity. The elevation in this vicinity is 2400-4000' and, as noted above, the landscape is characterized by very steep slopes. The area receives heavy winter snow accumulation that is subject to rain-on-snow events that have, in the past, caused significant and erosive runoff events on the existing access road, and downstream on Alice Road and on surrounding properties.

We are concerned that if stream culverts are inadequate for handling peak flows, streams could become blocked or diverted and create risks of flooding, washout, or erosion on the road and adjacent properties. The SEPA Checklist does not include any engineering, design drawings or other information to show how the proposed project will comply with County requirements regarding drainage structures and ensure that these stream crossings, especially during peak flows, will not be impeded.

With respect to stormwater runoff, the applicant states in B.3.c.1 that "no changes to water runoff including stormwater are proposed as part of the improvements" despite earlier reference in A.11 that the project would include "re-establishing [sic] and installing new drainage swales as needed." But no engineering, detailed drawings or other information was included with the SEPA checklist to demonstrate how drainage along the road would be designed and constructed to comply with County stormwater requirements and design standards, and ensure adequate and safe conveyance of stormwater.

While the project may not alter the total quantity of runoff in the area, the proposed conversion to impervious surfacing will alter the timing and distribution of that runoff. Impervious surfaces accelerate the speed of runoff from the road. And where that water goes will be directly determined by how and where ditches, swales, culverts and other drainage structures are constructed, none of which have been presented in design drawings or plans. As noted above, the project vicinity receives heavy winter snowfall and is subject to rain-on-snow events and other storms that generate significant bursts of runoff. Absent detailed engineering, design drawings or other evidence that the proposed project will comply with stormwater management requirements, we are very concerned that inappropriate design, improper construction, and inadequate drainage associated with the proposed project will result in runoff, erosion or debris flows off of the steep access road that damage Alice Road and downstream properties such as ours.

5. Animals

In addition to deer, elk and songbirds marked by the applicant in 5.a, we note that bear, cougar, bobcat, mountain goat and various small mammals are frequently observed in the vicinity. Hawks, owls, eagles, and turkey occur throughout the area. Ruffed grouse use the stream corridors, and peregrine falcons nest in the nearby rock outcrop.

7. Environmental health

We have already noted our concerns about dust emissions that would be generated during construction of the proposed project. Dust, especially any PM2.5 particulates, would also present a respiratory health hazard to area residents. We reiterate our request that the County

require stringent dust control measures along both Alice Road and the access road, and at the applicant's sole expense, if this project were to be approved.

14. Transportation

In 14.d, the applicant states that the proposed project will not require improvements to any existing roads. However, we are very concerned that the high volume and heavy weight of construction traffic associated with this proposed project will cause damage to Alice Road that require expensive repairs. The applicant estimates that "approximately 5,000-cubic yards of regrading and base material for surfacing" will have to be brought in for the proposed project. That suggests that as many as 500 fully loaded dump truck trips in and out of Alice Road will be required.

Alice Road is a gravel-surfaced county right-of-way that is privately maintained by the owners of the 20 parcels in the Little Peoh Point Tracts. Our annual budget in total for road maintenance, snow removal and insurance, etc. is approximately \$5000. Any damage to Alice Road from the proposed construction traffic would place an expensive, undue and unfair financial burden on the Little Peoh Point Tracts owners to pay for repairs. If this project is permitted, we request that the County require and enforce a slow and safe speed limit for construction traffic along this residential road, and that the applicant be required to bond the project so that any damage to Alice Road can be immediately and completely repaired without any expense to Little Peoh Point Tract owners.

Another traffic concern is about safety. The volume of anticipated construction traffic and the lack of information about how and where equipment will be staged and materials will be stockpiled raises concerns that the proposed project will impact the use and accessibility of Alice Road and the access road for other property owners and for emergency vehicles. Also, as noted above, the approach down the access road to the intersection with Alice Road is very steep. During winter, snow and ice make even moderate slopes in the area very slippery. We are concerned that a paved road, especially if plowed for winter access, will create a hazardous situation in which vehicles are unable to stop before reaching the intersection with Alice Road, risking collisions with cross-traffic or crashing through the intersection onto our property.

We trust that the County will review the permit request in light of the concerns raised and environmental protections needed. We ask that you visit the site before making any determinations. Should you need any clarifications regarding our comments, please contact me. Thank you for your consideration of our comments, and for your attention to compliance with County codes, protection of others' private property rights, and minimization of environmental impacts associated with this proposed project.

Sincerely,
Jon Hoekstra
1101 Alice Road
Cle Elum, WA 98922
email: jonhoekstra1@gmail.com