

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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### State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

**Description:** Marly A Crowe, landowner has submitted a conditional use application for shale mining. The operation is located on a 20 acre parcel which is zoned Agriculture 20 and has a Land Use Designation of Rural Working.

**Proponent:** Marly Crowe, Landowner.

**Location:** The project is located to the East of the City of Kittitas at 5002 Parke Creek Road in a portion of Section 08, T17N, R20E, WM, in Kittitas County, Assessor's map number 17-20-08053-0001.

**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/ Air

- A. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water eventually becomes available on site and the supply in the area becomes limited, use could be curtailed by those with senior water rights.
- B. All water proposed to be used must be obtained from a water budget neutral source.
- C. The applicant shall follow WAC 173-400-040 enforced by Washington State Department of Ecology.

#### II. Septic & Storm Water

- A. Adequate septic and waste water facility must be provided on site and approved by Kittitas County Health Department.

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

### **III. Fire & Life Safety**

- A. A turn-around shall be provided for fire department access as determined by Kittitas County Fire Marshal.
- B. If a gate is to be installed, it must be a minimum of 16' in width. The gate shall be provided with a Knox Box with Kittitas Valley Fire and Rescue approval. A permit is required from the Fire Marshal's office to install any gate.
- C. Any structures at the quarry site in the future that require a building permit may be subject to an annual fire and life safety inspection.
- D. All structures must comply with the international Fire Code and are subject to annual fire and life safety inspections.

### **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. The hours of operation shall be limited to 7:00am to 5:00pm, Monday thru Friday. It shall be the applicant's responsibility to insure that the project does not pose any threat to public safety and shall take measures to reduce conflict with scheduled school bus stops, mail delivery, ect.

### **VI. Building/ Grading**

- A. All new construction must meet the International Building Code requirements existing at the date of building permit submittal.
- B. A grading permit is required per KCC 14.05.
- C. A sand and gravel permit from the Department of Ecology must be obtained prior to the final of the conditional use permit.
- D. All new construction must meet the International Building Code requirements existing at the date of building permit submittal.

### **VII. Roads and Transportation**

- A. The driveway must be constructed to commercial standards, as shown in the WSDOT Design Manual Exhibit 1340-2. A Kittitas County Access permit is required prior to driveway construction.
- B. An Approved Access permit shall be obtained from Washington State Parks for the use of the John Wayne Trail prior to issuance of the Kittitas County Access Permit and Final Approval of the Conditional use Permit.

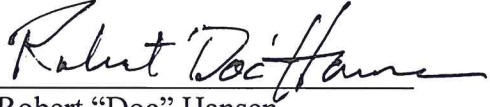
### **VIII. Historic and Cultural Preservation**

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



27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

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

**Responsible  
Official:**   
Robert "Doc" Hansen

**Title:** Planning Official

**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
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Phone: (509) 962-7506 Fax: (509) 962-7682

**Date:** June 29, 2015

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, July 14, 2015.

Pursuant to Chapter 15KCC, 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, July 14, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.