



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

April 18, 2013

Mr. Scott McIntosh  
7820 SR 97  
Ellensburg, WA 98926

RE: Meeting the Requirements of CUP-06-11, CUP-06-12, and CUP-06-13

Dear Mr. McIntosh;

This letter is regarding the surface mining activity that is being conducted on your property at 7820 SR 97, parcels 18-18-08020-0001 thru -0003, and as approved by the conditional use permits, CUP-06-11, -12, and -13. The following conditions of approval and Kittitas County laws must be complied with in order to conduct the surface mining upon the subject property.

1. The MDNS and conditions of approval require the following permits and plan to be on file with CDS:
  - a. Implementation and Restoration Plan prepared with consultation of the Washington Department of Fish and Wildlife. The MDNS requires this plan to be submitted to CDS prior to site excavation.
  - b. Construction Stormwater Permit issued by the Department of Ecology including the Stormwater Pollution Prevention Plan. The MDNS requires a copy of these documents to be submitted to CDS prior to starting construction.
  - c. Sand and Gravel Permit approved by the Department of Ecology. The MDNS requires this permit to be submitted to CDS prior to beginning excavation.
2. The project was proposed in phases yet we have no map indicating where or when those phases are to occur. In reviewing the applications, it appears that each application is a phase of the project. However, the "Findings and Conclusions of Law" for the CUPs indicate that "the three projects (CUP -06-11, -12 and -13) consist of three separate excavations which are being implemented in three phases." The conclusions further state that "Prior to the applicant beginning on phase two and three the county will conduct a site visit to ascertain whether any issues related to this SEPA MDNS or the site require further review..." If it was intended that each application was meant to be a "phase" of the excavation, then it would have to be indicated what project was the "first phase" and provide a timeline when the second CUP, or "phase," would begin. If each application had three phases, which I would interpret since there are three applications, then a map must be provided showing where each phase of each project begins and ends.
3. In order to adequately assess the project, monitor and enforce the Kittitas County Code, and monitor the conditions of approval for these three projects, we need for our files an accurate site map delineating ponds, floodplains, points of access, on-site roads and parking areas, streams, gullies, ditches, source of water of all three ponds, and wetlands that currently exist for all three approved projects.

4. The project is subject to Kittitas County Code 14.08, Flood Damage Prevention, which requires a floodplain permit when activity occurs within a Special Flood Hazard Area. Specifically, within a Special Flood Hazard Area, KCC 14.08.090 states "A development permit shall be obtained before construction or development begins within any area of special flood hazard established in KCC14.08.040. The permit shall be for all development including fill and other activities. "Development" is defined in KCC 14.08.020 as "Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas of special flood hazard." (emphasis mine). Our records and the SEPA checklist indicate that activity will occur within a floodplain. To begin our review of the impacts to this Special Flood Hazard area, Kittitas County requests a site map which includes all of the items noted in No. 3 above, including a delineation of the floodplain prepared by a licensed surveyor and all areas to be disturbed or used as storage. If any disturbance of ground occurs within the floodplain, a floodplain development permit will be required. Additional information may be required to assess the impacts to the Special Flood Hazard Area including additional engineering to insure that the proposed project will not adversely impair the flow of flood waters.

We also request additional clarification to the project scope. Specifically, you submitted a separate application for each project, and all three applications provide the same information upon different parcel numbers. Each project description indicates that 180,000 cubic yards are being excavated. Does that refer to all three CUP projects in total, or is each project planned to excavate 180,000 cubic yards for a total of 540,000 cubic yards? This will have to be made clear within a letter for our files.

Please understand that this is being requested to meet our obligations to insure that all of the conditions of approval for the decision, as well as the laws of Kittitas County and Washington State, are complied with.

If you have any questions regarding this matter, please call 962-7506.

Sincerely,



Robert "Doc" Hansen  
Planning Official

- cc. Lenny Morrison, Ellensburg Cement Products, Inc; P.O. Box 938; Ellensburg 98926  
Kirk Holmes, Public Works Director  
Christina Wollman, Public Works Planner II/Floodplain Manager  
Jeff Watson, CDS Planner  
Lindsey Ozbolt, CDS Planner  
Lisa Iammarino, Code Enforcement Officer