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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
9 IN AND FOR YAKIMA COUNTY

10 CHRISTINE A. McCROSKEY, JEFFERY  
11 McCROSKEY, JARROD M. CHASE,  
12 SANDRA J. RYAN, NELS P. SORENSON,  
13 CHARLENE A. SORENSON,

14 Petitioners,

15 v.

16 KITTITAS COUNTY, a political subdivision  
17 of the State Washington, KITTITAS  
18 COUNTY SOLID WASTE PROGRAMS, a  
19 department within Kittitas County, and  
20 KITTITAS CO (SOLID WASTE),

21 Respondents.

No. 21-2-02062-39

JUDGMENT GRANTING LAND USE  
PETITION, VACATING CONDITIONAL  
USE PERMIT, AND AWARDING COSTS,  
EXPENSES AND STATUTORY  
ATTORNEY FEES

22 **SUMMARY OF JUDGMENT**

23 1. Judgment Creditors:

Christine A. McCroskey  
Jeffery McCroskey  
Jarrod M. Chase  
Sandra J. Ryan  
Nels P. Sorenson  
Charlene A. Sorenson

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28 2. Judgment Debtor:

Kittitas County  
Kittitas County Solid Waste Programs  
Kittitas Co (Solid Waste)

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30 JUDGMENT GRANTING LAND USE PETITION,  
VACATING CONDITIONAL USE PERMIT,  
AWARDING COSTS, EXPENSES AND  
STATUTORY ATTORNEY FEES - 1

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3 3. Costs:

4 Filing Fee \$ 240.00  
5 Service Fee \$ 94.00  
6 Appeal Fee \$1500.00  
7 Cost of Administrative Record \$ 163.90  
8 Cost of Court Transcripts \$ 437.25  
9 Attorney's Fees & Costs \$ 200.00

9 **TOTAL JUDGMENT \$2,635.15**

10 THIS MATTER came before this Court on Christine A. McCroskey, Jeffery McCroskey,  
11 Jarrod M. Chase, Sandra J. Ryan, Nels P. Sorenson, Charlene A. Sorenson, (collectively  
12 "Petitioners") Land Use Petition filed on November 16, 2021. Petitioners' sought review of (a)  
13 Hearing Examiner *Findings of Fact, Conclusions of Law and Decision*, dated October 21, 2021  
14 ("*SEPA Decision*") affirming Kittitas County's Determination of Nonsignificance dated June 24,  
15 2021, and dismissing SEPA appeal filed by Christine McCroskey; and (b) Hearing Examiner  
16 *Findings of Fact, Conclusion of Law, Conditions of Approval and Decision*, dated October 21,  
17 2021 ("*Conditional Use Decision*"). The court having reviewed and considered the pleadings,  
18 briefing, administrative record and hearing transcripts, as well as the oral arguments of the  
19 parties, and being fully advised and informed;

20 NOW, THEREFORE,

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

- 22  
23 1. Petitioners have carried their burden of establishing that the SEPA threshold decision  
24 includes erroneous interpretations of law, is not supported by substantial evidence, and is  
25 a clearly erroneous application of law under RCW 36.70C.130(1)(b), (c), and (d). This  
26 order adopts the courts *Memorandum Decision* issued on July 1, 2022, a copy of which is  
27 attached hereto as *Attachment A*. Accordingly, the Land Use Petition is granted and the  
28 Hearing Examiner's decisions are REVERSED under RCW 36.70C.140;  
29 2. A threshold determination is required for any proposal that is not a planned action or  
30 categorically exempt. WAC 197-11-310. As such, one is required in the immediate case.

JUDGMENT GRANTING LAND USE PETITION,  
VACATING CONDITIONAL USE PERMIT,  
AWARDING COSTS, EXPENSES AND  
STATUTORY ATTORNEY FEES - 2

1 The court finds that Kittitas County's Determination of Nonsignificance (DNS) in this  
2 matter is clearly erroneous and void.

at  
a new environmental checklist  
↑ and new threshold determination,  
and

- 3 3. The court remands the matter back to Kittitas County for further environmental review  
4 and processing consistent with the Court's *Memorandum Decision* and applicable local  
5 and state laws.
- 6 4. Based on the court's determination that the DNS was void, the court further holds that the  
7 Hearing Examiner's decision approving and granting conditional use permit for the LPL  
8 landfill expansion is also void.
- 9 5. Petitioners are the prevailing party in this proceeding and based on the filed Cost Bill  
10 (*Attachment B*) are awarded the following costs, expenses and statutory attorney's fees:
- 11 a) Petitioners are awarded costs for filing fees of \$240.00 and process of service fee  
12 of \$94.00 pursuant to RCW 4.84.030 and RCW 4.84.010(1) and (2)(b);
  - 13 b) Petitioners are awarded costs for process of appeal in the amount of \$1,500.00  
14 pursuant to RCW 4.84.370, RCW 4.84.010(1) and (2)(b), and RCW 4.84.030;
  - 15 c) Petitioners are awarded costs in preparing the administrative record in the sum of  
16 \$163.90 in accordance with RCW 36.70C.110(4);
  - 17 d) Petitioners are awarded costs in preparing verbatim transcripts of administrative  
18 hearings in the amount of \$437.25 in accordance with RCW 36.70C.110(4);
  - 19 e) Petitioners are awarded statutory attorneys fees in the sum of \$200.00 pursuant to  
20 RCW 4.84.080(1);

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2 f) In total, Petitioners, as the prevailing party, are awarded a total judgment of  
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4 \$2,635.15 pursuant to RCW 4.84.010 and RCW 4.84.030 for costs and fees  
5 expended in their appeal of the SEPA threshold decision.

6 DONE IN OPEN COURT THIS 7 <sup>November</sup> day of ~~July~~, 2022.

7  
8  
9 Elisabeth Tutsch

10 Elisabeth M. Tutsch, Judge

11 Signed in chambers  
12 following argument on 11/4/22

13 Appeared at the Presentation  
14 Hearing;

15 MEYER, FLUEGGE & TENNEY, P.S.  
16 Attorneys for Petitioners

17 By:

18 James C. Carmody, WSBA #5205

19  
20  
21 KITTITAS COUNTY PROSECUTOR'S OFFICE  
22 Attorneys for Respondent Kittitas County

23  
24  
25 By:

26 Neil Caulkins appeared for Kittitas County  
27 Neil Caulkins, WSBA #31759  
28 Chief Civil Deputy Prosecuting Attorney

29 Attachment A: *Memorandum Decision*  
30 Attachment B: Cost Bill

JUDGMENT GRANTING LAND USE PETITION,  
VACATING CONDITIONAL USE PERMIT,  
AWARDING COSTS, EXPENSES AND  
STATUTORY ATTORNEY FEES - 4

ATTACHMENT A

Superior Court of the State of Washington  
For the County of Yakima

SUPERIOR COURT JUDGES  
Judge Kevin S. Nauen  
Judge Elisabeth M. Tersch  
Judge Jeffery B. Swan  
Judge Blaine G. Gibson  
Judge David A. Blufson  
Judge Ruth E. Reikeuf  
Judge Gayle M. Hawthorn  
Judge Richard H. Bristich

Yakima County Courthouse  
125 W. 10th Street  
Yakima, Washington 98901

July 6, 2022

SUPERIOR COURT  
COURT CLERK  
Shane M. Silverthorn  
Suzan C. Aft  
Suzan B. Dejean/Finn

Phone: (509) 574-2710  
Fax: (509) 574-2701

VLF:mf

James C. Carmody  
Meyer, Fluegge & Tenney, P.S.  
Attorneys for Petitioners  
P.O. Box 22680  
Yakima, WA 98907

Neil A. Caulkins  
Chief Civil Deputy Prosecuting Attorney  
Kittitas County, Washington  
Room 213, Kittitas County Courthouse  
205 West Fifth Avenue  
Ellensburg, WA 98926

RE: McCroskey v Kittitas County, Cause No. 21-2-2062-39

Dear Counsel:

I took this matter under advisement following the hearing on June 9, 2022. The issue before the court is whether the environmental threshold determination was clearly erroneous by concluding that the proposed limited purpose landfill expansion would not have a significant adverse environmental impact. As explained below, I conclude it was and reverse the hearing officer's decision.

Background

Kittitas County Solid Waste Department proposes a 16.6 acres expansion to the Limited Purpose Landfill located in the Ryegrass area of Kittitas County, just south of the Wild Horse Renewable Energy

Center near the Vantage Highway. The County owns the land. It is located in the Forest and Range zone, with a Rural Working land use designation. *Record*, at 16.

The County has operated a landfill on the property for decades. Originally, it was a municipal solid waste facility. Due to environmental impacts, the County and the Department of Ecology entered a consent order that closed the municipal solid waste operation. In 1996, the County obtained a permit to open a construction and land clearing landfill nearby on the same piece of land. Subsequently, the regulations governing landfills were changed. In 2004 Kittitas County Solid Waste submitted an application to reclassify its permit to continue to operate a Limited Purpose Landfill under the new regulations. The 2004 application included an Environmental Checklist. The application was approved, and Kittitas County Solid Waste obtained a permit to operate a Limited Purpose Landfill under the new regulations in 2005.

Consistent with previous SEPA disclosure, the Limited Purpose Landfill now is nearing capacity. Kittitas County Solid Waste applied for a land use permit to expand the landfill to meet the community's ongoing needs. The application included a SEPA environmental checklist. The Environmental Checklist was composed of the original checklist prepared for the 2004 reclassification permit, and an addendum to provide information relevant to the 2021 expansion application. Kittitas County Community Development Services assumed the SEPA lead agency role, reviewed the application for the expansion landfill, and made a threshold determination that the expansion would have no significant impact on the environment. It issued its Determination of Non-Significance (DNS) in 2021. The Solid Waste Department applied for a conditional use permit. A public hearing was held on the SEPA DNS and the conditional use permit application. Following both hearings, a Hearings Examiner found in favor for the expansion. The neighbors appeal.

### Standard of Review

Courts review a DNS decision under the “clearly erroneous” standard of review. This means the court reviews the record to determine whether the lead agency: (1) complied with SEPA procedural requirements, (2) had sufficient information available to evaluate the proposal’s environmental impact, and (3) adequately considered SEPA’s environmental values. *Wenatchee Sportsmen Ass’n v. Chelan Cty.*, 141 Wn.2d 169, 176, 4 P.3d 123, 126 (2000). The agency subject to SEPA bears the burden to show its threshold determination was made with due regard to environmental factors and SEPA’s procedural requirements. A decision is clearly erroneous when the court is left with the definite and firm conviction that a mistake has been committed. In applying the “clearly erroneous” standard, the court is expected to do more than merely determine whether there is substantial evidence to support an administrative or governmental decision. The entire record is opened to judicial scrutiny and the court is required to consider the public policy and environmental values of SEPA as well. *Sisley v. San Juan Cty.*, 89 Wn.2d 78, 84, 569 P.2d 712, 716 (1977).

### Compliance with SEPA Procedural Requirements

The petitioners allege the permit application’s Environmental Checklist violated SEPA’s procedural requirements because the 2004 Environmental checklist was not applicable for the 2021 expansion proposal, and the Addendum was not implemented using the legally correct procedure. The record shows procedural errors occurred, but the errors were harmless.

SEPA encourages agencies to combine environmental documents in order to reduce duplication and paperwork. *Ellensburg Cement Prods., Inc v. Kittitas Cty.*, 171 Wn. App. 691,708, 287 P.3d 718, 725 (2012). If a previous checklist is used, the lead agency must use a specific adoption form that identifies the document and states why it is being adopted. WAC 197-11-630. The County concedes there is no adoption form that complies with the regulation.



Instead, the County argues an adoption form was unnecessary because the Addendum incorporated the 2004 Checklist by reference. The County is incorrect. “When an agency decides to use all or part of an existing SEPA document to constitute its checklist..., the agency “adopts” all or part of the existing document. In such cases, the checklist... would be composed of the adopted document and perhaps an addenda... The only new environmental analysis conducted by the adopting agency would be in the addendum.” *Thornton Creek Legal Defense Fund v. City of Seattle*, 113 Wn. App. 34, 50, 52 P.3d 522, 529 (2002).

This is exactly how the environmental checklist was created in this case. The application used the 2004 Checklist with a 2021 Addendum. According to the 2021 Addendum:

“Per Washington Administrative Code (WAC) 197-11-600(2), this project meets the criteria that allows the use of the existing 2004 SEPA Checklist to evaluate the proposed expansion of the Ryegrass Limited Purpose Landfill (LPL) Expansion project...Per WAC 197-11-706, this addendum provides additional information to the existing 2004 SEPA Checklist.”

*Record*, at 389. Procedurally, the lead agency should have either written a new Environmental Checklist for the expansion project, or formally adopted the 2004 Environmental Checklist using the form prescribed in the regulation.<sup>1</sup> Failure to formally **adopt** an environmental document is reviewed for harmless error. The error is harmless if substantial evidence in the record suggests there was adequate public notice of the proposal and sufficient opportunity to be heard on the environmental issues. *Thornton Creek*, 113 Wn. App. at 56, 52 P.3d at 532. Here, the record shows notice was provided by e-mail to relevant agencies, postal mailing to adjoining property owners, and by public posting. Comments were

<sup>1</sup> “...[B]ecause the Director was using the existing documents *in place* of preparing a new checklist or EIS, rather than as *part of a checklist*... the Director should have adopted the documents rather than incorporated them by reference.” *Thornton Creek Legal Defense Fund v. City of Seattle*, 113 Wn. App. 34, 52, 52 P.3d 522, 530 (2002).

invited and received. The comments indicate the agencies' and the public's substantive understanding of the proposal. Substantial evidence in the record shows the notice was adequate and there was sufficient opportunity to be heard.

The regulations require a signature on the checklist. WAC 197-11-960 (C). The 2004 Checklist is unsigned and no author is identified. The 2021 Addendum does indicate an author. The failure to include a signature on the 2004 Checklist is also harmless error.

#### Information in the Record About the Proposal's Environmental Impact

The decision to issue a DNS must be based on information sufficient to evaluate the proposal's environmental impact. WAC 197-11-335. *See, e.g. Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P.3d 137, 142 (2002). If the proposal is to expand to a new area, the lead agency needs to consider the environmental impact imposed on the expansion area. *Lands Council v. Wash. State Parks Recreation Comm'n*, 176 Wn. App. 787, 309 P.3d 734 (2013). The record must be sufficient to demonstrate the agency gave actual consideration to the proposal's environmental impact. *Lassila v Wenatchee*, 89 Wn.2d 804, 814, 576 P.2d 54, 60 (1978). In an unreported opinion, the Court of Appeals described how an agency gives actual consideration to potential environmental impact: An agency must take the requisite "hard look" at the environmental concern, and the initial assessment must indicate that the agency has taken a searching, realistic look at the potential hazards and, with reasoned thought and analysis, candidly and methodically addressed those concerns. *Conserv. Nw. v. Okanogan Cty.*, 194 Wn. App. 1034 (2016) (Unreported opinions are non-binding authority, but may be cited under GR 14.1).

The Environmental Checklist must include the potential impact of the proposal on each element of the environment. WAC 197-11-960. The required format is set forth by regulation. Every question must be answered; it is impermissible to delete or skip questions. WAC 197-11-315 (6)(c). It is permissible to answer questions on the checklist by reference to a locally adopted ordinance, development regulation, or other legal authority. However, even if a question is adequately answered through other legal authority.

the lead agency must still consider whether the action has an impact on the particular element of the environment in question. WAC 197-11-315 (6).

As explained below, the 2004 Checklist and the 2021 Addendum do not contain sufficient information to adequately address the expanded landfill's environmental impact. Neither document identifies any environmental information prepared for the proposal, although such information exists and some was included in the application (Question A.8). While both documents addressed potential groundwater impacts, neither document provides sufficient information to evaluate the potential landfill's impact on groundwater. (Question B.3). *Record*, at 80-86, 388, 391. Neither document addresses the impact to animals. (Question B.5).

The missing environmental information related to Question A.8 falls into three categories: (1) Specific history of the known environmental hazards caused by the closed landfill on the same site; (2) Groundwater testing data to evaluate long term impact; (3) Geologic information relevant to likelihood of groundwater contamination.

The 2021 Addendum disclosed that the MSW Ryegrass Landfill was subject to a Department of Ecology cleanup order, Site #4061, and concluded all remedial actions were completed in 2012. *Record*, at 391. But there was no information provided about what damage had occurred to the environment and what remediation activities were undertaken. The record does not include any information about the prior environmental impact except the statement that one had occurred. The Lead Agency had had no evidence available to evaluate any long-term effects from the expansion in connection with the history of the use at the site.

Environmental review must consider environmental impacts, including long-term impacts that extend beyond the life of the project. WAC 197-11-060(4). The Lead Agency need not consider speculative impacts. Here, there is no record the lead agency considered the already available information about likely impacts on groundwater. Because the project proposal is to expand an existing landfill, there

is groundwater monitoring data available for the area. WAC 173-350-500. Reports from HWA GeoScience, Inc. show hydrogeologic information about groundwater flow and the water testing plan prepared for the 2005 LPL permit. *Record*, at 236. The Ryegrass Limited Purpose Landfill Permit Application asserts the existing LPL did not lead to groundwater contamination, and testing did not exceed normal limits except for elevated nitrate levels. *Record*, at 39. However, the record does not contain any data from tests conducted after the LPL permit was approved in 2005. Kittitas Solid Waste would have been required to report if testing showed increased levels of harmful substances. WAC 173-350-500 (5). There is no record the Lead Agency had data to evaluate whether any of the testing showed changes from the baseline measurements. Even though test results remained within normal limits, trends and changes may have been relevant for determining whether there would be a potential long-term impact to groundwater caused by expanding the landfill. The 2004 HWA report also revealed elevated nitrate levels and recommended ongoing testing. There is no information whether the Lead Agency had data or conducted any evaluation about potential nitrate contamination. After the DNS was issued, the Department of Solid Waste's expert testified at the public hearing that nitrates could not be attributed to the landfill. The record does not show what evidence the expert used to reach this conclusion.

The lead agency is responsible for evaluating the overall environmental impact, even while it take into account other applicable legal requirements and other regulations' mitigation measures. WAC 197-11-158 (1), *Davidson Serles & Assocs. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 159 Wn. App. 148, 160, 244 P.3d 1003, 1008 (2010) (holding that "SEPA overlays and supplements all other state laws"). Here, the Department of Ecology is responsible for approving a groundwater testing plan and evaluating testing results. WAC 173-350-500. It is appropriate for the lead agency to defer groundwater testing and monitoring to Ecology. But the lead agency is still responsible for evaluating the environmental impact. Testing data would have been useful information for evaluating the proposed expansion's impact on the environment.

Finally, the 2004 hydrogeologic reports may not adequately evaluate the 2021 proposed expansion's impact on groundwater. The permit application explains that groundwater monitoring for the expansion area will take place at Monitoring Wells B-3 and B-7. *Record*, at 240. The current LPL primary monitoring takes place solely at Monitoring Well B-7. *Record*, at 39. Looking at the provided map, Monitoring Well B-3's position suggests the hydrogeology could be different for the expansion site than for the site of the current LPL.

By analogy, an EIS is adequate if it discusses topography, site geology, hydrogeology, hydrogeologic properties and groundwater resource potential for each site. If the EIS covers the necessary information to make an informed decision, the evaluation of groundwater impact in the EIS is adequate even if it is not as detailed or thorough as it could have been. *Solid Waste Alt Proponents v. Okanogan City*, 66 Wn. App. 439, 447, 832 P.2d 503, 507-08 (1992). In applying this principle to a DNS decision, the court reviews the record to determine whether the lead agency had basic groundwater and geological information relevant to this proposal. If the record contains sufficient information to make an informed decision on the environmental impact, the DNS decision may be appropriate even if the information and analysis are not as detailed or thorough as they could have been. While the HWA report generated for the 2004 Ecology permit application thoroughly scrutinized the geology, hydrogeology, hydrogeologic properties and groundwater resource potential, the report was limited to the area of the existing landfill. The report itself warns that its data and conclusions should not be applied to a different location. "Experience has shown that subsurface soil and ground water conditions can vary significantly over small distances." *Record*, at 130. While the **location** for the monitoring well will be adequately addressed in the permitting process with Ecology, the lead agency may not have had sufficient geological information to evaluate whether groundwater impacts overall could be different at the expansion site than at the existing site.

Question 5.B was inadequately addressed because neither the 2004 Checklist or 2021 Addendum provided accurate information about how the proposal would affect animals, birds and threatened and endangered species as required by WAC 197-11-960. Neither document lists any birds or mammals known to be on or near the site. *Record*, at 86, 391. The Department of Fish and Wildlife identified the presence of elk near the site, and that the site was located within their winter range. *Record*, at 494. Fish and Wildlife also noted the site is within the range of Golden Eagle, Sagebrush Sparrow, Sage Thrasher, Burrowing Owl, and other birds. Instead of addressing whether the expansion would have an impact on birds, elk and the winter migration range, the Environmental Checklist concluded they were not present. Without identifying the birds and mammals known to be on or near the site, the Lead Agency lacked sufficient information to evaluate the proposal's impact on birds and animals.

An EIS is automatically required if the project would have significant adverse effects on endangered or threatened species or their habitats. WAC 197-11-330 (3)(e)(ii). The 2021 Addendum concluded that sage-grouse are not found in the area. *Record*, at 391. This conclusion is not supported by the record. The Department of Fish and Wildlife representative, Mr. Downes, conducted a site visit and determined the land had already been cleared, but the background habitat was shrubsteppe/sage brush. *Transcript*, at 66. Mr. Downes clarified the land was still habitat for endangered sage-grouse, but no sage-grouse could live on the proposed expansion area (because the land had already been cleared). *Record*, at 494. Mr. Downes wanted the record to reflect the potential for priority species, including the endangered sage grouse, to be found in the area. *Id.* The Environmental Checklist did not accurately describe what birds and animals could be found on or near the site. The Lead Agency did not have sufficient information to evaluate whether the proposed expansion would have more than a moderate impact on animals or on threatened or endangered species.

### Consideration of the Environmental Values Expressed in SEPA

When a court applies the clearly erroneous standard of review to a SEPA threshold decision, the court is required to consider the public policy and environmental values of SEPA. *Sisley*, 89 Wn.2d at 84, 569 P.2d at 716. Environmental amenities and values must be given appropriate consideration in decision-making, along with economic and technical considerations. *Anderson v Pierce Cty.*, 86 Wn. App. 290, 936 P.2d 432 (1997). When applying this standard, courts are required to do more than merely determine whether substantial evidence supports the decision; courts must also consider the public policy and environmental values of SEPA. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P.3d 137, 141 (2002). However, even at this stage, the court must accord substantial weight to an agency's DNS decision. *Id.*

SEPA does not require a specific result. SEPA is intended to provide information early in a project's decision-making process so the relevant agencies and the public can make informed choices that take into account the environment. In making those choices, the decision makers must keep in mind that each generation acts as a trustee of the environment for succeeding generations and each person has a fundamental and inalienable right to a healthful environment. RCW 43.21C.020. The lead agency did not honor SEPA's value on having sufficient information to make an informed analysis of the landfill expansion's potential impact on the environment.

### Definite and Firm Conviction a Mistake was Made

The legal issues do not require this court to determine whether the Ryegrass landfill should be expanded. No one prefers to live near a landfill, but community displeasure cannot be the basis for site selection. *Solid Waste Alt. Proponents*, 66 Wn. App. at 446, 832 P.2d at 507 (1992) (Citing *Maranatha Mining, Inc. v. Pierce Cty.*, 59 Wn. App. 795, 804, 801 P.2d 985 (1990)). The question is whether the Lead Agency adequately evaluated whether the expanded landfill would have more than a reasonable probability of having more than a moderate effect on the quality of the environment. *Norway Hill Pres. &*

*Prot. Ass'n v. King Cty. Council*, 87 Wn.2d 267, 278 552 P.2d. 674, 680 (1976); *Sisley*, 89 Wn.2d at 85, 569 P.2d at 717

The court is left with the definite and firm conviction that a mistake was made. The lead agency did not have enough relevant and current information to conclude the environmental impact would be less than moderate. The hearing officer's decision is not supported by substantial evidence in light of the whole record, and the hearing officer erroneously applied the law to the facts. Accordingly, the hearing officer's conclusion is reversed. As the prevailing party, the petitioners are requested to prepare final orders consistent with this opinion.

Sincerely,



Elisabeth Tutsch  
Judge



ATTACHMENT B

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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
9 IN AND FOR YAKIMA COUNTY

10 CHRISTINE A. McCROSKEY, JEFFERY  
11 McCROSKEY, JARROD M. CHASE,  
12 SANDRA J. RYAN, NELS P. SORENSON,  
13 CHARLENE A. SORENSON,

14 Petitioners,

15 v.

16 KITTITAS COUNTY, a political subdivision  
17 of the State Washington, KITTITAS  
18 COUNTY SOLID WASTE PROGRAMS, a  
19 department within Kittitas County, and  
20 KITTITAS CO (SOLID WASTE),

21 Respondents.

No. 21-2-02062-39

COST BILL

22 Petitioners Christine A. McCroskey, Jeffery McCroskey, Jarrod M. Chase, Sandra J.  
23 Ryan, Nels P. Sorenson, and Charlene A. Sorenson, submit the following cost bill pursuant to  
24 RCW 4.84.010

25	Clerk's Fee .....	\$240.00
26	Appeal Fee .....	\$1,500.00
27	Service Fee .....	\$94.00
28	Administrative Record .....	\$163.90
29	Transcript Fees for Hearings .....	\$437.25
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1 Attorney Fees (Statutory) ..... \$200.00

2 **Total: \$2,635.15**

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4  
5 STATE OF WASHINGTON )  
6 County of Yakima ) ss.

7 The undersigned, being first duly sworn, on oath, deposes and says:

8 That he is the attorney for the Petitioners in the above-entitled cause, and the  
9 above and foregoing statement of costs and disbursements, exclusive of statutory attorney fees, is  
10 true and correct, and said amounts have been actually disbursed in said action.  
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13  
14 James C. Carmody, WSBA #5205

15  
16 SIGNED AND SWORN TO (or affirmed) before me this 21st day of July, 2022  
17 by James C. Carmody.

18  
19 Printed Name: Deborah A. Girard  
20 Notary Public in and for the State of Washington  
21 Residing at Yakima, WA  
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1  
2 **CERTIFICATE OF SERVICE**

3 I hereby declare under penalty of perjury under the laws of the State of  
4 Washington that on the date stated below I served a copy of this document in the manner  
5 indicated:  
6

7

8 Neil A. Caulkins 9 Chief Civil Deputy Prosecuting Attorney 10 Kittitas County, Washington 11 Room 213, Kittitas County Courthouse 12 205 West Fifth 13 Ellensburg, WA 98926	<input type="checkbox"/> First Class U.S. Mail <input type="checkbox"/> E-Mail <a href="mailto:neil.caulkins@co.kittitas.wa.us">neil.caulkins@co.kittitas.wa.us</a> <input type="checkbox"/> Hand Delivery <input type="checkbox"/> UPS Next Day Air
	<input type="checkbox"/> First Class U.S. Mail <input type="checkbox"/> E-Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> UPS Next Day Air
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18 **DATED** at Yakima, Washington, this \_\_\_\_ day of July, 2022.  
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20  
21 Deborah Girard, Legal Assistant  
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