

2. Comments and Responses

The *City Heights Planned Mixed-Use Development Draft Environmental Impact Statement* (EIS) was circulated for a 45-day public and agency comment period from April 23 through June 7, 2010. Written comments were received from one Federal agency, one Tribe, four State agencies, two County agencies, the School District, two organizations that are area land owners, and ten individuals.

The City's response to comments received is organized below by agencies, Tribes and organizations (Section 2.1), and individuals (Section 2.2), in alphabetical order within the categories listed above. Responses to comments constitute the response of the City of Cle Elum Community Development Department. All comments received, and the response to comments will be considered by City decision makers (the Planning Commission and City Council) when taking action to approve, condition, or deny the City Heights Planned Mixed-Use Development and Development Agreement to be negotiated between the City and the project proponent.

This Final EIS will be distributed to everyone on the Draft EIS Distribution List (Chapter 5 in that document), plus persons who commented that were not on that list. There is a 7-day waiting period following issuance of the Final EIS before the City can take action on the proposal; however, the City's development review process is expected to take longer than this amount of time. There will be additional advertised public meetings and opportunities for public comment during deliberations by the Planning Commission and City Council.

2.1 Comments Received from Agencies, Tribes and Organizations, and the City's Response

The City of Cle Elum received written comments on the Draft EIS and City Heights proposal from the Bonneville Power Administration, Yakama Nation, Washington State Department of Archaeology and Historic Preservation (DAHP), Washington State Department of Ecology (Ecology), Washington State Department of Fish and Wildlife (WDFW), Washington State Department of Transportation (WSDOT), Kittitas County Department of Public Works, Kittitas County Water District #2, the Cle Elum-Roslyn School District, Central Cascades Land Company, and Suncadia. These comments have been numbered in the margin of each letter for ease of correlating written responses. Each letter is reproduced in this Final EIS, followed by the City's response. Unmarked original letters of comment have been retained in the City's project file.

Comments received from individuals and the City's response to those comments are reproduced in Final EIS Section 2.2.



City of Cle Elum <eiscomment@gmail.com>

City Heights Draft EIS & Technical Reports

1 message

Olson,Lesli D - TERR-BELL-1 <ldolson@bpa.gov>

Thu, Apr 29, 2010 at 2:51 PM

To: Matt Morton <eiscomment@gmail.com>

Dear Mr. Morton:

I am in receipt of your request for comments regarding the City Heights Draft Environmental Impact Statement and Technical Reports. I understand that you recently spoke with Lila Black and agreed to note that her comments on this review request are the same as those you received on a different phase of the project back in January 2010. If you find that you need anything further, please contact Lila at (509) 925-2088.

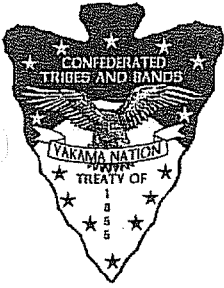
Thank you for the opportunity to review this notice.

Respectfully,
Lesli Olson
Realty Tech II
Bonneville Power Administration
(509) 358-7437

RESPONSE TO COMMENTS SUBMITTED BY THE BONNEVILLE POWER ADMINISTRATION

No response required.

The City received comments from the Bonneville Power Administration during the City Heights Draft EIS Scoping process conducted in June 2009. Information provided in comments submitted at that time were included in Draft EIS Chapter 3, Section 3.18.4, Utilities: Electrical Service.



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

June 1, 2010

Matt Morton, Community Development Director
City of Cle Elum
119 W. First Street
Cle Elum, WA 98922-1159

Subject: Historic and Cultural (3.15), City Heights Planned Mixed-Use Development

Dear Mr. Morton:

My staff has reviewed the Historic and Cultural Resources (3.15) section of the City Heights Environmental Impact Statement (EIS). In the first paragraph of section 3.15 it states, "no cultural resources were identified during the course of this survey" and claims the archaeological consultant recommended "a finding of No Impact for the purposes of the proposed development".

① Under affected environment, two historic mining features documented during the survey are discussed contradicting the statement that none were found. The archaeological consultant, Reiss-Landreau Research, said the historic features are potentially contributory to the greater Cle Elum Mining District and recommended they be avoided until the entire district is documented and recorded and a mitigation plan is developed. They concluded that they should be avoided. The consultant said, "If the two mining sites are avoided until mitigated, there will be no direct effects and Reiss-Landreau Research (RLR) recommends a finding of NO ADVERSE EFFECT upon cultural resources for the purposes of this proposed development" (p. 19).

② The City Heights Draft EIS misstates the archaeological consultant's recommendations. The historic features should be avoided as the consultant recommended until the entire Cle Elum Mining District is documented and recorded and a mitigation plan is implemented. Or, the historic features can be made part of the permanent open space. It is unlawful to knowingly disturb archaeological sites under RCW 27.53.

If you have any comments or questions, do not hesitate to call David Powell of my staff at (509) 865-5121 ext. 6312.

Sincerely,

Philip Rigdon, Deputy Director
Natural Resources Division

cc: Gretchen Kaehler, DAHP
Chris Landreau, RLR

RESPONSE TO COMMENTS SUBMITTED BY THE CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

Response to Yakama Nation Comment #1: The EIS consultant used the term “cultural resources” to relate evidence (or in this case – lack of evidence found) of Native American use of the City Heights site. She used the term “historic resources” to relate findings of historical mining activities on the site. Paragraph 3 of the Affected Environment subsection of Draft EIS Chapter 3 Section 3.15 introduces the description of mining features found on the site as follows: “Two historic features were encountered and noted in the field as part of the City Heights inventory.” It is apparent from the Yakama Nation’s letter of comment that the term “cultural resources” is used by professional archaeologists to apply to both human habitation artifacts as well as remnants of historical activities. This nomenclature has been corrected in the Errata Sheet (Final EIS Chapter 3). There was no intention to misrepresent the findings reported in the *Archaeological Review and Inventory of the City Heights Development Project* (Reiss-Landreau, August 14, 2009). With the exception of this difference in understanding of terminology, the City feels that the findings of the technical report were accurately described in the Draft EIS. The archaeological consultant was consulted regarding this comment. See additional information provided in the response to comments submitted by the Washington State Department of Archaeology and Historic Preservation (following).

Response to Yakama Nation Comment #2: The archaeological consultant’s recommendations were clarified in personal communications between this consultant and the EIS consultant subsequent to the August 14, 2009 date of issue of the *Archaeological Review and Inventory of the City Heights Development Project*. These communications are cited in Draft EIS Chapter 3 Section 3.15 on pages 3.15-1 and 3.15-3.

The archaeological consultant prepared and submitted additional documentation (*Letter in Response to Log: 060310-05-KT*, Reiss-Landreau Research, July 11, 2010) to the Washington State Department of Archaeology and Historic Preservation (DAHP) since receipt of these comments.. See DAHP Comment #2 and the response to that comment on the pages that follow. The applicant does not propose and the City would not permit disturbance of known archaeological sites eligible for or listed on the Washington Heritage Register of the National Register of Historic Places without required mitigation in the form required (or not required, if not eligible for listing) by DAHP.



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
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(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

June 3, 2010

Mr. Matt Morton
Planning Commission Chair
City of Cle Elum
301 PENNSYLVANIA AVE
Cle Elum, WA 98922-1159

In future correspondence please refer to:

Log: 060310-05-KT

Property: *Archaeological Review and Inventory of the City Heights Development Project, Cle Elum, Kittitas County, Washington*

Re: **City Heights Draft Environmental Impact Statement (EIS) and Technical Reports**

Dear Mr. Morton:

1 Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). I received your email today. I understand that there was some confusion with the choice of terminology used by the archaeologist Chris Landreau and the consultant who prepared the EIS. However, the coal waste piles are cultural resources and are associated with Mine No. 5. Although these waste piles would not provide information important to history in and of themselves, they may be eligible as contributing elements to 45KT 2100, Mine No. 5 which is potentially eligible for the National Register of Historic Places (NRHP). In addition, 45KT1960, Mine No 7 is within the boundaries of the City Heights project. This site is also potentially eligible for the NRHP. In the report recommendations, Landreau (2009) recommended that the slag features, site number 45KT3054 were potentially contributory to the greater Cle Elum Mining District which has not been established or proposed as far as we are aware. Nevertheless, the coal waste piles are possible contributory elements to Mine No. 5 (45KT2100). There is also the question of 45KT1960 which is within the boundaries of the City Heights project.

2 Under RCW 27.53, historic archaeological resources are not protected by law unless they are listed in or eligible for listing in the Washington Heritage Register (WHR) or the National Register of Historic Places (NRHP). DAHP administers the WHR. The NRHP is maintained by the National Park Service, US Department of Interior. Under the National Historic Preservation Act, 1966, it is the State Historic Preservation Officer's (SHPO's) responsibility to identify eligible properties for listing in the National Register. In the State of Washington, the SHPO resides at DAHP and it is DAHP's responsibility to make the determination of eligibility when historical archaeologist sites are identified. Therefore the mitigation measures proposed by the County are not effective since cultural resources must be identified before they can be protected, avoided, mitigated through data recovery, or determined eligible or not eligible



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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3

- The coal waste piles 45KT3054 will need further documentation that takes into consideration their eligibility as part of 45KT2100, Mine No. 5. This will also provide sufficient information to make an eligibility determination and define a mitigation plan if one is necessary. The pile should not be disturbed until the documentation takes place and DAHP makes an eligibility determination.

4

- Mine No. 7 is potentially eligible and the boundaries have not been determined. More archaeological work needs to be done to define the boundaries and provide sufficient information for DAHP to make an eligibility determination. If the site is determined eligible, a permit from this office will be required to disturb the site.

These comments have been submitted on behalf of the SHPO and are based on the information available at this time. If further information becomes available, the comments may be revised. Please feel to call or email me with any questions or clarifications.

Sincerely,



Gretchen Kaehler
Assistant State Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

CC. Johnson Meninick, Yakama Nation
Phil Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Chris Landreau, RLR

**RESPONSE TO COMMENTS SUBMITTED BY THE WASHINGTON STATE DEPARTMENT OF
ARCHAEOLOGY AND HISTORIC PRESERVATION (DAHP)**

Response to DAHP Comment #1: DAHP comments regarding the correct terminology for describing the coal waste pile features on the City Heights site are acknowledged. This correction has been noted in the Errata Sheet (Final EIS Chapter 3).

Comments regarding the coal waste piles as possible “contributing elements” of Mine No. 5 and Mine No. 7 are also acknowledged.

Response to DAHP Comment #2: Thank you for the clarification regarding the eligibility and listing of sites by DAHP on the Washington Heritage Register (WHR) or the National Register of Historic Places (NRHP). The project archaeologist (Chris Landreau of Reiss-Landreau Research) prepared and submitted additional documentation to DAHP on July 11, 2010 for DAHP to make a determination of eligibility regarding potential listing of the two coal slag piles on the City Heights property associated with historic mining operations in and around this project area. In a letter of response to the City of Cle Elum dated September 10, 2010, DAHP reported their determination that these features are not eligible for listing on the NRHP and have been satisfactorily documented. The Reiss-Landreau document and DAHP letter of response are included on the following pages.

Response to DAHP Comment #3: See the response to DAHP Comment #2. A *Letter in Response to Log 060310-05-KT* was submitted to DAHP on July 11, 2010.

Response to DAHP Comment #4: See the response to DAHP Comment #2.



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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September 10, 2010

Mr. Matt Morton
Planning Commission Chair
City of Cle Elum
301 Pennsylvania Ave
Cle Elum, WA 98922-1159

In future correspondence please refer to:

Log: 060310-05-KT

Property: Archaeological Review and Inventory of the City Heights Development Project, Cle Elum, Kittitas County, Washington. Additional information

Re: 45KT1960 and 45KT3054 Determined not eligible as contributing elements for Mines No. 5 and No. 7

Dear Mr. Morton:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). We have reviewed the additional information provided by Reiss-Landreau Research (RLR) regarding mine tailing piles that area associated with historic mining operations in and around the City Heights project area. We have determined that the slag piles associated with the two mines as well as the road bed associated with Mine No. 7 and recorded as part of 45KT1960, are not eligible for the National Register of Historic Places. Since sites 45KT3054 and 45KT1960 are not eligible for listing in the NRHP and have already been satisfactorily documented, not further archaeological work or documentation is required.

Thanks you for providing additional information regarding these two sites. Please feel free to call or email me if you have any questions or need clarification.

Sincerely,

Gretchen Kaehler
Assistant State Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

CC. Johnson Meninick, Yakama Nation
Phil Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Chris Landreau, RLR
Vicki Morris, Vicki Morris Consulting Services



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

Protect the Past. Shape the Future

Reiss-Landreau Research
Archaeology and Historic Preservation Consulting
PO Box 2215 Yakima WA. 98907 Phone/Fax (509) 952-5130, 498-9818
chrislandreau@charter.net

Gretchen Kaehler, Local Government Archaeologist
Office of Archaeology and Historic Preservation
1063 S. Capitol Way, Suite 106
P.O. Box 48343
Olympia, Washington 98504-8343

July 11, 2010

Letter in response to Log: 060310-05-KT

RE: Archaeological Review and Inventory of the City Heights Development Project, Cle Elum, Kittitas County, Washington

Reiss-Landreau Research was asked to discuss the potential eligibility of 45KT1960, and 45KT3054, as contributory to the national register status of either the No. 5 mine, or the No. 7 mine as a whole, or individually, as well as the No 7 mine location boundaries.

The two properties (45KT1960, and 45KT3054) in question are principally piles of industrial slag from the excavation and processing of coal. Large spoil piles from the Cle Elum mines are relatively common, although the 45KT1960 site from the No. 7 mine is moderately large, and isolated from other piles. 45KT1960 also has a small well- worn jeep trail leading away north of it that may have at one time been part of the rail dump system of the mines. The 45KT3054 site is a series of piles deposited from the No. 5 mine.

Both properties are singular features, and can be seen as **components** of the mines from which they were extracted. The features are not *of themselves* likely eligible to the National Register of Historic places, given that they do not meet any of the four eligibility criteria in isolation.

*a. that are **associated with events** that have made a significant contribution to the broad patterns of our history; or*

*b. that are **associated with the lives of persons** significant in our past; or*

*c. that **embody the distinctive characteristics** of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and*

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*distinguishable entity whose components may lack individual distinction;
or*

*d. that have yielded, or may be likely to yield, information important in
prehistory or history.*

There is little question that both the No. 5 and No. 7 mines themselves are likely eligible to the national register of historic places, both for their local importance to the development of the Cle Elum community, for locally important personages, and for information that the mines may provide about mining techniques of that period. In other words they have potential under criteria a, b, and d.

However, the question for this project specifically, is; are these slag piles contributing components to the potential eligibility of either mine.

Are they functionally or contributionally unique? No. In terms of examples of slag piles, there are a significant number of piles north of 45KT1960, and 45KT3054, which will not be impacted by this project. Indeed, as they have been recorded to standard site forms and entered into the permanent archive of DAHP in Olympia, the details of their existence has been documented.

Do they provide information critical to our understanding of the mines, and in their absence would the mines be eligible to the national register: No, the mines themselves with all of their constructed components and associated material remains are potentially eligible, with or without some of the ubiquitous slag deposits.

In fact, we must argue that the slag piles, and the small (possible) road bed feature, are not contributory to the national register eligibility of either mine. The piles are not the result of careful human construction, but rather convenient dumping spots for post industrial detritus. Indeed, the mines themselves, both located away from the City Heights project, do not lose any of their potential eligibility through the loss of either slag pile.

Therefore, aside from the clear aesthetic improvement, our final recommendation is to allow the removal of the slag piles related to the mining of coal from the No. 5 and No. 7 mines in Cle Elum. They are not seen as significant contributing elements to the national register eligibility of either mine. To extrapolate from this point, if the features are not contributory to the National Register status of either mine, they must therefore be unlikely to contribute to a National Register Historic District, regardless of the differences in the criteria.

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Finally, Mine No. 7 is clearly listed as located north of the City Heights project area on topographic maps and aerial photography. Shafts from No. 5 and No. 7 have been documented to run under the entire city of Cle Elum, and are available on any number of salient mining surveys. However, those shafts that run deep below the surface are not going to be impacted by this project, and were not part of the original cultural inventory.

Thank you for your consideration,

Christopher Landreau
Principal Investigator
Reiss-Landreau Research



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 7, 2010

Matt Morton, Community Development Director
City of Cle Elum
119 W. First Street
Cle Elum, WA 98922-1159

Re: City Heights Planned Mixed-Use Development

Dear Mr. Morton:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for City Heights Planned Mixed-Use development. We have reviewed the documents and have the following comments.

① Air Quality

Department of Ecology would like to commend the project proponent for mitigation measures proposed thus far. The commitments to a nearly smoke-free project will go a long way toward sustainable development for a healthy future.

Why is this so important?

Fine particle pollution from smoke is hazardous to public health.

- Hundreds of national and international studies now show that exposure to fine particles can cause or exacerbate heart and lung diseases in susceptible populations that may result in death. The American Heart Association recently stated that both short- and long-term exposures to fine particles “can trigger cardiovascular disease-related mortality and non-fatal events,” including heart attacks, heart failure, arrhythmias, and strokes.



- Ecology's own study on the health effects of fine particle pollution in Washington estimates that 1,100 people die each year from exposure to particulate matter, and that the health care and societal costs of exposure-related disease approach \$200 million per year. (As a comparison, the Washington Traffic Safety Commission reported 521 traffic-related fatalities in Washington in 2008.)
- Smoke from outdoor fires can directly impact local populations, but can also travel long distances and adversely impact public health in communities downwind. Pollution from wood stoves is a significant contributor to high levels of fine particle pollution in Washington communities, especially in winter.
- During stagnant air and inversion periods, these and other pollutants can be trapped close to the ground for several days, gradually increasing both the base and peak levels of pollution – and exposing citizens to increasingly dangerous levels of pollution.

The Environmental Protection Agency is expected to toughen its fine particle pollution standard in late 2011.

- A reduced 24-hour fine particle standard could place additional Washington communities at risk of violation.
- Dirty air status carries negative economic consequences, including tougher, more expensive permit conditions for new and expanding businesses that can limit growth and overall community vitality.
- Controlling smoke from woodstoves and outdoor burning is essential to reduce fine particle health risk and keep communities in compliance with federal air quality standards.

In this regard, with respect to smoke impacts, it is our understanding that there will be:

- no outdoor burning of any kind during the construction phase
- no outdoor burning of any kind in the developed-condition
- no residential wood-burning appliances allowed in this project.

2 In addition, Ecology would like to urge additional caution in working in and around the historic coal mining areas.

RESPONSE TO COMMENTS SUBMITTED BY THE WASHINGTON DEPARTMENT OF ECOLOGY

Response to Ecology Comment #1: Ecology's comments regarding Air Quality and the applicant's proposed measures to avoid outdoor burning and residential wood burning are acknowledged.

Response to Ecology Comment #2: Standards of care will be followed when working in and around abandoned coal mine workings, as described in Draft EIS Chapter 3 Sections 3.1.4 and 3.1.5.

Response to Ecology Comment #3: Ecology's comments regarding construction are acknowledged. The requirement for one or more NPDES Construction Stormwater Permits is noted in the Draft EIS in the Fact Sheet (page v), in Chapter 2: Description of the Proposal and Alternatives (page 2-17), and in Chapter 3: Utilities: Stormwater Management (page 3.18-32). Please note that an EIS was prepared – not a SEPA Checklist – to address the potential impacts of the City Heights development; proposed, required and other possible mitigation measures. The proposal to prepare Stormwater Pollution Prevention Plans is also noted on Draft EIS pages 2-17 and 3.18-32, in sections that provide thorough descriptions of the Stormwater Management proposal during construction and in the developed-condition of the site.

Response to Ecology Comment #4: Ecology's comments regarding Water Resources are acknowledged. These issues and the City Heights water resources proposal are thoroughly discussed in Draft EIS Chapter 2 – Description of the Proposal and Alternatives (Section 2.9.2, pages 2-20 through 2-23); Chapter 3 Section 3.3 – Water Resources; at various locations in Chapter 3 Section 3.7 – Relationship to Plans and Policies; and in Chapter 3 Section 3.18.1 – Utilities: Water Service.

Response to Ecology Comment #5: The Section 3.3 discussion of possible use of individual water right permit-exempt wells relates to alternatives within the County, rather than the proposal to develop water resources following annexation of the City Heights property to the City. In particular, permit-exempt wells are discussed in the Draft EIS as a possible option for Alternative 3B: No Annexation, Development within the County under Multiple Ownerships. This alternative has the lowest density and the most uncertainty, as it would not be controlled by one applicant. For this reason, permit-exempt wells may be an option under this alternative, subject to all applicable regulations, including Ecology's current requirement to demonstrate a water budget neutral effect. If this alternative were selected for implementation (and it is considered the least likely to be selected), additional work may need to be done to confirm the water supply proposal.

Response to Ecology Comment #6: Ecology's water right requirements are acknowledged. The water right application noted in this comment is the water right proposed to serve the City Height development. Thorough discussions of the water right proposal and the work done by the applicant to comply with Ecology's requirements is provided Draft EIS Chapter 2 Section 2.9.2, and Chapter 3 Sections 3.3 and 3.18.1.

Response to Ecology Comment #7: Ecology's comments with regard to existing and proposed wells on the City Heights site are acknowledged and will be complied with.

Response to Ecology Comment #8: Four conceptual land use plans were evaluated as the Draft EIS alternatives (see Chapter 2, Section 2.6). The actual site plan to be developed on the City Heights site has not yet been confirmed or designed to the level of detail requested in this comment. When the actual proposed site plan has been prepared, it will be used when the permitting process begins to more specifically evaluate and quantify potential impacts to wetlands and streams. The wetland delineation and stream survey prepared for the site, as well as additional baseline assessment information to be collected

regarding surface drainage problems and groundwater seepage downstream from the City Heights property, will be taken into consideration when identifying where proposed development features could impact the hydrologic system.

Response to Ecology Comment #9: The City acknowledges receipt of Table 7 from the document *Wetland Mitigation in Washington State – Part 1, Version 1* (page 89), and will take these measures under advisement when writing mitigation conditions to be included in the Development Agreement for City Heights. Most of these measures are identified under proposed, required, or other possible mitigation measures in the Light and Glare, Noise, Utilities: Stormwater Management, Wetlands and Streams, Wildlife and Habitat, and Air Quality sections of the Draft EIS.

Response to Ecology Comment #10: Off-site areas adjacent to the City Heights property were reviewed by the wetlands consultant (Ed Sewall, Sewall Wetland Consulting, Inc.) within a distance of 100 feet or, where visible from the site or public roads, out a distance of several hundred feet. The only other wetlands in the vicinity of the site are a wetland located upslope to the north and off-site from Wetland E/EE , and a small area of wetland along Crystal Creek south of the site and on the opposite side of the Coal Mines Trail (see Draft EIS Figure 3.4-2). The northerly off-site wetland is located several hundred feet away from the north edge of the property (north of the power line corridor), along the Stream D corridor. This wetland is buffered from the City Heights property by forested area. It is also located above the drainage of the site and as such, would not be affected by the City Heights development as the subject property is located lower than the wetland. The southerly off-site wetland is a small area of scrub-shrub and forested wetland located approximately 100 feet south of the site along the south side of Crystal Creek. This area is roughly due south of Wetland G and separated from the City Heights property by the Coal Mines Trail. No impacts to this wetland are anticipated as its drainage is separated from the site by the trail in this area. Other than small areas of impact for road construction described in Draft EIS Chapter 3 Section 3.4, the proposal includes preserving and protecting all wetlands on the property. A mitigation plan will be prepared and implemented to compensate for lost wetland area and wetland functions in areas o f impact.

Response to Ecology Comment #11: The possible requirement a Section 404 water quality permit from the U.S. Army Corps of Engineers and associated Section 401 water quality certification from Ecology are noted in the Draft EIS Fact Sheet (page v). The possible permit requirements and RCW 90.49 Administrative Order authority have been added to the Final EIS Fact Sheet, and to Draft EIS Section 3.4 by means of the Errata Sheet (Final EIS Chapter 3).

RESPONSE TO COMMENTS SUBMITTED BY THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

Response to WDFW Comment #1: The Washington Department of Ecology is the agency responsible for administering water rights in the State of Washington, and for determining the impact analysis and mitigation commitments required. The City Heights applicant had been engaged in Ecology’s water right process for two years at the time of this writing for a transfer to serve the majority of the development. There is no known policy or regulation that requires the City to reanalyze its water right to allocate available supply to development within the incorporated area.

Response to WDFW Comment #2: The cumulative impact analysis is provided in Draft EIS Chapter 1 Section 1.5 (Chapter 1, pages 1-52 through 1-54), and in Final EIS Section 1.6. This section was prepared in accordance with the requirements of the SEPA Guidelines, as cited therein. The City Heights property and Cle Elum Pines property (28.44 acres) are within the City of Cle Elum Urban Growth Area (UGA), and as such are anticipated to develop at urban levels within the current 20-year planning period (2005–2025). The Draft EIS acknowledges that development to the north (Cle Elum Property Partners) may be facilitated by improved access and the extension of City utilities and services through the City Heights site; however, this property is not presently within the UGA or within the City limits, and thus would require land use considerations and environmental review before development could be approved on that property. The Central Cascades Land Company property (an industrial site) is not contiguous with City Heights and therefore is not perceived to be facilitated by this development.

Development of the Cle Elum Property Partners and Central Cascades Land Company properties is not “tied to City Heights” except to the extent that if the City Heights site is annexed to Cle Elum, it would create a contiguous boundary with the City limits for the Cle Elum Property Partners land to the north, enabling that owner to apply for annexation if they choose. The City Heights property is not contiguous with the Central Cascades Land Company site, and thus would not enable annexation of that property.

The City of Cle Elum is responsible under the Washington State Growth Management Act for planning for future growth (see Draft EIS Chapter 3 Sections 3.7.1, 3.10 and 3.11). As such, it is not the City’s purpose to “prevent development on other adjoining areas utilizing infrastructure that will be developed as part of the City Heights development.”

Response to WDFW Comment #3: The potential for an increase in wildland fires is addressed in Draft EIS Chapter 3 Section 3.17.2 (pages 3.17.2-10 and -12). The issue was discussed with Chief Dave Campbell of the Cle Elum Fire Department, and with Ray Risdon (Administrative Chief) and Russ Hobbs (District Chief) of Kittitas County Fire Protection District #7 during Draft EIS preparation. This issue is addressed in Section 3.17.2 of the Draft EIS (pages 3.17.2-10 and 3.17.2-12). With the urban level of development proposed on the site under Alternative 1, 2, or 3A, it is not anticipated that individual property owners will engage in forestry practices on their lots in the completed condition of the development. If Alternative 3B is selected (No Annexation: Development within the County under Multiple Ownerships), this may be a consideration for the County to address.

The City has requested that a Vegetation Management Plan be prepared to address the health and safety of trees that will remain on the site following development.

Response to WDFW Comment #4: Potential conflicts between large animals and residents of the City Heights development are disclosed in Draft EIS Chapter 3 Section 3.5, along with possible mitigation measures to minimize or avoid these potential conflicts. The fact that WDFW discourages situations that

would require commitment of resources and/or enforcement by WDFW personnel is specifically noted on page 3.5-12, based on the WDFW letter of comment received during the Scoping process for this EIS.

Response to WDFW Comment #5: Details of the open space proposal for the project had not yet been developed at the time the conceptual land use alternatives were evaluated in the Environmental Impact Statement.

Habitat conservation areas are defined in the City of Cle Elum Municipal Code (CEMC) Critical Areas Code as riparian corridors, habitats of local importance, and habitats associated with protected species (CEMC 18.01.030). Of these, only riparian corridors occur on the City Heights property. The proposal includes retaining these areas in the Alternative 1, 2 or 3A conceptual land use plans. Habitat areas to be retained on the site (wetlands, streams, buffers, and open space corridors) will provide links to the large forested area to the north that includes more than 1,000,000 acres of commercial forest and wilderness. The proposal to retain open space corridors and connections through the development to off-site habitat areas would partially off-set habitat fragmentation that would result from site development. This would retain shelter and sources of food for small mammals and birds, but could have the undesirable effect of also maintaining corridors for large mammals and predators to move through the site (Draft EIS Section 3.5, page 3.5-10 and -11).

Response to WDFW Comment #6: WDFW comments discouraging use of stream corridors and riparian buffers for stormwater treatment and detention facilities are acknowledged. The stormwater management system to be installed on the City Heights property during construction and in the developed condition will comply with Ecology's *Stormwater Management Manual for Eastern Washington*, as discussed in Draft EIS Chapter 2 Section 2.9.1 (pages 2-16 through 2-20).

Response to WDFW Comment #7: The impacts described in WDFW Comment #7 are acknowledged and are disclosed in Draft EIS Section 3.5. The proposal includes retaining the highest-value habitat areas on the property: wetlands, streams and their buffers. The Draft EIS discloses that there will be a reduction in the number and diversity of wildlife species and overall carrying capacity of the site. The EIS concludes, however, that the project will not have a significant unavoidable adverse impact to this element of the environment, and the mitigation measures proposed will further ameliorate those impacts. Also see paragraph 3 of the response to WDFW Comment #2, above.

RESPONSE TO COMMENTS SUBMITTED BY THE WASHINGTON DEPARTMENT OF TRANSPORTATION

Response to WSDOT Comment #1: Recitation of the alternatives evaluated in the Draft EIS and of WSDOT intersections (currently operating at LOS C or better) that would be affected by project traffic is acknowledged. It is also acknowledged that the WSDOT Level of Service (LOS) standard for intersections is LOS C, whether or not the intersection is within the City limits. The Draft EIS (Chapter 2 at pages 2-37 and 3.16-12) reported that as of January 2010, the City of Cle Elum uses Level of Service D as its standard for acceptable intersection operations. The City has not yet formally taken action to adopt a Level of Service standard, and is unlikely to do so before this Final EIS is issued. This clarification is made in the Errata Sheet (Final EIS Chapter 3). Also see the response to WSDOT Comment #8 below.

Response to WSDOT Comment #2: Traffic analysis performed for the Draft EIS assumed substantial background growth from other projects that could be developed in the study area through the year 2022. This included both permitted and speculative developments. Overall, traffic from the growth of approximately 2,000 residential units plus about 860,000 sf of industrial/commercial space was included in the future traffic volume forecasts. At the time of the Draft EIS, the forecast methodology was consistent with the City of Cle Elum *Draft Transportation Plan* (May 2009). The mitigation needs were evaluated based on this worst-case growth assumption. Table 2.1-1 (below) summarizes the division of traffic volumes assumed for each intersection: existing volumes, trip increases associated with growth for future projects (not including City Heights), and City Heights trips for Alternatives 1 and 2. It is noted that the access option differed between Alternative 1 and Alternative 2. This table shows that at several locations the background growth associated with other projects far exceeded to number of trips generated by the City Heights project.

Table 2.1-1. PM peak hour traffic volumes assumed in City Heights Draft EIS at select intersections.

Intersection	Total PM Peak Hour Trips Entering Intersection					
	Existing	Future Background Growth	City Heights Trips		Total Volume	
			Alt 1 ^a	Alt 2 ^b	with City Hts Alt 1	with City Hts Alt 2
N Stafford Ave/W 2nd St (SR 903)	750	372	461	432	1,583	1,554
Oakes Avenue/ W 2nd Street	480	297	346	465	1,123	1,242
S Cle Elum Wy/W 1st Street/Stafford Ave	1,141	396	135	134	1,672	1,671
Oakes Ave/W 1st St	1,167	452	49	174	1,668	1,793
Columbia Ave/E 1st St	566	499	261	168	1,326	1,233
SR 903/SR 907	447	606	262	167	1,315	1,220
W Cemetery Rd/W 1st Street	861	420	148	185	1,429	1,466

The City of Cle Elum is in the process of updating its growth forecasts for the final Transportation Plan, which will likely have fewer units and less commercial space developed by the year 2030. However, the new growth forecasts were not yet available.

To show how the background growth assumptions resulted in the need for many of the mitigation measures recommended in the Draft EIS, new analysis was performed assuming a year 2022 forecast with lower growth. For this analysis, a simple 3 percent per year growth rate on existing volumes was assumed (overall compounded growth for 13 years of 47 percent). Then the City Heights traffic for Alternative 1 was added to that traffic. No changes in existing traffic control were assumed. Table 2.1-2 below summarizes the results for key intersections where improvements were recommended for the prior analysis.

Table 2.1-2. PM peak hour level of service summary for select intersections – future year 2022 conditions assuming only 3 percent per year growth in background traffic.

	Year 2022 Future Conditions w/ 3% Background Growth Only (w/o City Heights)		Year 2022 Future Conditions with City Heights	
	LOS	Delay	LOS	Delay
Unsignalized Intersections³				
W Cemetery Road/W 1st Street				
Northbound Left-turn	F	74.0	F	>200
Southbound Approach	F	135.7	F	>400
Columbia Avenue/E 1st Street				
Northbound Approach	C	15.3	C	21.4
Southbound Approach	C	17.2	E	39.6
SR 903/SR 970				
Northbound Approach	B	13.1	C	18.6
Stafford Avenue/W 2nd Street (SR 903)				
Northbound Left-turn	F	76.7	F	>300
Southbound Approach	C	18.8	F	134.5
Oakes Avenue/W 2nd Street (SR 903)				
Northbound Left-turn	C	16.5	E	37.0
Southbound Approach	B	13.8	C	20.1
Alliance Road/SR 903⁴				
Northbound Left-turn	C	23.1	D	30.7
Southbound Left-turn	C	23.1	D	32.6

Source: Heffron Transportation, July 2010.

1 LOS = Level of service.

2 Delay = Average seconds of delay per vehicle.

3 Level of service and delay reported for worst operating movement/approach at unsignalized intersection.

4 LOS assumes site would take access via Alliance Road.

Two of the intersections – W Cemetery Road/W 1st Street and Stafford Avenue/W 2nd Street (SR 903) – would operate at LOS F conditions with more modest growth than had been assumed in the Draft EIS. These two locations would require improvement with or without the proposed City Heights project. Therefore, contributing to a proportionate share of a solution is a reasonable mitigation approach. Two of the intersections would have left turn movements that would operate at LOS E – the northbound left turn from Oakes Avenue to W 2nd Street and the southbound left turn from Columbia Avenue to E 1st Street. With this more modest growth, both of those movements would be improved to LOS C if a two-way left turn lane were striped on the major street. This would allow turns from a stop-sign to make a two-stage left turn. No signals would be needed. The intersection of SR 903/SR 907 would operate at LOS C with modest background growth and the addition of City Heights traffic, and no improvement would be

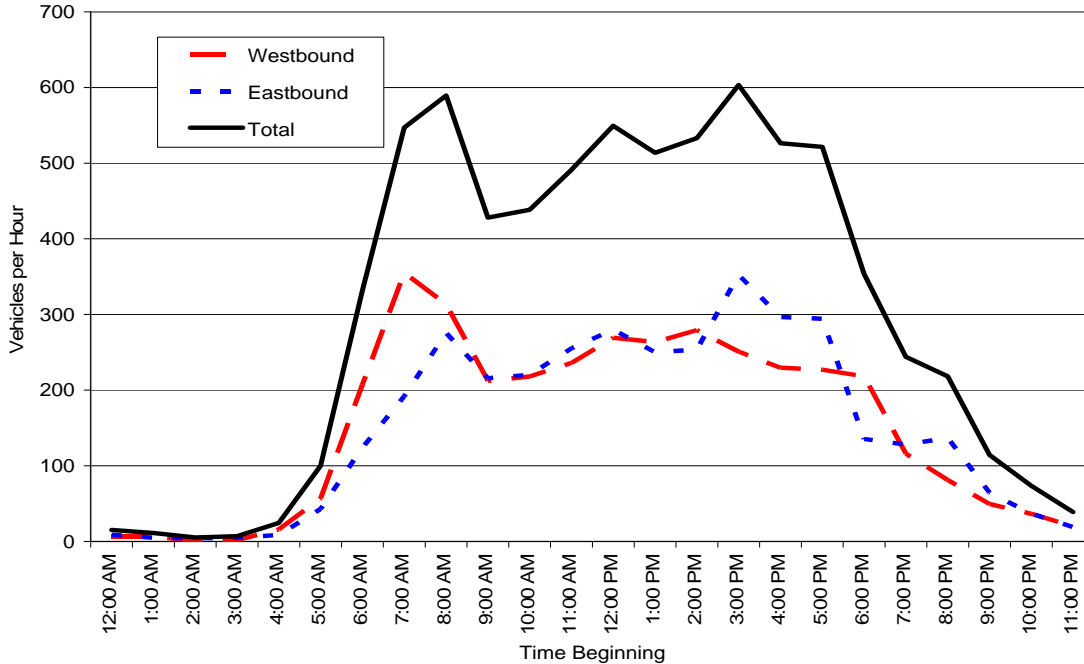
needed. The intersection of Alliance Road/SR 903 would have side street left turns degraded from LOS C to LOS D if Alliance Road is selected as the project's west access.

Potential mitigation measures for affected intersections are described at the end of the responses to the WSDOT letter. Appropriate transportation mitigation will be negotiated with WSDOT in conjunction with preparation of the Development Agreement for City Heights.

Response to WSDOT Comment #3: Comments were received after school was dismissed for the summer; therefore, it was not possible to obtain new traffic counts on SR 903 at Alliance Road to evaluate AM peak hour conditions. Alternatively, historic counts were researched. All major studies performed in this area – City of Cle Elum *Draft Transportation Plan* (May 2009), WSDOT SR 903 Route Development Plan (January 2004), *Kittitas County Long Range Transportation Plan* (June 2008), and ongoing traffic monitoring performed for Suncadia (Transportation Solutions, Inc., 2008) – evaluated only PM peak hour conditions. In fact, a search of these resources revealed no AM peak hour traffic volumes or analysis. It is for this reason that PM peak hour conditions were evaluated for the City Heights Draft EIS.

In 2007, WSDOT performed a three-day traffic count on SR 903 at milepost 2.28 (at the Roslyn Creek Bridge west of Stafford Avenue). This count was performed in June when school was in session. These counts were compiled to show how traffic volumes fluctuate by time of day. These volumes are shown on Figure 2.1-1 below. This chart shows that there is a westbound peak in morning traffic, which could be related to school trips. However, overall AM peak hour volumes are about the same as the PM peak hour volumes. Also, at the Alliance Road intersection, traffic conditions would be worst after school when traffic is exiting that site. Therefore, it is unlikely that AM peak hour operations would be worse than PM peak hour operations.

Figure 2.1-1. Hourly traffic volumes – SR 903 at milepost 2.28 (East of Stafford Avenue).



Source: Washington State Department of Transportation (WSDOT) Traffic Data Office, Counts were performed on Tuesday, June 5, 2007 through Thursday June 7, 2007.

Response to WSDOT Comment #4: See the response to WSDOT Comment #2 above. Future signalization is needed at these intersections if the substantial growth assumed in this report occurs. The City Heights project by itself would not trigger the need for the signals. However, if background growth is lower, then signals would only be needed at two of the intersections: W Cemetery Road/W 1st Street and Stafford Avenue/W 2nd Street (SR 903). These intersections would operate at LOS F without the City Heights project; therefore, it is reasonable to assume that City Heights would only be responsible for a proportionate share of the mitigation need. With lower background growth, left turns at two of the intersections – the northbound left turn from Oakes Avenue to W 2nd Street and the southbound left turn from Columbia Avenue to E 1st Street – could be improved to LOS C if a two-way left turn lane were striped on the major street; no signals would be needed. Finally, with lower background growth, no signal would be needed at the SR 903/SR 907 intersection.

Potential mitigation measures for affected intersections are described at the end of the responses to this letter. Appropriate transportation mitigation plan will be negotiated with WSDOT in conjunction with preparation of the Development Agreement for City Heights.

Response to WSDOT Comment #5: See WSDOT Comment #2 and the response to that comment above. Future degradation of the SR 903/SR 903 Spur intersection (referred to in the City Heights Draft EIS as SR 903/SR 907) would occur if the substantial background growth assumed for this intersection were to occur. As shown in Table 2.1-1 above, background traffic volumes were assumed to increase by over 600 vehicles per hour through this intersection. The City Heights project was expected to add an estimated 170 to 260 trips depending on the alternative selected. Therefore, background growth contributed more than three times the traffic increase compared to the City Heights project. If a more moderate background growth rate is assumed (3 percent per year), and City Heights traffic is added to that

volume, then the intersection would continue to operate at LOS C in the future and no improvements would be needed.

Response to WSDOT Comment #6: The western access point to City Heights could be either through the Cle Elum Pines (Deneen) property or at Alliance Road. As described in Response to WSDOT Comment #2 above, left turns from Alliance Road onto SR 903 could operate at LOS D in the future. However, the affected movement's volume would be too low to warrant a traffic signal (less than 20 vehicles per hour for even the highest-volume alternative). The same would be true for an access through the Deneen property. Therefore, it is recommended that the west end of the project be served by two access points that are interconnected through the site. With this layout, motorists would likely choose to egress the site via the Stafford Avenue route instead of waiting to turn left at Alliance Road.

Response to WSDOT Comment #7: Only a portion of the statement made on Draft EIS page 1-32 is noted in WSDOT Comment #7, suggesting that the commentor may have construed that the Draft EIS suggests development of City Heights at full build-out is not expected to increase traffic incidents within the area studied. The entirety of that statement addresses the concern raised by WSDOT. It provides: "City Heights traffic at full build-out is not expected to increase the number of traffic incidents within the study area *other than in proportion to the affect of additional cars on City streets and WSDOT highways.*" This is a fair statement, as nothing unique is anticipated with traffic that would be generated by City Heights that would generate a higher proportion of traffic incidents. It is recognized that motorists who experience long delays at a stop sign may choose to turn into a gap that is too short, increasing the risk of an accident. For this reason, a secondary means of egress is proposed to the west end of the City Heights project so that motorists can choose to egress the site via Stafford Avenue instead of at Alliance Road.

Response to WSDOT Comment #8: Statements with which WSDOT does agree regarding the requirement to comply with WSDOT standards are acknowledged. These requirements are noted in the Draft EIS Fact Sheet (page vi), and in Draft EIS Chapter 3 Section 3.16, Transportation (page 3.16-31).

Response to WSDOT Comment #9: The Draft EIS traffic analysis, which evaluated the worst-case growth condition, did not reveal any "fatal flaws" to traffic along SR 903 that could not be mitigated at the affected intersection. A new collector road would not be an appropriate mitigation measure as the EIS does not identify any significant unavoidable adverse impacts to SR 903 transportation as a result of the proposed project.

Summary of Potential Mitigation Measures: A meeting was held on July 26, 2010 with WSDOT representatives, the City of Cle Elum, Kittitas County representatives, the project proponent, and the project traffic consultant. It was acknowledged at this meeting that growth assumptions used in the City Heights Draft EIS likely reflect the worst-case condition. The City described its ongoing process to reassess its growth forecasts as it finalizes its Transportation Plan. The level of service results presented in response to Comment #2, which reflect a moderate growth rate, were discussed. Based on this new analysis and that discussion, the following mitigation measures are suggested for City Heights:

- **Stafford Avenue/W 2nd Street (SR 903)** – Monitor this intersection to determine when a traffic signal is warranted. Once warranted, City Heights would pay a proportionate share of the costs of the signal. Depending on the level of background growth, City Heights traffic would represent 25 percent to 30 percent of the total traffic entering this intersection.
- **W Cemetery Road/W 1st Street** - Monitor this intersection to determine when a traffic signal is warranted. Once warranted, City Heights would pay a proportionate share of the costs of the

signal. City Heights traffic would represent about 10 percent of the total traffic entering this intersection.

- **Oakes Avenue/W 2nd Street** – Reconfigure W 2nd Street through this intersection to provide a center two-way, left-turn lane (TWLTL). City Heights would pay 100 percent of the cost of this improvement.
- **Columbia Avenue/E 1st Street** - Reconfigure E 1st Street through this intersection to provide a center two-way, left-turn lane (TWLTL). City Heights would pay 100 percent of the cost of this improvement.
- **SR 903/SR 970** – No mitigation likely needed. However, the intersection should be monitored to determine if changes to traffic control or lane configuration are needed in the future. If changes are needed, then the project should contribute a proportionate share cost. Depending on the level of background growth and the alternative selected, City Heights traffic would range from 10 percent to 20 percent of total traffic entering this intersection.
- **Alliance Road/SR 903** – Provide an interconnected, second access point for the west end of the City Heights project to provide an alternative egress point for motorists.

Appropriate transportation mitigation will be negotiated with WSDOT in conjunction with preparation of the Development Agreement for City Heights.

**RESPONSE TO COMMENTS SUBMITTED BY THE KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS**

Response to KCDPW Comment #1: The Draft EIS states in Chapter 2: Description of the Proposal and Alternatives (page 2-6) that there would be limited or no public amenities in the Alternative 2 development concept due to reduced resources compared to Alternative 1, and on page 2-8 that all open space (approximately 161 acres) would be unimproved in Alternative 3A with no public amenities. To clarify, “reduced resources” means that 110 fewer lots for sale would produce less revenue for amenities and common area improvements. Medium-valued lots are proposed with a narrow profit margin. The overall package of mitigation requirements to be specified in the Development Agreement will prioritize and address the project’s proportionate share costs for transportation system improvements, utilities, and public services in addition to parks, trails and open space improvements.

The City’s proposed level of service standards for parks, open space and trails reported in Draft EIS Chapter 3 Section 3.14 are based on a project’s proportionate share of City-wide population. Thus, it is expected that within the City, alternatives with a reduced number of dwelling units and therefore fewer residents would provide less in the way of these amenities (see Table 3.14-4 on Draft EIS page 3.14-11 and the associated discussion).

Response to KCDPW Comment #2: The City agrees with the Kittitas County Department of Public Works commentor, and accepts the County’s offer to work closely with the City to ensure the site is developed to urban city standards if the project were to be developed in the County (Alternative 3A or 3B), within the City’s Urban Growth Area (UGA). If the City Heights property develops in the UGA, the City of Cle Elum further requests that the County enter into an Interlocal Agreement or similar enabling document that would govern the development standards, responsibilities for on- and off-site mitigations, and implementation of appropriate conditions based on Best Available Science and Best Management Practices, to address known significant unavoidable adverse impacts as disclosed in the EIS.

The County’s position expressed in its June 7, 2010 letter of comment regarding the propriety of joint coordination to ensure the subject area is developed to urban city standards even if in the County is consistent with discussions the City had with the County during preparation of the Draft EIS.

Response to KCDPW Comment #3A: Haul route coordination requirements described in Draft EIS Chapter 2 Section 2.9.4.1 (page 2-27), and Draft EIS Chapter 3 Section 3.16 (page 3.16-30), have been corrected by means of the Errata Sheet (Final EIS Chapter 3).

Response to KCDPW Comment #3B: Numerous statements are made throughout the Draft EIS of the project proponent’s intent to coordinate proposed development with Puget Sound Energy (PSE) and the Bonneville Power Administration (BPA), particularly where improvements (roads, trails, and utilities) are shown on conceptual land use plans to cross the power line corridors. The property owner (City Heights project proponent) is the grantor of the easements that allow PSE and BPA to construct, operate, patrol, maintain, repair, replace, and enlarge electrical transmission and/or distribution lines within these corridors on the property. The language of the easements granted to PSE and BPA allow the property owner to “ . . . cross and re-cross the right-of-way at any point and to use said right-of-way for the purpose of constructing, operating and maintaining communication lines, pipelines, conduits and roadways . . . ”

Response to KCDPW Comment #3C: If Montgomery Avenue is proposed as a point of access to the City Heights development in the final site plan configuration selected, it will be the project proponent’s

responsibility to expand the easement. Draft EIS Alternatives 2 and 3A analyze scenarios in which Montgomery Avenue would be used for emergency vehicle access only, via the power line corridor.

Response to KCDPW Comment #3D: Comments regarding a portion of Creekside Road being outside the City limits and therefore needing to remain a private road (rather than developed to City standards) are acknowledged.

Response to KCDPW Comment #3E: See the response to comments submitted by the Washington State Department of Transportation (WSDOT), including the summary of recommended mitigation measures at the end of the response to those comments. Appropriate mitigation will be negotiated with affected agencies in conjunction with preparation of the Development Agreement for City Heights.

Response to KCDPW Comment #3F: The opinion expressed in this comment is acknowledged. The author of the Kittitas County Department of Public Works comments (Christina Wollman) participated in the July 20, 2010 meeting with the City of Cle Elum, WSDOT representatives, project proponent, and project traffic consultant.

Response to KCDPW Comment #3G: The requirement to coordinate improvements to Alliance Road (if any) with the Kittitas County Department of Public Works has been added to the Draft EIS Fact Sheet (page vi), and to Section 3.16 (page 3.16-31) by means of the Errata Sheet (Final EIS Chapter 3).

RESPONSE TO COMMENTS SUBMITTED BY KITTITAS COUNTY WATER DISTRICT #2

Response to KCWD2 Comment #1: The Washington Department of Ecology is the agency responsible for administering water rights in the State of Washington, and for determining the impact analysis and mitigation commitments required. The City Heights applicant has been engaged in Ecology’s water right process as required by law and regulation for a transfer (not a new water right) to serve the development. Water demand projections for the development are provided in Draft EIS Chapter 3 Section 3.18.1, and include proposed residential use, commercial use, and a 7.5% contingency. Under *Other Recommended Mitigation Measures* in this section, it is suggested that the Covenants, Conditions and Restrictions (CC&Rs) of the development could require homeowners to install only drought-tolerant (i.e., xeric) landscaping to minimize irrigation requirements.

Response to KCWD2 Comment #2: The water supply requirements of future development by others will also be required to go through Ecology’s rigorous water right approval process with mitigation to achieve a “water budget neutral” service; i.e., water supply that will result in no net increase in the amount of water used and no net loss of water in the basin.

Response to KCWD2 Comment #3: The terms and conditions of water right approvals in Upper Kittitas County (and throughout the State of Washington) are the purview of the Department of Ecology. The water supply proposal for the City Heights development is a water right transfer from former irrigation use, with specific mitigation requirements to achieve a year-around water-budget-neutral use of the resource. Under Alternative 1, 2 or 3A, City Heights water use will be mitigated by surface water rights that have been placed into the State Trust Water Right Program (as described in Draft EIS Chapter 2 Section 2.9.2, pages 2-20 through 2-21), such that total water supply available in the Yakima Basin will not be diminished. In this manner, the project has been determined by Ecology to have no negative effect on the availability of water for other uses within the Yakima Basin.

Response to KCWD2 Comment #4: The Draft EIS Water Resources section (Chapter 3, page 3.3-2) does not claim any “proof” that there are no aquifer recharge areas on the City Heights property. It correctly states that Kittitas County Code identifies no critical aquifer recharge locations within the County, which covers the City Heights property. Under Alternative 3A or 3B therefore, the County would not have a means to regulate site development as if it were within a critical aquifer recharge area. The Draft EIS notes on page 3.3-8 that if Alternative 1 or 2 is selected, the City would conservatively assume that the 330 acres of the site presently outside the City limits *are* within an aquifer recharge area, and would designate it as such upon annexation. This designation would require site development to comply with design standards in the Cle Elum Municipal Code for the protection of aquifer recharge areas (CEMC Title 18, Section 18.01.140).

Response to KCWD2 Comment #5: Under City Heights land use Alternatives 1, 2 or 3A, water supply would be provided from off-site wells completed in Yakima River alluvial deposits and authorized by water right from the Department of Ecology. The only alternative that may rely on multiple on-site permit-exempt wells is Alternative 3B: No Annexation, Development within the County under Multiple Ownerships. Since this alternative would not include annexation to the City of Cle Elum, the City would not take ownership of or to maintain private, permit-exempt wells. Therefore, water from on-site permit-exempt wells completed in bedrock beneath the site would not be incorporated into the City water supply system.

Response to KCWD2 Comment #6: The water right transfer described above to serve the City Heights development has been processed and is ready to be issued pending completion of the Final EIS. Off-site

wells to be completed in Yakima River alluvial deposits will be tested to confirm suitability for domestic use prior to being put into service. The Class A Community Water System to serve Alternative 1, 2 or 3A will be subject to compliance with all applicable State and local standards regulations, including those administered by the Washington Department of Ecology and the Washington State Department of Health (as reported in Draft EIS Chapter 3 Section 3.18.1, page 3.18-10).

Response to KCWD2 Comment #7: It is not the intention for well water to be withdrawn from mine shafts. As previously stated in response to KCWD2 Comment #5, wells proposed to serve City Heights Alternative 1, 2, or 3A would be drilled off-site in Yakima River alluvial deposits. If Alternative 3B were selected (the least likely alternative to be implemented), and if the water supply proposal to serve development under this alternative was predominantly permit-exempt wells, additional investigation may be required to address water quantity, water quality, and potential subsidence issues.

Response to KCWD2 Comment #8: The Washington State Growth Management Act (Chapter 36A RCW) considers it to be in the public interest for urban development to occur in areas where urban services are provided. The project proponent considers it desirable for urban development of the site to be within the incorporated area to receive (and contribute to) City services that would not be available (or would be more difficult to provide) if development were to occur in the County under Alternative 3A or 3B.

Response to KCWD2 Comment #9: See comments submitted by WSDOT and the City's response to those comments.

Response to KCWD2 Comment #10: If a bridge crossing of the Coal Mines Trail is ultimately proposed for the west access to the development, City decision makers will most certainly consider aesthetics and other matters related to use of the trail during their deliberations whether to approve, deny or approve with conditions this project element.

Response to KCWD2 Comment #11: See the response to KCWD2 Comment #9, above.

Response to KCWD2 Comment #12: See the response to Kittitas County Department of Public Works Comment #3B.

Response to KCWD2 Comment #13: Statements are made at numerous locations within the Draft EIS that stormwater runoff during construction and in the completed condition of the development will be controlled in accordance with the requirements of Ecology's *Stormwater Management Manual for Eastern Washington*. The Utilities: Stormwater Management section reports on page 3.18-28 that ". . . detention facilities are proposed throughout the project site, based on separate basin areas, to detain the post-development runoff associated with proposed site improvements."

Response to KCWD2 Comment #14: The Draft EIS reports in Chapter 3 Section 3.17.1 (page 3.17-2) that depending on the City Heights alternative selected for implementation, the City Public Works Department would provide inspection services (for Alternative 1 or 2), or the County Department of Public Works would provide inspection services (for Alternative 3A or 3B).

Response to KCWD2 Comment #15: The City of Cle Elum is responsible under the Washington State Growth Management Act for planning for future growth (see Draft EIS Chapter 3 Sections 3.7.1, 3.10 and 3.11). The Covenants, Conditions and Restrictions (CC&Rs) of the City Heights development will include architectural standards for building character, exterior materials and colors; lighting, restoration plantings and screening requirements; and road standards that include provisions for landscaping and pedestrians (Draft EIS Aesthetics section, page 3.13-13). The City will be given an opportunity to review and comment on these development standards (see the discussion that follows City of Cle Elum Land Use Goal-1 on Draft EIS page 3.7-7).

RESPONSE TO COMMENTS SUBMITTED BY THE CLE ELUM-ROSLYN SCHOOL DISTRICT

In an e-mail message addressed to eiscomment@gmail.com, Brian Twardoski wrote:

Please see attached comments regarding the City Heights Draft Environmental Impact Statement. The School District looks forward to working with the City and the developer to craft a development agreement that will be effective for all.

Mr. Twardoski entered electronic comments in the .pdf files of one Draft EIS text section and the Fiscal Analysis technical report prepared in support of the Draft EIS. Text excerpts (in italic font) are copied into the transcript below, followed by Mr. Twardoski's comments and the City's response to these comments.

DRAFT EIS SECTION 3.17 PUBLIC SERVICES SUBSECTION 3.17.5 SCHOOLS

MITIGATION MEASURES: APPLICABLE REGULATIONS (PAGE 3.17-24)

Because of the lid on local tax revenues (imposed by RCW 84.52.0531), the School District can effectively fund the operational impacts of additional students by collecting proportionately more funds locally to fill the gap between expenditures and non-local support. As enrollment grows, non-local support will grow and the amount of local funding can increase proportionately under State funding formulas. In addition, the City Heights development would generate a larger tax base over which to spread the fixed cost of bond repayment . . .

School District Comment #1: The challenge here is that the School District can't afford to wait until the taxable property values of the City Heights project grows large enough to support the increased enrollment. There is a latency in the construction planning process of 3 to 5 years.

Response to School District Comment #1: This comment is acknowledged. The City of Cle Elum will provide for the School District to negotiate appropriate mitigation for schools in conjunction with preparation of the Development Agreement for City Heights.

DRAFT EIS SECTION 3.17 PUBLIC SERVICES SUBSECTION 3.17.5 SCHOOLS

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS (PAGE 3.17-25)

Table 3.19-14 in Draft EIS Section 3.19 shows how operating costs can be balanced to result in no net effect on School District operations. Tables 3.19-17 and 3.19-18 show funding options for the potential School District capital facility impacts of the City Heights alternatives. Because the Development Agreement to be negotiated between the City and the project proponent (if Alternative 1 or 2 is selected), or conditions of project approval that would be imposed by Kittitas County if Alternative 3A or 3B is selected, would provide for capital facilities funding options satisfactory to the School District, there should be no significant unavoidable adverse impact to the District.

School District Comment #2: There is a critical assumption in this statement regarding capital facilities funding options that are satisfactory to meet the needs of the School District.

Response to School District Comment #2: This comment is acknowledged. See the response to School District Comment #1.

CLE ELUM CITY HEIGHTS FISCAL ANALYSIS TECHNICAL REPORT

Property Counselors, March 2010

SUMMARY: OPERATING IMPACTS

TABLE 2. SUMMARY OF OPERATING IMPACTS (\$2009), PAGE 4

School District Comment #3: Line Item: Contribution to Bonds – It is unclear how these numbers are derived.

Response to School District Comment #3: The Contribution to Bonds line item was calculated as the product of the potential assessed valuation and the current bond levy rate. This item would not be available after the outstanding bonds are paid off in 2011.

SUMMARY: OPERATING IMPACTS (PAGE 5)

The Cle Elum-Roslyn School District would be able to collect sufficient revenue from State, Federal and local sources to cover additional operating expenses. There would be no net effect on operations. However, the District can spread the cost of current bond levies over a wider tax base, thereby lowering the impact on existing taxpayers.

School District Comment #4: Federal funds are allocated based upon factors derived from the census. I don't anticipate enrollment growth related to the City Heights project to drive more Federal revenue to the School District.

Response to School District Comment #4: Federal funds were equivalent to \$617 per student, or 8.2% of non-local sources of revenue for the District in the 2008/2009 school year when the *Cle Elum City Heights Fiscal Analysis* was performed (Property Counselors, March 2010). Federal revenues fund a variety of programs on both a formula- or competitive-basis. The impact of City Heights will be reflected in future censuses. The Fiscal Analysis consultant projects that enrollment growth related to City Heights should drive some new Federal revenues, if not at the historical per capita levels.

SUMMARY: CAPITAL COST IMPACT (PAGE 6)

The major capital cost impact of the City Heights development would be the cost of additional school facilities if and when any modifications or additions to existing facilities are determined to be required. While the Cle Elum-Roslyn School District currently has excess capacity at the elementary school level, and to a lesser extent at the middle school level, the District may at some time in the future have to add classroom and supporting facilities to serve the increased enrollment associated with the City Heights development. Several uncertainties exist at the time of this writing that make actual mitigation requirements difficult to determine. For example, there is uncertainty regarding the number of students that would be attending the elementary, junior high and high schools in the future, and the number of homes within City Heights that would be permanently occupied by families with children. There are options available for how to accommodate future facilities needs. As an offset to the total cost of new facilities or facilities expansion, varying levels of matching funds are available from the State. At the present time, the District is eligible for only nominal State matching funds. At the time that additional capacity is required, the District would likely be eligible for State funds for a larger portion of this cost.

School District Comment #5: Due to the high property value status of the School District, we are NOT likely to receive more than 10 to 15% support from the State at any time in the foreseeable future.

Response to School District Comment #5: The Fiscal Analysis consultant found that the District is currently eligible for a 20% State Funding Assistance percentage for qualifying projects, as determined by the State Office of Public Instruction. (The effective match percentage is lower because the State assumes construction cost factors that are well below actual costs.) This is the lowest rate among all districts in the State, and reflects the District's high property values on a per pupil basis. The percentage cannot go lower according to law, and may increase over time. The applicable factor at the time of construction of any new facilities can be considered in identifying the actual impact.

SUMMARY: CAPITAL COST IMPACT (PAGE 6)

If needed, classrooms and support facilities could be provided through the construction of new facilities, the expansion of existing facilities, or utilization of modular facilities. The School District's Capital Facilities Plan calls for, among other things, the construction of a new high school campus. Construction of a new campus (classrooms, offices, gymnasium, recreational facilities, etc) would need to be financed through the issuance of voter-approved bonds. The City has the ability to issue bonds approved by the voters (including new residents within City Heights) to complete a new campus and may choose to support such an initiative in the future; however, if bonds were not approved by the voters, options other than an entire new campus would need to be utilized to accommodate transitional growth in student enrollment.

School District Comment #6: The School District has the ability to issue bonds approved by the voters for the construction of new facilities, not the City.

Response to School District Comment #6: This comment is acknowledged. The correction has been noted in the Errata Sheet (Final EIS Chapter 3), and in the final *Cle Elum City Heights Fiscal Analysis* (Property Counselors, November 2010).

SUMMARY: CAPITAL COST IMPACT (PAGE 6)

The Development Agreement to be negotiated between the City of Cle Elum and the project proponent will provide for funding options satisfactory to the School District to provide a means to finance the facilities needed to accommodate the growth in student population attributable to development of City Heights.

School District Comment #7: The Development Agreement to be negotiated between the City of Cle Elum, the project proponent and the School District . . .

Response to School District Comment #7: The City acknowledges that the School District will participate in mitigation negotiations for impacts to schools that will become elements of the Development Agreement. This correction has been noted in the Errata Sheet (Final EIS Chapter 3), and in the final *Cle Elum City Heights Fiscal Analysis* (Property Counselors, November 2010).

AFFECTED ENVIRONMENT AND CURRENT FISCAL CONDITIONS
TAXING DISTRICTS

TABLE 4. TAXING DISTRICTS AND TAX RATES (PAGE 9)

School District Comment #8: The Cle Elum Roslyn School-Levy and Cle Elum Roslyn School-Bond labels need to be switched [in the first column, in relation to the tax rates indicates in columns 2 and 3 of this table]. The levy is .624122/k and the bond is .254811/k.

Response to School District Comment #8: The tax rates have been corrected. The change affects the estimation of annual contribution to bonds. *Fiscal Analysis* technical report Tables 4 and 18 have been corrected in the November 2010 version of that document, and are included in the Errata Sheet (Final EIS Chapter 3).

COMPARISON OF OPERATING IMPACTS

REVENUE ASSUMPTIONS

TABLE 13. ASSUMED TAX RATES (PAGE 22)

School District Comment #9: The Cle Elum Roslyn School-Levy and Cle Elum Roslyn School-Bond labels need to be switched [same comment as #8, different table].

Response to School District Comment #9: *Fiscal Analysis* technical report Table 13 has been corrected in the November 2010 version of that document, and is included in the Errata Sheet (Final EIS Chapter 3).

OPERATING EXPENSE AND OTHER REVENUE ASSUMPTIONS

COMPARISON OF OPERATING IMPACTS: SCHOOL DISTRICT (PAGE 29)

TABLE 18. COMPARISON OF OPERATING IMPACTS, CLE ELUM-ROSLYN SCHOOL DISTRICT (\$2009)

School District Comment #10: Federal funding is NOT per student, but rather derived from census data.

Response to School District Comment #10: Non-local sources of funding were presented in the *Fiscal Analysis* technical report on a per student basis. Actual revenues will be determined based on a variety of more detailed factors.

OPERATING EXPENSE AND OTHER REVENUE ASSUMPTIONS

COMPARISON OF OPERATING IMPACTS: SCHOOL DISTRICT (PAGE 29)

TABLE 18. COMPARISON OF OPERATING IMPACTS, CLE ELUM-ROSLYN SCHOOL DISTRICT (\$2009)

School District Comment #11: The labels [in column one] need to be switched. The levy is .624122/k and the bond is .254811/k [same comment as #8, different table].

Response to School District Comment #11: *Fiscal Analysis* technical report Table 18 has been corrected in the November 2010 version of that document, and is included in the Errata Sheet (Final EIS Chapter 3).

COMPARISON OF CAPITAL IMPACTS AND POSSIBLE FUNDING SOURCES

CLE ELUM-ROSLYN SCHOOL DISTRICT (PAGE 36)

TABLE 22. COMPARISON OF CAPITAL IMPACTS – SHARE OF COST OF NEW SCHOOLS, CLE ELUM-ROSLYN SCHOOL DISTRICT (\$2009)

School District Comment #12: The [Elementary, Middle, and High School] costs/ft² are too low. Cost estimates furnished to the School District during our long term facility planning (2007) were in the \$250 to \$300/ft² range.

Response to School District Comment #12: The construction cost factors of \$210 per square foot for elementary and middle schools and \$255 for high schools (respectively) were derived by the Fiscal Analysis consultant based on national construction cost data from McGraw Hill for the National Clearing House for Educational Facilities. Actual bid prices for new construction projects in Washington State in 2009 and reported to the Superintendent of Public Instruction were:

ELEMENTARY AND MIDDLE SCHOOLS	
Ardmore Elementary Replacement, Bellevue	\$247.38
New elementary #15, Issaquah	\$209.96
New Cottonwood Elementary, Kennewick	\$198.82
Lakewood Middle Replacement, Sumner	\$220.91
Lakota Middle Replacement Federal Way	\$177.84
Denny Middle Replacement, Seattle	\$238.94
HIGH SCHOOLS	
Curtis Gym Replacement, University Place	\$229.78
Spanaway Addition and Replacement, Bethel	\$175.49
Lake Washington High School, Lake Washington	\$355.94

These factors include sales tax. It is acknowledged that the cost of any project is related to its size, scope, and location, but the assumed rates used in the *Cle Elum City Heights Fiscal Analysis* (Property Counselors, March 2010) fall within the range of the actual projects listed above, and include an allowance for design and permitting.

These rates are also consistent with the cost factors presented in the *Cle Elum-Roslyn School District No. 404 Study and Survey* (Integrus Architecture, P.S., September 2007). The cost factor for the Cle Elum Middle School was \$176 per square foot (memo to architect dated 4/6/2007). The cost factor for the high school was \$230 per square foot (memo to architect dated 4/19/2007).

TABLE 22. COMPARISON OF CAPITAL IMPACTS – SHARE OF COST OF NEW SCHOOLS, CLE ELUM-ROSLYN SCHOOL DISTRICT (\$2009) (PAGE 36)

School District Comment #13: \$85k is on the low end of the range for a new bus. The School District just ordered (spring 2010) a new bus for \$119k.

Response to School District Comment #13: The City acknowledges that the District’s recent experience in purchasing a new bus is likely to reflect future needs. At \$119,000 per bus, the total cost for the additional buses estimated to be needed under the City Heights Preferred Alternative would be \$418,000 rather than \$298,000.

COMPARISON OF CAPITAL IMPACTS AND POSSIBLE FUNDING SOURCES
CLE ELUM-ROSLYN SCHOOL DISTRICT (PAGE 37)

Other options to accommodate the additional students such as adding additional classrooms to the existing facilities or utilizing modular units to accommodate expansion would result in lower costs. The cost impact of adding additional classrooms is compared for alternatives in Table 23. The average cost per classroom is assumed at \$300,000 reflecting 1,425 square feet plus a 20% circulation factor, and a unit cost of \$175 per square foot.

School District Comment #14: This cost [\$175 per square foot] is a very low assumption. Extending the footprint of existing buildings is not feasible in the long term as the building infrastructure is not suitable for assumed extensions. Additionally, building and safety code compliance issues are considerable and will add to the cost of this approach.

Response to School District Comment #14: Depending upon the actual enrollment generated by City Heights and the total classroom need, the incremental addition of classroom facilities may meet short-term and long-term needs. However, the Cle Elum-Roslyn School District, project proponent, and City will address through negotiations in conjunction with preparation of the Development Agreement for City Heights, mitigation measures appropriate for the short-term and long-term needs of schools as a result of project impacts.

COMPARISON OF CAPITAL IMPACTS AND POSSIBLE FUNDING SOURCES
CLE ELUM-ROSLYN SCHOOL DISTRICT (PAGE 37)

The Development Agreement to be negotiated between the City of Cle Elum and the project proponent will provide for funding options satisfactory to the School District to provide a means to finance the facilities needed to accommodate the growth in student population attributable to development of City Heights.

School District Comment #15: The Development Agreement to be negotiated between the City of Cle Elum, the project proponent and the School District

Response to School District Comment #15: The City acknowledges that the School District will participate in mitigation negotiations for impacts to schools that will become elements of the Development Agreement. This correction has been noted in the Errata Sheet (Final EIS Chapter 3), and in the final *Cle Elum City Heights Fiscal Analysis* (Property Counselors, November 2010).

RESPONSE TO COMMENTS SUBMITTED BY CENTRAL CASCADES LAND COMPANY

Response to CCLC Comment #1: Corrections regarding the status of the Central Cascades Land Company (CCLC) water rights to serve their 90-acre Industrial Parcel west of Alliance Road are acknowledged. Draft EIS page 1-52 has been revised by means of the Errata Sheet (Final EIS Chapter 3). The Final EIS Summary (Chapter 1 Section 1.6) includes the corrected information.

The water issue reported in the City Heights Draft EIS was derived from Cle Elum City Council Resolution 2007-11, addressing the CCLC request to be included in the Cle Elum Urban Growth Area. The water-related statement in Resolution 2007-11 was simply a statement of a condition to be satisfied at the time of inclusion of the CCLC property in the City's UGA. That property is now in the City's Urban Growth Area; annexation has occurred. The water issues pertaining to CCLC future land use will be addressed at an appropriate time in relation to future action on that property. This issue is unrelated to the City Heights proposal.

Annexing the City Heights site would not create contiguity between the City and the CCLC site, as reported in the Draft EIS cumulative effects analysis (Chapter 1 Section 1.5, pages 1-52 through 1-54).

Response to CCLC Comment #2: The cumulative effects section of the Draft EIS was prepared in accordance with the SEPA Guidelines (Washington Administrative Code excerpts cited on Draft EIS page 1-52), and as further clarified in case law: “. . . *the impacts of future development proposals must be cumulatively assessed only when the instant proposal would be a necessary antecedent for such potential future proposal*” (Boehm v. City of Vancouver, Volume 111 Washington Appellate Reports, pages 711, 720 (2002)). The scope of the cumulative impacts analysis described in CCLC Comment #2 would be more appropriate for a City-wide long-range planning document, not specific to the City Heights environmental review.

Response to CCLC Comment #3: See WSDOT Comment #9 regarding the North Hills Connector, and the response to that comment.

Response to CCLC Comment #4: Access options were described and preliminarily analyzed in the Draft EIS. When the City Heights west access route is confirmed, additional analysis will be performed to confirm mitigation requirements. Also see WSDOT Comments #3 and #6 regarding the Alliance Road intersection with SR 903, and the response to those comments.

Response to CCLC Comment #5: Traffic monitoring is performed at the SR 903/Bullfrog Road roundabout as part of the conditions of approval for the Suncadia project. Counts performed in February 2008 show that this roundabout currently operates at LOS A during the PM peak hour. Traffic entering the roundabout could quadruple (increase from the current entering volume of 442 vehicles per hour to more than 1,600 vehicles per hour) without reducing this level of service. Therefore, the small number of trips that City Heights could add to this intersection (less than 100 per hour) is not likely to affect its operation.

Response to CCLC Comment #6: CCLC Comment #6 is acknowledged. Capital Facilities planning for water and sewer systems is a City responsibility not undertaken during private-project environmental review under SEPA.

Response to CCLC Comment #7: CCLC Comment #7 is acknowledged. The City's Water Policy does not contain provisions for prioritizing the sale of available water resources by type of use (e.g., residential, commercial, or industrial development).

Response to CCLC Comment #8: CCLC Comment #8 is acknowledged regarding wastewater treatment plant capacity being of primary importance and future expense for not only Northland Resources but also other property owners within the City of Cle Elum UGA, as is CCLC's support for more advanced and efficient wastewater treatment technologies when improvements are needed.

Response to CCLC Comment #9: The City Heights development is not expected to be a significant contributor of infiltration/inflow to the City's sewage collection system as new system construction does not tend to leak to the same extent as aging systems. If the *Infiltration/Inflow Option* is selected (described in Draft EIS Chapter 2 Section 2.9.3 [page 2-24], and Chapter 3 Section 3.18.2 [page 3.18-4]) to create available capacity within the City's existing system to serve City Heights, additional analysis will be done on this issue during the design phase. More detailed provisions for stormwater management will be prepared during the design phase, when the site plan to be developed has been confirmed.

Response to CCLC Comment #10: Northland Resources is nearing completion of the water right permitting process through the Washington Department of Ecology for the City Heights property. The requested water right would be used to provide water supply to serve conceptual land use Alternative 1, 2, or 3A. The requested water right would authorize supply from off-site wells completed in highly productive Yakima River alluvial deposits. The potential for impairment of nearby water rights or wells has been evaluated as part of this process (in accordance with Ecology's requirements), with the conclusion that the proposed groundwater withdrawals would not result in impairment. In the unlikely event that Alternative 3B is selected for implementation, the water supply to serve this option (No Annexation: Development within the County under Multiple Ownerships) may be multiple water-right permit-exempt wells. The potential effect of multiple on-site permit-exempt wells on water levels at other nearby groundwater wells would likely require additional analysis if this alternative is selected.

RESPONSE TO COMMENTS SUBMITTED BY SUNCADIA

Response to Suncadia Comment A: The conceptual land use alternatives evaluated in the City Heights EIS range from 875 to 985 housing units – 29% to 37% less in scale than the residential portion of the Bullfrog Flats project. The neighborhood commercial component of the City Heights proposal in the range of 20,000 to 40,000 sf of convenience retail and professional office use is significantly different in quantity and character than the Bullfrog Flats commercial component.

Response to Suncadia Comment B: The City acknowledges and appreciates the community-enhancing projects listed in Suncadia Comment B as mitigation for the Bullfrog Flats project. Some of these were also completed as mitigation for the Suncadia Resort project.

Response to Suncadia Comment C: City Heights mitigation requirements will be determined through Development Agreement negotiations based on existing conditions and current needs within the City as a result of the anticipated impacts of this project. Where the project will cause an adverse impact, it will be expected to pay the cost of improvements to minimize or avoid such impacts.

Response to Suncadia Comment C-1: Draft EIS Chapter 3 Section 3.7.1 (page 3.7-4) describes the City Heights affordable housing proposal in the discussion of the relationship of the proposal to the Washington State Growth Management Act. This information is also provided in the Housing section (Chapter 3 Section 3.11, page 3.11-3). “Under City Heights land use Alternative 1 or 2, affordable housing will be a component of the proposed Planned Mixed-Use development. The City of Cle Elum Comprehensive Plan Land Use Element (page 7) defines affordable housing as “adequate, safe, appropriate shelter, costing no more than 30 percent (including utilities, taxes, insurance) of a household’s gross income. The median income of an area varies by locale.”

Response to Suncadia Comment C-2: The Draft EIS Wildlife and Habitats section (Chapter 3 Section 3.5) reports the results of database searches and review of the City and County Critical Area codes, as follows:

The site does not contain habitats of local importance as defined in the Cle Elum Municipal Code (CEMC 18.01.210). . . . Kittitas County Code (applicable to City Heights conceptual land use Alternatives 3A or 3B) makes provisions for the identification of habitats for species of local importance, but does not list any specific locations where such habitats are presently designated (KCC 17A.07.025). (Draft EIS page 3.5-1)

State and Federal databases and mapping resources were reviewed to identify presence on the site or use of the property by any State- and/or Federally-listed animal species. . . . None were found. (Draft EIS page 3.5-3)

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) database results (received dated June 2, 2009) identify only streams on the City Heights site as priority habitats. (Draft EIS page 3.5-3)

Although elk commonly use the area of the City Heights site, this property is not listed in the PHS database as an area of regular concentrations, overwintering habitat, or any other special designation as a high-value elk habitat according to the PHS database. Typically, identified and well-defined winter range areas or areas of elk and mule deer accumulations are noted as a unique and numbered as such. (Draft EIS page 3.5-4)

In the absence of priority habitats or species, or the presence of State- or Federally-listed threatened or endangered species on the City Heights, the City does not have a basis for requiring mitigation for impacts to plants and wildlife in the forms suggested in Suncadia Comment C-2.

Response to Suncadia Comment C-3: See response to comments submitted by the Washington State Department of Transportation (WSDOT). Monitoring is recommended for three intersections where traffic signals may be warranted in the future.

Response to Suncadia Comment C-4: Draft EIS Chapter 3 Section 3.17.2 (pages 3.17-10 through -12) describes the potential impacts of the development reported by the City Fire Chief and preliminary calculations of tax revenues that will be available to fund additional manpower. City Heights mitigation requirements for the Cle Elum fire station and Fire Department equipment will be determined during Development Agreement negotiations between the City including its Fire Chief, and the project proponent.

Response to Suncadia Comment C-5: The Draft EIS reports in Section 3.17.2 (page 3.17-19) that tax revenues generated by the City Heights development would generate approximately \$105,000 per year for jail and dispatch costs. Similar to the response to Suncadia Comment C-4, mitigation costs for emergency aid and law enforcement dispatch through KITTCOM will be negotiated in the Development Agreement.

Response to Suncadia Comment C-6: School District representatives will participate in Development Agreement negotiations to determine equitable mitigation for City Heights to fund additional classroom capacity, school bus transportation, and contribute to the operating budget. See comments submitted by the Cle Elum-Roslyn School District and the response to those comments.

Response to Suncadia Comment C-7: The Draft EIS describes the affected environment by identifying existing municipal facilities, including the City's water treatment plant system, its capacity and limitations, as well as agreements that affect such capital facilities. The Draft EIS recognizes that there are existing agreements in-place that affect the determination of responsibility for future improvements to the City's water treatment plant. Options for potable water treatment and delivery to the City Heights development are discussed in the Draft EIS, but selection of the final approach has not yet been confirmed. The possibility that City Heights may not use the City's water treatment plant is also noted in the Draft EIS (Chapter 3 Section 3.18.1, page 3.18-9). To the extent that additional environmental review of the selected option is required under SEPA, appropriate review will be conducted. Appropriate water treatment provisions and appropriate mitigation, including cost allocation there for, will be negotiated with the project proponent in conjunction with preparation of the Development Agreement for the City Heights project.

Response to Suncadia Comment C-8: The Draft EIS describes the affected environment by identifying existing municipal facilities, including their capacity and limitations, as well as agreements that affect such capital facilities. The capacity of the City's existing wastewater treatment plant (WWTP) is presently fully allocated to parties in the Upper Kittitas County Regional Wastewater Facilities Project Agreement. Options for sewer service to the City Heights development are discussed in the Draft EIS, but selection of the final approach has not yet been confirmed. Depending on the alternative selected, City Heights may have cost responsibilities for improvements to the existing WWTP. To the extent that additional environmental review of the selected option is required under SEPA, appropriate review will be conducted. Appropriate wastewater treatment and appropriate mitigation, including cost allocation there for, will be negotiated with the project proponent in conjunction with preparation of the Development Agreement for the City Heights project.

Response to Suncadia Comment C-9: The City of Cle Elum plans for solid waste management, and contracts with Waste Management of Ellensburg for collection and disposal. Waste Management of Ellensburg was contacted during preparation of the City Heights Draft EIS to discuss the potential impacts of the City Heights development on manpower, equipment, transfer stations and disposal sites for solid waste and recyclable materials that would be generated by the project. As noted in the Draft EIS, based on that contact, Alternative 1 or 2 (City Heights development within the City of Cle Elum) would approximately double the number of existing accounts within the Cle Elum service area. The EIS does not identify a significant unavoidable adverse impact as a result of the project, and does not project a need for added manpower or equipment to serve phased build-out of the project over 6 to 12 years, as Waste Management of Ellensburg has additional resources available if needed (see Draft EIS Section 3.18.7, page 3.18-43).

Response to Suncadia Comment D: The Draft EIS evaluated a range of conceptual land use alternatives for the City Heights development. The preferred alternative has not yet been confirmed, as it will be determined in part by the Development Agreement negotiations. It is acknowledged that it is presently impossible to determine exactly what is contemplated for contributions to the School District, the Fire Department, Cle Elum Public Works, and City administrative staff, or the degree of City Heights capacity utilization of capital improvements.

Response to Suncadia Comment E: The impacts to the City of Cle Elum as a result of the proposed City Heights project have been evaluated taking into consideration Cle Elum's current boundaries, its natural environment, and both its built environment and that development which is authorized by contract, agreement, plat, site plan or other binding land use device but which is not yet completed. Upon any annexation, the subject lands and the attendant agreements that enable its development become part of the makeup of the built, natural and fiscal elements of the City of Cle Elum. If and when the City Heights project is annexed into the City, its lands, and attendant agreements (including the Development Agreement contemplated by the Applicant underlying this Draft EIS) will become part of the City of Cle Elum and not subject to renegotiation each time new land is proposed for annexation and development within the City. This is consistent with the concepts of concurrency and vested rights. In Washington, the Legislature's GMA goals, the Washington Administrative Code (WAC), various subdivision statutes, and a large body of case law either encourage or require provision of a broad range of facilities and system improvements prior to development approval in order to ensure that when the development that is authorized actually occurs, the facilities necessary to service that development, or plans for its development, are in place. See, for example, RCW 58.17.110, Washington's subdivision statute, which requires local jurisdictions to find that "appropriate provision" is made for "open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds," sidewalks and other facilities, prior to subdivision approval. Each application for annexation must evaluate the City as if the City has already made adequate provisions for the development already authorized so that regardless of whether the newest annexation is approved or not (and whether that land is built out or not), there is no reduction in the City's ability to meet the infrastructure needs of its residents concurrent with population growth. This is a process that does not provide for renegotiating all of the plats, subdivision approvals, site plans, development agreements and other binding land use devices that are already in place for lands already in the City, whether built or not. Those rights and obligations are vested, and ensure that services will be provided at least concurrently with demand regardless of future annexations.

To the fullest extent possible, the Development Agreement with the Applicant will take into consideration all the existing and approved land uses within the City to address the Applicant's proportionate share of those impacts it causes to the existing city (as developed and approved). The Development Agreement will seek to correlate the mitigation measures included therein with to the timing of the City Heights impact to the extent practicable.

Response to Suncadia Comment F: The City acknowledges that Suncadia, LLC will continue to monitor the impacts and mitigation requirements of the proposed City Heights project as the proposal is refined for implementation and the terms of the Development Agreement are formulated.

2.2 Comments Received from Individuals and the City's Response

Letters received from ten individuals during the City Heights Draft EIS comment period are reproduced in this section, followed by the City's response to each comment. Individuals from whom written comments were received include:

Diedre Link	Brad Page
Mary Lutz	Bonnie Reay
Kathleen Nesse	Kathy Stancik
Chuck Oxley	Judy and John Waldenmaier
Christine Oxley	Pat Woodell

A public meeting was held during the Draft EIS comment period on May 13, 2010 at the Walter Strom Middle School. Ten persons attended the meeting, which was conducted as an informal question and answer session. The issues discussed are listed below, and include both the questions and responses given by the City and the developer. No comments were formally submitted during the meeting.

- Roads, infrastructure: Timing, character, maintenance responsibility.
- Assessments, fees, developer cost responsibilities for this development.
- When will it be confirmed at which end of the site development will begin?
- Number of single-family lots?
- Geared toward weekenders or permanent residents?
- The type of residential units to be built will respond to market demand.
- Cottage-style character contemplated; snow loads will drive architectural requirements.
- Lot sizes, home sizes will be similar to existing in town.
- Affordable, modestly-priced neighborhood: detached homes in the range of \$300,000 to \$400,000; attached dwelling units in the range of \$165,000 to \$205,000.
- Objective to integrate with the existing community; desire to create the feeling that you've never left the City, just entered an extension of the City.
- Public access, small-town character, consistent sense of place.
- Has the City looked at communities where successful integration has occurred (such as Bend, Sun River Redmond, Prineville, Oregon)?
- May do some joint ventures with other developers with the intent to maintain influence over the character of development. Covenants, Conditions and Restrictions (CC&Rs) and private design guidelines (to be reviewed by the City) will run with the land.
- The City will negotiate the Development Agreement in a manner that if others besides Northland Resources become involved, the City will be assure of the character and mitigation they need.
- Neighborhood commercial uses: Encourage small-scale mini storage to support the development.
- Second grocery store: Likely would be located within the Bullfrog Flats development, not City Heights.
- Employers looking at Cle Elum want to know where their employees are going to live.
- Anticipate some City Heights residents would work in Issaquah or the Kent Valley.
- What is the economic basis to support this number of housing units?
- Kittitas County Economic Development Director sees this as a recreation-based economy.
- It is becoming more common for people to work out of their homes.
- Small businesses like to locate where they live. When they find a nice place to live, they bring their business with them.
- Annex in phases? Not proposed, not desirable from the perspective of the overall fiscal analysis.
- Supportive comments: Cle Elum needs this development.

RESPONSE TO COMMENTS SUBMITTED BY DEIDRE LINK

Response to Deidre Link Comment #1: The Washington State Environmental Policy Act (SEPA) Guidelines require the EIS to evaluate the potential impacts of the proposed action through comparison of alternatives for achieving the objectives of the proposal on the site (WAC 197-11-440[5]). The City acknowledges that this is not a customary form of reading for persons not routinely engaged in land use and environmental review processes. The information requested in D. Link Comment #2 is provided in the Draft EIS. See the response to Comment #2, below.

Response to Deidre Link Comment #2: The potential impacts of the City Heights conceptual land use alternatives on the land, environment, wildlife and citizens of Cle Elum are described in Chapter 3 of the Draft Environmental Impact Statement. Discussion of these specific elements can be found in Chapter 3 Section 3.1 (Earth), Sections 3.2 through 3.4 and Section 3.9 (Air Quality, Water Resources, Wetlands and Streams, and Noise); Section 3.5 (Wildlife and Habitat); and Sections 3.10 through 3.14 (Population, Housing, Light and Glare, Aesthetics, Parks and Recreation). The elements of the environment evaluated in the Draft EIS are specified by the Washington State Environmental Policy Act Guidelines (WAC 197-11-444). Efforts were made to describe potential effects at a human scale, in the context of residents of the area.

RESPONSE TO COMMENTS SUBMITTED BY MARY LUTZ

The City of Cle Elum acknowledges the concern described in the Mary Lutz comments regarding existing problems that occur as a result of seasonal runoff from the site. The permeability of site soils and moderate to severe erosion hazard on most steep slopes along the southern site boundary are reported in Draft EIS Chapter 3 Section 3.1 (pages 3.1-14 and 3.1-16).

Site development will be required to comply with applicable City and State regulations to eliminate or minimize erosion from existing unstable soil areas of the site through accepted engineering design standards and prudent construction practices. Measures proposed to address these requirements are described in Draft EIS Chapter 3 Section 3.1 (page 3.1-17), and Section 3.18.3 (pages 3.18-30 through 33).

The City has asked Northland Resources to have a baseline assessment conducted by a qualified professional engineer to identify existing problems with surface drainage or groundwater seepage downstream from the City Heights property, to be used to evaluate project effects as development occurs.

Also see Kathy Stancik Comment #1 and the response to that comment.

RESPONSE TO COMMENTS SUBMITTED BY KATHLEEN NESSE

The City of Cle Elum acknowledges the concern described in the Kathleen Nesse comments regarding existing problems that occur as a result of seasonal runoff from the site. See the preceding response to comments submitted by Mary Lutz, and the response to Kathy Stancik Comment #1 (further below in Final EIS Section 2.2).

The post-script provided in Ms. Nesse's comments, while not pertinent to the City Heights Draft EIS, has been forwarded to the City of Cle Elum Public Works Director.

RESPONSE TO COMMENTS SUBMITTED BY CHUCK OXLEY

Response to Chuck Oxley Water Service Comment #1: Attachment A to Mr. Oxley's comments is the Washington Department of Ecology project description for the water right transfer from Hazel and Bernard Henshaw to Northland Resources, LLC. Water rights lose their identity when they go into the water bank and become standardized mitigation credits. It is not determinable which water rights in the bank mitigate which projects.

Response to Chuck Oxley Water Service Comment #2: The City of Cle Elum has a suite of certificated and contact, surface and groundwater rights, including the right to divert and use waters from the Yakima and Cle Elum Rivers. Consistent with the *City of Cle Elum and Town of South Cle Elum Comprehensive Water Plan*, these rights are expected to provide the City with an adequate supply to serve existing residents and growth within the communities in the foreseeable future. The Northland Resources water rights to be used to serve the City Heights development are pre-1905 surface water rights from the Yakima River and an unnamed tributary, placed into the State Trust Water Right Program, and will have mitigation measures determined by the Washington Department of Ecology to provide a sustainable supply to the City Heights project without adverse impact to other water right holders in the Yakima Basin. Also see the response to Kittitas County Water District #2 Comment #3, and the response to Central Cascades Land Company Comment #10.

Response to Chuck Oxley Transportation System Comment #1: The Draft EIS Transportation section reports on page 3.16-6 that construction haul routes have not yet been selected because these will depend on the location of disposal sites for excess material to be removed from the site, and the location of quarry sources of fill to be imported. Finalization of those locations occurs during the course of site plan approval. A commitment is made in Draft EIS Chapter 2 (page 2-27) to address haul routes with the Public Works Director prior to the commencement of construction.

Response to Chuck Oxley Transportation System Comment #2: The purpose for addressing haul routes with the Public Works Director is to assess potential impacts to City and County roadways, and to identify mitigation requirements. Also see the response to Kittitas County Department of Public Works Comment #3A.

Response to Chuck Oxley Transportation System Comment #3: These potential impacts will be taken into consideration by the City during the design phase when actual road alignments and building sites are identified.

Response to Chuck Oxley Transportation System Comment #4: Mr. Oxley's preference for no change to Stafford Avenue is acknowledged. Also see Brad Page Comment #4 and the response to that comment, and Kathy Stancik Comment #2 and the response to that comment (later in this section).

Response to Chuck Oxley Transportation System Comment #5: Mr. Oxley's preference to not live in an area such as Issaquah is acknowledged. The Draft EIS does not equate the City Heights development proposal to Issaquah.

Response to Chuck Oxley Transportation System Comment #6:

The City Heights EIS addresses probable significant unavoidable adverse impacts to the built and natural environment that could result from the City Heights proposal, in accordance with Chapter 43.21C RCW and regulations promulgated thereunder. Mr. Oxley's question about legal liability for a prior event is unrelated to this EIS. While the comment is acknowledged, the City cannot, as a matter of law or fact, answer it through this environmental review document.

RESPONSE TO COMMENTS SUBMITTED BY CHRISTINE OXLEY

Response to Christine Oxley Comment A-1: The Net Migration data provided as Attachment A to the Christine Oxley comments are for a different period of time than Washington State Office of Financial Management (OFM) population and housing projections used in the City of Cle Elum Comprehensive Plan and reported in City Heights Draft EIS Chapter 3 Sections 3.10 and 3.11. OFM forecasts for the 20-year planning period 2005-2025 are the basis for information reported in these documents. It is unlikely that State-wide data provided for the period 1979-2009 correlate directly with net migration into and out of the City of Cle Elum. The Draft EIS acknowledges in a footnote at the bottom of page 3.10-2 (in the Population section) that “*The EIS analysis of population projections is based on the City of Cle Elum (2007) and Kittitas County (2008) Comprehensive Plan context, which may have been affected by the 2008 national and global economic downturn.*”

Response to Christine Oxley Comment A-2: The 2008–2009 spike in home sales in the \$800,000 range within zip code 98922 in the 2005–2010 home sales data for zip code 98922 provided as Attachment B to the Christine Oxley comments likely reflect homes constructed predominantly (if not exclusively) within Suncadia. It is acknowledged that homes of this value do not match the salary range for most of the residents of Cle Elum. The City Heights Draft EIS reports in Chapter 3 Section 3.7 (pages 3.7-3 and 3.7-4) that “The average sale price in 2009 dollars is assumed to be \$382,000 for single-family detached homes; \$186,000 for single-family attached homes; \$115,000 for single-family detached lots; and \$41,000 for attached-unit lots, based on information provided by the project proponent.” The Draft EIS describes in Section 3.10 (page 3.10-3) the demographics of likely purchasers of homes within City Heights, who are also persons not likely in the income range to afford \$800,000 homes.

Response to Christine Oxley Comment A-3: It is unclear from Attachment C to the Christine Oxley comments how Total Washington State Population in 1990 (5,021,335 persons) compared to Total Washington State Population in 2030 (8,414,893 persons) could be interpreted to constitute a continual decrease in the Statewide population during that period of time. The percent change in the population number is positive for each year, ranging from 3.18 percent for the period 1990-1991 to 0.91 percent for the period 2029-2030. It could be construed that the rate of population growth within the State has slowed and is forecast to continue at a lower annual rate of growth. Both Attachment C and D show a decline in the *natural increase* of the Statewide population for the period 1990-2030 (indicating a trend toward a reduced number of births and an increased number of deaths each year as the baby-boomer generation ages). However, with *net migration* factored-in, no year shows a decline in Statewide population overall in these Attachments. Also see the response to Christine Oxley Comment A-1 with regard to the applicability of Statewide data to the City of Cle Elum, and the planning period for which OFM population and housing projections were used in the City of Cle Elum Comprehensive Plan and reported in the City Heights Draft EIS.

Response to Christine Oxley Comment B-1: None of the projects listed in Attachment E to the Christine Oxley comments is within the Cle Elum city limits. Consequently, there are no impacts or benefits to be derived there from by the City, and they do not reduce the number of housing units required to meet OFM projections within the City limits as reported in Draft EIS Section 3.11. Five of the projects listed in Attachment E have not yet undergone the construction of infrastructure (roads and utilities) for homes. Of the projects where infrastructure has been completed, one was developed (to this extent) by a predecessor to current ownership, and one by the current company. Those projects in which homes have been built are fully sold-out. The list of projects developed by Limited Liability Corporations (LLCs) related to Sapphire Skies and questions related to those may be relevant to Kittitas County if conceptual

land use Alternative 3A or 3B were selected; however, they are not relevant to the City's consideration of Alternative 1 or 2.

Response to Christine Oxley Comment B-2: See the citation of Footnote 1 from Draft EIS page 3.10-2 in the response to Christine Oxley Comment A-1.

Response to Christine Oxley Comment C: Throughout Draft EIS Chapter 3, three categories of Mitigation Measures are described: Mitigation Measures Included in the Development Proposal; Applicable Regulations; and Other Possible Mitigation Measures. In the Housing section (3.11) from which the phrase "*Contractors could be encouraged . . .*" is cited, there are no proposed mitigation measures and none required by regulation. Residential development of the site and the number of housing units proposed is consistent with City of Cle Elum Comprehensive Plan and zoning designations for the site and therefore anticipated by long-range planning for the City's Urban Growth Area. Other Possible Mitigation Measures are offered as the Development Agreement is drafted and as conditions of project approval are written. These will be presented to City decision-makers for their consideration. If the City determines that these suggestions could have a substantive beneficial effect, they can be required of the development.

Response to Christine Oxley Comment D: No response required.

RESPONSE TO COMMENTS SUBMITTED BY BRAD PAGE

Response to Brad Page Comment #1: The Air Quality section of the Draft EIS (Chapter 3 Section 3.2, page 3.2-8) reports that the project will be required to comply with Washington Department of Ecology “fugitive dust” regulations set forth in the Washington Administrative Code (WAC 173-400-040). Specific construction practices that could be implemented for dust control are listed on page 3.2-9 in that section, and include:

- Spray exposed soil with water or other suppressant to reduce emissions of PM10 and deposition of particulate matter.
- Pave or use gravel on staging areas and roads that would be exposed for long periods.
- Cover all trucks transporting materials, wet materials in trucks, or provide adequate freeboard (space from the top of the material to the top of the truck bed), to reduce PM10 emissions and deposition during transport.
- Provide wheel washers to remove particulate matter that would otherwise be carried off-site by vehicles to decrease deposition of particulate matter on area roadways.
- Remove particulate matter deposited on paved, public roads, sidewalks and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets frequently to reduce emissions.
- Cover dirt, gravel and debris piles as needed to reduce dust and wind-blown debris.

As a condition of project approval, the City will include dust control requirements in permit conditions.

Response to Brad Page Comment #2: The preference for no AM/PM-type market within Neighborhood Commercial areas of the City Heights development is noted.

Response to Brad Page Comment #3: The Draft EIS Public Services section notes that the City Public Works Department will be responsible for construction inspection services (page 3.17-2).

Response to Brad Page Comment #4: The constraints of the Stafford Avenue hill are acknowledged. The Draft EIS Transportation section (page 3.16-17) indicates that the City Heights proposal includes reconstructing the substandard curve east of the Summit View/6th Street intersection to improve sight distance and roadway width.

RESPONSE TO COMMENTS SUBMITTED BY BONNIE REAY

Response to Bonnie Reay Comment #1: The *Coal Mine Hazards Risk Assessment: Final Report City Heights, Cle Elum, WA* (SubTerra, Inc., October 2009) was prepared by a duly certified and licensed professional engineer and Ph.D. with academic degrees in Mining Engineering and Rock Mechanics. Dr. Breeds' experience with abandoned mine impact evaluation is described in Appendix B of the Coal Mine Hazards technical report. This document was provided to all reviewers on the CD with Draft EIS electronic files. The City of Cle Elum would not anticipate significantly different results from a different investigator.

Response to Bonnie Reay Comment #2: The Draft EIS Stormwater Management section (Chapter 3 Section 3.18.3) describes hydrologic characteristics of the study area as follows:

"The entire City of Cle Elum and its Urban Growth Area are acknowledged as being located within a highly erosive area susceptible to frequent flooding. Many flooding events have occurred in recent years resulting from poorly maintained and deteriorated drainage patterns and undersized storm drainage systems" (page 3.18-26).

Because of the geologic and topographic attributes of the City, the project engineer conducted runoff modeling for the City Heights site for three scenarios: the 2-year and 25-year storm events required by Ecology's 2004 *Stormwater Management Manual for Eastern Washington*, and additionally modeled the 100-year storm event, which is not required by the 2004 *Stormwater Management Manual for Eastern Washington*. The purpose of the 100-year storm analysis was to generate additional information needed to understand and address, during design engineering, existing flooding issues downstream of the property (Draft EIS page 3.18-26). The Draft EIS acknowledges that *"Stormwater runoff effects from the site as a result of a storm and/or flood event of greater magnitude than the 100-year storm event would be considered a significant unavoidable adverse impact"* (page 3.18-33).

The back yard damage on the Lambert property is described in the Draft EIS Earth section (3.1):

"A recent small landslide along the southern site boundary near proposed Development Area G occurred in glacial deposits" (page 3.1-2).

The feature cited in Bonnie Reay Comment #2 related to the Lambert property is described in Section 4.3.5 (pages 15 and 16) of the *Preliminary Geology and Geotechnical Evaluation: Proposed City Heights Development, Cle Elum, Washington* (Aspect Consulting, October 1, 2009). This feature is not described in detail in the Draft EIS as it appears likely that recent excavation at the toe of the slope (up to 12 feet high at an angle of approximately 80%) to accommodate construction of a residence on the lot below City Heights proposed Development Area G contributed to instability of the slope during a period of high soil saturation. The *Geotechnical Evaluation* states that: "Provided stormwater best management practices are followed in the design and construction of the City Heights project, it is our opinion that this slope failure will not adversely affect the proposed development." Stormwater management during construction and in the developed condition of the project is proposed in accordance with Ecology's 2004 *Stormwater Management Manual for Eastern Washington* (see Draft EIS Chapter 2, Section 2.9.1, pages 2-16 through 2-20). Potential construction impacts associated with steep slopes on the site would be mitigated by complying with applicable regulations, accepted geotechnical and building standards, and Washington Industrial Safety and Health (WISHA) requirements. Additional geotechnical investigation may be needed at some specific locations (Draft EIS page 3.1-7).

Also see Kathy Stancik Comment #1 and the response to that comment.

Response to Bonnie Reay Comment #3: Ingress and egress using Montgomery Avenue is described in numerous locations within the Draft EIS:

Chapter 2, Section 2.6: Description of the Proposal and Alternatives – see pages 2-6 and 2-8.

Chapter 2, Section 2.9: Transportation System Proposal – see pages 2-28 and 2-31.

Chapter 3, Section 3.16: Transportation – characteristics of Montgomery Avenue are described in numerous tables in this section.

Chapter 3, Section 3.16: Roadway Network – see pages 3.16-17 and 3.16-18.

Chapter 3, Section 3.16: Traffic Volumes – see page 3.16-20.

Chapter 3, Section 3.16: Site Access – see page 3.16-27.

Chapter 3, Section 3.16: Public Service and Emergency Vehicle Access – see page 3.16-28.

With regard to widening Montgomery Avenue, see Kittitas County Public Works Department Comment 3C and the response to that comment.

Response to Bonnie Reay Comment #4: The Draft EIS Hazardous Substances Investigation section (3.1.5) summarizes the results of laboratory analysis of samples collected from the coal washing waste rock area and from the red rock area (pages 3.1-24 through 3.1-26). Two samples (one of waste rock and one of coal slag) were collected in the red rock area of the site. The Draft EIS reports that chemical concentrations in both of these samples were well below all environmental screening levels; therefore, this material does not pose any identifiable environmental risks (page 3.1-24). The complete *Coal Waste Rock Sampling and Analysis* report (Aspect Consulting, November 23, 2009) was provided to all reviewers on the CD with Draft EIS electronic files (Technical Report #3). Sixteen pages of laboratory certificates of analysis are included in that document as Attachment A. Both the firm that collected the samples and the laboratory that performed the analysis are appropriately qualified to perform their respective tasks related to this issue.

Response to Bonnie Reay Comment #5: The red rock area of the City Heights site is within Drainage Basin B, mapped on Draft EIS Figure 3.18.3-1. The description of this drainage basin is provided in Draft EIS Chapter 3 Section 3.18.3 (page 3.18-23), where it is reported that “*Runoff from Basin B enters the City of Cle Elum storm drainage system to the south.*”

Response to Bonnie Reay Comment #6: It is acknowledged that fencing to deter large animals from entering the City Heights development would not be 100 percent effective. The Draft EIS notes in the Wildlife and Habitat section: “*It is likely that human-animal encounters would increase with the introduction of residential development into areas presently used by wildlife as habitat.*” and that “*Interactions between humans in a residential neighborhood with animals like deer, elk, bear and cougar could have an undesirable and potentially dangerous outcome.*” (page 3.5-10). EIS Scoping comments submitted by the Washington Department of Fish and Wildlife asked that the EIS include mitigation measures to minimize conflicts with animals that would require control or enforcement actions on the part of their staff. A fence could be a deterrent, if not completely successful at encouraging animals to move east-west past the site along the northern boundary. Things that homeowners could do within the development to avoid attracting wildlife to the residential neighborhood are also described in Draft EIS Chapter 3 Section 3.5 on pages 3.5-10 through 3.5-12.

RESPONSE TO COMMENTS SUBMITTED BY KATHY STANCIK

Response to Kathy Stancik Comment #1: The City has asked Northland Resources to have a baseline assessment conducted by a qualified professional engineer to identify existing problems with surface drainage or groundwater seepage downstream from the City Heights property. The assessment will include identification of known areas of seasonal erosion or land movement associated with surface water runoff or groundwater seepage (springs). Although no significant unavoidable adverse impacts were identified during preparation of the Draft EIS, the baseline assessment will be used to further evaluate the potential for impacts that could occur due to proposed development activities.

Response to Kathy Stancik Comment #2: The Draft EIS acknowledges that there would be increased traffic on Oakes Avenue and Stafford Avenue as a result of the City Heights development. See the Chapter 3 Section 3.16 Transportation subsection titled: *POTENTIAL DEVELOPED-CONDITION IMPACTS: Traffic Volumes* (pages 3.16-18 through 3.16-21), and Draft EIS Figures 3.16-4 and 3.16-5.

With regard to the dangerous corner in this area, see Brad Page Comment #4 and the response to that comment.

Response to Kathy Stancik Comment #3: The ratio of 80 square feet of commercial development per additional dwelling was used in the traffic analysis. The ratio represents 40 square feet of retail development and an equal amount of local-serving office space. The tax revenue projections are based on a separate, but related analysis for retail and selected services. Revenues are estimated as \$6,900 per household in local purchases derived from Statewide average household spending, adjusted for local income levels, and adjusted for leakage beyond the City limits. The spending factor reflects projected household spending and the portion that is likely to be captured by Cle Elum businesses. The projected spending would be spread among existing businesses and potential new businesses.

Response to Kathy Stancik Comment #4: Demographic characteristics of prospective home buyers within City Heights are describe in the Draft EIS Population section (page 3.10-3). Also see the notes of the May 13, 2010 public meeting question and answer discussion on the first page of Final EIS Section 2.2. An unbuilt but annexed City Heights property would benefit the City of Cle Elum in two ways: 1) The value of the annexed property would increase the City's tax base, with little or no demand for public services. 2) The property provides land capacity for the City to meet its long-term growth requirements.

Response to Kathy Stancik Comment #5: Slope stability and drainage issues are closely related in the comments received on the Draft EIS. See the response to Kathy Stancik Comment #1 (above), and to Bonnie Reay Comment #2. Whether or not flood insurance is available or desirable for the types of problems that have occurred due to major storm events in recent years is a matter of insurance contract law beyond the scope of this EIS.

Response to Kathy Stancik Comment #6: Cost of public services questions were a topic of considerable discussion, input, and analysis during preparation of the Draft EIS. The *Cle Elum City Heights Fiscal Analysis* (Property Counselors, March 2010), Technical Report #4 on the CD of Draft EIS electronic files distributed to reviewers, provides detailed information on this subject. There are numerous statements made in the Draft EIS (such as the one on page 3.17-3 of the Public Services section) that "*The Development Agreement to be negotiated between the City and the project proponent if Alternative 1 or 2 is selected for implementation will address project costs for these and other general government services to assure that the development would pay for the cost of services it requires.*"

Response to Kathy Stancik Comment #7: Property values are influenced by many factors in addition to adjacent land use. Quality residential development within City Heights is anticipated to make the community more attractive and enhance the desirability of properties in general within Cle Elum. If market values increase, assessed values (and thus real estate taxes) will follow this trend. It would not be the case that property owners would experience lower assessed values and higher taxes because there is a direct correlation between the two (i.e., taxes are calculated based on assessed value).

It is not unreasonable to assume that existing homes at lower price points will always be in demand in the community. With the amount of new development proposed, the upward pressure on prices should be moderate (personal communication with Greg Easton, Property Counselors, June 17, 2010).

RESPONSE TO COMMENTS SUBMITTED BY JUDY AND JOHN WALDENMAIER

Prior to preparation of the City Heights Draft EIS, comments and input about the scope of this EIS were solicited from the Washington Department of Fish and Wildlife (WDFW). The agency, in its June 4, 2010 letter of Scoping comments, identified eight areas of concern that it wished to see addressed in this EIS. The City of Cle Elum has had additional follow-up with WDFW since the June 4 letter was submitted, to gather further clarification about the issues of importance to this agency. In addition, Draft EIS Chapter 3 Section 3.5 reported the results of reviewing the WDFW Priority Habitats and Species (PHS) database for information regarding the presence of spotted owls on or near the City Heights property. Neither the agency nor its PHS database identify the Northern spotted owl as present on the project site. The PHS database identifies the south edge of an established spotted owl territory approximately 1 mile north of the western end of the City Heights site (page 3.5-4). This location is within the more than 1,000,000-acre commercial forest and wilderness area north of the City Heights property (described on Draft EIS page 3.5-10). Known nest sites and the zones that surround nest sites are the areas that are protected.

Northern spotted owls are nocturnal (personal communication with Ed Sewall, Project Biologist, Sewall Wetland Consulting, July 12, 2010). While it is possible that they could be observed while perched and stationary during the day, it is more likely that they would be observed while active at night. More common barred owls are often mistaken for Northern spotted owls.

The habitat present on the City Heights site is not the type that would support Northern spotted owls. Spotted owls do not migrate; they generally stay within the same area. Their preferred habitat is old-growth Douglas fir forest, though they have been reported to occur in almost all major types of coniferous forests (see the ThinkQuest Library article, following). Trees on the City Heights site are not old-growth. The property has been logged more than once, as reported in Draft EIS Chapter 3 Section 3.5.1. Occurrence of spotted owls in Ponderosa Shrub Forest (such as that which occurs on the City Heights property) is usually limited to elevations where a dominant component of the forest, in both the overstory and understory, is white fir, silver fir, or both. These species of fir were not identified to occur on the City Heights site by the habitat biologist (see Draft EIS page 3.5-1).

RESPONSE TO COMMENTS SUBMITTED BY PAT WOODELL

Response to Pat Woodell Comment #1: Ms. Woodell's preference to not live in an area such as Issaquah is acknowledged. The Draft EIS does not equate the City Heights development proposal to Issaquah. The article regarding Glenwood, Washington, is acknowledged.

Response to Pat Woodell Comment #2: The Draft EIS provides more than 300 pages of comprehensive analysis of all elements of the environment required by the Washington State Environmental Policy Act (SEPA). It is not possible to respond to Pat Woodell Comment #2 without specific identification of the unanswered questions. Also see the comments submitted by Deidre Link and the response to those comments (earlier in this section).