

PROJECT NAME: **Larson Fruit CO. Conditional Use Permit (CU-13-00007)**

Completed for: **BOCC Closed Record Hearing 3/18/14 [hearing date]**

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Notice of SEPA Action and
Public Hearing
Larson Fruit Conditional
Use Permit
CU-13-00007

NOTICE IS HEREBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range.

The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action

of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Dated: January 28, 2014
Publish in Daily Record:

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Friday, February 28, 2014 12:05 PM
To: 'Bradley Pool'
Subject: RE: Public meeting
Attachments: CU-13-00007 Larson Fruit HE Recommendation.pdf

Hello Mr. Pool.

The recommendation from the Hearing Examiner is now posted on our website. I have attached it to this email for you convenience.

Hope you have a nice weekend.
Regards,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Bradley Pool [mailto:eburgbluz@gmail.com]
Sent: Thursday, February 27, 2014 5:24 PM
To: Lindsey Ozbolt
Subject: Public meeting

Hi Lindsey.

I have been watching the KC land use site for the recommendation coming from the recent meeting regarding Larson Fruit/Burbank Creek housing project. I was of the understanding it was to be posted within 10 days. As of 5:20pm today (2-27-14) I have not been able to find it. The meeting was held on 2-13-13. Today would make 10 business days.

If I am wrong please direct me as to when and where I might view the recommendation.

Thanks.
Brad Pool

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Friday, February 28, 2014 12:03 PM
To: John Cornell (Johnc@larsonfruit.com)
Subject: RE: re Burbank-larson CU13-00007
Attachments: CU-13-00007 Larson Fruit HE Recommendation.pdf

Sorry, forgot to attach the document.

Lindsey Ozbolt

Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt
Sent: Friday, February 28, 2014 12:02 PM
To: 'John Cornell'
Subject: RE: re Burbank-larson CU13-00007

Hello John,

We have received the Hearing Examiner recommendation and it is attached to this email. The recommendation is also now available on the County website. The next step is to hold the closed record hearing before the Board of County Commissioners. No new testimony will be received for this hearing. The next available date for that hearing is 10am on March 18th. I will be working on scheduling it and confirm the date with you once it is set.

Please let me know if you have any other questions.

Regards.

Lindsey Ozbolt

Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: John Cornell [mailto:jcornell@SageFruit.com]
Sent: Wednesday, February 26, 2014 10:15 AM
To: Lindsey Ozbolt
Subject: re Burbank-larson CU13-00007

Hi, Lindsey. Been watching our app folder-don't see the HE recommendations yet. Any idea how far out we are on the commissioner agenda? I got farmers chomping at the bit down here and pawing the ground! Hehe. Cordially, JohnC

RECEIVED

FEB 25 2014

KITTITAS COUNTY
CDS

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

| | | |
|-------------------------|---|-------------------------------|
| IN THE MATTER OF |) | RECOMMENDED |
| |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW, |
| CU-13-00007 |) | DECISION AND |
| Larson Fruit Co. |) | CONDITIONS OF APPROVAL |

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on February 13, 2014, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Keith Larson, secretary of Larson Orchards Inc., land owner and John Cornell, authorized agent, submitted a conditional use permit application for farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest and Range. The applicant is proposing a total of 4 units. This proposed use is consistent with KCC 17.15.060.1 (F) farm labor shelter.
2. This proposal encompasses 1 parcel, located approximately 1 mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002.

3. Site Information:

| | |
|----------------------|-----------------------------------|
| Total Property Size: | 21 acres |
| Number of Lots: | 1; no new lots are being proposed |
| Domestic Water: | Group water system |
| Sewage Disposal: | Individual Septic |
| Power/Electricity: | Kittitas County PUD |
| Fire Protection: | Area outside of Fire Districts |
| Irrigation District: | None |

4. Site Characteristics:

North: Mix of vacant land, orchards and low density residential
South: Vacant, BLM land

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Larson Fruit Co.
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East: Mix of vacant land, orchards and low density residential

West: Mix of vacant land, orchards, low density residential and BLM land

5. Site Characteristics: The area is located in the Yakima River Canyon area of Kittitas County. The area is comprised predominantly of ranching, grazing, farming, orchard, and low density residential development.
6. The Comprehensive Plan designation is “Rural Working Land.”
7. The subject property is zoned “Forest and Range,” which allows for farm labor shelters as a conditional use.
8. A conditional use permit application was submitted to Kittitas County Community Development Services department on September 26, 2013. This application was deemed complete on November 6, 2013. The Notice of Application for the conditional use permit was issued on December 4, 2013 and a Corrected Notice of Application was issued on December 5, 2013 due to an incorrect legal description. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on December 20, 2013.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on January 28, 2014. The appeal period ended on February 11, 2014 at 5:00 p.m. No appeals were filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of the staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 2.7, 8.1, 8.2, 8.4, 8.9, 8.11, 8.16, 8.46, 8.47, and 8.48.
11. Staff conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on-site. There is a DNR stream type 9 – unknown north of the subject parcel on an adjacent lot. This stream is also known as Burbank Creek. The proposed activities will take place on the south side of an existing driveway and will not be adjacent to Burbank Creek.
12. This proposal is consistent with the Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with 17.15.060.1 (F) farm labor shelter.
13. This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff found that the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.
14. This proposal is consistent with the Kittitas County Building Code, as conditioned.

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15. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Kittitas County Department of Public Works, Kittitas County Fire Marshal, WA Department of Transportation, and WA Department of Health. Late comments were provided by Kittitas County Environmental Health Department. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.
17. Public comments were submitted for this proposal at the time of staff review and were considered by the Hearing Examiner. They were included in the index file record.
18. The applicant is proposing “seasonal” farm worker housing and is required to adhere to the specified season for farm worker housing occupancy.
19. An open record public hearing after due legal notice was held on February 13, 2014.
20. The entire Planning Staff file was admitted into the record at the public hearing.

The following exhibits were admitted into the record:

- 20.1 Exhibit 1: Pre application materials – 3/13/13
- 20.2 Exhibit 2: KC application fees receipt – 9/26/13
- 20.3 Exhibit 3: CUP application submittal packet – 9/26/13
- 20.4 Exhibit 4: Staff review info
- 20.5 Exhibit 5: Deem Incomplete Complete Letter – 10/23/13
- 20.6 Exhibit 6: Additional submittal info – 11/5/13
- 20.7 Exhibit 7: Deem Complete Letter – 11/6/13
- 20.8 Exhibit 8: KC Transportation Concurrency submittal – 11/19/13
- 20.9 Exhibit 9: Affidavit of Posting – 11/25/13
- 20.10 Exhibit 10: Notice of Application – 11/25/13
- 20.11 Exhibit 11: Affidavit of Mailing & Publication – Notice of Application – 12/4/13
- 20.12 Exhibit 12: Corrected Notice of Application – 12/5/13
- 20.13 Exhibit 13: Affidavit of Mailing & Publication- Corrected Notice of Application- 12/5/13
- 20.14 Exhibit 14: WSDOT email notification of Corrected Notice of Application -12/11/13
- 20.15 Exhibit 15: Returned mail- Notice of Application and corrected notice of application- 12/9/13
- 20.16 Exhibit 16: Affidavit of published Notice of Application in Daily Record- 12/16/13
- 20.17 Exhibit 17: Comment email from DOH- 12/5/13
- 20.18 Exhibit 18: Comment letter from KC Fire Marshal – 12/9/13
- 20.19 Exhibit 19: KC public works memo – 12/12/13
- 20.20 Exhibit 20: Comment email and correspondence from WSDOT- 12/13/13
- 20.21 Exhibit 21: Comment letter from P.L’ Heures – 12/13/13
- 20.22 Exhibit 22: Comment letter from V. Essex -12/18/13
- 20.23 Exhibit 23: Comment letter from B. & D. Pool -12/19/13
- 20.24 Exhibit 24: Transmittal of comments letter -12/20/13

- 20.25 Exhibit 25: Email between CDS and applicant – 1/9/14
- 20.26 Exhibit 25 A: Email comment from KC Environmental Health- 1/24/14
- 20.27 Exhibit 26: SEPA MDNS – 1/28/14
- 20.28 Exhibit 27: Notice of Decision – SEPA MDNS and Public Hearing – 1/28/14
- 20.29 Exhibit 28: Affidavit of Mailing & Publication – SEPA Decision and Hearing – 1/28/14
- 20.30 Exhibit 29: Email correspondence between CDS and Applicant – 1/28/14
- 20.31 Exhibit 30: Change of address email – 1/29/14
- 20.32 Exhibit 31: Returned mail- Notice of SEPA Decision and Hearing – 2/3/14
- 20.33 Exhibit 32: Returned email (deleted message)-2/6/14
- 20.34 Exhibit 33: Hearing Examiner Agenda – 2/13/14
- 20.35 Exhibit 34: HE Staff Report – 2/13/14
- 20.36 Exhibit 35: Comment letter from Washington State Department of Archeology & Historic Presentation dated 2/11/14 (Submitted after comment.)
- 20.37 Exhibit 36: Staff PowerPoint presentation to Hearing Examiner

21. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval.
22. Appearing and testifying on behalf of the applicant was John Cornell. Mr. Cornell testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Cornell indicated that the applicant did not object to any of the proposed Conditions of Approval. Mr. Cornell indicated that the maximum number of residents at the facility will be 48. He indicated that while families will be allowed, they will be discouraged. He indicated that there would be a grass play area over the drained field area in since case families with children became residents. Mr. Cornell further testified that there would be a manager available to respond to complaints 24 hours a day, 7 days a week. Finally, in response to public testimony regarding concerns about the location of the posted notice, Mr. Cornell indicated that the notice sign was posted where staff told the applicant to post the sign.
23. The following members of the public testified:
 - 23.1 Brad Pool. Mr. Pool testified consistent with his written comments. His primary concerns were that there was no demonstrated public benefit. He also had concerns with the number of residents at the facility that may create safety issues for area residents. He had concerns that the managers home, as identified by the applicant, is not on the subject property but is located approximately one half mile away and that it does not have a direct view of the project area.
 - 23.2 Deborah Pool. Ms. Pool testified on three concerns. First the condition of the private road and her allegation that the applicant does not participate in maintenance of the road. She also had concerns regarding garbage that would be left by the residents of the property. She also had concerns about fire safety as the property is not within a fire district and that the minimum fire response time is 45 minutes.
24. In regards to Exhibit 35, Staff indicated that there have not been any archeological sites identified and that there were not recommending an archeological study.

25. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
26. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
27. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
28. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
4. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Findings of Fact and Conclusions of Law, Application CU-13-00007 is hereby recommended to be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns and successors in interest.
2. Submittal of a WUI application is required for this property as it is located outside of a fire district.

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Larson Fruit Co.
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3. Fire extinguishers shall be located appropriately. The applicant shall contact the Fire Marshal for assistance prior to occupancy, and shall comply with all requirements of the Fire Marshall.
4. A fire and life safety inspection shall be conducted prior to occupancy.
5. All development, design and construction shall comply with Kittitas county Code, Kittitas County Zoning and the most current version of the International Fire & Building Codes.
6. The farm worker housing units shall only be occupied from March 1st to November 30th of each year.
7. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on January 21, 2014. This MDNS was not appealed. The following are the mitigation measures contained within the MDNS and shall be conditions of approval:

I. Water

- A. 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.
- B. 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.
- C. 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 supply in an area becomes limited, use could be curtailed by those with senior water rights.
- D. Prior to receiving any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027 (see attached).
- E. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.

II. Septic

- A. As of the date of this determination, there are no permitted septic systems for this proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department for assistance. Septic permits must be issued prior to issuance of any building permits.

III. Fire & Life Safety

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Larson Fruit Co.
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- A. A turn-around shall be provided for fire department access.
- B. A County approved blue reflective address marker shall be posted and maintained at the driveway to the structures and on each structure. This address can be obtained through application to the Public Works Department.
- C. The buildings may be no closer than 10' from each other.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

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. 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.

Dated this 21st day of Febraury, 2014.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

KOTTKAMP & YEDINAK

435 Orondo Ave. | Wenatchee, WA 98801
PO Box 1667 | Wenatchee, WA 98807

Attorneys

Andrew L. Kottkamp

Nicholas A. Yedinak

Robert W. Grim

RECEIVED

FEB 25 2014

KITTITAS COUNTY
CDS

February 21, 2014

Kittitas County Comm. Development Svc
Attn: Mandy Weed, Admin. Asst.
411 N. Ruby, Suite 2
Kittitas, WA 98926

Greetings:

Enclosed please find the CU-13-00007 Kittitas County Decision.

Should you have any questions, please feel free to contact me.

Sincerely,

KOTTKAMP & YEDINAK, P.L.L.C.

Damny Nunez

Damny Nunez

Hearing Examiner Lpm
Larson Fruit 02-13-00057

2/13/14

Staff

ex 35 DAHP

ex 36 Staff Rpt

- no HE questions

Applicant John Cornell

- explained State Requirements for housing

Public

- Brad Pool 723 Burbank Cvk Rd.
does not create harmony in area
or balance

43.03 RCW alternatives to proposal
must be brought up

Postings not visible on main road

No public benefit, only to applicant

No maintenance to the road

- population of 48 is more than double the existing

- effect on wildlife

- will effect dollar value of properties

- majority of owners came out against this proposal

- curious about fire, no protection
- we can't even get ambulance coverage

- this housing will not improve traffic
→ they are creating 16 parking spaces

- manager's house is close to 1/2 mile away from project on other side of creek and tree line keeps it out of view

- wants arch. survey

Delavan Pool 723 Burbank Crtk Rd

- additional traffic; several yrs ago trouble w/ mail because we had to fix road before mail would be delivered again. Burbank Crtk Rd 37

HE: public or private road?

Deborah: private road

- we also have to continuously cleanup garbage
- we have had more break-ins
- worried about fire. Will take atleast 45 min to get to us from any direction

Fire marshal -

Here only if there were specific question

Applicant rebuttal (John)

- public's comments appreciated and try to be good neighbors
- have been there since 1979
- shared impaction water in past
- have tried to maintain road in past
- Traffic w/ parking
 - ↳ designer followed codes for spaces. The workers typically do not have vehicles.

HE closes public testimony

will make recommendation
within 10 working days.

Kittitas County Hearing Examiner

February 13, 2014

Larson Fruit
Conditional Use Permit
(CU-13-00007)

Good Evening Mr. Hearing Examiner

For the record

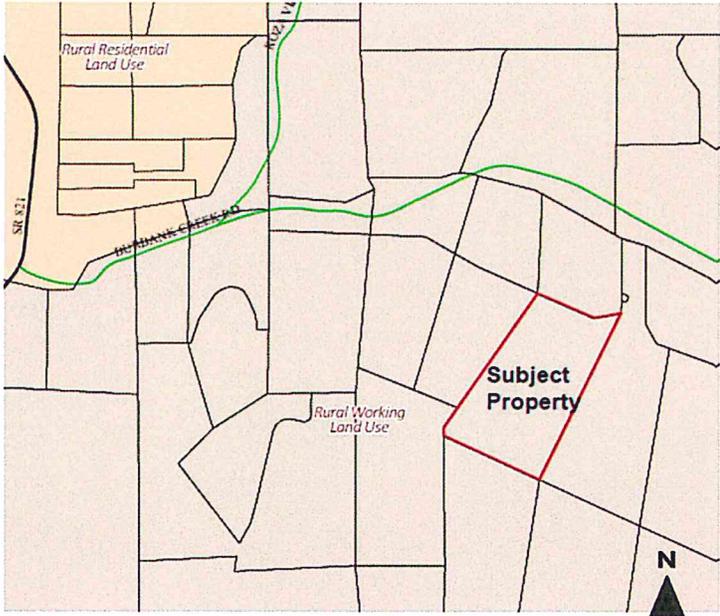
You have before you tonight for consideration the Larson Fruit Conditional Use Permit

Overview of Proposal

- Project acreage: 2 acres of a 21 acre parcel
- Number of lots: 1; no new lots are being proposed
- Group water system and individual/community septic
- Land Use: Rural Working
- Zoning: Forest and Range

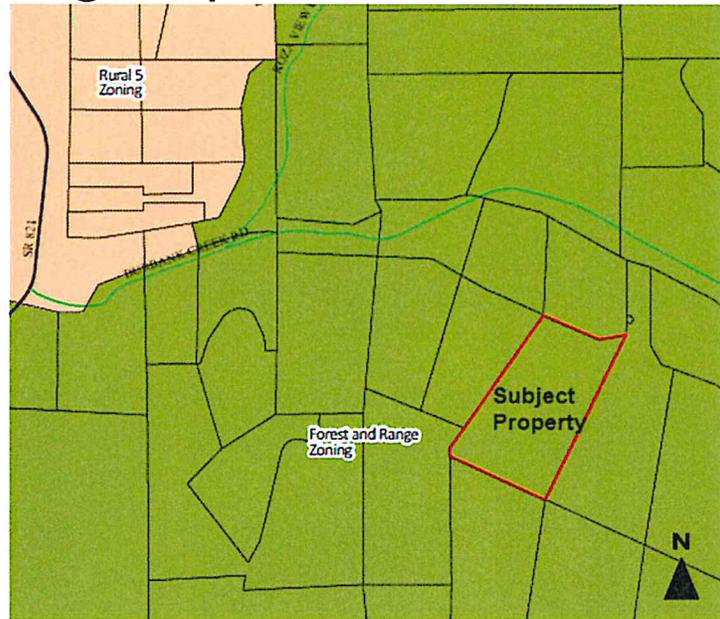
Keith Larson, secretary of Larson Orchards Inc. is the applicant and John Cornell is the authorized agent for this proposal.

Land Use Map

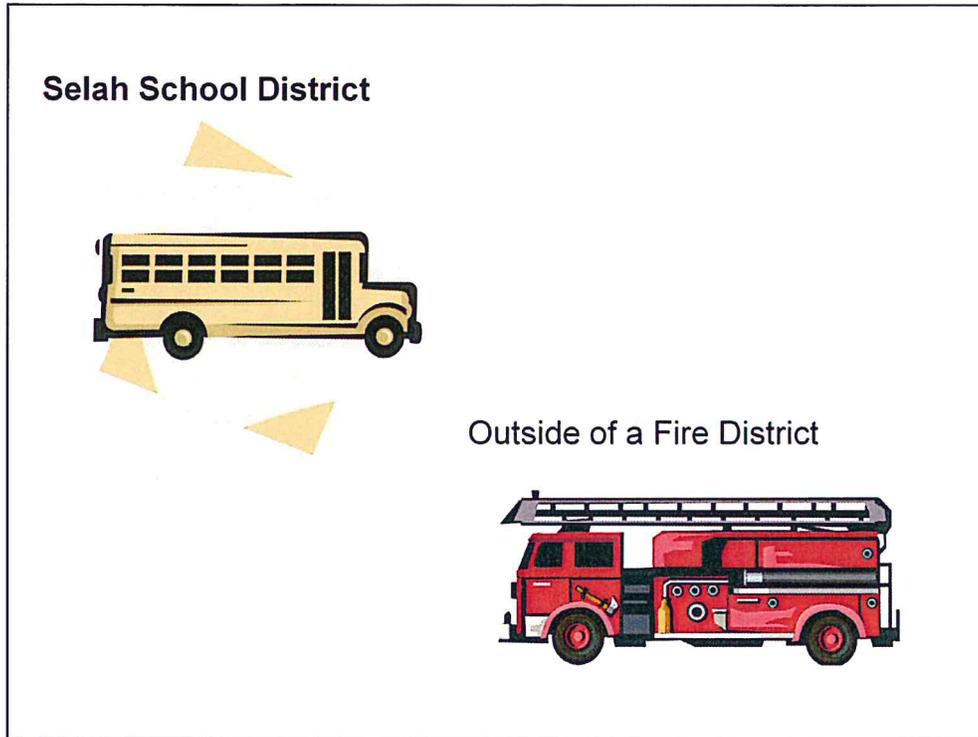


Land use: Rural Working Lands

Zoning Map



Zoning: Forest and Range

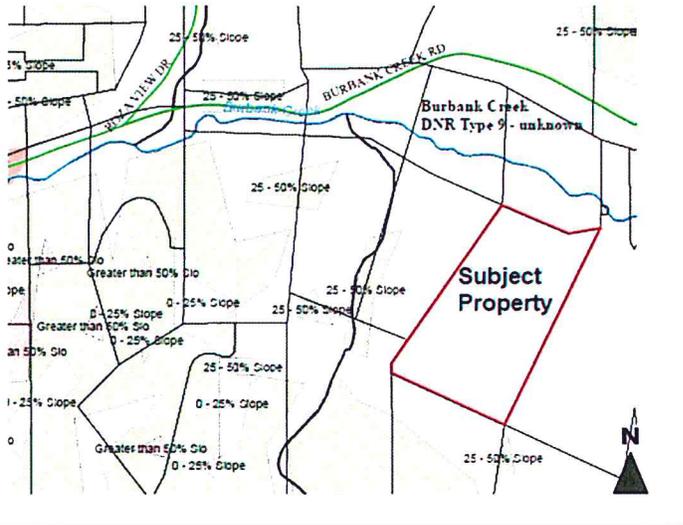


The property is located within the Selah School District and is not located in a Fire District.

School was noticed. No comments were received.

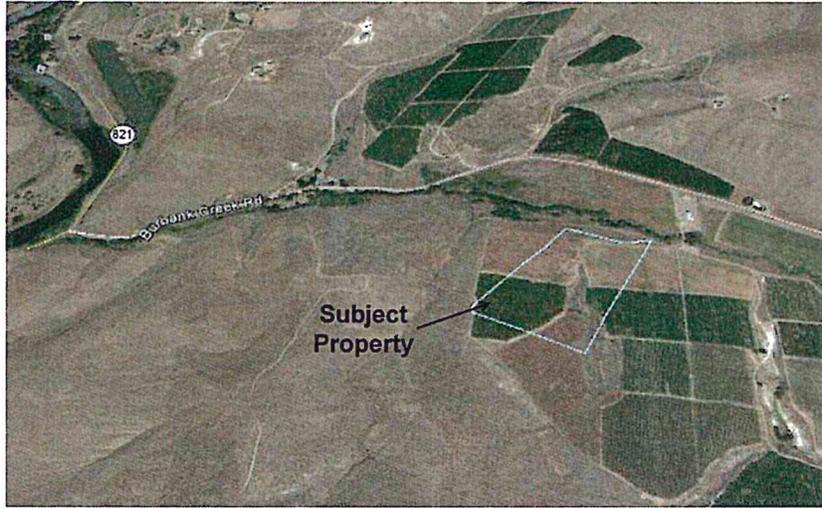
Fire Marshal was noticed and she provided comments. These are included as file index 18 and also reflected in SEPA conditions and recommended conditions of approval in the staff report (index 34)

Critical Areas Analysis



An administrative critical areas review was done in compliance with KCC 17A. The subject property contains no critical areas. There is a DNR stream type 9 – unknown stream, also known as Burbank Creek adjacent to the subject parcel. The proposed activities will take place on the south side of an existing driveway and will not be adjacent to Burbank Creek. The critical areas checklist is included in the record as file index # 4.

Aerial



Google earth feet 2000 meters 800

Aerial of the proposal and surrounding area.

Access

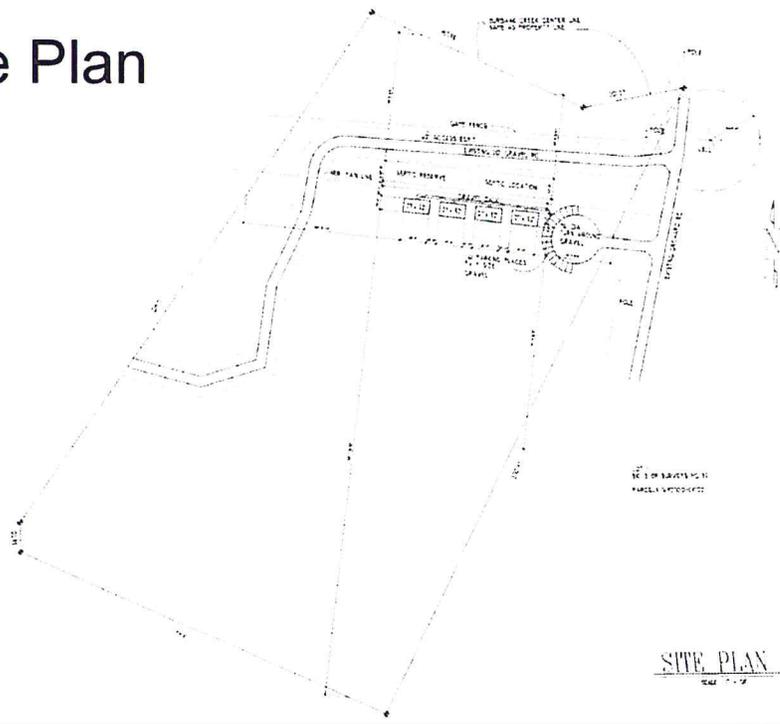
- This proposal is accessed off of Burbank Creek Road, which connects to SR 821 (Canyon Hwy).
- Public Works determined Transportation Concurrency which means, no adverse impacts to the transportation system are expected.
- WSDOT also commented stating there are no impacts expected.

Comments are included in the file index. DPW #19 and WSDOT #20

Notices

- Application was submitted: Sept. 26, 2013
- Notice of Application: Dec. 4, 2013
- Corrected Notice of App: Dec. 5, 2013
 - Comment Period ended: Dec. 20, 2013
 - Comments were received from: KC DPW, KC Fire Marshal, WSDOT & WA DOH. Late comments received from KC Env. Health. Public comments were also received.
 - SEPA MDNS was issued on Jan. 28, 2014
 - Appeal period ended on Feb. 11, 2014 at 5:00 pm. No appeals were filed.

Site Plan





Project Analysis

- Consistent with:
 - Comprehensive Plan.
 - KCC 17A Critical Areas
 - KCC 17.56 Forest and Range
 - Uses: specific to 17.15.060.1 (F) farm labor shelter as a conditional use. (See recommended condition of approval #5)
 - KCC 17.60A Conditional Uses.
 - KCC 14.04 Building Code as conditioned.
 - KCC 12 Roads and Bridges as conditioned

Staff recommends approval of the Larson Fruit Conditional Use Permit as conditioned.

Page 7 of staff report has the following recommended condition of approval “The farm worker housing units shall only be occupied from March 1st to November 30th of each year.” This housing is not intended to be used year-round per the conditional use code.

Specific responses as to how the application meets the Conditional Use 17.60A criteria is outlined in the staff report on pg. 4.

Lindsey Ozbolt

From: Kaehler, Gretchen (DAHP) <Gretchen.Kaehler@DAHP.wa.gov>
Sent: Tuesday, February 11, 2014 12:42 PM
To: Lindsey Ozbolt
Cc: johnson@yakama.com; Kate Valdez (kate@yakama.com)
Subject: RE: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007
Attachments: 021114-17-KT_MDNS Larson Fruit Company CU-13-00007.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Ms. Ozbolt,

Please see attached comments for this project. Please feel free to contact me if you have any questions.

Thank you,

Gretchen

Gretchen Kaehler
Assistant State Archaeologist, Local Governments
Department of Archaeology and Historic Preservation
Olympia
Ph:360-586-3088
Cell:360-628-2755

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Tuesday, January 28, 2014 10:10 AM
To: Jeff Watson; Lindsey Ozbolt; Brenda Larsen; Bill Steele; Lisa Tammarino; Christina Wollman; Candie M. Leader; Renfrow, Brent D (DFW); Teske, Mark S (DFW); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; 'jessica@yakama.com' (jessica@yakama.com); 'jmarvin@yakama.com' (jmarvin@yakama.com); 'johnson@yakama.com' (johnson@yakama.com); 'enviroreview@yakama.com' (enviroreview@yakama.com); Kaehler, Gretchen (DAHP); Mau, Russell E (DOH); Justus, Tom; tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; ECY RE SEPA REGISTER; ECY RE CRO SEPA COORDINATOR; 'jorgenja@cwu.edu' (jorgenja@cwu.edu); 'nelmsk@cwu.edu' (nelmsk@cwu.edu); HAZLETT, LINDA (DNR); PRESTON, CINDY (DNR); DNR RE AQ LEASING RIVERS; 'jmarkell@kvnews.com' (jmarkell@kvnews.com); Johnston, Mike (DOHi); 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'
Cc: Doc Hansen; 'Allison Kimball (brooksideconsulting@gmail.com)'
Subject: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Larson Fruit CU-13-00007 correction. Please find attached the signed SEPA MDNS document. It was not attached properly in the first correspondence.

Thank you,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services

411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt

Sent: Tuesday, January 28, 2014 9:36 AM

To: Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); "jmarvin@yakama.com" (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu); "linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; "jmarkell@kvnews.com" (jmarkell@kvnews.com); Mike Johnston; 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'

Cc: Lindsey Ozbolt; Doc Hansen; Jeff Watson; 'Allison Kimball (brooksideconsulting@gmail.com)'

Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

[Larson Fruit CU-13-00007](#)

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). Please see the attached Notice of Decision SEPA Action & Public Hearing memo along with the SEPA MDNS document. Agencies within the county network may review the application file via the T-drive or by clicking the link above. Agencies outside of the county network may view the file documentation by following this link: [http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional Use Permits](http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional+Use+Permits). This file will be updated as the application progresses.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Lindsey Ozbolt

Planner II

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

Phone: 509-962-7637

Email: lindsey.ozbolt@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14



February 11, 2014

Ms. Lindsay Ozbolt
Planner II
Kittitas County
411 North Ruby St., Suite 2
Ellensburg, WA 98926

In future correspondence please refer to:

Log: 021114-17-KT

Property: MDNS Larson Fruit Company CU-13-00007

Re: Archaeology - Survey Requested

Dear Ms. Ozbolt:

We have reviewed the materials forwarded to our office for the proposed project referenced above. The area has a high potential for archaeological resources. There are 5 previously recorded archaeological sites within approximately 3,500 feet of the project parcel.

Please be aware that archaeological sites are protected from knowing disturbance on both public and private lands in Washington States. Both RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from our Department before excavating, removing, or altering Native American human remains or archaeological resources in Washington. Failure to obtain a permit is punishable by civil fines and other penalties under RCW 27.53.095, and by criminal prosecution under RCW 27.53.090.

Chapter 27.53.095 RCW allows the Department of Archaeology and Historic Preservation to issue civil penalties for the violation of this statute in an amount up to five thousand dollars, in addition to site restoration costs and investigative costs. Also, these remedies do not prevent concerned tribes from undertaking civil action in state or federal court, or law enforcement agencies from undertaking criminal investigation or prosecution. Chapter 27.44.050 RCW allows the affected Indian Tribe to undertake civil action apart from any criminal prosecution if burials are disturbed.

The scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we request a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.



These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised.

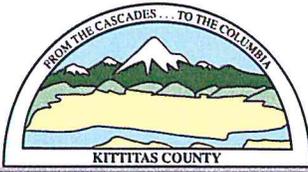
Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Should you have any questions, please feel free to contact me at (360) 586-3088 or Gretchen.Kaehler@dahp.wa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gretchen Kaehler", with a long horizontal flourish extending to the right.

Gretchen Kaehler
Local Governments Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Johnson Meninick, Cultural Resources, Yakama Nation
Kate Valdez, THPO, Yakama Nation



STAFF REPORT

Larson Fruit Co. Conditional Use Permit

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Larson Fruit Co. Conditional Use Permit (CU-13-00007)
DATE: February 13, 2014 (Hearing Date)

I. GENERAL INFORMATION

Requested Action: Keith Larson, secretary of Larson Orchards Inc., land owner and John Cornell, authorized agent, submitted a conditional use permit application for farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest and Range. The applicant is proposing a total of 4 units. This proposed use is consistent with KCC 17.15.060.1 (F) farm labor shelter.

Location: This proposal encompasses 1 parcel, located approximately 1 mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor’s map number 15-19-27000-0002.

II. SITE INFORMATION

Total Property Size: 21 acres
Number of Lots: 1; no new lots are being proposed
Domestic Water: Group water system
Sewage Disposal: Individual Septic
Power/Electricity: Kittitas County PUD
Fire Protection: Area outside of Fire Districts
Irrigation District: None

Site Characteristics:

North: Mix of vacant land, orchards and low density residential
South: Vacant, BLM land
East: Mix of vacant land, orchards and low density residential
West: Mix of vacant land, orchards, low density residential and BLM land

Access: The site is accessed from Burbank Creek Road.

Zoning and Development Standards: The subject property is located in the Yakima River Canyon area within Kittitas County and has a zoning designation of Forest and Range. The general purpose and intent of the Forest and Range zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The Forest and Range zone allows for a vast array of permitted and conditional uses; this project is being proposed under KCC 17.15.060.1 (F) farm labor shelter. This use is a conditional use and requires that the following be met:

- a) The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
- b) The shelters must conform with all applicable building and health regulations;

- c) The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
- d) The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
- e) Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.

Conditional Uses: This application is consistent with KCC 17.60A. There are a number of requirements that must be met; these are addressed under Project Analysis below. The Board of Adjustment was dissolved as part of the 2012 Annual Docket process through Ordinance No. 2012-009. Conditional use permits are now required to have a public hearing before the Hearing Examiner for a recommendation and then a closed record hearing before the Board of County Commissioners, where the BOCC will make the final decision on the conditional use permit.

III. ADMINISTRATIVE REVIEW

Notice of Application: A conditional use permit application was submitted to Kittitas County Community Development Services department on September 26, 2013. This application was deemed complete on November 6, 2013. The Notice of Application for the conditional use permit was issued on December 4, 2013 and a Corrected Notice of Application was issued on December 5, 2013 due to an incorrect legal description. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on December 20, 2013.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural Working Land. Kittitas County has established the following goals and policies to guide activities within the rural lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 2.2 – Protect, preserve, maintain, and enhance the County’s natural resource industry base, natural environment, and rural character, including but not limited to timber, agriculture, mineral, water and energy resources. The County shall avoid land use conflicts with its resource industry by applying low residential densities to lands adjacent to resource lands.

GPO 2.7 – Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agriculture industries, mineral lands, and high quality environment.

GPO 8.1 – Rural lands are characterized by a lower level of services; mixed residential, agricultural and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

GPO 8.2 – Rural lands often have an established land use pattern that inhibits urban character and are generally, and anticipated to continue to be, served by septic systems and individual wells or small community water systems.

GPO 8.4 – Development in rural areas is subject to agricultural and forestry activities that may take place as a right on adjacent properties.

GPO 8.9 – Protecting and preserving resource lands should be given priority. Development that is permitted and adjacent resource lands shall be properly managed.

GPO 8.11 – Policies will reflect a “right to farm” in agriculture lands.

GPO 8.16 – Give preferences to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and the other open space activities.

GPO 8.46 – Kittitas County will continue to research innovative incentive-based strategies that encourage and support farming activity.

GPO 8.47 – Kittitas County will encourage voluntary farm conservation and agriculture preservation activities, and support activities engaged in agriculture preservation.

GPO 8.48 – Non-farming residents should be informed on the practices of farming so that they are aware of the non-urban activities and impacts that occur in the agricultural environment.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on January 28, 2014. The appeal period ended on February 11, 2014 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 2.7, 8.1, 8.2, 8.4, 8.9, 8.11, 8.16, 8.46, 8.47, and 8.48.

Consistency with the provisions of KCC 17A, Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on-site. There is a DNR stream type 9 – unknown north of the subject parcel on an adjacent lot. This stream is also known as Burbank Creek. The proposed activities will take place on the south side of an existing driveway and will not be adjacent to Burbank Creek.

Consistency with the provision of KCC 17.56, Forest and Range zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with 17.15.060.1 (F) farm labor shelter.

Consistency with the provisions of KCC 17.60A, Conditional Uses:

This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.

- 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.*

Applicant response: The addition of a professionally designed and installed drain field system for the project, the company housing/grounds maintenance, and contracted regular garbage pickup will result in no increase to any threat to the public health beyond whatever exists in the area at the present.

The State requires we post housing rules regarding proper behavior. There is an existing ranch manager, who will provide oversight. The company has existing employee policies against drugs, weapons, etc, which the workers are notified of in advance, and how violations will be disciplined. We expect to have the same level of peace and safety as is presently experienced by the neighborhood.

Staff response: Staff agrees that the installation of up to 4 farm worker housing (farm labor shelters) will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. This use is one you would expect in a resource or agricultural area. The ranch manager and policies established by Larson Orchards in regard to behavior will protect the public health, peace, and safety of the area.

- 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, an schools; or (2)that the applicant shall provide such facilities; or*

Applicant response: The proposed housing is for a long established orchard. The traffic generated from the operation is almost exclusively between March and November. We actually anticipate traffic and therefore noise and dust and wear and tear on the road to decline from previous levels once the units are installed and in use, in that we will not have to transport so many in from other ranches.

Essentially there are no specific public services to be impacted, other than perhaps if a county sheriff or fire crew would be called. We expect no increase in either of those types of calls to the neighborhood as a result of this project, as we have not experienced any calls to date from our other projects which have been in operation for up to 4 years.

Staff response: This proposal is subject to providing adequate water and septic facilities prior to gaining approval to build/install the farm housing units. The applicant will also be required to work with the Kittitas County Fire Marshal and follow the Wildland Urban Interface requirements since it is located outside of a fire district. Specific fire protection requirements, if necessary, will be determined by the Fire Marshal through the WUI application process. As required by Kittitas County Code and as conditioned, this proposal will not be detrimental to the economic welfare of the county.

- C) *Demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.*

Applicant response: The project will increase the tax base of the existing operation, providing added revenue to the county for its ongoing projects elsewhere.

Staff response: The Kittitas County Comprehensive Plan encourages retention and preservation of existing agricultural and forestry activities. This proposal fits within this goal by allowing an existing orchard operation to house its workers during their growing season. The comprehensive plan also recognizes that the “most common uses in rural lands are agriculture, recreation and logging, which have

been basic industries historically and remain important in terms of employment, income and tax base.” The addition of farm worker housing for this orchard in Rural Kittitas County will not be an economic detriment.

Consistency with the provisions of the KCC Title 14.04, Building Code:

This proposal is consistent with the Kittitas County Building Code as conditioned.

Consistency with the provisions of KCC Title 12, Roads and Bridges:

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Department of Public Works, Kittitas County Fire Marshal, WA Department of Transportation, and WA Department of Health. Late comments were provided by Kittitas County Environmental Health Department. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

Public Comments:

Public comments were submitted for this proposal at the time of staff review and were considered. They are attached to this staff report as part of the Larson Fruit Co. Conditional Use Permit Index File.

VIII. RECOMMENDATION

As conditioned below, staff finds that the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 14.04, Title 17.15, Title 17.56, Title 17.60A, & Title 17A of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Larson Fruit Co. Conditional Use Permit application, subject to the following findings of fact and conditions:

Staff Findings of Fact

1. Keith Larson, secretary of Larson Orchards Inc., land owner and John Cornell, authorized agent, submitted a conditional use permit application for farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest and Range. The applicant is proposing a total of 4 units. This proposed use is consistent with KCC 17.15.060.1 (F) farm labor shelter.
2. This proposal encompasses 1 parcel, located approximately 1 mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor’s map number 15-19-27000-0002.
3. Site Information:

| | |
|----------------------|-----------------------------------|
| Total Property Size: | 21 acres |
| Number of Lots: | 1; no new lots are being proposed |
| Domestic Water: | Group water system |
| Sewage Disposal: | Individual Septic |
| Power/Electricity: | Kittitas County PUD |
| Fire Protection: | Area outside of Fire Districts |
| Irrigation District: | None |

4. Site Characteristics:
 - North: Mix of vacant land, orchards and low density residential
 - South: Vacant, BLM land
 - East: Mix of vacant land, orchards and low density residential
 - West: Mix of vacant land, orchards, low density residential and BLM land
5. Site Characteristics: The area is located in the Yakima River Canyon area of Kittitas County. The area is comprised predominantly with low ranching, grazing, farming, orchard, and low density residential development.
6. The Comprehensive Plan designation is “Rural Working Land.”
7. The subject property is zoned “Forest and Range,” which allows for farm labor shelters as a conditional use.
8. A conditional use permit application was submitted to Kittitas County Community Development Services department on September 26, 2013. This application was deemed complete on November 6, 2013. The Notice of Application for the conditional use permit was issued on December 4, 2013 and a Corrected Notice of Application was issued on December 5, 2013 due to an incorrect legal description. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on December 20, 2013.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on January 28, 2014. The appeal period ended on February 11, 2014 at 5:00 p.m. No appeals were filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 2.7, 8.1, 8.2, 8.4, 8.9, 8.11, 8.16, 8.46, 8.47, and 8.48.
11. Staff has conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on-site. There is a DNR stream type 9 – unknown north of the subject parcel on an adjacent lot. This stream is also known as Burbank Creek. The proposed activities will take place on the south side of an existing driveway and will not be adjacent to Burbank Creek.
12. This proposal is consistent with the Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15. Specifically, this is compatible as a conditional use with 17.15.060.1 (F) farm labor shelter.
13. This proposal is consistent with the Kittitas County Zoning Code for Conditional Uses. The proposed conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, and 4) is adequately serviced by public facilities.
14. This proposal is consistent with the Kittitas County Building Code as conditioned.
15. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Kittitas County Department of Public Works, Kittitas County Fire Marshal, WA Department of Transportation, and WA Department of

Health. Late comments were provided by Kittitas County Environmental Health Department. These comments have been included in the index file record and were considered when preparing the recommended conditions for this proposal.

17. Public comments were submitted for this proposal at the time of staff review and were considered. They have been included in the index file record.
18. The applicant is proposing “seasonal” farm worker housing and shall adhere to the specified season for farm worker housing occupancy.

Staff Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14.04 Building Code, and Title 12 Roads and Bridges.

Recommended Conditions of Approval:

1. Submittal of a WUI application is required for this property as it is located outside of a fire district.
2. Fire extinguishers shall be located appropriately. Contact the Fire Marshal for assistance prior to occupancy.
3. A fire and life safety inspection shall be conducted prior to occupancy.
4. All development, design and construction shall comply with Kittitas county Code, Kittitas County Zoning and the most current version of the International Fire & Building Codes.
5. The farm worker housing units shall only be occupied from March 1st to November 30th of each year.
6. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on January 21, 2014. The following are the mitigation measures contained within the MDNS and shall be conditions of approval:

I. Water

- A. 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.
- B. 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.

- C. 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 supply in an area becomes limited, use could be curtailed by those with senior water rights.
- D. Prior to receiving any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027 (see attached).
- E. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.

II. Septic

- A. As of the date of this determination, there are no permitted septic systems for this proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department for assistance. Septic permits must be issued prior to issuance of any building permits.

III. Fire & Life Safety

- A. A turn-around shall be provided for fire department access.
- B. A County approved blue reflective address marker shall be posted and maintained at the driveway to the structures and on each structure. This address can be obtained through application to the Public Works Department.
- C. The buildings may be no closer than 10' from each other.

IV. Light and Aesthetics

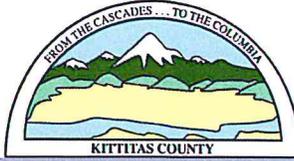
- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

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. 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.



AGENDA

Thursday, February 13, 2014 @ 6:00PM

KITTITAS COUNTY COURTHOUSE, COMMISSIONERS' AUDITORIUM ROOM 109
205 WEST 5TH AVENUE, ELLENSBURG, WA 98926

Procedure for Participation – Please Sign in Legibly – When Recognized:

- State your name, address and whether you are representing only yourself or others. All remarks/comments should be addressed to the Hearing Examiner and not to the audience. Questions should be addressed to the Hearing Examiner.
- Please limit Applicant Presentation to fifteen (15) minutes; Public Testimony to three (3) minutes.
- Submit all written comments or other media to the Hearing Examiner as an exhibit for the permanent record.

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

III. OLD BUSINESS - None

IV. NEW BUSINESS –

a. Larson Fruit Co. Conditional Use Permit - CU-13-00007

Application is for a Conditional Use Permit for up to 4 farm worker housing units on approximately 2 acres of a 21 acre parcel in the Forest and Range zone. This proposal is located approximately 1 mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002.

V. OTHER BUSINESS – None

VI. ADJOURN

Lindsey Ozbolt

From: Teske, Mark S (DFW) <Mark.Teske@dfw.wa.gov>
To: Lindsey Ozbolt
Sent: Thursday, February 06, 2014 1:10 AM
Subject: Not read: CU-13-00007 Larson Fruit Corrected - Notice of Application

Your message

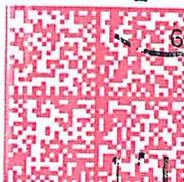
To:
Subject: CU-13-00007 Larson Fruit Corrected - Notice of Application
Sent: Thursday, February 06, 2014 1:10:28 AM (UTC-08:00) Pacific Time (US & Canada)

was deleted without being read on Thursday, February 06, 2014 1:10:14 AM (UTC-08:00) Pacific Time (US & Canada).

KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES
411 NORTH RUBY STREET, SUITE 2
ELLENSBURG, WA 98926

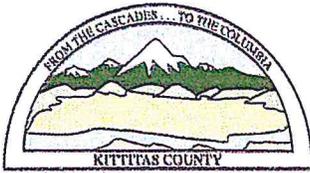
NR

CLEMENSON, WINFRED G ETUX
1331 ROZA VIEW DR
YAKIMA WA 98901



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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"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

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

From: Robert "Doc" Hansen, Planning Official

Date: January 28, 2014

Subject: Larson Fruit Conditional Use Permit (CU-13-00007)

FEB 13 2014
KITTTAS COUNTY
CDS

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Corrected Notice of Application for the submitted application was mailed on December 5, 2013.

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range. The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Lindsey Ozbolt

From: Rose Shriner
Sent: Wednesday, January 29, 2014 2:00 PM
To: Lindsey Ozbolt
Subject: Notice of SEPA mailed to incorrect address

The owner (George Verheul) of this property 15-19-22000-0033 was notified of a SEPA decision, however, our record of the owner is incorrect. He has now since sold the property to:

ANGEL SHENBERGER, JOHN R & CLICK KESTY
1851 NE 19TH AVE
CANBY OR 97013-2542

Rose Shriner
Permit Technician
Kittitas County Community Development Services
411 N Ruby St Ste.2
Ellensburg, WA 98926
(p) 509.962.7506
(f) 509.962.7682
rose.shriner@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Lindsey Ozbolt

From: John Cornell <Johnc@larsonfruit.com>
Sent: Tuesday, January 28, 2014 12:09 PM
To: Lindsey Ozbolt
Subject: RE: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Will do !! thank you. johnc

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Tuesday, January 28, 2014 11:59 AM
To: John Cornell
Subject: RE: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Hi John,

Yes, in broad terms you are correct from my understanding. That language was included to ensure that the applicant and the public understand that those requirements must be met. I encourage you to contact the County Public Health department for specific questions regarding water and septic. They can be reached at 509-962-7515.

Regards,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: John Cornell [mailto:Johnc@larsonfruit.com]
Sent: Tuesday, January 28, 2014 11:55 AM
To: Lindsey Ozbolt
Subject: RE: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Hi Lindsey. Got a question on the 'water' section 'D'. the referenced rcw and commish resolution—don't both boil down to we submit the DOH approval for the class a system being designed ahead of receipt of the building permit? Or is there more to this item than I'm reading into it? Pls advise. Thanks. JohnC

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Tuesday, January 28, 2014 10:10 AM
To: Jeff Watson; Lindsey Ozbolt; Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); "jmarvin@yakama.com" (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; John Cornell; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu);

"linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'jmarkell@kvnews.com' (jmarkell@kvnews.com); Mike Johnston; 'Kaiser, Mark' (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov); 'holmstr@wsdot.wa.gov'

Cc: Doc Hansen; 'Allison Kimball' (brooksideconsulting@gmail.com)'

Subject: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Larson Fruit CU-13-00007 correction. Please find attached the signed SEPA MDNS document. It was not attached properly in the first correspondence.

Thank you,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt

Sent: Tuesday, January 28, 2014 9:36 AM

To: Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); "jmarvin@yakama.com" (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; 'John Cornell' (Johnc@larsonfruit.com); Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu); "linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'jmarkell@kvnews.com' (jmarkell@kvnews.com); Mike Johnston; 'Kaiser, Mark' (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov); 'holmstr@wsdot.wa.gov'

Cc: Lindsey Ozbolt; Doc Hansen; Jeff Watson; 'Allison Kimball' (brooksideconsulting@gmail.com)'

Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

[Larson Fruit CU-13-00007](#)

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). Please see the attached Notice of Decision SEPA Action & Public Hearing memo along with the SEPA MDNS document. Agencies within the county network may review the application file via the T-drive or by clicking the link above. Agencies outside of the county network may view the file documentation by following this link: [http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional Use Permits](http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional%20Use%20Permits). This file will be updated as the application progresses.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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.

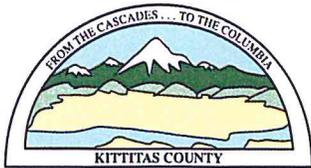
NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 p.m. in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where 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.

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14



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"

Affidavit of Mailing & Publication

PROPOSAL NAME: Larson Fruit Conditional Use Permit (CU-13-00007)

NOTIFICATION OF: Notice of Decision SEPA Action & Public Hearing

NOTIFICATION MAIL DATE: January 28, 2014

I certify that the following documentations:

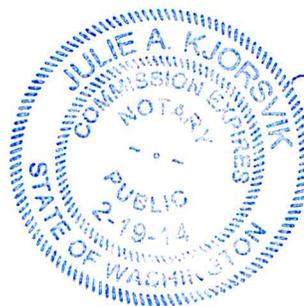
- Notice of Decision SEPA Action and Public Hearing for Valley Vet Conditional Use Permit (CU-13-00006); and
- SEPA Mitigated Determination of Non-Significance for Valley Vet Conditional Use Permit (CU-13-00006) (sent electronically and available on County website)

have been mailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

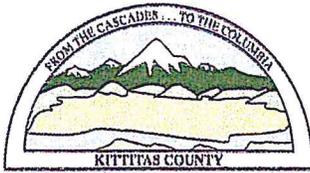
Lindsey Ozbolt
Community Development Services Planner
County of Kittitas
State of Washington

Subscribed and sworn to before me this 28th day of January 2014.



Julie A. Kjorsvik
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 02-19-14



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 DECISION SEPA ACTION AND PUBLIC HEARING

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

From: Robert "Doc" Hansen, Planning Official

Date: January 28, 2014

Subject: Larson Fruit Conditional Use Permit (CU-13-00007)

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Corrected Notice of Application for the submitted application was mailed on December 5, 2013.

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range. The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

NOTICE OF SEPA ACTION AND PUBLIC HEARING
Larson Fruit Conditional Use Permit
CU-13-00007

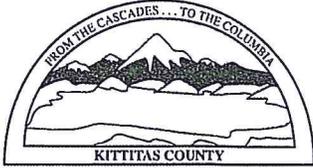
NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range. The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

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NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Dated: January 28, 2014

Publish in Daily Record: January 28, 2014 & February 4, 2014



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

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Description:** Larson Fruit Conditional Use Permit (CU-13-00007) is a request for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest and Range. The applicant is proposing a total of 4 units to be developed over time.
- Proponent:** Keith Larson, applicant.
- Location:** The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002.
- 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. 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.
- B. 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.
- C. 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 supply in an area becomes limited, use could be curtailed by those with senior water rights.

- D. Prior to receiving any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027 (see attached).
- E. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.

II. Septic

- A. As of the date of this determination, there are no permitted septic systems for this proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department for assistance. Septic permits must be issued prior to issuance of any building permits.

III. Fire & Life Safety

- A. A turn-around shall be provided for fire department access.
- B. A County approved blue reflective address marker shall be posted and maintained at the driveway to the structures and on each structure. This address can be obtained through application to the Public Works Department.
- C. The buildings may be no closer than 10' from each other.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

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. 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
Ellensburg, WA. 98926

Phone: (509) 962-7506 Fax: (509) 962-7682

Date: January 28, 2014

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, February 11, 2014.

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, February 11, 2014. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION
NO. 2012- 027

RATIFYING THE REVISED KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT ADMINISTRATIVE POLICY
RELATED TO POTABLE WATER SUPPLY FOR SUBDIVISIONS

WHEREAS, Chapter 58.17 RCW requires the County make a determination if an applicant seeking to divide land has made appropriate provisions for, among other things, potable water supply; and

WHEREAS, Chapter 58.17 RCW requires that the finding that provisions are made for potable water supplies including whether there is adequate quantity, quality and a legal right to the water; and

WHEREAS, during a public hearing the Board of County Commissioners considered a revision to the Administrative Policy Related to Potable Water for Subdivision (Resolution 2010-082) presented by Kittitas County Public Health Department; and

WHEREAS, the revision to Resolution 2010-082 presented by Kittitas County Public Health Department addressed updates to current county policy and practices; and

WHEREAS, due notice of the public hearing had been given as required by law, and the necessary inquiry has been made into the public interest and purpose to be served by such publication; and

WHEREAS, it is the desire of the Board of County Commissioners to rescind Resolution 2010-082 and ratify the Kittitas County Public Health Department revisions to the Administrative Policy Related to Potable Water for Subdivision as presented.

NOW, THEREFORE BE IT RESOLVED the Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby approve and ratify the Kittitas County Public Health Department administrative policy related to potable water supply for subdivisions and the same is attached hereto.

DATED this 6th day of March 2012, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



Mandy Robinson

ATTEST:
CLERK OF THE BOARD *Deputy*

Alan Crankovich

Commissioner Alan Crankovich, Chairman

Obie O'Brien

Commissioner Obie O'Brien, Vice Chairman

Paul Jewell

Commissioner Paul Jewell

**Kittitas County Public Health Department
Administrative Policy**

Potable Water for Subdivisions

Applications for subdivisions (short plats and long plats) in Kittitas County shall include the type of water system proposed in order to acquire preliminary approval. Prior to receiving final approval for subdivisions in Kittitas County, applicants shall be required to make appropriate provision for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the following minimum requirements:

1. **GROUP A PUBLIC WATER SYSTEM:** Applicants shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by KCPHD for final plat approval. Section 16.24.210 KCC is not considered to be applicable for Group A public water systems as a Group A water system is held to a higher standard under Washington Administrative Code.
2. **GROUP B PUBLIC WATER SYSTEM:** Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Satellite Management Agency. In addition to these requirements all infrastructure for the Group B Water System including, but not limited to the well/pump house and storage tanks must be completed and water budget neutrality determination(s) from Washington State Department of Ecology (DOE) referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC) must be provided to KCPHD prior to final approval. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH and wellhead protection areas shall be required on final mylars prior to recommendation by KCPHD for final plat approval. Section 16.24.210 KCC is not considered to be applicable for Group B public water systems as a Group B water system is held to a higher standard under Washington Administrative Code.
3. **INDIVIDUAL OR SHARED WATER SYSTEM:** Section 16.24.210 KCC applies to individual and shared water systems. Applicants shall submit a well log(s) and four hour draw down test from each proposed parcel within a subdivision, water budget neutrality determination(s) from DOE referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC), and passing bacteriological and nitrate water quality test from each well. If the proposed subdivision does not have an existing well within the boundaries of each lot, a well must be drilled and the above information shall be provided to KCPHD prior to recommendation by KCPHD for final plat approval. If shared wells are proposed, in addition to

the above requirements a copy of a shared well user's agreement shall be recorded at the Kittitas County Auditor's Office for each proposed parcel that proposes to utilize a 2-party shared water system.

This policy is meant as a guideline for applicants, however Kittitas County reserves the ability to require additional proof that adequate provisions for potable water have been made by the applicant depending on any health, safety and environmental concerns specific to the project. Compliance with all current state and local rules and regulations is required and if this policy is found to be in conflict with any applicable rule, regulation or ordinance, then the rule, regulation or ordinance shall control. All applicants are required to certify that they are in compliance with WAC 173-539A or that WAC 173-539A does not apply to the applicant.

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PO BOX 623
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CLEMENSON, WINFRED G ETUX
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YAKIMA WA 98901

COOK, COREY B
PO BOX 471
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DORMAIER, DUANE D ETUX
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SELAH WA 98942-9509

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SELAH SCHOOL DISTRICT #119
105 W BARTLETT
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Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Tuesday, January 28, 2014 9:36 AM
To: Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; 'Brent.Renfrow@dfw.wa.gov' (Brent.Renfrow@dfw.wa.gov); 'Mark.Teske@dfw.wa.gov' (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; darren.habel@usace.army.mil; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; 'jessica@yakama.com' (jessica@yakama.com); 'jmarvin@yakama.com' (jmarvin@yakama.com); 'johnson@yakama.com' (johnson@yakama.com); 'enviroreview@yakama.com' (enviroreview@yakama.com); 'Gretchen.Kaehler@DAHP.wa.gov' (Gretchen.Kaehler@DAHP.wa.gov); 'russell.mau@doh.wa.gov' (russell.mau@doh.wa.gov); 'tom.justus@doh.wa.gov' (tom.justus@doh.wa.gov); tribune@nkctribune.com; John Cornell (Johnc@larsonfruit.com); Julie Kjorsvik; Lisa Lawrence; Patti Johnson; separegister@ecy.wa.gov; 'crosepacoordinator@ecy.wa.gov' (crosepacoordinator@ecy.wa.gov); 'jorgenja@cwu.edu' (jorgenja@cwu.edu); 'nelmsk@cwu.edu' (nelmsk@cwu.edu); 'linda.hazlett@dnr.wa.gov' (linda.hazlett@dnr.wa.gov); cindy.preston@dnr.wa.gov; rivers@dnr.wa.gov; 'jmarkell@kvnews.com' (jmarkell@kvnews.com); Mike Johnston; Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov); holmstr@wsdot.wa.gov
Cc: Lindsey Ozbolt; Doc Hansen; Jeff Watson; Allison Kimball (brooksideconsulting@gmail.com)
Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007
Attachments: CU-13-00007 Larson Fruit Notice of SEPA Decision and Public Hearing.pdf; CU-13-00007 Larson Fruit MDNS_signed.pdf

[Larson Fruit CU-13-00007](#)

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). Please see the attached Notice of Decision SEPA Action & Public Hearing memo along with the SEPA MDNS document. Agencies within the county network may review the application file via the T-drive or by clicking the link above. Agencies outside of the county network may view the file documentation by following this link: [http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional Use Permits](http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional%20Use%20Permits). This file will be updated as the application progresses.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

Lindsey Ozbolt

From: Microsoft Outlook
To: tribune@nkctribune.com
Sent: Tuesday, January 28, 2014 9:37 AM
Subject: Undeliverable: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

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#550 5.1.1 RESOLVER.ADR.ExRecipNotFound; not found ##

Original message headers:

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by exch2010-mail.co.kittitas.wa.us ([fe80::f1f0:8133:f9bc:42df%11]) with mapi
id 14.01.0438.000; Tue, 28 Jan 2014 09:36:23 -0800
Content-Type: application/ms-tnef; name="winmail.dat"
Content-Transfer-Encoding: binary
From: Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>
To: Brenda Larsen <brenda.larsen@co.kittitas.wa.us>, Bill Steele
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CC: Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>, Doc Hansen
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"Allison Kimball (brooksideconsulting@gmail.com)"
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Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson
Fruit CU-13-00007

Thread-Topic: Kittitas County Notice of SEPA Action & Public Hearing -
Larson Fruit CU-13-00007

Thread-Index: Ac8cTadjxwmnHnccTQ+jCkr/exUogg==

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Reply-To: Jeff Watson <jeff.watson@co.kittitas.wa.us>, Lindsey Ozbolt
<lindsey.ozbolt@co.kittitas.wa.us>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

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X-Originating-IP: [192.168.38.11]

Lindsey Ozbolt

From: Microsoft Outlook
To: Julie Kjorsvik; Holly Duncan; Holly Myers; Lisa Lawrence; Doc Hansen; Jeff Watson; Patti Johnson; Lindsey Ozbolt; Erin Moore; Lisa Iammarino; Christina Wollman; Brenda Larsen; Bill Steele; Candie M. Leader; Kim Dawson; Joe Gilbert; Michael Flory; Lou Whitford
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Subject: Delivered: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

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Lisa Lawrence (lisa.lawrence@co.kittitas.wa.us) <<mailto:lisa.lawrence@co.kittitas.wa.us>>

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Lou Whitford (lou.whitford@co.kittitas.wa.us) <<mailto:lou.whitford@co.kittitas.wa.us>>

Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Lindsey Ozbolt

From: Microsoft Outlook
To: Mike Johnston
Sent: Tuesday, January 28, 2014 9:37 AM
Subject: Relayed: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

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Mike Johnston (mjohnston@kvnews.com) <<mailto:mjohnston@kvnews.com>>

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Lindsey Ozbolt

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'jmarkell@kvnews.com' (jmarkell@kvnews.com) (jmarkell@kvnews.com) <<mailto:jmarkell@kvnews.com>>

Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)
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holmstr@wsdot.wa.gov (holmstr@wsdot.wa.gov) <<mailto:holmstr@wsdot.wa.gov>>

Allison Kimball (brooksideconsulting@gmail.com) (brooksideconsulting@gmail.com)
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Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Tuesday, January 28, 2014 10:10 AM
To: Jeff Watson; Lindsey Ozbolt; Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); "jmarvin@yakama.com" (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu); "linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; "jmarkell@kvnews.com" (jmarkell@kvnews.com); Mike Johnston; 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'
Cc: Doc Hansen; 'Allison Kimball (brooksideconsulting@gmail.com)'
Subject: Updated: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007
Attachments: CU-13-00007 Larson Fruit MDNS_signed.pdf

Larson Fruit CU-13-00007 correction. Please find attached the signed SEPA MDNS document. It was not attached properly in the first correspondence.

Thank you,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt
Sent: Tuesday, January 28, 2014 9:36 AM
To: Brenda Larsen; Bill Steele; Lisa Iammarino; Christina Wollman; Candie M. Leader; "Brent.Renfrow@dfw.wa.gov" (Brent.Renfrow@dfw.wa.gov); "Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov); Michael Flory; Lou Whitford; 'darren.habel@usace.army.mil'; Kim Dawson; Joe Gilbert; Erin Moore; Holly Duncan; Holly Myers; "jessica@yakama.com" (jessica@yakama.com); "jmarvin@yakama.com" (jmarvin@yakama.com); "johnson@yakama.com" (johnson@yakama.com); "enviroreview@yakama.com" (enviroreview@yakama.com); "Gretchen.Kaehler@DAHP.wa.gov" (Gretchen.Kaehler@DAHP.wa.gov); "russell.mau@doh.wa.gov" (russell.mau@doh.wa.gov); "tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov); tribune@nkctribune.com; 'John Cornell (Johnc@larsonfruit.com)'; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; 'separegister@ecy.wa.gov'; "crosepacoordinator@ecy.wa.gov" (crosepacoordinator@ecy.wa.gov); "jorgenja@cwu.edu" (jorgenja@cwu.edu); "nelmsk@cwu.edu" (nelmsk@cwu.edu); "linda.hazlett@dnr.wa.gov" (linda.hazlett@dnr.wa.gov); 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov';

"jmarkell@kvnews.com' (jmarkell@kvnews.com)'; Mike Johnston; 'Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)'; 'holmstr@wsdot.wa.gov'

Cc: Lindsey Ozbolt; Doc Hansen; Jeff Watson; 'Allison Kimball (brooksideconsulting@gmail.com)'

Subject: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Larson Fruit CU-13-00007

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). Please see the attached Notice of Decision SEPA Action & Public Hearing memo along with the SEPA MDNS document. Agencies within the county network may review the application file via the T-drive or by clicking the link above. Agencies outside of the county network may view the file documentation by following this link: <http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Conditional Use Permits>. This file will be updated as the application progresses.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Kittitas County Fire Marshal
brenda.larsen@co.kittitas.wa.us
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Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

Kittitas County Board of County
Commissioners
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Kittitas County Code Enforcement
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russell.mau@doh.wa.gov
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Allison Kimball
brooksideconsulting@gmail.com

Northern Kittitas County Tribune
tribune@nkctribune.com

Daily Record
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mjohnston@kvnews.com

Army Corps of Engineers
Darren.habel@usace.army.mil

johnc@larsonfruit.com

kaiserm@wsdot.wa.gov
holmstr@wsdot.wa.gov

Lindsey Ozbolt

From: Mail Delivery System <MAILER-DAEMON@gw4.usace.army.mil>
To: darren.habel@usace.army.mil
Sent: Wednesday, January 29, 2014 10:04 AM
Subject: Undeliverable: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Delivery has failed to these recipients or groups:

darren.habel@usace.army.mil

A problem occurred during the delivery of this message to this e-mail address. Try sending this message again. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: gw4.usace.army.mil

darren.habel@usace.army.mil

#< #5.0.0 smtp; 5.4.7 - Delivery expired (message too old) 'timeout' (delivery attempts: 0)> #SMTP#

Original message headers:

Subject: [EXTERNAL] Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

X-SBRS: 5.5

X-IronPort-AV: E=Sophos;i="4.95,737,1384300800";
d="pdf?scan'208,217";a="96015612"

Received: from tx2ehsobe002.messaging.microsoft.com (HELO tx2outboundpool.messaging.microsoft.com) ([65.55.88.12]) by gw4.usace.army.mil with ESMTP; 28 Jan 2014 17:36:46 +0000

Received: from mail230-tx2-R.bigfish.com (10.9.14.240) by TX2EHSOBE002.bigfish.com (10.9.40.22) with Microsoft SMTP Server id 14.1.225.22; Tue, 28 Jan 2014 17:36:41 +0000

Received: from mail230-tx2 (localhost [127.0.0.1]) by mail230-tx2-R.bigfish.com (Postfix) with ESMTP id 722CCA00212; Tue, 28 Jan 2014 17:36:41 +0000 (UTC)

X-Forefront-Antispam-Report: CIP:66.243.251.106;KIP:(null);UIP:(null);IPV:NLI;H:mail.co.kittitas.wa.us;RD:static-66-243-251-106.ellensburg.fairpoint.net;EFVD:NLI

X-SpamScore: 3

X-BigFish:

VPS3(z579ehz62a3I9371lc85fhddc2hde40hdb82hzz1f42h2148h208ch1ee6h1de0h1d18h1fdah2073h2146h1202h1e76h2189h1d1ah1d2ah21bch1fc6h1f96jzd9hdch70kz1de098h17326ah18c673h1de097h186068hz2dh793h109h2a8h839hd25hf0ah10d2h1288h12a5h12bdh137ah1441h1537h153bh15d0h162dh1631h1758h18e1h1946h19b5h1b0ah1bceh2222h224fh1d0ch1d2eh1d3fh1dc1h1dfeh1dffh1e1dh1fe8h1ff5h20f0h2216h22d0h2336h2438h2461h2487h24d7h34h1155h)

Received: from mail230-tx2 (localhost.localdomain [127.0.0.1]) by mail230-tx2 (MessageSwitch) id 1390930598246565_11483; Tue, 28 Jan 2014 17:36:38 +0000 (UTC)

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From: Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>

To: Brenda Larsen <brenda.larsen@co.kittitas.wa.us>, Bill Steele

<bill.steele@co.kittitas.wa.us>, Lisa Iammarino

<lisa.iammarino@co.kittitas.wa.us>, Christina Wollman

<christina.wollman@co.kittitas.wa.us>, "Candie M. Leader"

<candie.leader@co.kittitas.wa.us>, "Brent.Renfrow@dfw.wa.gov"

(Brent.Renfrow@dfw.wa.gov)" <Brent.Renfrow@dfw.wa.gov>,

"Mark.Teske@dfw.wa.gov" (Mark.Teske@dfw.wa.gov)" <Mark.Teske@dfw.wa.gov>,

Michael Flory <mike.flory@co.kittitas.wa.us>, Lou Whitford

<lou.whitford@co.kittitas.wa.us>, "darren.habel@usace.army.mil"

<darren.habel@usace.army.mil>, Kim Dawson <kim.dawson@co.kittitas.wa.us>, Joe

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<holly.myers@co.kittitas.wa.us>, "'jessica@yakama.com" (jessica@yakama.com)"

<jessica@yakama.com>, "'jmarvin@yakama.com" (jmarvin@yakama.com)"

<jmarvin@yakama.com>, "'johnson@yakama.com" (johnson@yakama.com)"

<johnson@yakama.com>, "'enviroreview@yakama.com" (enviroreview@yakama.com)"

<enviroreview@yakama.com>, "'Gretchen.Kaehler@DAHP.wa.gov"

(Gretchen.Kaehler@DAHP.wa.gov)" <Gretchen.Kaehler@DAHP.wa.gov>,

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"tom.justus@doh.wa.gov" (tom.justus@doh.wa.gov)" <tom.justus@doh.wa.gov>,

"tribune@nkctribune.com"

<IMCEAEX-_O=KITTITAS_OU=COURTHSE_cn=Recipients_cn=tribune+40nkctribune+2Ecom@co.kittitas.wa.us>,

"John Cornell (Johnc@larsonfruit.com)" <Johnc@larsonfruit.com>, Julie

Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>, Lisa Lawrence

<lisa.lawrence@co.kittitas.wa.us>, Patti Johnson

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<separegister@ecy.wa.gov>, "'crosepacoordinator@ecy.wa.gov"

(crosepacoordinator@ecy.wa.gov)" <crosepacoordinator@ecy.wa.gov>,

"jorgenja@cwu.edu" (jorgenja@cwu.edu)" <jorgenja@cwu.edu>,

"nelmsk@cwu.edu" (nelmsk@cwu.edu)" <nelmsk@cwu.edu>,

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<linda.hazlett@dnr.wa.gov>, "cindy.preston@dnr.wa.gov"

<cindy.preston@dnr.wa.gov>, "rivers@dnr.wa.gov" <rivers@dnr.wa.gov>,

"jmarkell@kvnews.com' (jmarkell@kvnews.com)" <jmarkell@kvnews.com>, Mike Johnston <mjohnston@kvnews.com>, "Kaiser, Mark (KaiserM@wsdot.wa.gov) (KaiserM@wsdot.wa.gov)" <KaiserM@wsdot.wa.gov>, "holmstr@wsdot.wa.gov" <holmstr@wsdot.wa.gov>

CC: Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>, Doc Hansen <doc.hansen@co.kittitas.wa.us>, Jeff Watson <jeff.watson@co.kittitas.wa.us>, "Allison Kimball (brooksideconsulting@gmail.com)" <brooksideconsulting@gmail.com>

Thread-Topic: Kittitas County Notice of SEPA Action & Public Hearing - Larson Fruit CU-13-00007

Thread-Index: Ac8cTadjxwmnHnccTQ+jCkr/exUogg==

Return-Receipt-To: <lindsey.ozbolt@co.kittitas.wa.us>

Date: Tue, 28 Jan 2014 17:36:22 +0000

Message-ID: <C97566EEC920FD4D8A425CFC93E067034A7A058B67@glamdring.co.kittitas.wa.us>

Reply-To: Jeff Watson <jeff.watson@co.kittitas.wa.us>, Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

x-originating-ip: [192.168.38.11]

Content-Type: text/plain

MIME-Version: 1.0

Return-Path: lindsey.ozbolt@co.kittitas.wa.us

X-OriginatorOrg: co.kittitas.wa.us

X-FOPE-CONNECTOR: Id%0\$Dn%*\$RO%0\$TLS%0\$FQDN%\$TIsDn%

X-FOPE-CONNECTOR: Id%0\$Dn%YAKAMA.COM\$RO%1\$TLS%0\$FQDN%\$TIsDn%

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204

ORDER CONFIRMATION

Salesperson: DANIELLE RENWICK

Printed at 01/27/14 10:58 by dde18

Acct #: 84329

Ad #: 1038779

Status: N

KC COMMUNITY DEVELOPMENT SERVICES
411 N. RUBY ST, SUITE 2
ELLENSBURG WA 98926

Start: 01/28/2014 Stop: 02/04/2014
Times Ord: 2 Times Run: ***
STD6 1.00 X 11.23 Words: 358
Total STD6 11.23
Class: 0001 LEGAL NOTICES
Rate: LEG2 Cost: 193.16
Affidavits: 1

Contact: MANDY
Phone: (509)962-7506
Fax#:
Email:
Agency:

Ad Descript: NOTICE OF SEPA ACTION
Given by: *
Created: dde18 01/27/14 10:38
Last Changed: dde18 01/27/14 10:41

COMMENTS:

COPIED from AD 995778

| PUB | ZONE | ED | TP | START | INS | STOP | SMTWTFS |
|-----|------|----|----|-------|-------|------|---------|
| DR | A | 97 | S | 01/28 | 02/04 | | |
| IN | A | 97 | S | 01/28 | 02/04 | | |

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.

Quote from Daily Record/Kittitas County Publishing (509) 925-1414
This ad will run as quoted unless cancellation is received. Please contact your sales rep 24 hours prior to first run date to cancel order.

Lindsay Ozbolt
Name (print or type)

Lindsay M Spalt
Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204

ORDER CONFIRMATION (CONTINUED)

Salesperson: DANIELLE RENWICK

Printed at 01/27/14 10:58 by dde18

Acct #: 84329

Ad #: 1038779

Status: N

**Notice of SEPA Action and
Public Hearing**
Larson Fruit Conditional
Use Permit
CU-13-00007

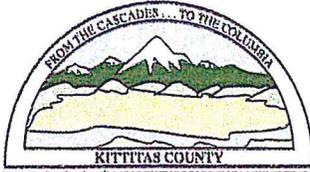
NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range.

The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of non-compliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for February 13, 2014 at 6:00 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.

Dated: January 28, 2014
Publish in Daily Record:
January 28, 2014 &
February 4, 2014



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"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

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

From: Robert "Doc" Hansen, Planning Official

Date: January 28, 2014

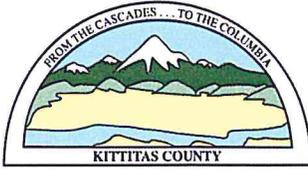
Subject: Larson Fruit Conditional Use Permit (CU-13-00007)

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Corrected Notice of Application for the submitted application was mailed on December 5, 2013.

NOTICE IS HERBY given that pursuant to 43.21C RCW, Kittitas County Community Development Services did on January 28, 2014 make a Mitigated Determination of Non-Significance (MDNS) for the Larson Fruit Conditional Use Permit (CU-13-00007). The proposal is for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest & Range. The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Lindsey Ozbolt.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of 43.21C RCW shall be commenced on or before February 11, 2014 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 KCC 15A.04.020, 43.21C RCW and KCC 15.04 (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body 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 Hearing Examiner has been scheduled for **February 13, 2014** at 6:00 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.



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

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Description:** Larson Fruit Conditional Use Permit (CU-13-00007) is a request for a conditional use permit to provide farm worker housing on approximately 2 acres of a 21 acre parcel that is zoned Forest and Range. The applicant is proposing a total of 4 units to be developed over time.
- Proponent:** Keith Larson, applicant.
- Location:** The project is located approximately one (1) mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M. in Kittitas County, bearing Assessor's map number 15-19-27000-0002.
- 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. 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.
- B. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administered by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- C. 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 supply in an area becomes limited, use could be curtailed by those with senior water rights.

- D. Prior to receiving any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027 (see attached).
- E. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.

II. Septic

- A. As of the date of this determination, there are no permitted septic systems for this proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department for assistance. Septic permits must be issued prior to issuance of any building permits.

III. Fire & Life Safety

- A. A turn-around shall be provided for fire department access.
- B. A County approved blue reflective address marker shall be posted and maintained at the driveway to the structures and on each structure. This address can be obtained through application to the Public Works Department.
- C. The buildings may be no closer than 10' from each other.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

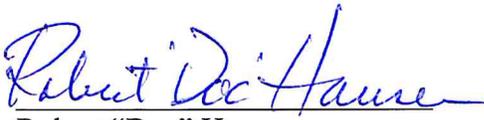
V. Noise

- 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. 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
Ellensburg, WA. 98926

Phone: (509) 962-7506 Fax: (509) 962-7682

Date: January 28, 2014

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, February 11, 2014.

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, February 11, 2014. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION
NO. 2012- 027

RATIFYING THE REVISED KITTITAS COUNTY PUBLIC HEALTH DEPARTMENT ADMINISTRATIVE POLICY
RELATED TO POTABLE WATER SUPPLY FOR SUBDIVISIONS

WHEREAS, Chapter 58.17 RCW requires the County make a determination if an applicant seeking to divide land has made appropriate provisions for, among other things, potable water supply; and

WHEREAS, Chapter 58.17 RCW requires that the finding that provisions are made for potable water supplies including whether there is adequate quantity, quality and a legal right to the water; and

WHEREAS, during a public hearing the Board of County Commissioners considered a revision to the Administrative Policy Related to Potable Water for Subdivision (Resolution 2010-082) presented by Kittitas County Public Health Department; and

WHEREAS, the revision to Resolution 2010-082 presented by Kittitas County Public Health Department addressed updates to current county policy and practices; and

WHEREAS, due notice of the public hearing had been given as required by law, and the necessary inquiry has been made into the public interest and purpose to be served by such publication; and

WHEREAS, it is the desire of the Board of County Commissioners to rescind Resolution 2010-082 and ratify the Kittitas County Public Health Department revisions to the Administrative Policy Related to Potable Water for Subdivision as presented.

NOW, THEREFORE BE IT RESOLVED the Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby approve and ratify the Kittitas County Public Health Department administrative policy related to potable water supply for subdivisions and the same is attached hereto.

DATED this 6th day of March 2012, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KIT TITAS COUNTY, WASHINGTON**



Mandy Robinson

ATTEST:
CLERK OF THE BOARD—*Deputy*

Alan Crankovich

Commissioner Alan Crankovich, Chairman

Obie O'Brien

Commissioner Obie O'Brien, Vice Chairman

Paul Jewell

Commissioner Paul Jewell

**Kittitas County Public Health Department
Administrative Policy**

Potable Water for Subdivisions

Applications for subdivisions (short plats and long plats) in Kittitas County shall include the type of water system proposed in order to acquire preliminary approval. Prior to receiving final approval for subdivisions in Kittitas County, applicants shall be required to make appropriate provision for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the following minimum requirements:

1. **GROUP A PUBLIC WATER SYSTEM:** Applicants shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by KCPHD for final plat approval. Section 16.24.210 KCC is not considered to be applicable for Group A public water systems as a Group A water system is held to a higher standard under Washington Administrative Code.
2. **GROUP B PUBLIC WATER SYSTEM:** Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Satellite Management Agency. In addition to these requirements all infrastructure for the Group B Water System including, but not limited to the well/pump house and storage tanks must be completed and water budget neutrality determination(s) from Washington State Department of Ecology (DOE) referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC) must be provided to KCPHD prior to final approval. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH and wellhead protection areas shall be required on final mylars prior to recommendation by KCPHD for final plat approval. Section 16.24.210 KCC is not considered to be applicable for Group B public water systems as a Group B water system is held to a higher standard under Washington Administrative Code.
3. **INDIVIDUAL OR SHARED WATER SYSTEM:** Section 16.24.210 KCC applies to individual and shared water systems. Applicants shall submit a well log(s) and four hour draw down test from each proposed parcel within a subdivision, water budget neutrality determination(s) from DOE referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC), and passing bacteriological and nitrate water quality test from each well. If the proposed subdivision does not have an existing well within the boundaries of each lot, a well must be drilled and the above information shall be provided to KCPHD prior to recommendation by KCPHD for final plat approval. If shared wells are proposed, in addition to

the above requirements a copy of a shared well user's agreement shall be recorded at the Kittitas County Auditor's Office for each proposed parcel that proposes to utilize a 2-party shared water system.

This policy is meant as a guideline for applicants, however Kittitas County reserves the ability to require additional proof that adequate provisions for potable water have been made by the applicant depending on any health, safety and environmental concerns specific to the project. Compliance with all current state and local rules and regulations is required and if this policy is found to be in conflict with any applicable rule, regulation or ordinance, then the rule, regulation or ordinance shall control. All applicants are required to certify that they are in compliance with WAC 173-539A or that WAC 173-539A does not apply to the applicant.

Lindsey Ozbolt

From: Erin Moore
Sent: Friday, January 24, 2014 2:48 PM
To: Lindsey Ozbolt
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application

Lindsey,

Currently there are no permitted septic systems for the proposed project. The applicant will need to follow WAC 246-272A to comply with state and local regulations. Please contact the Kittitas County Public Health Department with any questions. Thank you.

From: Lindsey Ozbolt
Sent: Friday, January 24, 2014 2:30 PM
To: Holly Myers
Cc: Holly Duncan; Erin Moore; Joe Gilbert
Subject: FW: CU-13-00007 Larson Fruit Corrected - Notice of Application

Holly,

Here is the project I was asking you about earlier today. Let me know if you have any questions. We need to address septic.

Thanks,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Lindsey Ozbolt
Sent: Thursday, December 05, 2013 9:24 AM
To: Bill Steele; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPA COORDINATOR@ECY.WA.GOV'; 'enviroreview@yakama.com'; Erin Moore; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jan Jorgenson (jorgenja@cwu.edu)'; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'J Markell'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Thalia Sachtleben (enviroreview@yakama.com)'; 'Tom Justus (tom.justus@doh.wa.gov)'; 'tribune@nkctribune.com'; James Rivard; Erin Moore; 'Allison Kimball (brooksideconsulting@gmail.com)'; 'tribune@nkctribune.com'; 'J Markell'; Mike Johnston; 'darren.habel@usace.army.mil'; 'separegister@ecy.wa.gov'; Michael Flory; Lou Whitford; Joe Gilbert
Cc: Doc Hansen; 'Allison Kimball (brooksideconsulting@gmail.com)'; 'John Cornell (Johnc@larsonfruit.com)'
Subject: CU-13-00007 Larson Fruit Corrected - Notice of Application

Corrected – Notice of Application CU-13-00007 Larson Fruit Co.

This is a corrected Notice of Application as the legal description was incorrect in the first notice. The comment period now ends on December 20, 2013 by 5:00 pm.

Kittitas County has received a land use application CU-13-00007 Larson Fruit Co. Please see the attached Notice of Application. Agencies within the county network may review the application master file via the T-drive. Agencies outside of the county network may view the related documentation by following this link: <http://www.co.kittitas.wa.us/cds/landuse.asp> and opening the designated file by application number. Comments within the body of an email are encouraged, but may be submitted as attachments or via US Mail.

Lindsey Ozbolt
Staff Planner

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

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Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Thursday, January 09, 2014 11:57 AM
To: 'John Cornell'
Subject: RE: CU13-00007 Burbank Creek project Larson

Hi John,

I am working on the SEPA determination this week and anticipate getting that sent out towards the end of next week. There is a 10 working day appeal period of this determination that must be completed prior to going before the Hearing Examiner for a public hearing. Right now I anticipate the Hearing Examiner hearing to take place on February 13th at 6:00pm. This is a tentative date and will have to be postponed if someone appeals the SEPA determination. The hearing examiner hearings only take place on the 2nd and 4th Thursdays of each month.

In regards to the question you had while I was out...you do not have to respond to the comments that have been received and transmitted to you. It is at your discretion. If you do decide to respond to them, they would need to be in the record no later than the night of the Hearing Examiner Hearing.

Please let me know if you have any further questions.

Regards,

Lindsey Ozbolt
Planner II

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: John Cornell [mailto:Johnc@larsonfruit.com]
Sent: Thursday, January 09, 2014 8:41 AM
To: Lindsey Ozbolt
Subject: CU13-00007 Burbank Creek project Larson

Hi, Lindsey. Just checking in for status of project app. any idea when the SEPA Determination coming and/or date of public hearing? JohnC

Lindsey Ozbolt

From: Jeff Watson
Sent: Thursday, January 02, 2014 2:06 PM
To: 'John Cornell'
Cc: Lindsey Ozbolt
Subject: RE: CU13-00007 Larson Fruit Burbank comment

Follow Up Flag: Follow up
Flag Status: Completed

Lindsey will be returning from vacation on Monday; you will have an open record public hearing with the Hearings Examiner where you may address comments. I would call Lindsey on Monday regarding your SEPA question.

Jeffrey A. Watson
Planner II
[Kittitas County Public Works/Community Development Services](#)
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: John Cornell [mailto:Johnc@larsonfruit.com]
Sent: Thursday, January 02, 2014 1:25 PM
To: Jeff Watson
Subject: FW: CU13-00007 Larson Fruit Burbank comment

Jeff, Lindsey out. Can you respond? Thanks. JohnC

From: John Cornell
Sent: Thursday, January 02, 2014 1:23 PM
To: Lindsey Ozbolt (lindsey.ozbolt@co.kittitas.wa.us)
Subject: CU13-00007 Larson Fruit Burbank comment

Hi Lindsey, got the comments in mail from Jeff W..

Looked them over per his request. Is it required for us to 'respond' to neighbors comments? Will there be a public hearing? Testimony, written proofs of allegations made? Etcetc. Should WE be commenting at this time prior to the SEPA determination? Pls advise asap.

Cordially, JohnC

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message id: 38eb45916c6dcbdac24bb8719d004a14

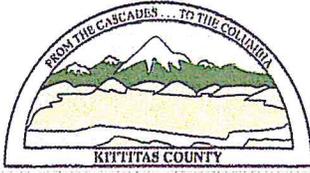
Jeff Watson

From: Jeff Watson
Sent: Monday, December 23, 2013 1:48 PM
To: 'johnc@larsonfruit.com'
Subject: CU-13-00007 Larson Fruit
Attachments: CU-13-00007 Larson Fruit_Pool_Comments Combined.pdf; CU-13-00007 Larson FruitTransmittal of Comments Signed.pdf

[CU-13-00007 Larson Hyperlink to Fruit On Line File](#)

Please see attached for information regarding the above application.

Jeffrey A. Watson
Planner II
[Kittitas County Public Works/Community Development Services](#)
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274



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"

December 20, 2013

FILE COPY 

Keith Larson
Larson Fruit Co.
PO Box 70
Selah, WA 98942

RE: Transmittal of Comments – Larson Fruit Conditional Use Permit (CU-13-00007)

Dear Mr. Larson:

Enclosed are the comments received regarding the Larson Fruit Conditional Use Permit (CU-13-00007) during the comment period:

- December 5, 2013 WA Department of Ecology, Russel Mau
- December 10, 2013 Kittitas County Fire Marshal, Brenda Larsen
- December 12, 2013 Kittitas County Public Works – memo and transportation concurrency, Christina Wollman
- December 13, 2013 WA Department of Transportation, Mark Kaiser and Rick Holmstrom
- December 13, 2013 Public Comment, Pat L'Heureux
- December 18, 2013 Public Comment, Viki Essex
- December 19, 2013 Public Comment, Brad Pool

Please review all comments and notify me of any questions. I will be issuing the SEPA Checklist determination based in part on the comments received.

Sincerely,

Jeff Watson, Staff Planner For:
Lindsey Ozbolt, Planner of Record CU-13-00007

cc: John Cornell, Project Coordinator *via email*

Project File Number: CU-13-00007

Project Name: Larson Fruit Co. Conditional Use Permit

Applicant: Keith Larson



Comments regarding

CU-13-00007

Date: 12-12-13

Subj: Larsen Fruit Farm Housing Proposal at Burbank Creek

From: Brad Pool resident of Burbank Creek



Just this last week I received a letter from Kittitas Planning regarding this proposal.

After reviewing the letter and associated documents I find I must strongly object to this plan for various reasons as listed below as well as others not listed.

1) I feel that this proposal was intentionally hidden from local residents in order to minimize time for objections.

a) proposal has been in the works for some time now according to what I see documented and yet residents are only now receiving information on the proposal and are given barely one week to respond. Due date for response being 12-20-13.

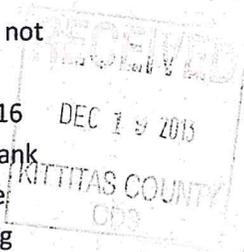
b) required 'Land Use Action' signage was posted in such a manner as to not be readily visible to the local residents. It was posted well off the main road on which residents travel. It was posted behind a locked gate and behind 'No Trespassing' signs that would prevent locals from viewing unless they crossed these no trespass areas which of course could be deemed illegal. It would have been no trouble to post an informational sign at the main road. The project location is listed with an address of 1121 BURBANK CREEK RD. Being that the address lists Burbank Creek as it's location should'nt the 'Land Use' signage been on Burbank Creek where residents may have had a chance to acknowledge? Unless of course it was posted in this manner to hinder opposition.

Some documentaiton lists the location of the project as being approx. 1 mile east of SR 821 on Burbank road while in at least 2 other places the location is said to be 3 miles to the east of SR 821 on Burbank Creek road.

a) I have received 2 letters (1 correction) regarding the location of said project. One says section 15 while the correction notice says section 27. After reviewing documents online I find the permit says (still) section 15 and in looking at the map provided in documents it shows section 15 as the proposed location.

b) After physically viewing the proposed location (derived from the signage) I find that land has already been cleared for the project. This would seem to be an assumption that a permit would be forthcoming..... regardless of any opposition. Wonder where that idea might come from? Why would land be cleared for a project like this prior to permit approval.

Documents tout less vehicle travel in the area since these will be foriegn workers and will not have cars. If this is the case why are there 16 parking spaces provided? This project upon completion can house up to 48 residents at one time. If even one third of these (16) (thus 16 spaces?) of the residents have cars and use them at all it would be devastating to the Burbank road. Burbank road is at best a one lane, gravel road with few turn outs and more than one blind corner. May times in the past (I have lived here 17 yrs.) I have been met by a speeding farm worker either coming to work or leaving.



Larsen fruit will no doubt say the proposal will allieviate these occurances. To that I would ask; will no domestic workers be used anymore? Will housed workers be not allowed to have vehicles? Will housed workers be not allowed to have visitors (with cars)?

Burbank road has been a point of contention between Larsen and local residents as long as I know of. It was only this fall (2013) that they have taken a major initiative to upgrade the road after many years of damage from orchard equipment. They have in recent past been adding small amounts of gravel in specific areas just prior to harvest mostly to minimize damage to fruit being transported, not to benefit the roadway specifically.

For the most part over the last 17 years, I have, at my own time and expense, taken care of much of the road albiet not to the most satisfactory condition due to lack of finance and equipment. Not once over this time period has Larsen Fruit offered to help.

In 2008 the residents were notified by USPS that mail delivery to our location would cease unless the road was repaired to their expectations. At that time I organized several residents to provide funds for repair and for physical help to do the work. The cost of the project was in the area of \$2500.00. Of this I was able to procure \$500.00 from Larsen Fruit but could not procure any equipment or physical help. The remainder of finances came from local residents.

If Larsen Fruit is expecting to use only foriegn workers from now on what impact will that have on all the domestic workers and their families who have, over the years, been faithful workers for Larsen Fruit and come to expect and hope for another seasons employment?

I fully believe wildlife habitat will be negatively affected. It is ridiculous to presume that with the addition of up to 48 people would not have a negative effect.

Just today I watched as a deer was being slaughtered in one of the orchards. I investigated this as I thought it might be a case of poaching. I immediately contacted 911 and WDFW. I found that a permitted hunt had taken place under the guise of depedation. I find it repulsive that gates (of the orchards) can be left wide open for hours on end then if wildlife happens to wander in looking for food it becomes the culprit and must be eradicated. Will the same thing happen if wildlife finds it's way into the project area.

RECEIVED
DEC 19 2013
KITITITAS COUNTY
CDS

I was told (by Larsen rep.) that it was not feasible to close the gates after entry.

At the time the hunt was discovered by a resident there was a hunting dog (owned by some member of the hunt or permit holder) running loose. Dogs are in general forbidden to be used/in the field during a big game hunt.

Larsen Fruit acknowledges a set of rules will be in place regarding conduct of it's workers. What are these rules?

Regardless of many studies professing farm housing in a neighborhood does not impact home prices I would disagree. Of all the studies I find that none ask two relative questions;

1) given two identical properties with the same asking price yet one property has farm worker housing close by, which property would most likely attract more offers? This reduces potential buyers of the property in proximity of farm housing which in effect reduces property values.

2) would you like farm housing in your backyard?

I believe the answers would point in a direction tha opposes farm housing.

According to code 17.60a the project must be desirable to public convenience or essential and not be detrimental or injurious to the peace of surrounding neighborhood. Project is not compatible with my property zoning of rural/residential. Project is clearly not desirable to the public of this area. The 'public' are the residents of the immediate area not those from miles away who have no vested interest in the area other than monetary.

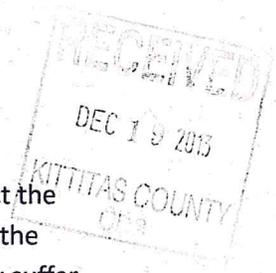
The area of the project is not serviced by fire protection. The only fire protection mentioned for the project amounts solely to the structures. It does not address the surrounding areas which are constantly in jeopardy due to the nature of it (tinder dry sagebrush and grasses).

For years the local people have been in conflict with Larsen fruit regarding trash in the area from farm workers. Larsen has been ask to at least do a weekly cleanup of the areas. The trash continues. Some of the local residents make a habit of walking the area to pick up trash.

There have been multiple burglurries in the area and I have been told that for one occurance the perpetrators were discovered and that they were workers related to Larsen Fruit. What security measures will be instituted? As the situation stands now the workers are here during daylight hours only. This proposal will bring a significant amount of people tothe area 24 hours a day.

Is this project in compliance with WISHA?

Given the history (my preception) of Larsen Fruit's lack of responsible actions in the past, ie trash, road damage, wildlife protection, I find it difficult to believe anything will change for the



better with the addition of this project.

In short, it is evident that this project is not desirable in this area. It will drastically affect the peace of residents. It will likely result in more trash in surrounding areas. Regardless of the contention of less traffic I doubt that will be the case. Wildlife in the area will definately suffer. As wildlife becomes more remote due to population increase the lifestyle of local residents will suffer.

If this project is to be allowed regardless of resident opposition I would suggest there be some enforcable conditions in place to help allieviate resident concerns;

- 1) continued maintenance of Burbank Creek road to a condition equivalent to present state from 1121 Burbank Creek road west to SR 821.
- 2) improve and maintain the lateral roadway between the two orchards on the north side of Burbank Creek road from the postal sign (723) to the cattle guard/orchard gate on the east side of the western orchard along this lateral. This roadway receives a large amount of orchard related traffic also. It should be improved and maintained to an equivalent of Burbank Creek road at present.
- 3) trash detail along Burbank Creek road from 1121 Burbank Creek road continuing to SR 821 and also along the above mention lateral. This detail should include inside and outside of fences that surround all orchards. It should also include the fence line on the east side of Roza View road. The detail should include all fence lines surrounding all orchard areas. Trash can be found in all of these areas. This detail should be monthly a minimum.
- 4) dusk to dawn curfew established for workers.
- 5) all gates should be kept closed at all times other than during immediate entrance or exit to help avoid wildlife entrance to orchards. This would greatly reduce the occurance of depredation killing.
- 6) all fences should be maintained to eliminate wildlife entry (specifically deer and elk). At present at least one gate has been reduced in height enough that deer can easily jump to gain entrance. This gate happens to be one for entrance to the orchard where a depredation kill took place on 12-12-13.
- 7) all efforts to remove wildlife safely should be exhausted prior to any slaughter and prior to slaughter residents should be informed of pending action and be allowed to monitor any hunt. A willing member of the community (actually residing) should be the permitted hunter.

Respectfully

Brad and Debra Pool

723 Burbank Creek rd.

Yakima, Wa. 98901



By Pool Debra Pool

Kimberly Hush

Homer P. Hush

Paul J. Hush

Victoria Essex/ Rory Moore
P.O. Box 29322
Bellingham, WA 98228 victrolup@aol.com
680 Burbank Creek Rd.
Owners of parcel #324133

December 18, 2013
RE: CU-13-00007

Dear Kittitas Co. Community Development Services,

I am commenting on the proposed farm workers housing by Larson Fruit Company slated for the property directly across Burbank Creek from our 10 acre parcel. We do not live on our property at this time, but use it for recreational purposes, mainly in the summer and fall. We purchased this property because the canyon is a peaceful place where we enjoy viewing wildlife and spending quiet evenings outdoors. The most scenic part of our property is that nearest the creek, where we are able to sit and enjoy the creek and the surroundings there.

I am particularly concerned about noise from housing 48 individuals in such a small area, akin to an urban apartment complex. There are barely more than 48 inhabitants of the whole canyon, now spread out with each dwelling on 10 or more acres.

I am interested in the precedent that will be set by allowing this housing project to go forward. We have wondered about other uses for our property, for instance opening an RV park for fishermen and hunters seasonally, but assumed that we would be limited to the one dwelling that current zoning allows. I would think that the approval of this type of conditional use permit might make future development a possibility for us. The fact that septic systems will be installed to handle 48 individuals in this housing project, makes me think that we could have a system to handle 24 people on our 10 acres.

Our past dealings with Larson Fruit Company and the Burbank Creek Well Users Association, have made us feel that those with the most money will prevail, regardless of the other tax-paying individuals affected by their actions, in this case I hope that is not true.

With that being said, I am opposed to issuing this permit. I am concerned about the proximity to the creek and our property line. I propose that if this permit is approved that there be plantings and fencing on the north side of the project so that it is camouflaged from the creek and our property by more than the existing scrub brush.

I would ask that there be some formal way for concerns that arise from this project to be aired, once it was in operation. I also ask that there be a review and public hearing before the second phase of this project is implemented. Since this is "temporary" housing, I would hope that should there be problems because of this, the use permit could be overturned and the mobile housing units removed.

Sincerely,


Victoria K. Essex- owner

Rory R. Moore- spouse

Lindsey Ozbolt

From: Steph Mifflin
Sent: Wednesday, December 18, 2013 4:41 PM
To: Lindsey Ozbolt
Cc: victrolup@aol.com
Subject: FW: CU-13-00007
Attachments: Farm_worker_letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Thank you Viki!

Your comments have been forwarded to the Staff Planner handling this Conditional Use Permit.

Have a great Christmas! ☺

Stephanie Mifflin
Permit Technician
Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
steph.mifflin@co.kittitas.wa.us
P: 509.962.7506
F: 509.962.7682

From: Viki Essex [mailto:victrolup@aol.com]
Sent: Wednesday, December 18, 2013 3:40 PM
To: CDS User
Subject: CU-13-00007

Hello, I am submitting my letter regarding the Larson Fruit Co. Conditional Use Permit for Farm Worker Housing along Burbank Creek. Please know that my husband and I are opposed to this permit being issued. Regards, Victoria Essex
360-312-1427

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Dec. 10. 2013



Kittitas County Community Development Services.
Regarding Project file number:CU-13-00007

I am writing concerning the purposed housing for the farm workers in the Burbank Creek. My husband and I have live in our present home, about a quarter mile from the purposed building site since 1983. Our reason for locating in this rather remote area was for privacy, security and to enjoy the wild life. Which we have done for all these years. The way we are zoned out there should protect us from this happening.

I myself walk the Burbank Road everyday and feel safe. I am also the self appointed garbage pick up person. During the periods we have farm workers In the Orchard a large amount of trash gets thrown out of the car windows. I want this area to stay as beautiful as possible. None of the workers ever pick up garbage.

I do not feel any one would want this type of housing in their back yard, in my case the front yard. This will also have an effect on the wild life that use the Burbank Creek for refuge. The additional noise will drive them out of the area and I certainly do not want this. When I walk it Is not at all unusual to see 2 to 5 deer in the property directly across the creek. Not to say what this will do to that owners property value.

This development will only benefit Larson's Orchards and hurt the rest of us.

I have safety concerns and also I am concerned as to what will this do to the value of our property?

At this time there is no on site foreman. Also I do not believe they can see the purposed housing from the Mobil that the foreman would occupy.

I believe they are starting out with 24 farm workers occupying this Housing and then going to 48. This is more people then live in the Burbank. And what will the workers do when they are not working? I am opposed to This housing.

Sincerely,

Pat L'Heureux

Pat L'Heureux

1260 Burbank Cr. Rd



Lindsey Ozbolt

From: Holmstrom, Rick <HolmstR@wsdot.wa.gov>
Sent: Friday, December 13, 2013 2:23 PM
To: Lindsey Ozbolt; Christina Wollman
Cc: Kaiser, Mark
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application (SR-821 MP 7.68 Rt. Burbank Creek Rd - Private Rd.)

Thank you. We will get back to you early next week with any additional comments, if necessary.

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Friday, December 13, 2013 2:20 PM
To: Holmstrom, Rick; Christina Wollman
Cc: Kaiser, Mark
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application (SR-821 MP 7.68 Rt. Burbank Creek Rd - Private Rd.)

Good afternoon Rick.

Attached is the information you requested.

Thanks,

Lindsey Ozbolt
Staff Planner

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Holmstrom, Rick [mailto:HolmstR@wsdot.wa.gov]
Sent: Thursday, December 12, 2013 1:03 PM
To: Lindsey Ozbolt; Christina Wollman
Cc: Kaiser, Mark
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application (SR-821 MP 7.68 Rt. Burbank Creek Rd - Private Rd.)

Lindsey, I have a couple more things to add to Mark's comments but need the Kittitas County file numbers AFN 450140 and amended AFN 467244. Can you please provide?

From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Wednesday, December 11, 2013 4:35 PM
To: Kaiser, Mark; Christina Wollman
Cc: Holmstrom, Rick
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application (SR-821 MP 7.68 Rt. Burbank Creek Rd - Private Rd.)

Mark,

Your comments have been received and added to the record. Thank you.

Lindsey Ozbolt
Staff Planner

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Kaiser, Mark [<mailto:KaiserM@wsdot.wa.gov>]
Sent: Wednesday, December 11, 2013 4:09 PM
To: Christina Wollman
Cc: Lindsey Ozbolt; Holmstrom, Rick
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application (SR-821 MP 7.68 Rt. Burbank Creek Rd - Private Rd.)

Hello Christina,

WSDOT view's seasonal farm worker housing as part of the normal operation of a farm, and it is reasonable to assume the average weekday trip ends would be reduced on the Burbank Creek Rd.

I went ahead and looked at the collision data for Burbank Creek Rd. and there have been no collision at the intersection

Thanks

Mark Kaiser
WSDOT - Planning Office
Phone: 509-577-1668

From: Christina Wollman [<mailto:christina.wollman@co.kittitas.wa.us>]
Sent: Wednesday, December 11, 2013 8:30 AM
To: Holmstrom, Rick; Kaiser, Mark
Cc: Lindsey Ozbolt
Subject: FW: CU-13-00007 Larson Fruit Corrected - Notice of Application

Hi Rick and Mark,

I don't see that you were notified of this project. It's farmworker housing on Burbank Creek Road. Their transportation concurrency application states that traffic will be decreased by this project because the workers will live on site instead of being transported on site each day during the picking season. That application is attached. Please let me know if you have any concerns with this project because as of now Public Works will have no conditions.

The link below does not work. Use <http://www.co.kittitas.wa.us/cds/land-use/default.aspx>

Thank you,

Christina Wollman, AICP CFM
Planner II | Floodplain Manager
[p] 509.962.7051 | [f] 509.962.7663

From: Lindsey Ozbolt
Sent: Thursday, December 05, 2013 9:24 AM

To: Bill Steele; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candace M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPA COORDINATOR@ECY.WA.GOV'; 'enviroreview@yakama.com'; Erin Moore; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jan Jorgenson (jorgenja@cwu.edu)'; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'J Markell'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Thalia Sachtleben (enviroreview@yakama.com)'; 'Tom Justus (tom.justus@doh.wa.gov)'; 'tribune@nkctribune.com'; James Rivard; Erin Moore; 'Allison Kimball (brooksideconsulting@gmail.com)'; 'tribune@nkctribune.com'; 'J Markell'; Mike Johnston; 'darren.habel@usace.army.mil'; 'separegister@ecy.wa.gov'; Michael Flory; Lou Whitford; Joe Gilbert
Cc: Doc Hansen; Allison Kimball (brooksideconsulting@gmail.com); John Cornell (Johnc@larsonfruit.com)
Subject: CU-13-00007 Larson Fruit Corrected - Notice of Application

Corrected – Notice of Application CU-13-00007 Larson Fruit Co.

This is a corrected Notice of Application as the legal description was incorrect in the first notice. The comment period now ends on December 20, 2013 by 5:00 pm.

Kittitas County has received a land use application CU-13-00007 Larson Fruit Co. Please see the attached Notice of Application. Agencies within the county network may review the application master file via the T-drive. Agencies outside of the county network may view the related documentation by following this link: <http://www.co.kittitas.wa.us/cds/landuse.asp> and opening the designated file by application number. Comments within the body of an email are encouraged, but may be submitted as attachments or via US Mail.

Lindsey Ozbolt
Staff Planner

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

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message id: 38eb45916c6dcbdac24bb8719d004a14

450140\

KITTITAS COUNTY AUDITOR
FRED REEDER OF:

Burbank Creek Partnership
'81 MAR 6 PM 2:10

ACCESS AND UTILITIES EASEMENTS

BURBANK CREEK PROJECT

THIS AGREEMENT made this 5th day of March, 1981, by and between EMILE L. ROBERT, JR. and VICTOR E. ROBERT, "First Parties", and BURBANK CREEK LIMITED PARTNERSHIP, "Second Party":

W I T N E S S E T H:

WHEREAS, First and Second Parties are the owners of property within Sections 15, 21, 22, 23 and 26, Township 15 North, Range 19 E.W.M., in Kittitas County, Washington; and,

WHEREAS the parties have developed access and utilities easements over and across strips of land sixty (60) feet in width for the benefit of the First and Second Parties and their assigns; and

WHEREAS, the First and Second Parties wish to enter into and execute the within Easement Agreement for the protection of said parties and for the protection of those who have purchased from them or who will in the future purchase from them.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, it is hereby agreed as follows:

1. First and Second Parties do hereby give, grant and convey to themselves and to those parties who have purchased tracts within the Burbank Creek Project or over and through which the existing roadways pass, an access and utility easement sixty (60) feet in width as described and set forth in the roadway grid attached hereto and marked Exhibit "A" and more fully described in Exhibit "B" which contains the legal description for roads A, B, C, D, E, F, H, I, J and K.

2. It is specifically understood that the Access and Utility Easements set forth in the road grid attached as Exhibit "A" and described in Exhibit "B" shall comprise an easement over and across a strip of land sixty (60) feet in width, being thirty (30) feet on both sides of the described centerlines.

EXECUTED on the day and year first above written.

SECOND PARTY:

BURBANK CREEK LIMITED PARTNERSHIP:

BY: [Signature]
General Partner

FIRST PARTIES:

[Signature]
EMILE L. ROBERT, JR.
[Signature]
VICTOR E. ROBERT

Access & Utilities Easement

LAW OFFICES OF
DOUGLAS A. WILSON
AND
GERALD L. MIKESSELL
SUITE 2, VANDERBILT LEGAL CENTER
305 EAST "D" STREET
YAKIMA, WASHINGTON 98901
(509) 248-6422

OFFICIAL RECORDS

Amendment Vol. 176 pg. 423, 424

145 PAGE 173

EXHIBIT "B"

BURBANK CREEK PROJECT

The following are the legal descriptions of the roadways within the Burbank Creek Project, within Sections 15, 21, 22, 23, and 26, Township 15 North, Range 19 East of the Willamette Meridian, Kittitas County, Washington.

Access and utility easements over and across strips of land 60.00 feet in width, being 30.00 feet on both sides of the following described centerlines:

ROAD "A"

Beginning at the Northwest corner of Section 22, Township 15 North; Range 19 East; W.M.; thence South $0^{\circ}03'$ East along the West line of said Section 2640.80 feet to the West Quarter corner of said Section 22; thence South $23^{\circ}41'41''$ West 1973.05 feet to the Easterly right of way line of the State Highway and the true point of beginning; thence South $70^{\circ}57'21''$ East 314.22 feet; thence North $85^{\circ}21'14''$ East 234.40 feet; thence North $35^{\circ}02'17''$ East 156.44 feet; thence North $69^{\circ}50'13''$ East 1053.70 feet; thence along the arc of a curve to the right, having a central angle of $24^{\circ}26'13''$, a radius of 1154.51 feet and a chord bearing and distance North $82^{\circ}03'07''$ East 488.80 feet; thence South $85^{\circ}43'34''$ East 589.67 feet; thence North $64^{\circ}35'27''$ East 853.56 feet; thence along the arc of a curve to the right, having a central angle of $39^{\circ}07'28''$, a radius of 281.42 feet and a chord bearing and distance of North $84^{\circ}09'12''$ East 188.46 feet; thence South $76^{\circ}17'05''$ East 454.21 feet; thence South $61^{\circ}46'15''$ East 690.00 feet; thence South $62^{\circ}15'54''$ East 817.29 feet; thence South $55^{\circ}02'45''$ East 782.67 feet; thence South $62^{\circ}09'05''$ East 1513.15 feet; thence South $35^{\circ}42'09''$ East 682.65 feet; thence South $48^{\circ}12'00''$ East 1035.67 feet; thence South $50^{\circ}42'29''$ East 213.76 feet to the East line of the West Half of Section 26, Township 15 North; Range 19 East; W.M. and the terminus of said ROAD "A".

VOL 145 PAGE 176

(Ret) KCTC

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KITTITAS COUNTY AUDITOR
FILED PROMPT OF: KCTC
1983 JAN 25 PM 4:54

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AMENDMENT TO ACCESS AND UTILITIES EASEMENTS

BURBANK CREEK PROJECT

1. PARTIES:

- 1.1 EMILE L. ROBERT, JR., as his separate estate, and VICTOR E. ROBERT and MARTHA H. ROBERT, husband and wife, ("Robert" herein);
- 1.2 BURBANK CREEK LIMITED PARTNERSHIP, a Washington Limited Partnership, ("Partnership" herein).

2. RECITALS:

- 2.1 On March 5, 1981, Robert and Partnership executed a document entitled "Access and Utilities Easements - Burbank Creek Project", recorded March 6, 1981, under Kittitas County Auditor's File No. 450140.
- 2.2 The purpose of the document was to provide for access and utilities easements over and across strips of land.
- 2.3 It is necessary to amend said document of March 5, 1981, to correct the incorrect legal descriptions describing the location of said easements, and for valuable consideration, receipt of which is acknowledged, the parties agree as follows:

3. AMENDMENT:

Road "A" of said document dated March 5, 1981, is hereby amended to read as follows:

-1- AMENDMENT TO ACCESS AND UTILITIES EASEMENTS
BURBANK CREEK PROJECT

LAW OFFICES OF
PETER, SCHWALZ, LEADON & FOWLER, P.S.
P.O. BOX 136
SELAH, WASHINGTON 99042
807-7281

OFFICIAL RECORDS

6.50

44114

176-423

Beginning at the Northwest corner of Section 22, Township 15 North, Range 19 East, W.M.; thence South 0°03' East along the West line of said Section 2640.80 feet to the West quarter corner of said Section 22; thence South 23°41'41" West 1973.05 feet to the Easterly right of way line of the State Highway and the true point of beginning; thence South 70°57'21" East 314.22 feet; thence North 85°21'14" East 234.40 feet; thence North 35°02'17" East 156.44 feet; thence North 69°50'13" East 1053.70 feet; thence along the arc of a curve to the right, having a central angle of 24°50'47", a radius of 1154.51 feet and a chord bearing and distance of North 82°15'36" East 496.74 feet; thence South 85°19'00" East 589.78 feet; thence North 65°00'01" East 853.56 feet; thence along the arc of a curve to the right, having a central angle of 39°07'30", a radius of 281.42 feet and a chord bearing and distance of North 84°33'46" East 188.46 feet; thence South 75°52'31" East 454.21 feet; thence South 61°21'41" East 690.03 feet; thence South 62°51'20" East 817.29 feet; thence South 54°38'11" East 782.67 feet; thence South 61°44'31" East 1513.15 feet; thence South 35°17'35" East 682.65 feet; thence South 47°23'30" East 1008.62 feet; thence South 40°49'07" East 312.12 feet; thence South 64°15'00" East 242.00 feet; thence South 57°10'00" East 130.00 feet; thence South 49°47'00" East 125.00 feet; thence South 33°05'00" East 145.00 feet; thence South 14°57'00" East 315.00 feet; thence South 40°58'00" East 147.00 feet; thence South 68°12'00" East 287.00 feet; thence South 75°06'00" East 277.00 feet; thence North 83°27'00" East 561.00 feet; thence South 71°26'00" East 177.00 feet; thence South 65°27'00" East 302.84 feet to the East line of Section 26, Township 15 North, Range 19 East, W.M. and the terminus of said easement, said point being South 0°39'30" East as measured along the East line of Said Section 440.87 feet from the East quarter corner of Section 26.

All remaining terms and conditions of said Access and Utilities Easements document dated March 5, 1981, shall remain unaltered.

DATED this 21st day of November, 1982.

BURBANK CREEK LIMITED PARTNERSHIP,
A Washington Limited Partnership

By Roy A. Sample
Roy A. Sample, General Partner

Emile L. Robert, Jr.
Emile L. Robert, Jr.

Victor E. Robert
Victor E. Robert

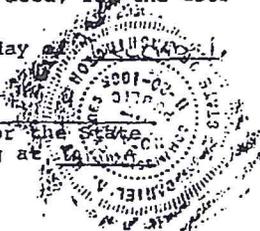
Martha H. Robert
Martha H. Robert

STATE OF WASHINGTON)
) ss.
County of Yakima)

This is to certify that on this day personally appeared before me, ROY A. SAMPLE, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10 day of February, 1982.

[Signature]
NOTARY PUBLIC in and for the State
of Washington, residing at *[Address]*



STATE OF WASHINGTON)
) ss.
County of Yakima)

This is to certify that on this day personally appeared before me, EMILE L. ROBERT, JR., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 20 day of March, 1982.

[Signature]
NOTARY PUBLIC in and for the State
of Washington, residing at *[Address]*

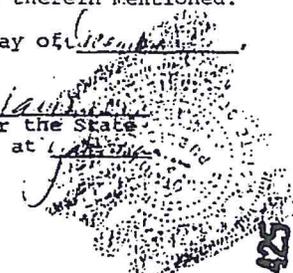


STATE OF WASHINGTON)
) ss.
County of Yakima)

This is to certify that on this day personally appeared before me, VICTOR E. ROBERT and MARTHA H. ROBERT, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 31st day of December, 1982.

[Signature]
NOTARY PUBLIC in and for the State
of Washington, residing at *[Address]*

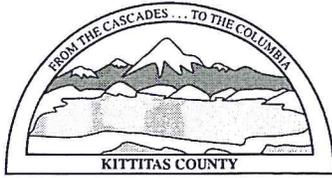


-3- AMENDMENT TO ACCESS AND UTILITIES EASEMENTS
BURBANK CREEK PROJECT

LAW OFFICES OF
PETERS, SCHMALZ, LEADON & FOWLER, P.S.
P. O. BOX 156
SELMA, WASHINGTON 99642
807-7321

OFFICIAL RECORDS

vl 176-425



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

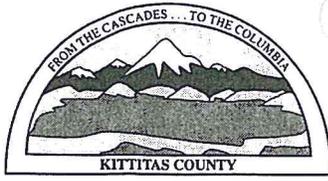
MEMORANDUM



TO: Lindsey Ozbolt, CDS
FROM: Christina Wollman, Planner II *CW*
DATE: December 12, 2013
SUBJECT: Larson Orchards CU-13-00007

Kittitas County Public Works has reviewed the application for farmworker housing. The applicant has stated that this housing will reduce the traffic impacts by reducing the number of vehicle trips coming to the site. Instead of transporting workers to the site daily, workers will be living on site and will not need to commute. A Determination of Transportation Concurrency has been issued and no adverse impact to the transportation system is expected.

The applicant should be aware that each structure will require an address, which can be obtained through application to the Public Works Department.



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

Kirk Holmes, Director

DETERMINATION OF CONCURRENCY FINDING



Project: TC-13-00013 Larson Orchards CU-13-00007

Description: Farmworker housing.

Proponent: Larson Orchards
PO Box 70
Selah, WA 98942

Landowner: Larson Orchards, Inc
PO Box 70
Selah, WA 98942

Location: The project is located on Burbank Creek Road, Selah, WA, in a portion of Section 22, T15N, R19E, WM in Kittitas County. Assessor's map number: 15-19-22000-0044.

Serving Roadway: SR 821

Capacity Allocation: No allocation required.

Kittitas County Department of Public Works has determined there will not be a significant impact to the County roads serving this project and there is sufficient capacity on the serving roadways for the additional traffic to be generated by this project. No mitigation will be required. This decision was made after review of the completed transportation concurrency management application which is on file with Public Works. This information is available to the public on request.

This concurrency finding is issued under KCC 12.10. This determination may be appealed within 15 days of this notification to the Road Variance Committee. The applicant may request reconsideration of the results of the concurrency evaluation by the Public Works Director within 15 days of this notification.

Signed: *Cubberman*

Date: 12-12-13



KITITAS COUNTY FIRE MARSHAL'S OFFICE

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

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

December 9, 2013

Lindsey Ozbolt
Staff Planner
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926



Re: Larson Fruit (CU-13-00007)

Dear Ms. Ozbolt:

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

- A turn-around shall be provided for fire department access.
- A County approved blue reflective address marker shall be posted and maintained at the driveway to the structures and on each structure. The individual structures shall be assigned a number or letter by the project manager for emergency purposes, i.e Building 1, Building A, etc.
- The buildings may be no closer than 10' from each other.
- Submittal of a WUI application is required for this property as it is located outside of a fire district.
- Fire extinguishers shall be located appropriately. I can assist with this prior to occupancy.
- A fire and life safety inspection shall be conducted prior to occupancy.
- All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the most current version of the International Fire & Building Codes.

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

Lindsey Ozbolt

From: Brenda Larsen
Sent: Tuesday, December 10, 2013 8:53 AM
To: Lindsey Ozbolt
Subject: Larson Fruit CU-13-00007
Attachments: Larson Fruit.doc

Follow Up Flag: Follow up
Flag Status: Completed

Good morning, Lindsey! Please find the comments for the Larson Fruit CUP attached!

I hope you have a great day!!

Brenda Larsen
Kittitas County Fire Marshal
509-962-7000

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Thursday, December 05, 2013 10:47 AM
To: 'Mau, Russell E (DOH)'; Jeff Watson
Cc: Holly Duncan
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application

Thank you Russell,
Your comments have been received.

Lindsey Ozbolt
Staff Planner

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
Phone: 509-962-7637
Email: lindsey.ozbolt@co.kittitas.wa.us

From: Mau, Russell E (DOH) [mailto:Russell.Mau@DOH.WA.GOV]
Sent: Thursday, December 05, 2013 10:45 AM
To: Jeff Watson; Lindsey Ozbolt
Cc: Holly Duncan
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application

All:

I received an email alert that the email, below, may not have reached everyone, so I am resending.

PLEASE SEE BELOW!

Thanks,

Russell E. Mau, Ph.D., P.E.
Regional Engineer
Department of Health, Office of Drinking Water
16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216
Desk: 509-329-2116
Fax: 509-329-2104
Russell.Mau@DOH.WA.GOV

Public Health - Always Working for a Safer and Healthier Washington
Visit our web site at www.doh.wa.gov/ehp/dw

From: Mau, Russell E (DOH)
Sent: Thursday, December 05, 2013 10:37 AM
To: 'Jeff Watson'; 'Dan Valoff'
Cc: Holly Duncan (holly.duncan@co.kittitas.wa.us)
Subject: RE: CU-13-00007 Larson Fruit Corrected - Notice of Application

Hello:

Department of Health, Office of Drinking Water requires an approved water system for this application.

Thanks,

Russell E. Mau, Ph.D., P.E.

Regional Engineer

Department of Health, Office of Drinking Water

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

Desk: 509-329-2116

Fax: 509-329-2104

Russell.Mau@DOH.WA.GOV

Public Health - Always Working for a Safer and Healthier Washington

Visit our web site at www.doh.wa.gov/ehp/dw

From: Lindsey Ozbolt [<mailto:lindsey.ozbolt@co.kittitas.wa.us>]

Sent: Thursday, December 05, 2013 9:24 AM

To: Bill Steele; Brenda Larsen; Renfrow, Brent D (DFW); Candie M. Leader; Christina Wollman; PRESTON, CINDY (DNR); ECY RE CRO SEPA COORDINATOR; 'enviroreview@yakama.com'; Erin Moore; Kaehler, Gretchen (DAHP); Holly Duncan; 'Jan Jorgenson (jorgenja@cwu.edu)'; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'J Markell'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; HAZLETT, LINDA (DNR); Lisa Iammarino; Lisa Lawrence; Johnston, Mike (DOHi); 'nelmsk@cwu.edu'; Patti Johnson; Mau, Russell E (DOH); Teske, Mark S (DFW); DNR RE AQ LEASING RIVERS; 'Thalia Sachtleben (enviroreview@yakama.com)'; Justus, Tom; 'tribune@nkctribune.com'; Rivard, James (DOHi); Erin Moore; 'Allison Kimball (brooksideconsulting@gmail.com)'; 'tribune@nkctribune.com'; 'J Markell'; Johnston, Mike (DOHi); 'darren.habel@usace.army.mil'; ECY RE SEPA REGISTER; Michael Flory; Lou Whitford; Joe Gilbert

Cc: Doc Hansen; Allison Kimball (brooksideconsulting@gmail.com); John Cornell (Johnc@larsonfruit.com)

Subject: CU-13-00007 Larson Fruit Corrected - Notice of Application

Corrected – Notice of Application CU-13-00007 Larson Fruit Co.

This is a corrected Notice of Application as the legal description was incorrect in the first notice. The comment period now ends on December 20, 2013 by 5:00 pm.

Kittitas County has received a land use application CU-13-00007 Larson Fruit Co. Please see the attached Notice of Application. Agencies within the county network may review the application master file via the T-drive. Agencies outside of the county network may view the related documentation by following this link: <http://www.co.kittitas.wa.us/cds/landuse.asp> and opening the designated file by application number. Comments within the body of an email are encouraged, but may be submitted as attachments or via US Mail.

Lindsey Ozbolt

Staff Planner

Kittitas County Community Development Services

411 North Ruby St., Suite 2

Ellensburg, WA 98926

Phone: 509-962-7637

Email: lindsey.ozbolt@co.kittitas.wa.us

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

DAILY RECORD/KITTITAS PUB

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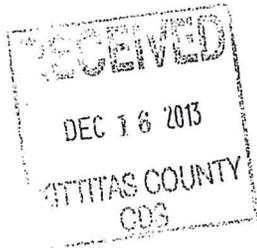
Advertising Memo Bill

| | | | |
|-----------------------------------|-------------------------------|--|--------------------------------------|
| Memo Bill Period 12/2013 | | Advertiser/Client Name KC COMMUNITY DEVELOPMENT SERVI | |
| 23 Total Amount Due 143.28 | | *Unapplied Amount | 3 Terms of Payment |
| 21 Current Net Amount Due .00 | 22 30 Days .00 | 60 Days .00 | Over 90 Days .00 |
| 4 Page Number 1 | 5 Memo Bill Date 12/09/13 | 6 Billed Account Number 84329 DANIE. | 7 Advertiser/Client Number 84329 |

| | | |
|--|--|--|
| 8 Billed Account Name and Address KC COMMUNITY DEVELOPMENT SERVI 411 N. RUBY ST, SUITE 2 ELLENSBURG WA 98926 | | Amount Paid: Comments: Ad #: 1014118 |
|--|--|--|

Please Return Upper Portion With Payment

| 10 Date | 11 Newspaper Reference | 12 13 14 Description-Other Comments/Charges | 15 SAU Size 16 Billed Units | 17 Times Run 18 Rate | 19 Gross Amount | 20 Net Amount |
|----------|-------------------------|---|----------------------------------|---------------------------|------------------|----------------|
| 12/06/13 | 1014118 LEG2 | N/APP CU-13-00007 CONDITIONAL USE PERMIT 12/06 IN DR | 2X 8.33 16.66 | 1 8.60 | 143.28 | 143.28 |



Statement of Account - Aging of Past Due Amounts

| | | | | | |
|------------------------------------|---------------------|-----------------|----------------------|-------------------|--------------------------------|
| 21 Current Net Amount Due 0.00 | 22 30 Days 0.00 | 60 Days 0.00 | Over 90 Days 0.00 | *Unapplied Amount | 23 Total Amount Due 143.28 |
|------------------------------------|---------------------|-----------------|----------------------|-------------------|--------------------------------|

DAILY RECORD/KITTITAS PUB

(509) 925-1414

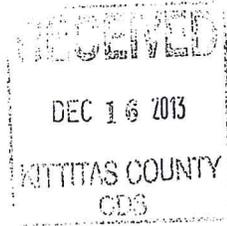
* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

| | | | | | |
|-----------------------------------|--|--------------------------------------|--|--|--|
| 24 Invoice 1014118 | | 25 Billing Period 12/2013 | | Advertiser Information | |
| 6 Billed Account Number 84329 | | 7 Advertiser/Client Number 84329 | | 2 Advertiser/Client Name KC COMMUNITY DEVELOPMEN | |

16

AFFIDAVIT OF PUBLICATION

State of Washington, County of Kittitas, ss: Pam Shuart being first duly sworn on oath, deposes and says: That she is the Advertising Manager of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of



KC COMMUNITY DEVELOPMENT SERVICES

N/APP CU-13-00007

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

12/06/2013

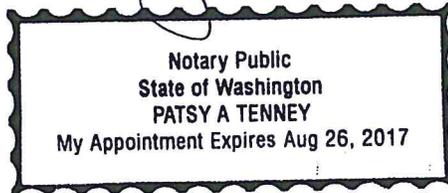
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$143.28 the rate of \$8.6 per column inch for each insertion.

Pam Shuart

Subscribed to me this 9th day of December in the year of 2013

Patsy A Tenney

PATSY A TENNEY
Notary Public in and for
The State of Washington
Residing at Ellensburg,
Washington (SEAL)



**CONDITIONAL USE PERMIT
NOTICE OF APPLICATION**

Notice of Application: Wednesday, December 4, 2013
Corrected Notice of Application: Thursday, December 5, 2013
Application Received: Thursday, September 26, 2013
Application Complete: Wednesday, November 6, 2013

Project Name File Number: CU-13-00007
Project Name: Larson Fruit Co. Conditional Use Permit
Applicant: Keith Larson

Location: 1 parcel, located approximately 1 mile east of SR 821 (Canyon Hwy) on Burbank Creek Road, in a portion of Section 27, T. 15 N., R. 19 E., W.M., in Kittitas County, bearing Assessor's map number 15-19-27000-0002.

Proposal: An application has been submitted requesting a conditional use permit for farm worker housing approximately 2 acres of a 21 acre parcel that is zoned Forest and range. The applicant is proposing a total of 4 units. This proposed use is consistent with KCC 17.15.060.1 (F) farm labor shelter.

Materials Available for Review: The submitted application and related file 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/conditional-use.asp>. Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m., on Friday, December 20, 2013. Any person has the right to comment on the application and request a copy of the decision once made.

Environmental Review (SEPA): The County expects to issue a Determination of NonSignificance (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 Hearing Examiner 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 Permits

Required Studies: None.

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

- Kittitas County Comprehensive Plan & Zoning Ordinance.

Designated Permit Coordinator (staff contact): Lindsey Ozbolt, Staff Planner: (509) 962-7506; e-mail at lindsey.ozbolt@co.kittitas.wa.us

Publish Daily Record: December 6, 2013

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