

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships - Building Communities"

January 14, 2011

Michael J. Murphy  
Groff Murphy, PLLC  
300 East Pine  
Seattle, WA 98122

Louie Gibson  
1221 S. Thorp Hwy.  
Ellensburg, WA 98926

Subject: SEPA Appeal to Gibson CUP (CU-10-04)

Gentleman,

This letter is in response to your November 4, 2010 letters appealing the SEPA Threshold Determination relating to the Gibson Quarry Conditional Use Permit (CU-10-04). In accordance with KCC 15A.07.010 (3) upon filing of a timely appeal and after consultation with the Board of Adjustment chair a hearing has been scheduled for March 9, 2011. The appellant shall present a brief 30 days prior to the hearing date (by February 7, 2011). Briefing from the County and Respondent Gibson shall be due 10 working days prior to the hearing date (by February 23, 2011). The briefings shall be served upon all parties by these respective dates.

If you have any questions regarding this matter please feel free to contact me.

Sincerely,

Dan Valoff  
Staff Planner

Encl: File record



Kittitas County, Washington

## BOARD OF COUNTY COMMISSIONERS

District One  
Paul Jewell

District Two  
Alan Crankovich

District Three  
Mark McClain

December 15, 2010

Mr. Michael J. Murphy  
Groff Murphy, PLLC  
300 East Pine Street  
Seattle, WA 98122

Re: Appeal of SEPA – Gibson Quarry Conditional Use Permit Amendment (CU-10-00004)

Dear Mr. Murphy,

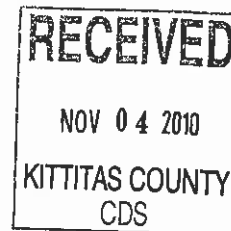
Please note that our office received your letters on November 4, 2010 appealing the SEPA (State Environmental Policy Act) Threshold Determination of Non-Significance relating to the Gibson Quarry Conditional Use Permit Amendment (CU-10-00004).

At that time your appeal was forwarded to the Community Development Services Department and the Clerk of the Board of Adjustment for a briefing schedule. If you have any questions please contact our office or Community Development Services at 509-962-7506. Thank you.

Sincerely,

Julie Kjorsvik  
Clerk of the Board

cc: CDS  
Prosecutor



Michael J. Murphy  
E-Mail: mmurphy@groffmurphy.com

November 3, 2010

**Via Federal Express**

Kittitas County  
Board of County Commissioners  
Kittitas County Courthouse  
205 W. 5<sup>th</sup>, Ste. 108  
Ellensburg, WA 98926

Kittitas County  
Board of Adjustment  
c/o Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
Ellensburg, WA 98926

**Re: Appeal of SEPA (State Environmental Policy Act) Threshold  
Determination of Non-Significance Relating to Gibson Quarry  
Conditional Use Permit Amendment (CU-10-00004)**

To Whom It May Concern:

By letter dated November 2, 2010 and Federal Expressed to Kittitas County for delivery on November 3, 2010, Ellensburg Cement Products, Inc. ("ECP") appealed the threshold SEPA determination of non-significance issued by Mr. Valoff and ostensibly dated October 21, 2010 for the proposed Gibson Quarry Conditional Use Permit Amendment, No. CU-10-0004 (hereinafter the "Proposal").

I also represent James and Deanna Hamilton, and Larry and Sherrie Miller, neighbors of the Gibson Quarry. By this letter, the following individuals also appeal the threshold SEPA determination of non-significance issued by Mr. Valoff and ostensibly dated October 21, 2010 for the proposed Gibson Quarry Conditional Use Permit Amendment, No. CU-10-0004, for the same reasons set forth in the ECP appeal:

James and Deanna Hamilton  
4451 Parke Creek Road  
Ellensburg, WA 98926

GROFF MURPHY, PLLC  
300 EAST PINE STREET SEATTLE WASHINGTON 98122  
(206) 628-9500 www.groffmurphy.com (206) 628-9506 FACSIMILE

Kittitas Board of County Commissioners  
Kittitas Board of Adjustment  
November 3, 2010  
Page 2

Larry and Sherrie Miller  
4880 Parke Creek Road  
Ellensburg, WA 98926

These appellants have standing to pursue this appeal because they live in the immediate vicinity of the quarry and would be materially and adversely affected by the greatly expanded quarry operations.

The appeal dated November 2, 2010 and filed on behalf of ECP is incorporated herein by reference in its entirety. A copy is attached hereto as **Exhibit A**. For the reasons stated in the ECP appeal letter, these appellants also request that the SEPA appeal be granted and that Kittitas County Community Development Services ("CDS") be directed to (a) withdraw its threshold determination, (b) require submission of a complete environmental checklist, (c) require submission of documentation to demonstrate compliance with prior permits and County Code, and (d) require proper SEPA review of the application by County staff and all other relevant agencies before a new threshold decision is issued.

I am enclosing two checks: one for the appeal you received earlier today for ECP and one for this appeal. Because the Hamilton's and the Millers are appealing the same issues as ECP, I would expect that only one filing fee is necessary. If that is the case, please return one of the enclosed checks to me. I am providing two checks, however, in the event that two filing fees are necessary.

If you have any questions regarding the foregoing, feel free to contact the undersigned.

Very truly yours,

GROFF MURPHY, PLLC



Michael J. Murphy

MJM:smd  
Enclosures

cc: Kirk Holmes, Interim Director (via facsimile, 509-962-7682)  
Dan Valoff, Staff Planner (via facsimile, 509-962-7682)  
Neil Caulkins (via e-mail)

# Exhibit A



**Michael J. Murphy**  
E-Mail: [mmurphy@groffmurphy.com](mailto:mmurphy@groffmurphy.com)

November 2, 2010

**Via Federal Express**

Kittitas County  
Board of County Commissioners  
Kittitas County Courthouse  
205 W. 5<sup>th</sup>, Ste. 108  
Ellensburg, WA 98926

Kittitas County  
Board of Adjustment  
c/o Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
Ellensburg, WA 98926

**Re: Appeal of SEPA (State Environmental Policy Act) Threshold  
Determination of Non-Significance Relating to Gibson Quarry  
Conditional Use Permit Amendment (CU-10-00004)**

To Whom It May Concern:

I represent Ellensburg Cement Products, Inc. The purpose of this letter is to appeal the threshold SEPA determination of non-significance issued by Mr. Valoff and ostensibly dated October 21, 2010 for the proposed Gibson Quarry Conditional Use Permit Amendment, No. CU-10-0004 (hereinafter the "Proposal").

The appellant is Ellensburg Cement Products, Inc., 2121 Highway 97, P.O. Box 938, Ellensburg, WA 98926. Ellensburg Cement Products, Inc. has standing to pursue this appeal because its primary place of business is in Kittitas County and as such, it is entitled to take action to ensure that the state and local environmental laws are properly and consistently enforced.

The appellant requests that this SEPA appeal be granted and that Kittitas County Community Development Services ("CDS") be directed to (a) withdraw its threshold determination, (b) require submission of a complete environmental checklist, (c) require submission of documentation to demonstrate compliance with prior permits and County Code,

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and (d) require proper SEPA review of the application by County staff and all other relevant agencies before a new threshold decision is issued.

As a threshold matter, appellant notes that the notices relating to the SEPA threshold decision were inconsistent and misleading. The original Notice of Decision SEPA Action and Public Hearing issued on October 21, 2010 and received on October 25, 2010 says that the SEPA appeal must be filed by September 2, 2010. That appeal deadline is not only before the DNS was issued on October 21, 2010, but is inconsistent with the November 4, 2010 appeal deadline stated in the Determination of Non-Significance issued on the same day (October 21, 2010). This material inconsistency between the two notices regarding the appeal date, particularly the fact that one suggests that the appeal deadline has already passed, renders the SEPA notice defective. Given the fact that there are a number of concerned neighbors, this defective notice issue is not immaterial. One or more interested parties may be dissuaded by the inconsistent and confusing notices from filing an appeal and from exercising their rights. Accordingly, the process needs to be restarted to ensure proper compliance with SEPA procedures.<sup>1</sup>

There are a number of other fatal flaws in both the SEPA process and the threshold decision for the Proposal:

First, the prior Notice of Application states that “[t]he County expects to issue a Determination of Non-Significance (DNS) for [the] proposal.” But as of June 29, 2010, when the application was deemed “complete”, the applicant had not even submitted a SEPA checklist. A SEPA checklist was apparently submitted on July 13, 2010, but it is unsigned and undated and appears to be a copy of the two year old SEPA checklist given to the Department of Natural Resources in 2008 when Louie Gibson (improperly) requested a reclamation permit from DNR for a 60 acre mine, when the underlying County CUP for mining only covered 13.40 acres.

Second, the 2008 DNR SEPA checklist does not conform to the currently pending Proposal:

- The new Proposal purports to apply to 84 acres, but the 2008 DNR SEPA checklist only applies to 60 acres.
- The 2008 DNR SEPA checklist says “rock crushing . . . might possibly occur in the future.” The Proposal specifically requests that the CUP be amended to include “rock crushing.”

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<sup>1</sup> It appears that the County sent out a second set of notices correcting the error. However, those notices are also defective. First, they purport to be issued on October 21, 2010, but that is clearly not the case, as the second notices were not received until October 29, 2010. The failure to reflect the actual mailing date in the notices is particularly significant and deceptive. First, while the second notice appears to be timely issued, it clearly is not. And since it was not actually received until just a couple of days before the appeal deadline, the recipients clearly did not receive adequate or timely notice of the SEPA action.

- The 2008 DNR SEPA checklist says nothing about “washing”, and claims that no ground water will be withdrawn, and no water will be discharged to ground water. The Proposal, however, specifically requests that the CUP be amended to include “washing,” which will presumably require both ground water withdrawal and discharge.
- The 2008 DNR SEPA checklist says nothing about concrete batch plans or asphalt production, and claims that there will be no air quality impacts other than some “minor amounts of dust” and “normal engine exhaust.” The Proposal, however, specifically requests that the CUP be amended to include concrete and asphalt production.
- The 2008 DNR SEPA checklist claims that the “nearest houses are owned by proponent” and that there are only “dispersed residences” on site and on adjacent properties. This clearly outdated response fails to acknowledge that two residential short plats have been approved, one immediately to the north of the subject site (Sunny Sage Short Plat, SP 10-00006) and the other to the northwest of the subject site (Badger Bluff Short Plat, SP 09-00010).
- The 2008 DNR SEPA checklist falsely claims that the subject property is zoned Rural 3. As noted above, the subject property is zoned AG 20.

From the foregoing, it is clear that the 2008 DNR SEPA checklist is outdated, incomplete, and inaccurate.

Under controlling SEPA regulations, the use of the 2008 DNR SEPA checklist is clearly improper. Under WAC 197-11-315(4), “The lead agency *shall* prepare the checklist or require an applicant to prepare the checklist.” (emphasis added). This is not optional, and it was not done. While the applicant may have submitted a checklist, none was prepared for this application, as is readily apparent from the bullet points set forth above.

Further, the law is well settled that prior environmental documents cannot be used for a new “threshold determination” if there are “(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts . . . , or (ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes *discovery of misrepresentation* or lack of material disclosure.)” WAC 197-11-600(3)(b) (emphasis added).

Both circumstances are present here. The current Proposal is a full 1/3<sup>rd</sup> larger than the one considered by DNR, is now adjacent to a residential subdivision, and now expressly includes operations such as washing, rock crushing, and concrete and asphalt production, which have much greater environmental impacts than the surface mining and possible occasional rock crushing described in the 2008 DNR SEPA checklist.



Further, it is clear that the 2008 DNR SEPA checklist misrepresented critical information relevant to then pending application: in particular the zoning of the property and the existence of a valid CUP for the mining operation on all 60 acres. As noted above, it is undisputed that the property is zoned AG 20 (which does not permit the requested activities) and the existing CUP only applies to 13.40 acres, not 60 and not 84. Accordingly, the 2008 DNR SEPA checklist cannot be used for the environmental review of this Application.

Third, it is apparent from the content of the 2008 DNR SEPA checklist, the minimal amount of time that passed between its submission and the issuance of the Notice of Application on July 29, 2010, and the complete lack of any mitigation measures that no meaningful SEPA review occurred here. How the obvious deficiencies could be missed is shocking, and reflects a complete abdication of the SEPA review process by CDS. CDS is not DNR. But it is clear that CDS has simply tried to adopt DNR's old and inapplicable determination as a shortcut without doing any review of the legal and environmental issues relevant to compliance with the County's land use and environmental regulations, which are the standards under which the Proposal must be judged.

The complete inadequacy of the environmental review process are apparent from the following facts:

- Neither the SEPA Checklist nor any studies address noise impacts of the proposed expansion of the quarry or the new quarry operations, such as rock crushing and concrete and asphalt production, and there is not a single mitigation measure to address these impacts. As noted above, there are now two residential developments near the expanded quarry.
- There is nothing in the SEPA Checklist of any substance nor any studies addressing dust control from the expanded quarry operations and potential rock crushing, and there is not a single mitigation measure to address these impacts. Again, the impacts on the two new residential developments have not been considered or addressed at all.
- There is nothing of substance in the SEPA Checklist and no independent studies addressing odor control and air quality impacts, including toxic emissions from the proposed asphalt plant. These are likely to have significant material adverse impacts on the two new residential developments, one of which is immediately adjacent to the expanded quarry operation. And, of course, there is not a single mitigation measure to address these impacts either.
- Neither the SEPA Checklist nor any studies address impacts from blasting, including vibration, on the surrounding properties, including the two new residential developments. Consistent with the lack of consideration, there is not a single mitigation measure to address these impacts.

- There is no analysis or study regarding traffic safety and the impact of increased truck traffic on Park Creek Drive. Nor are there any mitigation measures.
- There is no analysis whatsoever of the impact of the quarry operation on groundwater, or any determination whatsoever regarding the vulnerability of groundwater to the impacts of toxic substances, the wastewater from the proposed washing operation, or storm water runoff. Indeed, there is no recognition, other than in the application, that there will be a washing operation. There is absolutely no information regarding the depth or proximity of surrounding wells or the hydraulic connectivity between the pit excavation areas, discharge areas from the washing operation, and the well recharge areas. Again, consistent with the lack of consideration there is not a single mitigation measure to address these impacts.
- There is no information provided with the Application or the SEPA Checklist indicating that the applicant has a water right for gravel washing at this location. Given the sensitivity of water use issues in Kittitas County, including currently pending proceedings before the State Supreme Court, the lack of any discussion of this issue is a fatal oversight. The lack of any mitigating conditions merely confirms the complete lack of evaluation.
- There is absolutely no substantive discussion, study or documentation regarding a spill prevention control and countermeasures plan, even though there will be refueling operations and asphalt liquid tanks and/or tanker trucks on sight. Consistent with the lack of consideration, there is not a single mitigation measure to address these impacts either.
- Finally, there is no substantive discussion or evaluation of habitat impacts or mitigation of same.

It is readily apparent that CDS has completely abdicated its responsibilities to perform a proper SEPA review. As a result, the determination of non-significance is clearly erroneous and should be rejected.

This SEPA appeal is without prejudice to Ellensburg Cement Products, Inc.'s right to oppose the project on other grounds at the November 10, 2010 hearing on the proposed conditional use permit.

For example, the subject property is in the AG 20 Zone. Kittitas County's zoning code is clear that rock crushing and asphalt plants are neither an outright permitted use nor a conditional use in the AG 20 Zone. As such, the requested CUP Amendment should be summarily rejected.

It is also worth noting that the Gibson Quarry operation is violating the existing CUP (issued to John Miller on December 1997). The Gibson Quarry is currently operating on Tax

Kittitas Board of County Commissioners  
Kittitas Board of Adjustment  
November 2, 2010  
Page 6

Parcel 17-20008010-0006 (42.41 acres). The CUP issued in 1997 only applies to Tax Parcel No. 17-20-08040-0011 (13.40 acres). In short, the gravel extraction operation currently operating on Tax Parcel 17-20-08010-0006 (42.41 acres) is operating without any County permits and is thus an illegal operation. It is noteworthy that nothing in the proposed CUP Amendment suggests that the applicant is seeking to expand the scope of the CUP Amendment to include Tax Parcel 17-20-08010-0006 (42.41 acres), where the quarry operations are now focused, or Parcel Numbers 17-20-08010-0003 through 0005 (an additional 9 acres), the parcels into which the applicant proposes to expand its mining operations. Hence, there is a clear inconsistency between what the Application says and what the applicant is actually asking the County to approve. For that reason the application should be rejected. Indeed, it should not have been accepted in the first place as it clearly incomplete and defective on its face.

Pursuant to the notices relating to the Proposal, a check in the amount of \$300 for the appeal fee is tendered with this letter.

If you have any questions regarding the foregoing, feel free to contact the undersigned.

Very truly yours,

GROFF MURPHY, PLLC



Michael J. Murphy

MJM:smd  
Enclosure

cc: Kirk Holmes, Interim Director (via facsimile, 509-962-7682)  
Dan Valoff, Staff Planner (via facsimile, 509-962-7682)  
Neil Caulkins (via e-mail)

**GROFF MURPHY, PLLC**  
GENERAL CHECKING ACCOUNT  
PHONE (206) 628-9500  
300 EAST PINE  
SEATTLE, WASHINGTON 98122

COMMERCE BK OF WASHINGTON, NA  
601 UNION ST, STE 3600  
SEATTLE, WA 98101  
(206) 292-3900  
19-801/1250

35129

11/3/10

PAY TO THE ORDER OF Kittitas County Board of Commissioners

\$ 300.00

Three hundred and 00/100 -----

DOLLARS 



MEMO SEPA Appeal Fee

⑈035129⑈ ⑆125008013⑆ 001195859⑈

2005 N11U1 INCL # 785 1-800-433-8810

**GROFF MURPHY, PLLC**  
GENERAL CHECKING ACCOUNT  
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SEATTLE, WASHINGTON 98122

COMMERCE BK OF WASHINGTON, NA  
601 UNION ST, STE 3600  
SEATTLE, WA 98101  
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35130

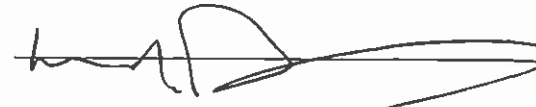
11/3/10

PAY TO THE ORDER OF Kittitas County Board of Commissioners

\$ 300.00

Three hundred and 00/100 -----

DOLLARS 



MEMO SEPA Appeal Fee

⑈035130⑈ ⑆125008013⑆ 001195859⑈

2005 N11U1 INCL # 785 1-800-433-8810

GROFF MURPHY  
LAWYERS



Michael J. Murphy  
E-Mail: mmurphy@groffmurphy.com

November 2, 2010

**Via Federal Express**

Kittitas County  
Board of County Commissioners  
Kittitas County Courthouse  
205 W. 5<sup>th</sup>, Ste. 108  
Ellensburg, WA 98926

Kittitas County  
Board of Adjustment  
c/o Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
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**Re: Appeal of SEPA (State Environmental Policy Act) Threshold  
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and (d) require proper SEPA review of the application by County staff and all other relevant agencies before a new threshold decision is issued.

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- There is nothing in the SEPA Checklist of any substance nor any studies addressing dust control from the expanded quarry operations and potential rock crushing, and there is not a single mitigation measure to address these impacts. Again, the impacts on the two new residential developments have not been considered or addressed at all.
- There is nothing of substance in the SEPA Checklist and no independent studies addressing odor control and air quality impacts, including toxic emissions from the proposed asphalt plant. These are likely to have significant material adverse impacts on the two new residential developments, one of which is immediately adjacent to the expanded quarry operation. And, of course, there is not a single mitigation measure to address these impacts either.
- Neither the SEPA Checklist nor any studies address impacts from blasting, including vibration, on the surrounding properties, including the two new residential developments. Consistent with the lack of consideration, there is not a single mitigation measure to address these impacts.



- There is no analysis or study regarding traffic safety and the impact of increased truck traffic on Park Creek Drive. Nor are there any mitigation measures.
- There is no analysis whatsoever of the impact of the quarry operation on groundwater, or any determination whatsoever regarding the vulnerability of groundwater to the impacts of toxic substances, the wastewater from the proposed washing operation, or storm water runoff. Indeed, there is no recognition, other than in the application, that there will be a washing operation. There is absolutely no information regarding the depth or proximity of surrounding wells or the hydraulic connectivity between the pit excavation areas, discharge areas from the washing operation, and the well recharge areas. Again, consistent with the lack of consideration there is not a single mitigation measure to address these impacts.
- There is no information provided with the Application or the SEPA Checklist indicating that the applicant has a water right for gravel washing at this location. Given the sensitivity of water use issues in Kittitas County, including currently pending proceedings before the State Supreme Court, the lack of any discussion of this issue is a fatal oversight. The lack of any mitigating conditions merely confirms the complete lack of evaluation.
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It is readily apparent that CDS has completely abdicated its responsibilities to perform a proper SEPA review. As a result, the determination of non-significance is clearly erroneous and should be rejected.

This SEPA appeal is without prejudice to Ellensburg Cement Products, Inc.'s right to oppose the project on other grounds at the November 10, 2010 hearing on the proposed conditional use permit.

For example, the subject property is in the AG 20 Zone. Kittitas County's zoning code is clear that rock crushing and asphalt plants are neither an outright permitted use nor a conditional use in the AG 20 Zone. As such, the requested CUP Amendment should be summarily rejected.

It is also worth noting that the Gibson Quarry operation is violating the existing CUP (issued to John Miller on December 1997). The Gibson Quarry is currently operating on Tax

Parcel 17-20008010-0006 (42.41 acres). The CUP issued in 1997 only applies to Tax Parcel No. 17-20-08040-0011 (13.40 acres). In short, the gravel extraction operation currently operating on Tax Parcel 17-20-08010-0006 (42.41 acres) is operating without any County permits and is thus an illegal operation. It is noteworthy that nothing in the proposed CUP Amendment suggests that the applicant is seeking to expand the scope of the CUP Amendment to include Tax Parcel 17-20-08010-0006 (42.41 acres), where the quarry operations are now focused, or Parcel Numbers 17-20-08010-0003 through 0005 (an additional 9 acres), the parcels into which the applicant proposes to expand its mining operations. Hence, there is a clear inconsistency between what the Application says and what the applicant is actually asking the County to approve. For that reason the application should be rejected. Indeed, it should not have been accepted in the first place as it clearly incomplete and defective on its face.

Pursuant to the notices relating to the Proposal, a check in the amount of \$300 for the appeal fee is tendered with this letter.

If you have any questions regarding the foregoing, feel free to contact the undersigned.

Very truly yours,

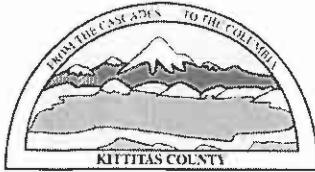
GROFF MURPHY, PLLC



Michael J. Murphy

MJM:smd  
Enclosure

cc: Kirk Holmes, Interim Director (via facsimile, 509-962-7682)  
Dan Valoff, Staff Planner (via facsimile, 509-962-7682)  
Neil Caulkins (via e-mail)



## **KITTITAS COUNTY**

### **DEPARTMENT OF PUBLIC WORKS**

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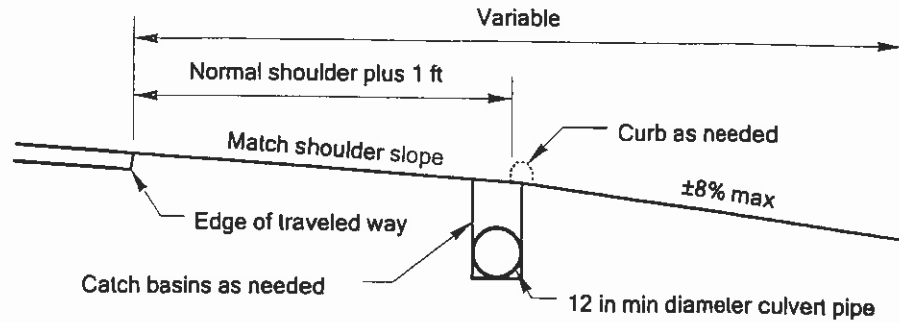
#### **MEMORANDUM**

TO: Dan Valoff, CDS  
FROM: Christina Wollman, Planner II *CW*  
DATE: September 16, 2010  
SUBJECT: Gibson CU-10-00004

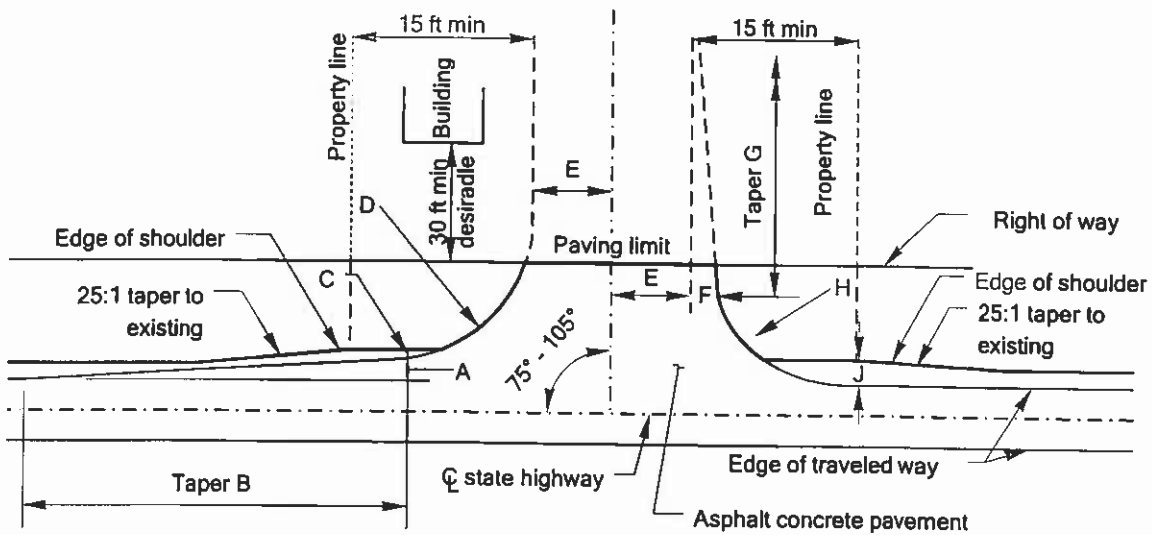
The Department of Public Works has reviewed the application and will require the applicant to upgrade the two existing accesses to current Kittitas County Road Standards. Current standards require the construction of a paved apron onto the county road. The access shall be designed as specified in WSDOT Design Manual Figure 1340-5.

The applicant will need to apply for an access permit prior to beginning construction.

The apron shall be constructed and approved by Public Works or bonded for prior to receiving final approval for this Conditional Use Permit.



Profile Controls



Condition	A	B	C	D	E	F	G	H	J
Primary SU and less	—	—	[1]	30	15	—	—	30	[1]
Primary combination Vehicle WB 40	—	—	[1]	65	15	—	—	55	[1]
	4	25	[2]	50	15	7	25	45	[1]
Primary combination Vehicle WB 50 and doubles	—	—	[1]	70	20	—	—	50	[1]
	4	25	[3]	55	20	—	—	50	[1]

Notes:

- [1] Normal shoulder width (see Chapter 1140).
- [2] Normal shoulder width less A.
- [3] For larger vehicles, use turning templates (see Chapter 1310).
- [4] Vertical curves between the shoulder slope and the road approach grade not to exceed a 3/4-inch hump or a 2-inch depression in a 10-ft cord.

General:

Values given are in ft.

Road Approach Design Template D1  
Exhibit 1340-5

**Dan Valoff**

---

**From:** Gibson & Son [gibson@elltel.net]  
**Sent:** Wednesday, September 15, 2010 2:52 PM  
**To:** Dan Valoff  
**Subject:** ammending sepa

Good Afternoon Dan,

Per your conversation with Louie, he would like to ammend question 11 on sepa check list. He would like to delete washing operations and temporary concrete and asphalt plants. He just wants blasting, screening, rock crushing and extraction of rock.

Thank you  
Kris Gibson



# KITTITAS COUNTY FIRE MARSHAL'S OFFICE

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

Office (509) 962-7657 Fax (509) 962-7682

July 29, 2010

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

Re: Gibson Conditional Use Permit (CU-10-00004)

Dear Mr. Valoff:

Upon review of the above named land use action, I have the following comments/requirements;

- Fire apparatus access shall be required for the entirety of the access off the main road to the rock crushing, screening, washing operations and temporary concrete and asphalt plant.
- Any structures erected on site shall be inspected and approved prior to operation.
- A Fire and Life Safety inspection shall be required during the time of operation, with appropriate fees paid.

Any questions or concerns regarding fire service features may be directed to the Kittitas County Fire Marshal's Office at (509) 962-7000.

Sincerely,

Brenda Larsen  
Fire Marshal



August 23, 2010



Dan Valoff  
Community Development Services, Kittitas County  
Ellensburg, WA 98926

Dear Dan,

In review of the proposed Gibson rock pit zoning SEPA Checklist, it was noted the applicant intends to remove timber for the project. According to WAC 222-16-050 of the Washington Forest Practice Rules, cutting or removing more than 5000 board feet of timber in any 12 month period, requires an approved Forest Practice Application (FPA). On our forest practice base map, it was noted that Type F stream appears to exist within the proposed area. Any timber harvest in an RMZ of a Type F stream is a trigger for a FPA. The FPA can be obtained at the DNR office in Ellensburg or from the Washington DNR website. Thank you for the opportunity to comment on this proposal.

Please contact me if you have any questions.

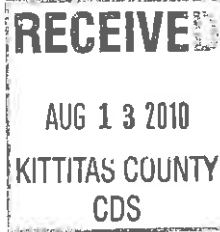
Sincerely,

Bart Ausland  
DNR Forest Practices Coordinator  
509-925-0974



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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



August 11, 2010

Dan Valoff  
Kittitas County Community Development  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: CU-10-00004

Dear Mr. Valoff:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the placement of rock crushing, screening, washing operations, temporary concrete plant, and temporary asphalt plant. This project is proposed by Louie Gibson. We have reviewed the documents and have the following comments.

**Water Quality Sand & Gravel**

The proponent has submitted a Sand & Gravel permit application to the Department of Ecology.

If you have any questions concerning the Water Quality comments, please contact Pam Perun at (509) 454-7869.

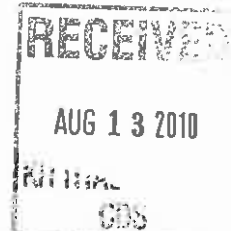
Sincerely,

A handwritten signature in blue ink that reads "Gwen Clear".

Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012







Michael J. Murphy

E-Mail: mmurphy@groffmurphy.com

August 12, 2010

VIA FACSIMILE AND FEDERAL EXPRESS

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

Re: Gibson Conditional Use Permit Application (CU-10-00004)

To Whom It May Concern:

I represent Ellensburg Cement Products, Inc. ("ECP"), which is located at 2121 Highway 97, P.O. Box 938, Ellensburg, WA 98926. Pursuant to a Notice of Application dated July 29, 2010, ECP was notified of the proposed amendment to the CUP for the Gibson Quarry located north of Parke Creek Road in Section 8, Township 17 North, Range 20 East, W.M. (the "Application"). This letter is intended to provide ECP's written comments on the Application.

As a threshold matter, it is clear that the application should have been rejected by Kittitas County Community Development Services ("CDS") as being facially defective. The subject property is in the AG 20 Zone. Kittitas County's current zoning code is clear that rock crushing and asphalt plants are neither an outright permitted use nor a conditional use in the AG 20 Zone. As such, the requested CUP Amendment should have been summarily rejected. The applicant should have been told that a CUP amendment simply cannot be issued under the existing zoning regulations, and that if it wanted to permit such operations, it would have to first request a rezone of the property.

The application should have been summarily rejected for a second reason. The Gibson Quarry operation is currently violating the existing CUP (issued to John Miller on December 1997). The Gibson Quarry is currently operating on Parcel Map No. 17-20-08010-0006 (42.41 acres). The CUP issued in 1997 only applies to Parcel Map No. 17-20-08040-0011 (13.40 acres). In short, the gravel extraction operation (and occasional illegal rock crushing) currently operating on Parcel No. 17-20-08010-0006 (42.41 acres) is operating without any County permits and is thus an illegal operation. For purposes of the proposed CUP amendment, however, the critical point is that nothing in the Application suggests that the applicant is proposing to expand the area of the original CUP to include Parcel 17-20-08010-0006 (42.41

GROFF MURPHY, PLLC 300 EAST PINE STREET SEATTLE WASHINGTON 98122 (206) 628-9500 www.groffmurphy.com (206) 628-9506 FACSIMILE

acres), where the quarry operations are now focused, or Parcel Numbers 17-20-08010-0003 through 0005 (an additional 9 acres), the parcels into which the applicant proposes to expand its mining operations. Hence, there is a clear inconsistency between what the Application says and what the applicant is actually asking the County to approve. For that reason the application should be rejected. Indeed, it should not have been accepted in the first place as it clearly incomplete and defective on its face.

Further, the Notice of Application states that “[t]he County expects to issue a Determination of Non-Significance (DNS) for [the] proposal.” But as of June 29, 2010, when the application was deemed “complete”, the applicant had not even submitted a SEPA checklist. A SEPA checklist was apparently submitted on July 13, 2010, but it is unsigned and undated and appears to be a copy of the two year old SEPA checklist given to the Department of Natural Resources in 2008 when Louie Gibson (improperly) requested a reclamation permit from DNR for a 60 acre mine, when the underlying County CUP for mining only covered 13.40 acres.

Further, it is clear that the old 2008 DNR SEPA checklist does not even remotely conform to the currently pending request:

- The new Application purports to apply to 84 acres, but the 2008 DNR SEPA checklist only applies to 60 acres.
- The 2008 DNR SEPA checklist says “rock crushing . . . might possibly occur in the future.” The Application specifically requests that the CUP be amended to include “rock crushing.”
- The 2008 DNR SEPA checklist says nothing about “washing”, and claims that no ground water will be withdrawn, and no water will be discharged to ground water. The Application, however, specifically requests that the CUP be amended to include “washing,” which will presumably require both ground water withdrawal and discharge.
- The 2008 DNR SEPA checklist says nothing about concrete batch plans or asphalt production, and claims that there will be no air quality impacts other than some “minor amounts of dust” and “normal engine exhaust.” The Application, however, specifically requests that the CUP be amended to include concrete and asphalt production.
- The 2008 DNR SEPA checklist claims that the “nearest houses are owned by proponent” and that there are only “dispersed residences” on site and on adjacent properties. This outdated response fails to acknowledge that two residential short plats have been approved, one immediately to the north of the subject site (Sunny Sage Short Plat, SP 10-00006) and the other to the northwest of the subject site (Badger Bluff Short Plat, SP 09-00010).

- The 2008 DNR SEPA checklist falsely claims that the subject property is zoned Rural 3. As noted above, the subject property is zoned Ag 20.

From the foregoing, it is clear that the 2008 DNR SEPA checklist is outdated, incomplete, and inaccurate.

Under controlling SEPA regulations, the use of the 2008 DNR SEPA checklist is improper. First, under WAC 197-11-315(4), "The lead agency *shall* prepare the checklist or require an applicant to prepare the checklist." (emphasis added). This is not optional, and it was not done. While the applicant may have submitted a checklist, none was prepared for this application, as is readily apparent from the bullet points set forth above.

Second, prior environmental documents cannot be used for a new "threshold determination" if there are "(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts . . . , or (ii) New information indicating a proposal's probable significant adverse environmental impacts. (This includes *discovery of misrepresentation* or lack of material disclosure.)" WAC 197-11-600(3)(b) (emphasis added).

Both circumstances are present here. The current proposal is a full 1/3<sup>rd</sup> larger than the one considered by DNR, is now adjacent to a residential subdivision, and now expressly includes operations such as washing, rock crushing, and concrete and asphalt production that have much greater environmental impacts than the surface mining and possible occasional rock crushing described in the 2008 DNR SEPA checklist.

Further, it is clear that the 2008 DNR SEPA checklist misrepresented critical information relevant to the pending Application: in particular the zoning of the property and the existence of a valid CUP for the mining operation on all 60 acres. As noted above, it is undisputed that the property is zoned AG 20 (which does not permit the requested activities) and the existing CUP only applies to 13.40 acres, not 60 and not 84. Accordingly, the 2008 DNR SEPA checklist cannot be used for the environmental review of this Application.

It is equally apparent from the content of the 2008 DNR SEPA checklist and the minimal amount of time that has passed between its submission and the issuance of the Notice of Application on July 29, 2010 that no meaningful SEPA review has occurred. How the obvious deficiencies could be missed is shocking, and reflects a complete abdication of the SEPA review process by CDS. It is clear that CDS has simply tried to adopt DNR's determination without doing any review of the legal and environmental issues relevant to compliance with the County's land use and environmental regulations, which are the standards under which the Application must be judged.

Additional flaws in the environmental review process are apparent from the following undisputable facts:

- Neither the SEPA Checklist nor any studies address noise impacts of the proposed expansion of the quarry or the new quarry operations, such as rock crushing and concrete and asphalt production. As noted above, there are now two residential developments near the expanded quarry.
- There is nothing in the SEPA Checklist of any substance nor any studies addressing dust control from the expanded quarry operations and potential rock crushing. Again, the impacts on the two new residential developments have not been considered or addressed at all.
- There is nothing of substance in the SEPA Checklist and no independent studies addressing odor control and air quality impacts, including toxic emissions from the proposed asphalt plant. These are likely to have significant material adverse impacts on the two new residential developments, one of which is immediately adjacent to the expanded quarry operation.
- Neither the SEPA Checklist nor any studies address impacts from blasting, including vibration, on the surrounding properties, including the two new residential developments.
- There is no analysis or study regarding traffic safety and the impact of increased truck traffic on Park Creek Drive.
- There is no analysis whatsoever of the impact of the quarry operation on groundwater, or any determination whatsoever regarding the vulnerability of groundwater to the impacts of toxic substances, the wastewater from the proposed washing operation, or storm water runoff. Indeed, there is no recognition, other than in the application, that there will be a washing operation. There is absolutely no information regarding the depth or proximity of surrounding wells or the hydraulic connectivity between the pit excavation areas, discharge areas from the washing operation, and the well recharge areas.
- There is no information provided with the Application or the SEPA Checklist indicating that the applicant has a water right for gravel washing at this location. Given the sensitivity of water use issues in Kittitas County, including currently pending proceedings before the State Supreme Court, the lack of any discussion of this issue is a fatal oversight.
- There is absolutely no substantive discussion, study or documentation regarding a spill prevention control and countermeasures plan, even though there will be refueling operations and asphalt liquid tanks and/or tanker trucks on sight.
- Finally, there is no substantive discussion or evaluation of habitat impacts or mitigation of same.

It is painfully obvious from the foregoing list of deficiencies that in addition to ignoring the basic zoning requirements for the subject property, the SEPA review has been completely inadequate given the nature of the Application.

For the reasons set forth above, ECP requests that the Application be rejected and that the applicant be directed to comply with all applicable zoning, land use, and environmental laws in submitting a new application. ECP also requests that the County take action to shut down what is clearly an illegal mining operation on Tax Parcel 17-20-08010-0006 (42.41 acres) because the existing Conditional Use Permit only covers Tax Parcel 17-20-08040-0011 (13.40 acres), and there is no right under existing County land use regulations for there to be any mining operation on Tax Parcel 17-20-08010-0006 (42.41 acres). The fact that the applicant has a DNR reclamation permit is irrelevant because the law is clear that the State Surface Mining Act does not preempt local land use regulation. *Baker v. Snohomish County Department of Planning and Community Development*, 68 Wn. App. 581 (1992).

Very truly yours,

GROFF MURPHY, PLLC

A handwritten signature in blue ink, appearing to read 'm j m', with a long horizontal stroke extending to the right.

Michael J. Murphy

MJM:br

## Dan Valoff

---

**From:** CDS User  
**Sent:** Friday, August 13, 2010 7:58 AM  
**To:** Dan Valoff  
**Subject:** FW: Gibson Conditional Use Permit (CU-10-00004)

**Laura Wilson**  
**Permit Technician**

Kittitas County Community Development Services  
411 N Ruby Street Suite 2  
Ellensburg, WA 98926  
[laura.wilson@co.kittitas.wa.us](mailto:laura.wilson@co.kittitas.wa.us)  
P: 509.962.7506  
F: 509.962.7682



"Building Partnerships-Building Communities"

---

**From:** Shane Johnson [mailto:slji@fairpoint.net]  
**Sent:** Thursday, August 12, 2010 2:53 PM  
**To:** CDS User  
**Subject:** Re: Gibson Conditional Use Permit (CU-10-00004)

August 12, 2010  
Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
Ellensburg, WA 98926

Re: Gibson Conditional Use Permit (CU-10-00004)

Dear Review Panel,

We have recently been made aware of the application for the aforementioned conditional use permit. As our property is located downwind and is at roughly similar elevation to Mr. Gibson's existing operations we have the following concerns we would like to have addressed at public hearing:

Potential of fumes and or dust from proposed asphalt/ cement processing.  
Duration/ schedule for proposed asphalt/ cement processing.  
Increased noise from rock blasting/ increased pit activity.

We would like to receive any notifications pertaining to the aforementioned permit request.

Sincerely,

Shane and Heather Johnson

5002 Parke Creek Road  
Ellensburg, WA 98926

August 11, 2010

Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
Ellensburg, WA 98926



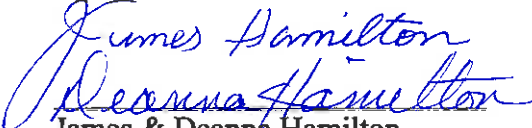
Re: Gibson Conditional Use Permit (CU-10-00004)

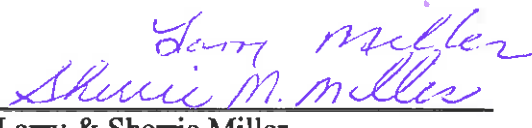
Dear Review Panel,

This is in response to receipt of the **NOTICE OF APPLICATION** for the above referenced permit. We have received the notice and have some concerns about the Conditional Use Permit as follows:

1. That our current zoning of Rural not be downgraded to Industrial or Business zoned.
2. What will be the water source for the rock washing portion of permit – i.e. local aquifer or water tanker.
3. Noise of mining (crushing/washing/loading), days and hours of operation.
4. How long will the “temporary” asphalt and/or cement plant exist? “Indefinite” like A. BACKGROUND Number 6?
5. Will asphalt and/or cement plants be permanent structure?
6. How will increased number of trucks loaded with heavy mining material affect the wear and tear of the county road (Parke Creek Road)?
7. When will original pit be restored? A flat mine floor with surrounding walls of exposed rock does not reflect the local rolling hills of the area.

Thank you for your consideration of this inquires. Please notify each of the below neighbors and property owners impacted by this request.

  
James & Deanna Hamilton  
4451 Parke Creek Rd.  
Ellensburg, WA 98926

  
Larry & Sherrie Miller  
4880 Parke Creek Rd.  
Ellensburg, WA 98926

---

Jay & Christina Bloxham  
5000 Parke Creek Rd.  
Ellensburg, WA 98926

---

Mike Minor & Schiree  
4290 Parke Creek Rd.  
Ellensburg, WA 98926

August 11, 2010



Kittitas County Community Development Services  
411 N. Ruby St., Ste. 2  
Ellensburg, WA 98926


Re: Gibson Conditional Use Permit (CU-10-00004)

Dear Review Panel,

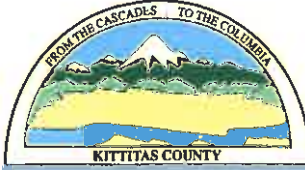
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7. When will original pit be restored? A flat mine floor with surrounding walls of exposed rock does not reflect the local rolling hills of the area.

Thank you for your consideration of this inquires. Please notify each of the below neighbors and property owners impacted by this request.

  
James & Deanna Hamilton  
4451 Parke Creek Rd.  
Ellensburg, WA 98926





## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

### NOTICE OF APPLICATION

**Project Name:** Gibson Conditional Use Permit (CU-10-00004)  
**Notice of Application:** July 29, 2010  
**Application Received:** June 11, 2010

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**Applicant:** Louie Gibson, property owner.

**Proposal:** Conditional Use Permit for the placement of rock crushing, screening, washing operations, and temporary concrete and asphalt plants in the Agriculture 20 zone.

**Location:** The project is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006

**Materials Available for Review:** The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/>. Phone: (509) 962-7506.

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 13, 2010. Any person has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Appeal procedures can vary according to the type of decision being appealed, and are described in Kittitas County Code, Title 15A.

**Environmental Review (SEPA):** The County expects to issue a Determination of Non-Significance (DNS) for this proposal, and will use the optional DNS process, meaning this may be the only opportunity for the public to comment on the environmental impacts of the proposal. Mitigation measures may be required under applicable codes, such as Title 17 Zoning, Title 17A Critical Areas, and the Fire Code, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the threshold determination may be obtained from the County.

**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Board of Adjustment after the SEPA environmental threshold determination has been issued. A Public Hearing Notice will be issued establishing the date, time and location of this hearing.

**Required Permits:** Conditional Use Permit, DOE General Sand & Gravel Permit.

**Required Studies:** None.

The following development regulations will be used for project mitigation and consistency:

- Kittitas County Comprehensive Plan & Zoning Ordinance.

## NOTICE OF APPLICATION

**Applicant:** Louie Gibson, property owner.

**Proposal:** Conditional Use Permit for the placement of rock crushing, screening, washing operations, and temporary concrete and asphalt plants in the Agriculture 20 zone.

**Location:** The project is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006

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**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Board of Adjustment after the SEPA environmental threshold determination has been issued. A Public Hearing Notice will be issued establishing the date, time and location of this hearing.

Publish: July 29, 2010



# KITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships - Building Communities"

## AFFIDAVIT OF POSTING

Effective July 19, 2007, Kittitas County Code requires all project actions that are not processed administratively to have a notice posted at the site of the project. Per KCC 15A.03.110 the following applies:

1. The applicant shall post the subject property with signs as required by Community Development Services.
2. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
3. Signs shall be posted and on-site prior to the issuance of a Notice of Application.
4. The sign shall be posted in a sturdy manner to remain on-site until fifteen days after the expiration of the Notice of Decision appeal period. It shall be the responsibility of the applicant to properly dispose of the sign.
5. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
6. It shall be the responsibility of the applicant to place the structure on which the sign will be posted on site. At such time the structure and sign is in place, the applicant shall contact Community Development Services.

DATE:	PLANNER: Dan Valoff
PROJECT NAME: Gibson Conditional Use Permit	FILE NUMBER: CU-10-04

### PLEASE COMPLETE THE FOLLOWING:

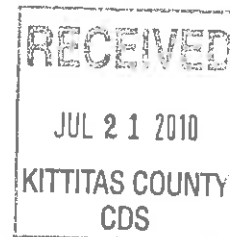
I, Louise Gibson, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Kittitas County Code. I understand that the required posting period begins immediately and ends 15 days after the ending of the appeal period on the Notice of Decision and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development Services in a timely manner will result in a delay of the application review for the project.**

Signature

7/15/2010  
Date

**Please return the above certification to CDS; Fax at 509-962-7682; or mail to; Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.**

**For Staff Use Only:**  
Received \_\_\_\_\_





## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

June 29, 2010

Louie Gibson  
1221 S. Thorp Highway  
Ellensburg WA 98926

Subject: Determination of Application Completeness  
Gibson Conditional Use Permit (CU-10-00004)

Dear Mr. Gibson:

The Conditional Use Permit application for rock crushing, screening, washing, and temporary concrete and asphalt plants, was received June 11, 2010. Your application has been determined complete as of June 29, 2010.

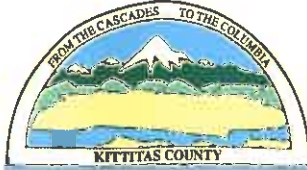
Continued processing of your application will include, but is not limited to, the following actions

1. A Notice of Application will be sent to all adjoining property owners within 500 feet of the subject property, interested persons, and reviewing agencies.
2. Posting of the property by the applicant along each street frontage and publishing of a legal notice. This should have already been completed.
3. Consideration of written comments from reviewing agencies, and from adjacent property owners.

If you have any questions regarding this matter, please call me at (509) 962-7637, or by e-mail to [dan.valoff@co.kittitas.wa.us](mailto:dan.valoff@co.kittitas.wa.us).

Sincerely,

Dan Valoff  
Staff Planner



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"Building Partnerships – Building Communities"

### NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

**To:** Interested County Departments & Agencies with jurisdiction  
Adjacent Property Owners  
Applicant

**From:** Dan Valoff, Staff Planner

**Date:** October 21, 2010

**Subject:** Gibson Conditional Use Permit (File No.: CU-10-00004)

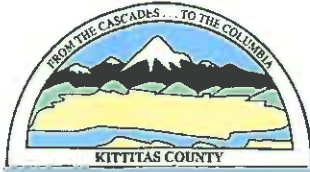
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Please find the attached Determination of Nonsignificance (DNS) for the above referenced project. A Notice of Application for the submitted application was mailed on July 29, 2010.

NOTICE IS HERBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 21, 2010 make a Determination of Non-Significance (DNS) for Louie Gibson, land owner of the proposed Conditional Use Permit to amend the Miller CUP-97-17 to expand the existing gravel pit and allow for rock crushing, on 84 acres in the Agriculture 20 zone. The subject property is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW  $\frac{1}{4}$  of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before November 4, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to 15A.04.020, Chapter [43.21C RCW](#) and Chapter [15.04 KCC](#) (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body to will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Board of Adjustment has been scheduled for **November 10, 2010 at 7:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.



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"Building Partnerships - Building Communities"

## Washington State Environmental Policy Act DETERMINATION OF NONSIGNIFICANCE

**Description** Conditional Use Permit to amend the Miller CUP-97-17 to expand the existing gravel pit and allow for rock crushing, on 84 acres in the Agriculture 20 zone.

**Proponent** Louie Gibson, land owner  
1221 S. Thorp Hwy  
Ellensburg, WA 98926

**Location:** The subject property is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before November 4, 2010 by 5:00 PM,

**Responsible  
Official:**

Dan Valoff

**Title:**

Staff Planner

**Address:**

Kittitas County Community Development Services  
411 North Ruby St., Suite 2  
Ellensburg, WA 98926  
(509) 962-7506 FAX (509) 962-7682

**Date:**

October 21, 2010

**Pursuant to Chapter 15A.07 KCC, this DNS may be appealed by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, November 4, 2010. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.**

**Notice of SEPA Action and Public Hearing**  
**Gibson Conditional Use Permit**  
**(CU-10-04)**

NOTICE IS HERBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 21, 2010 make a Determination of Non-Significance (DNS) for Louie Gibson, land owner of the proposed Conditional Use Permit to amend the Miller CUP-97-17 to expand the existing gravel pit and allow for rock crushing, on 84 acres in the Agriculture 20 zone. The subject property is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

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Date: October 19, 2010

Publish: October 21 & October 28, 2010

DAILY RECORD  
AD AUTHORIZATION  
(CONTINUED)

Salesperson: KATHY ADAMS

Printed at 10/19/10 10:33 by \$LOGIN

Acct#: 84329

Ad#: 325740 Status: N

**Notice of SEPA Action  
and Public Hearing  
Gibson Conditional  
Use Permit  
(CU-10-04)**

NOTICE IS HERBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on October 21, 2010 make a Determination of Non-Significance (DNS) for Louie Gibson, land owner of the proposed Conditional Use Permit to amend the Miller CUP-97-17 to expand the existing gravel pit and allow for rock crushing on 84 acres in the Agriculture 20 zone. The subject property is located approximately 3 miles east of the city of Kittitas, north of Parke Creek Road and east of Clerf Road, Ellensburg, WA, in a portion of the NW ¼ of Section 8, T17N R20E WM in Kittitas County. Map numbers: 17-20-08010-0003, 17-20-08010-0004, 17-20-08010-0005, 17-20-08040-0011, and 17-20-08010-0006. The complete application file may be viewed at Kittitas County Community Development Services, 411 N Ruby St, Suite 2, Ellensburg, WA 98926. Staff Planner, Dan Valoff.

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Date: October 19, 2010  
Publish: October 21 & October 28, 2010



DAILY RECORD  
AD AUTHORIZATION

Salesperson: KATHY ADAMS

Printed at 10/19/10 10:33 by \$LOGIN

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Acct#: 84329 Ad#: 325740 Status: N  
KITTITAS COUNTY COMMUNITY Start: 10/21/10 Stop: 10/28/10  
411 N. RUBY ST, SUITE 2 Times Ord: 2 Times Run: \*\*\*\*  
ELLENSBURG WA 98926 STD6 1.00 X 11.98 Words: 365  
Contact: Rate: LEG2 Cost: 198.17  
Phone: (509)962-7506 Class: 0001 LEGAL NOTICES  
Fax#: Descript: LOUIE GIBSON CU-10-04  
Email: dan.valoff@co.kittitas.wa.us Given by: \*  
Agency: Created: cad18 10/19/10 10:30  
Last Changed: cad18 10/19/10 10:33  
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PUB	ZONE	ED	TP	START	INS	STOP	SMTWTF
DR	A	97	S	10/21,28			
IN	A	97	S	10/21,28			

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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

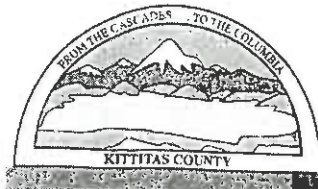
\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

Quote from Daily Record/Kittitas County Publishing (509) 925-1414  
This ad will run as quoted unless cancellation is received. Please contact

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(AD COPY ON NEXT PAGE)



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  
CDS@CO.KITTITAS.WA.US  
Office (509) 962-7506  
Fax (509) 962-7682

"Building Partnerships - Building Communities"

## ZONING CONDITIONAL USE PERMIT APPLICATION

(Proposing a use such as a Bed & Breakfast or Campground)

CU-10-00004

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

### REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SUBJECT PARCEL(S). IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THEN THE 500 FOOT AREA SHALL EXTEND FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS' OR ROAD ASSOCIATION, PLEASE INCLUDE THE MAILING ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED BUILDINGS POINTS OF ACCESS, ROADS, PARKING AREAS, SEPTIC TANK, DRAINFIELD, DRAINFIELD REPLACEMENT AREA, AREAS TO BE CUT AND/OR FILLED, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- SEPA CHECKLIST (UNLESS EXEMPT)

### APPLICATION FEE:

\$2,030.00 (\$1,560 fee + \$470 SEPA) for Community Development Services  
\$130.00 for Fire Marshal

(One check made payable to KCCDS)

\*\*\*Accessory Dwelling Units and Special Care Dwellings are exempt from SEPA\*\*\*

### FOR STAFF USE ONLY

APPLICATION RECEIVED BY:  
(CDS STAFF SIGNATURE)

DATE:

06-11-10

RECEIPT #

7999

PAID

JUN 11 2010

KITTITAS CO.  
CDS

DATE STAMP  
HERE

NOTES:

1. Name, mailing address and day phone of land owner(s) of record:  
*Landowner(s) signature(s) required on application form.*

Name: Louie Gibson  
Mailing Address: 1221 S. Thorp Hwy  
City/State/ZIP: Ellensburg WA 98926  
Day Time Phone: 509-728-8605  
Email Address: gibson@elltel.net

2. Name, mailing address and day phone of authorized agent, if different from land owner of record:  
*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Day Time Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

3. Street address of property:

Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_

4. Legal description of property:

portion of Section 8 T17N R 20 EWN

5. Tax parcel number: 17-20-08040-0011, 17-20-08010-0003, 0004

6. Property size: 84 (acres) 0005, 0004

7. Narrative project description: Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

Ammend John Miller CULP/APP issued Dec. 18, 1997  
to include rock crushing, screening, washing  
temporary concrete and asphalt on a  
project specific Basics. And recycle concrete,

8. Provision of the zoning code applicable: KCC 17.29.030

9. A conditional use permit may be granted when the following criteria are met. Please describe in detail how each criteria is met for this particular project (attach additional sheets as necessary):

A. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

providing rock material to the general public at a fair price. Rock is essential material for the construction industry in Kittitas County.

B. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that (1) it will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or (2) that the applicant shall provide such facilities; or (3) demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

Has been in operations since 1982 and have never had any complaints from the neighbors.

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

Date:

X \_\_\_\_\_

\_\_\_\_\_

Signature of Land Owner of Record  
(REQUIRED for application submittal):

Date:

X [Handwritten Signature]

6/11/10

RECEIVED

JUL 1 5 2010

KITTITAS COUNTY  
CDS

## ENVIRONMENTAL CHECKLIST

### INTRODUCTION

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project", "applicant", and "property or site" should be read as "proposal", "proposer", and "affected geographic area", respectively.

### A. BACKGROUND

1. Name of proposed project, if applicable: **Gibson Pit**
2. Name of applicant: **Louie Gibson**
3. Address and phone number of applicant and contact person: **1221 S. Thorp Highway (509) 728-8605**
4. Date checklist prepared: **10/7/2008**
5. Agency requesting checklist: **Washington Department of Natural Resources**
6. Proposed timing or schedule (including phasing, if applicable): **Ongoing into indefinite future. Length of operation depends on future market and quality and quantity of product on site.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No**
8. List any environmental information you know about that has been prepared, directly related to this proposal. **Kittitas County Conditional Use Permit**
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **None**

10. List any government approvals or permits that will be needed for your proposal, if known. **Department of Natural Resources Surface Mining Permit, Department of Ecology air and water quality permits.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**Mining, crushing and removal of approximately 3,000,000 cubic yards of basalt/basalt shale from an area of approximately 84 acres. At present rock crushing is not occurring on the site, but might possibly occur in the future. Upon completion of mining the site will be used as a shop and equipment storage area and house sites, therefore replacement of topsoil on either the pit floor or slopes is not anticipated or desirable. Also to include rock crushing, screening, washing operations, temporary concrete and asphalt plants.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. **N1/2NE1/4, SW1/4NE1/4, Section 8, Township17 North,Range 20 East,WM, approximately 2 3/4 air miles east of Kittitas. Street address is 5121 Parke Creek Road, Ellensburg,WA 98926**

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): **Rolling**
- b. What is the steepest slope on the site (approximate percent slope)? **There is a vertical face on the site which resulted from previous mining. Steepest natural slope is approximately 60%**
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Vantage-Clerf complex, Marlic-Zenlaric complex, Terlan gravelly loam, Clerf very cobbly loam, Selah-Terlan complex**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **No**
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **Removal of basalt/basalt shale. Reclamation to Washington State surface mining reclamation standards. Mining will involve removal of a ridge, reducing the groundline to an essentially flat surface with surrounding walls. Mining will also increase the gradient of a south facing slope and create a flat floor.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Minor surface erosion of disturbed areas. Most disturbed areas will ultimately be basalt bedrock and not subject to erosion**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **None**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Immediate reseeded of any stored topsoil. Annual precipitation for this area is 7-10 inches.**

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **Normal engine exhaust from heavy equipment, dust from processing and hauling rock. Possible dust from drilling and blasting. Also to include rock crushing, screening, washing operations, temporary concrete & asphalt plants.**

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **No**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None. Operation will create only minor amounts of dust.**

### 3. Water

#### a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **There is an irrigation lateral canal to the south of the site.**
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **Operation may be within 200 feet, but probably not closer than 100 feet of canal. Canal services proponents property.**
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **None**
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **None**
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **No**
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No**

#### b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? If so, describe the type of waste and anticipated volume of discharge. **No**
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None**

#### c. Water Runoff (including storm water):

- 1) Describe source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Water entering mining site will be that which is generated on site from rainfall and snowmelt. All water generated on site will be contained on site. During operations and upon completion of mining the site will contain the 25-year, 24-hour precipitation event. There is a dry wash within the permit area, but not within the mining area on the north side of the site. Seasonal runoff into and from this wash will remain essentially natural.**
- 2) Could waste material enter ground or surface water? If so, generally describe. **No**
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Containment within site**

### 4. Plants

- a. Check or circle types of vegetation found on the site

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? **Sagebrush, scattered grasses & forbs**
- c. List threatened or endangered species known to be on or near the site. **None known**
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Disturbed areas which are capable of supporting vegetation will be reseeded to grass**

5. **Animals**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: **hawk, songbirds**

mammals: **deer, coyotes, rodents**

fish: salmon, trout, herring, shellfish, other: **None**

- b. List any threatened or endangered species known to be on or near the site. **None known**
- c. Is the site part of a migration route? If so, explain. **Unknown, but unlikely**
- d. Proposed measures to preserve or enhance wildlife, if any: **None**

6. **Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **None**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No**
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **None**

7. **Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **Possible fuel spill in the event of equipment upset. No extraordinary hazards. Possible occasional rock blasting**
  - 1) Describe special emergency services that might be required. **Ambulance in event of accident. Fuel cleanup in event of equipment upset.**
  - 2) Proposed measures to reduce or control environmental health hazards, if any: **None**
- b. Noise



- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None**
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Possible short term rock crusher noise in the event one is sited on the project. Otherwise intermittent rock loading into trucks and hauling.**
- 3) Proposed measures to reduce or control noise impacts, if any: **None. Nearest houses are owned by proponent.**

#### 8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? **Mining (on proposed site), dispersed residences.**
- b. Has the site been used for agriculture? If so, describe. **Probably grazing only**
- c. Describe any structures on the site. **One Residence owned by proponent within permit area, but not within disturbance area.**
- d. Will any structures be demolished? If so, what? **No**
- e. What is the current zoning classification of the site? **Rural 3**
- f. What is the current comprehensive plan designation of the site? **Rural**
- g. If applicable, what is the current shoreline master program designation of the site? **N/A**
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **No**
- i. Approximately how many people would reside or work in the completed project? **None**
- j. Approximately how many people would the completed project displace? **None**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **None**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Kittitas County CUP already in place.**

#### 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **Mining will provide sites for equipment shop and houses, however none will be constructed as part of this proposal. Any structures constructed during life of mining permit will be treated as separate proposals.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None**
- c. Proposed measures to reduce or control housing impacts, if any: **None**

#### 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **No structures. Some temporary equipment might be as high as 25 feet.**
- b. What views in the immediate vicinity would be altered or obstructed? **A low ridge on the site would be removed resulting in a depressed flat mine floor of approximately 5 acres and the**

gradient of a south facing slope will be steepened also resulting in a flat mine floor of approximately 7 acres.

- c. Proposed measures to reduce or control aesthetic impacts, if any: **None**

#### 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **None**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **N/A**
- c. What existing off-site sources of light or glare may affect your proposal? **None**
- d. Proposed measures to reduce or control light and glare impacts, If any: **None**

#### 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? **Dispersed hunting**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No**
- c. Proposed measures so reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None**

#### 13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **None known**
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **None**
- c. Proposed measures to reduce or control impacts, if any: **None**

#### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **Parke Creek Road, East Kittitas Road, I-90**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **N/A**
- c. How many parking spaces would the completed project have? How many would the project eliminate? **None**
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). **No**
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **None upon completion. Several trips per day on an intermittent basis during operations.**
- g. Proposed measures to reduce or control transportation impacts, if any: **None**

#### 15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **No**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **None**

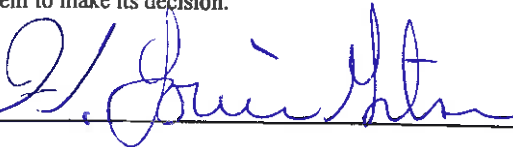
16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. **Electricity, which will not be used for this proposal.**
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **None**

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

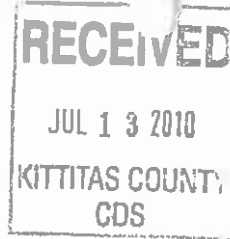
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DATE SUBMITTED \_\_\_\_\_



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**



DOUG SUTHERLAND  
*Commissioner of Public Lands*

**MEMORANDUM**

November 17, 2008

File No. 08-111701

TO: Kittitas County, Planning Director  
Spokane Indian Tribe  
Gary Bell, DFW  
Gretchen Kaehler, DAHP  
Yakama Indian Tribe  
Louie Gibson, Proponent

Environmental Coordinator, DOE  
D. Temple / B. Renfrow / P. Harvester, DFW  
John Storman, DOE  
Colville Confederated Tribes  
Meg Decker, WEC  
Mary Ann Shawver / Matt Brookshire, DNR

FROM: Elizabeth L O'Neal, SEPA Center

SUBJECT: **SEPA LEAD AGENCY & DETERMINATION OF NONSIGNIFICANCE**

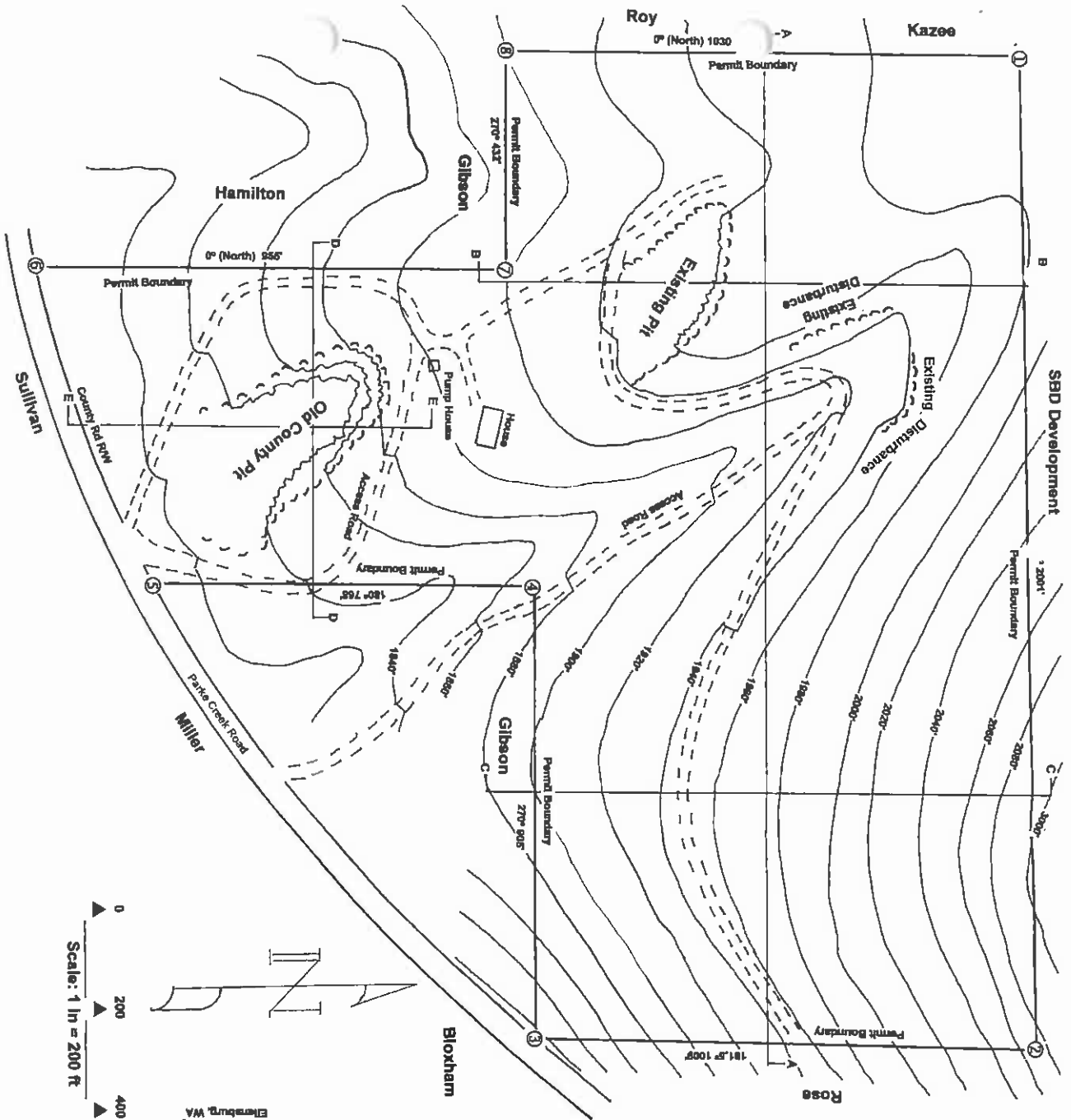
This is to advise you that pursuant to WAC 197-11-900 (922 through 948), the Department of Natural Resources has determined that it is Lead Agency for the following:

**Surface Mining Reclamation Permit Application #70-013123 is a reclamation plan for a 60 acre basalt mine. Mining will occur to an elevation of 1890 feet above mean sea level (msl). Reclamation will be completed to accommodate a maintenance shop, equipment storage and housing sites as the subsequent use. Located in Section 08, Township 17 North, Range 20 East, W.M., Kittitas County.**

Information about this proposal including the Threshold Determination, SEPA Checklist and Application for Reclamation Permit can be viewed on DNR's website at:

<http://www.dnr.wa.gov/ResearchScience/sepa/Pages/Home.aspx>

Pursuant to WAC 332-41-504, this proposal was filed in the department's SEPA Center at the Natural Resources Building, 1111 Washington Street SE, P.O. Box 47015, Olympia, Washington; on **November 17, 2008** We will consider comments on this proposed DNS received by 4:30 p.m. on **December 01, 2008**. Comments should be submitted to the SEPA Center at, [sepacenter@dnr.wa.gov](http://sepacenter@dnr.wa.gov) or P.O. Box 47015, Olympia, Washington 98504-7015 for distribution to the responsible official. Please include the file number listed above on all comments.



**Barcock Consulting**  
Ebensburg, WA

- Legend:**
- Permit Corners      O, Q, etc.
  - Permit Boundary      \_\_\_\_\_
  - Excavation Edges      ~~~~~
- Notes:**
- House and pump house owned by applicant
  - Corner Coordinates NAD 83/WGS 84:

① 46.98246N	② 46.98257N
120.35928W	120.35126W
③ 46.97980N	④ 46.97980N
120.35136W	120.35495W
⑤ 46.97767N	⑥ 46.97704N
120.35495W	120.35756W
⑦ 46.97960N	⑧ 46.97965N
120.35756W	120.35928W

**NOTE:** This sheet replaces original map sheet 1 of 4 (pre-existing conditions) to correct typographical errors and omissions in the "Legends" and "Notes" sections. This sheet does not contain any changes to the original map.

Please replace previously dated (signature block) "pre-existing conditions" sheets with this map sheet.

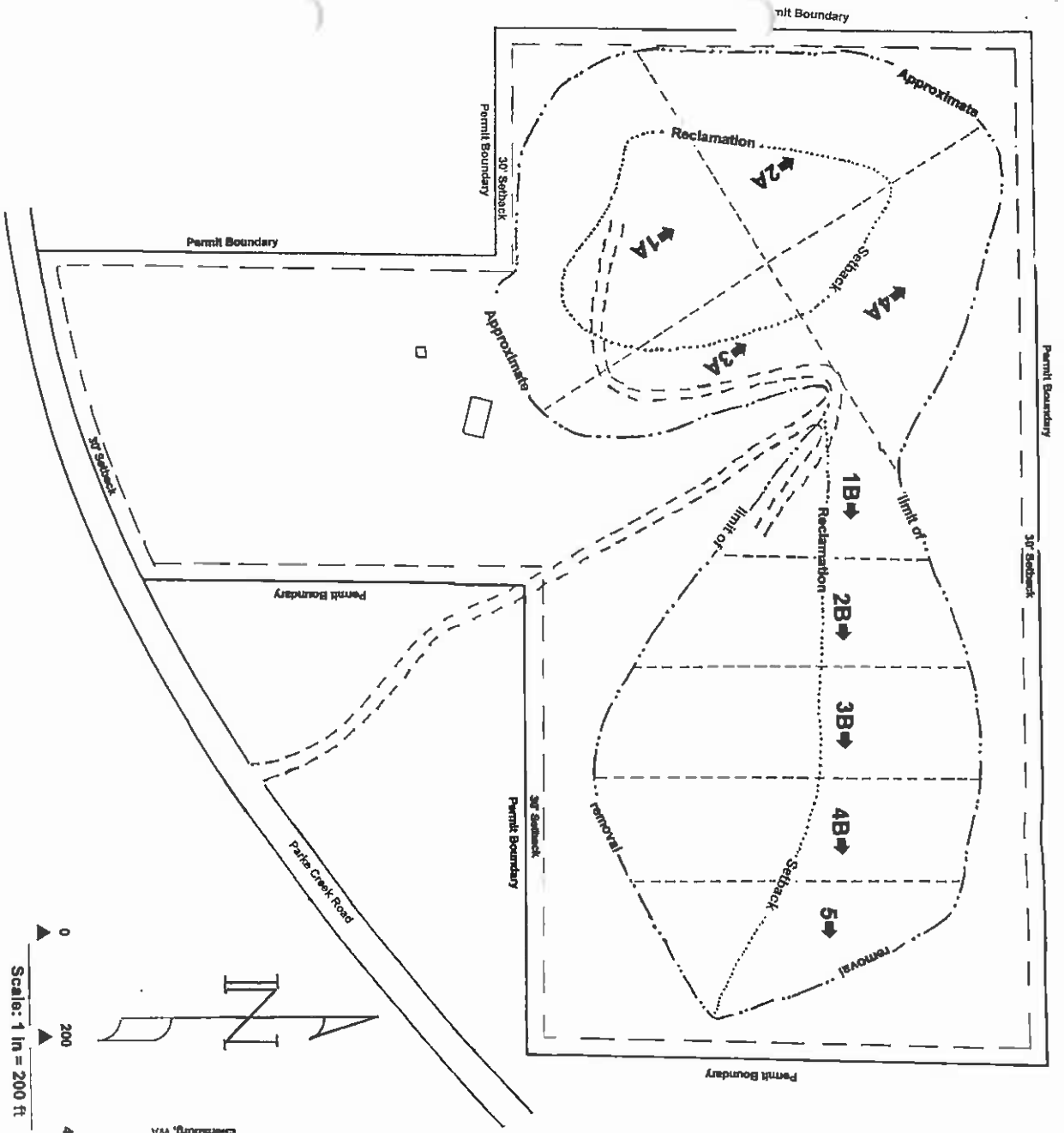
**LOUIE GIBSON**  
**GIBSON PPT**

NANKA, SWANER, SEC. 8, TWP 17 N, RGE 20 EWM  
PAGE 1 OF 4

**PRE-EXISTING CONDITIONS**

SIGNATURE: *[Signature]* DATE: 1-15-09

PERMIT NO. \_\_\_\_\_



**Legend:**

- Permit boundary
- Approximate limit of removal
- Reclamation setback
- 30' Permanent setback
- Mining/reclamation segment
- Sequence and direction
- Mining sequence
- approximate boundary

**Notes:**

Mining may occur in two segments at once depending on local markets for mineral type. Segments 1A and 1B may be concurrent. The combined acreage of two segments will not exceed a combined total acreage of 7 acres.

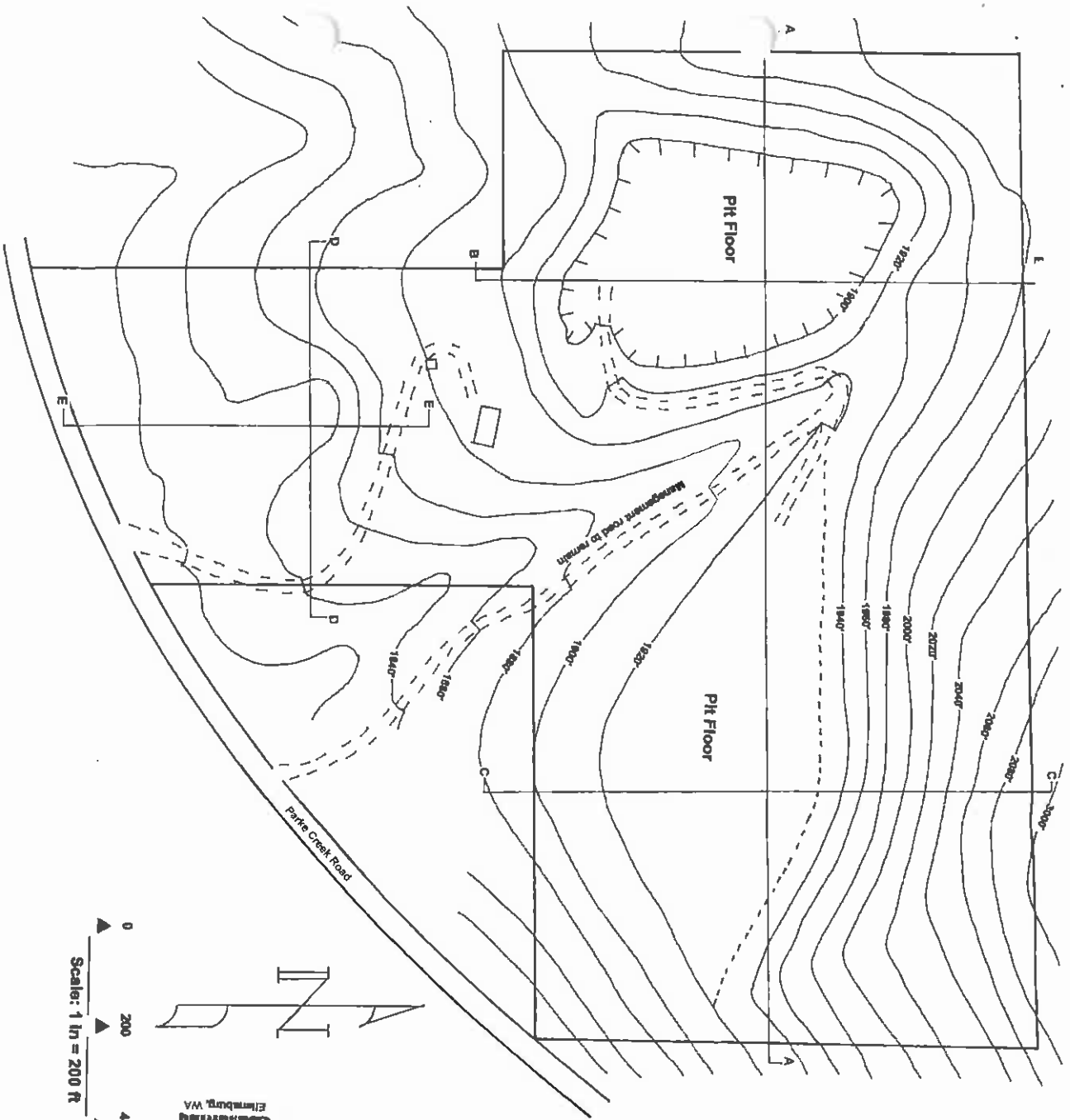
**LOUIE GIBSON**  
GIBSON PTT

N34N05, SWANDB, SEC. 8, TWP 17 N, RGE 20 EWM  
PAGE 2 OF 4  
OPERATIONS

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PERMIT NO \_\_\_\_\_





**Blanco**  
**Consulting**  
 Ellensburg, WA

**Notes:**

NOAA isoplethial chart for this area shows 25-year, 24-hour precipitation event to be 2.0 inches.

Holding capacity for west pit is 172 acre feet

Onsite and offsite area draining into west pit - 36 acres

Precipitation accumulation into pit 36 (2/12) = 6 ac ft.

Holding capacity for east pit is 14 acre feet

Onsite and offsite area draining into west pit - 25 acres

Precipitation accumulation into pit 25 (2/12) = 4 ac ft.

Old county pit shown on map 1 will be reclaimed, and the only mining there will be ancillary to reclamation.

**LOUIE GIBSON**  
**GIBSON PIT**

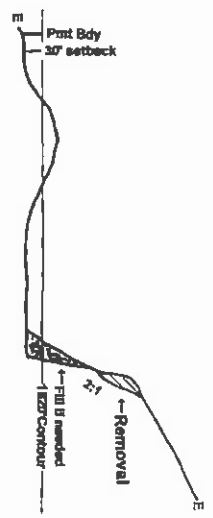
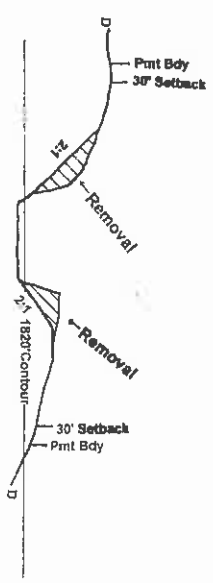
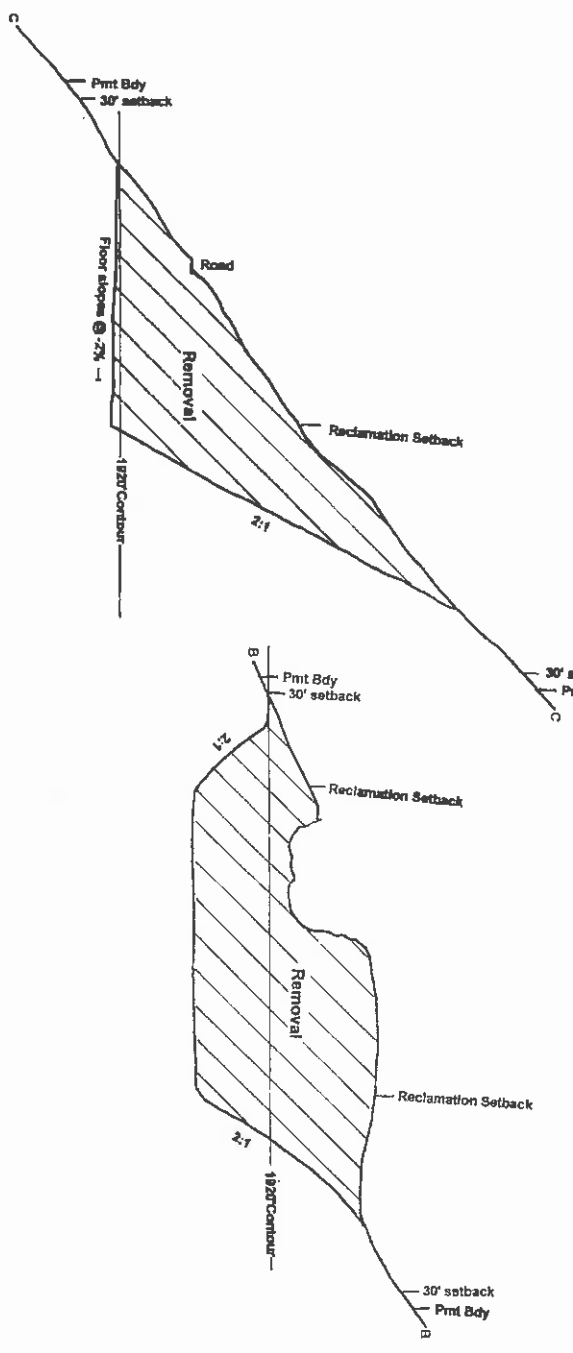
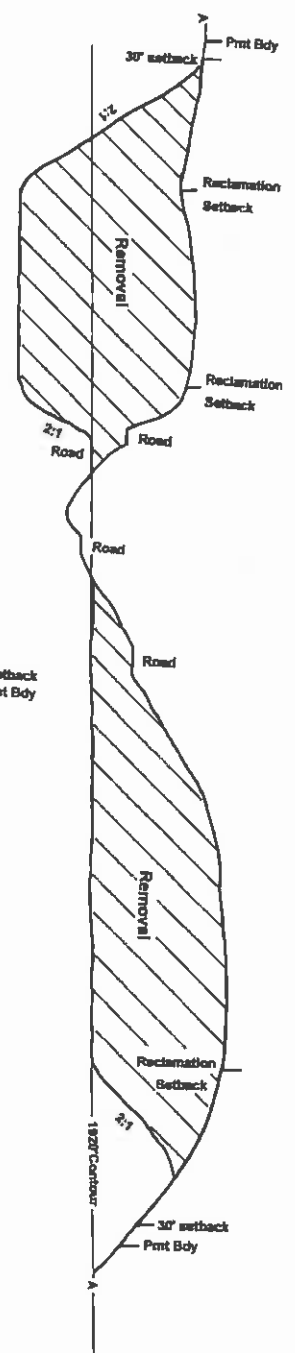
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 PAGE 3 OF 4

**FINAL CONTOURS**

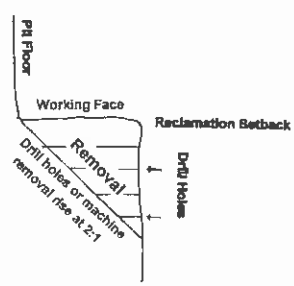
SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

PERMIT NO. \_\_\_\_\_



Note:  
 Vertical exaggeration for all cross-sections  
 except "Slope Establishment" is 4X. Horizontal  
 scale is 1" = 200'.



Slope Establishment  
 No Scale

**Unceck**  
 Consulting  
 Ellensburg, WA

**LOUIE GIBSON**  
**GIBSON PIT**  
 N&NE&, SW&NE&, SEC. 8, TWP 17 N, RGE 20 EWM  
 PAGE 4 OF 4  
**CROSS-SECTIONS**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 PERMIT NO \_\_\_\_\_