



State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Description:** Heelstone Development LLC, authorized agent for the Dunn Family Corporation, landowner has submitted a conditional use application (CU-19-00003) for a 5MW Solar Power Production Facility. The operation will utilize six parcels totaling 46.3 acres in an Agriculture 5 zone. The project site is in Solar Overlay Zone 2, which allows for Solar Power Production Facilities with a Conditional Use permit.
- Proponent:** Heelstone Development LLC, authorized agent for the Dunn Family Corporation, landowner.
- Location:** The project is located on Parcel's 19440, 19441, 19442, 10577, 10579, and 10580, along Westside Road, Cle Elum, WA. In the SW1/4 of Section 33, Township 20N, Range 15E.
- Lead Agency:** Kittitas County Community Development Services

The lead agency 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. Critical Areas

- A. Wetland 1, as is identified in the critical areas report submitted with the application, shall maintain a 200-foot buffer from development. This 200-foot Wetland 1 buffer may be reduced within the range established in KCC 17A.04.020, if the applicant can demonstrate that the two items in Chapter 6.6.1.1 of Wetland Mitigation in Washington State Manual Part 1 can be met. Wetland 2, as identified in the critical areas report submitted with the application, shall maintain a minimum 100-foot buffer from development. An updated site plan along with any relevant documentation demonstrating compliance with this condition shall be required prior to any construction on the site. Any wetland impacts from access construction shall be mitigated according to the appropriate

ratio for the wetland type as established in KCC 17A.04.050 prior to final permit approval.

- B. The applicant shall comply with all local, State and Federal environmental standards and regulations in place at the time of building application submittal.
- C. The Critical Areas Report submitted with this application shall be updated through consultation with the Washington State Department of Fish and Wildlife (WDFW) to ensure protection of wildlife habitat as identified in the WDFW comment letter dated December 18, 2019. The updated Critical Areas Report shall be submitted to Kittitas County Community Development Services and WDFW for review. Kittitas County Community Development Services shall approve the updated report and mitigation prior to building application submittal.

II. Historic and Cultural Preservation

- A. The Cultural Resource Survey Report submitted to CDS on October 22, 2019 shall be updated to meet the standards outlined by DAHP in their comment letter dated December 10, 2019 and resubmitted to Kittitas County CDS and DAHP for review. Kittitas County CDS shall approve the updated survey and any associated mitigation plan prior to building application submittal.

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

**Responsible
Official:**


Dan Carlson

Title:

Planning Director

Address:

Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506

Date:

January 2, 2020

This Mitigated DNS is issued under WAC 197-11-350(3) 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, January 17, 2020.

Pursuant to Kittitas County Code Chapter 15, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1560.00 to Kittitas County Community Development Services, 411 N Ruby St., Suite 2, Ellensburg, WA 98926. Timely appeals must be received within 10 working days, or no later than 5:00 PM, January 17, 2020. Aggrieved parties are encouraged to contact the CDS at (509) 962-7506 for more information on appeal process.