

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