

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Description:** TJ McDonald authorized agent for Mary Gonzalez, landowner has submitted a administrative conditional use application for farming operations related to KCC 17.15.060.1 A – Marijuana processing and production to operate under Washington State Liquor Control Board (WSLCB) I-502 . The operation is located on a 15.03 acre parcel which is zoned Commercial Agriculture.
- Proponent:** TJ McDonald authorized agent for Mary Gonzalez authorized agent for the Mary Robinson Trust, landowner.
- Location:** The project is located on a 15.03 acre parcel which is zoned Commercial Agriculture, located to the Southeast of Ellensburg at 1006 Emerson Road in a portion of Section 27, T17N, R19E, WM, in Kittitas County, Assessor’s map number 17-19-27053-0002.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that the proposal will 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) and WAC 197-11. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency, after considering voluntary mitigation measures which the lead agency or the applicant will implement as part of the proposal, and after considering mitigation measures required by existing laws and regulations that will be implemented by the applicant as part of the Kittitas County permit process. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public on request.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. The mitigation measures include the following:

I. Water

- A. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water eventually becomes available on site and the supply in the area becomes limited, use could be curtailed by those with senior water rights.
- B. All water proposed to be used must be obtained from a water budget neutral source and prove such by providing: 1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project and receipts from all initial and ongoing water transactions to the satisfaction of Kittitas County or the Washington State Department of Ecology; and/or 2) a letter from an Irrigation District stating that the Irrigation District has adequate water rights and will

provide the necessary water for the applicants project; 3) an adequate water right for the proposed project; and/or 4) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.

II. Septic & Storm Water

- A. Adequate septic and waste water facility must be provided on site and approved by Kittitas County Health Department.
- B. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology regarding the requirement of such action.
- C. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.

III. Fire & Life Safety

- A. A turn-around shall be provided for fire department access as determined by Kittitas County Fire Marshal.
- B. Any structures that are occupied by employees will require a fire and life safety inspection prior to use and are required to have an annual fire & life safety inspection.
- C. Any structures utilized for production or processing purposes must meet International Fire Code (IFC) standards and be approved by the Kittitas County Fire Marshall.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
- B. Security lighting shall be approved by the Washington State Liquor Control Authority.
- C. The applicant shall provide a landscaping plan with 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.

V. Noise

- A. Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.

VI. Building

- A. Any existing structures used for Marijuana production or processing will require a change of use occupancy permit prior to use.
- B. All new construction must meet the International Building Code requirements existing at the date of building permit submittal.

VII. Roads and Transportation

- A. The driveway must be constructed to commercial standards, as shown in the WSDOT Design Manual Exhibit 1340-2.
- B. An Approved Access permit shall be obtained from the department of Public Works prior to alteration of the existing access. No new accesses will be allowed.

VIII. Land Use


- A. The proponent and proposal must meet all criteria found in WAC 314.55 and RCW 69.50 regulations.
- B. The proponent must obtain a marijuana production license from Washington State Liquor Control Board.

- C. All buildings or planting operations requiring security by State law must be setback at least 60 feet from any property boundary.

IX. Historic and Cultural Preservation

- A. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

The above stated mitigation conditions listed above will be provided within conditions of the decision of the conditional use permit approval.

Responsible Official: 
Robert "Doc" Hansen

Title: Planning Official

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
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Date: April 9, 2015

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, April 24, 2015.

Pursuant to Chapter 15A.04.020 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received within 10 working days, or no later than 5:00 PM, April 24, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.