

Lindsey Ozbolt

From: ECY RE CRO SEPA COORDINATOR <crosepa@ecy.wa.gov>
Sent: Friday, March 04, 2016 4:11 PM
To: Lindsey Ozbolt
Subject: Comments for CU-15-00002, SD-15-00001 and SP-15-00001
Attachments: 5125 Teanaway Ridge LLC.pdf

Importance: High

Lindsey,
Please see the attached comment letter the Yakima River Campground proposed by Teanaway Ridge, LLC.
Thank you,

Gwen Clear
Regional SEPA Coordinator
WA State Dept of Ecology
Central Regional Office - Union Gap
(509) 575-2012



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 4, 2016

Lindsey Ozbolt
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: CU-15-00002, SD-15-00001, SP-15-00001

Dear Ms. Ozbolt:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the zoning conditional use permit application, shoreline substantial development permit application, and 2-lot short plat application to operate a new campground/RV park on approximately 26 acres, proposed by Teanaway Ridge, LLC. We have reviewed the documents and have the following comments.

WATER RESOURCES

The proponent has applied for a water right permit under application number G4-29225, however no water rights associated with this property were found in the Central Regional Office.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

In addition to this, Chapter 173-539A WAC withdraws from appropriation all groundwater in Upper Kittitas County with the exception of uses for structures for which a building permit has been granted and vested prior to July 16, 2009 and uses which are determined to be



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water budget neutral. If you do not currently have a water right and the purpose of use for the withdrawal of groundwater is for a new use, then mitigation will most likely be required.

If you have any questions or would like to respond to these Water Resources comments, please contact **Jacquelyn Metcalfe** at (509) 457-7148 or email at jacquelyn.metcalfe@ecy.wa.gov.

WATER QUALITY

Project with Potential to Discharge Off-Site

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact **Ray Latham** at the Department of Ecology, (509) 575-2807, with questions about this permit.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

It is this reviewer's concern that a DNS is not appropriate for this project. Direct and indirect impacts to the environment from the proposed project must be identified and mitigated. Please see comments below for more explanation.

SEPA checklist A10 (Permits needed) and B8. (Land and shoreline use):

It is not clear in submitted documents, whether the County believes that the old shoreline permit S-87-01 is still in effect, or what portions of the old permit will be applied to this most recent development application. The applicant cites the old permit in the SEPA checklist. To be clear, **the old shoreline permit authorization has expired**, and uncompleted elements authorized by that permit which are currently proposed must be evaluated and authorized as appropriate in the new shoreline permit. The following WAC citation addresses how long shoreline permits are in effect and how extensions must be processed is provided below:

WAC 173-27-090

Time requirements of permit.

(1) The time requirements of this section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a

finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and this chapter, local government may adopt different time limits from those set forth in subsections (2) and (3) of this section as a part of action on a substantial development permit.

(2) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

(3) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

(4) The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(5) Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired: Provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

(6) Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, chapters 70.105D, 80.50 RCW. WSR 07-02-086 (Order 05-12), § 173-27-090, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW

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90.58.140(3) and [90.58].200. WSR 96-20-075 (Order 95-17), § 173-27-090, filed 9/30/96, effective 10/31/96.]

Therefore, a **new shoreline permit** which addresses all proposed substantial development on site within shoreline jurisdiction **must be filed**. Requirements for a complete shoreline filing package can be found in WAC 173-27-130 and 173-27-180. (Commonly forgotten items that must be shown on shoreline filing maps include all existing and proposed utilities, including stormwater facilities.) Shoreline jurisdiction includes 200 feet from the Ordinary High Water Mark plus all of the floodway and wetland areas, even if they extend outside of that 200-foot zone. Of particular importance to note is that **an updated wetland delineation and rating report and an Ordinary High Water Mark determination must be submitted as part of a complete shoreline permit filing.**

The wetland information was originally collected outside of the growing season (December 2008) and the wetland reports were completed in February 26, 2009 and are beyond the 5-year hydrologic data collection time period as referenced in the US Army Corps of Engineers delineation manual (page 42). In addition, the condition of the wetlands may have changed, vegetation within the wetland may be different, ESA species use of the site or side channels may be different than that which existed in 2009, so the wetland rating reports should also be updated. Ecology recommends that the new Ecology wetland rating system (2014) be used to assess the wetland area for functional values.

The location of the Ordinary High Water Mark may not be correctly identified on the site maps. Assertions made in the wetland report must be updated by the applicant and verified in the field by Ecology before the shoreline permit is processed. At issue is whether there is contiguous wetland and or open water which connects the wetland with the upstream pond and whether that pond itself is connected with open water or contiguous wetland to the Yakima River channel.

The proposed buffer size of 50 feet around wetlands areas is not adequate, assuming that the wetlands still rate as category II wetlands once the new rating is completed and assuming that these wetland areas still have high-rated wildlife function scores. Larger buffers are especially important in the areas that wildlife are using as a corridor between habitats. The Kittitas County shoreline master plan (KCSMP) does not specify buffer requirements, but the Critical areas ordinance has a buffer range. The largest buffer should be used, depending on what wildlife habitat/use is being protected. **Use of larger buffers is necessary to be consistent with Best Available Science and achieve a “no net loss” of wetland and shoreline function.** The development currently proposed should be considered as a seasonal high-impact use, due to noise, trampling, light intrusion, etc. The KCSMP states in Section 38 (3) that “Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria established by the Shoreline Law and the regulations listed in the Master Program before a permit is mailed.”

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Parking for vehicles within the floodway in an area of relatively high groundwater is not consistent with water quality protection and the shoreline master plan. Groundwater levels are likely to be within 2-3 feet of surface in the floodway (also as generally described in the mapped soil unit descriptions) and any leaking oil from automobiles would be easily mobilized into the Yakima River. If tent sites are placed in the floodway, they should be “walk-in” sites with associated parking on higher ground and outside of the floodway zone. The Kittitas County Shoreline Master Plan (Section 19 (1) states that: ...”shoreline development shall not substantially diminish the natural quality or near natural qualities of nearby areas including the quality of the water involved.” Section 15 (4) of the KCSMP states that “Parking facilities shall be located in areas which will be the least damaging to the natural character of the area and as far removed from the shoreline area as possible.”

It appears that the proposal will require that more than 50 percent of understory vegetation removal within the proposed tent-camping areas. This amount of vegetation removal will probably interfere with the wildlife use of this area and is therefore not consistent with the existing Kittitas County shoreline master plan (KCSMP). In Section 32 (Recreation) of the KCSMP it states that “it is the purpose of this section to foster practices which will preserve and/or enhance the natural shoreline qualities which are necessary for that recreational experience.” In addition, the KCSMP states in the Recreation policies section of the SMP on page 4-4 “water supplies, sewage, drainage, alteration of shoreline vegetation and other changes associated with recreational development should be planned to preserve a high quality environment”. Reducing the amount of vegetation removal or density of the tent sites and eliminating and consolidating the parking areas will help assure that the natural character of this shoreline area will be maintained. It will also help assure that the more natural camping experience (that most people who use tents desire) will be possible.

Other questions/concerns:

If a pool is installed, how will the chlorinated water be dealt with during maintenance?
Will existing RV spots be retrofitted with liners underneath gravel fill?

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616 or email at catherine.reed@ecy.wa.gov .

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepacoordinator@ecy.wa.gov

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