### KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES



"Building Partnerships - Building Communities"

June 9, 2015

Marly Crowe P.O. Box 158 Ellensburg WA 98926

#### RE: Transmittal of Comments - Crowe Conditional Use Permit, (CU-15-00001)

Dear Applicant:

Enclosed are the comments received regarding the Crowe Conditional Use Permit, (CU-15-00001) during the comment period:

May 8, 2015	Kittitas County Building Department – Mike Flory
May 8, 2015	Kittitas valley Fire & Rescue - Rich Elliot
May 11, 2015	Kittitas County Fire Marshal – Brenda Larsen
May 26, 2015	Shane Johnson - Email
May 26, 2015	Washington State Department of Ecology – Gwen Clear
June 2, 2015	Kittitas County Public Works – Christina Wollman

Please review all comments and notify me of any questions. I will be issuing a decision based on the comments received.

Sincerely,

Hathaway

Kaycee K Hathaway Staff Planner

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From: Sent: To: Subject: Michael Flory Friday, May 08, 2015 9:48 AM Kaycee Hathaway RE: Notice of Application: CU-15-00001 Crowe

Hi Kaycee,

Thank you for the opportunity to comment. It appears there are no structures planned for this facility, therefore, no comments from the Building Dept.

Best regards,

### Michael Flory Certified Building Official

Kittitas County Community Development Services 411 N Ruby Street Suite 2 Ellensburg, WA 98926 <u>mike.flory@co.kittitas.wa.us</u> P: 509.933.8222 F: 509.962.7682



"Building Partnerships-Building Communities"

#### From: Kaycee Hathaway Sent: Friday, May 08, 2015 9:36 AM

**To:** Brenda Larsen; Josh Hink; Lisa Iammarino; Holly Myers; Christina Wollman; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'crosepacoordinator@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'Brent.Renfrow@dfw.wa.gov'; 'Mark.Teske@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Gretchen.Kaehler@DAHP.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Michael Flory; Lou Whitford; 'Amber.greene@co.kittitas.wa.us'; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'linda.hazlett@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'jmarkell@kvnews.com'; Mike Johnston; 'Darren.habel@usace.army.mil'; Holmstrom, Rick; RichElliott; <u>krd.keli@fairpoint.net</u>; 'lonnie\_allphin@ksd403.org'; jhallisey@fs.fed.us; 'Christopher.Carlson@parks.wa.gov'

**Cc:** 'marly48@yahoo.com'; Doc Hansen; Lindsey Ozbolt; Jeff Watson; Rose Shriner; Emily Miltko **Subject:** Notice of Application: CU-15-00001 Crowe

<u>CU-15-00001 Crowe Master File (For County Network Users Only)</u> On-Line Folder for Conditional Use Permits (For Users Off County Network)

# NOTICE OF APPLICATION AND SEPA COMMENT PERIOD: Kittitas County Community Development Services will accept comments through 5:00 p.m. on Tuesday, May 26, 2015

Kittitas County has received a SEPA Checklist for this project application; see attached. The County expects to issue a Determination of Non-Significance (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.

Agencies within the county network may review the application master file via the above internal link or through EDEN. Agencies outside of the county network can use the above external link to view a static copy of the Master File for this project as of today's date. As the project progresses ongoing and individual documentation may be found <u>HERE</u>. Comments within the body of an email are encouraged, but may be submitted as attachments or hardcopy to:

Kaycee K Hathaway Kittitas County Community Development Services/ Planner I Phone: (509) 962-7079 Email: <u>kaycee.hathaway@co.kittitas.wa.us</u>

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.

From:	Rich Elliott <elliottr@kvfr.org></elliottr@kvfr.org>
Sent:	Friday, May 08, 2015 10:00 AM
То:	Kaycee Hathaway
Cc:	Joe Seemiller; John Sinclair; Brenda Larsen
Subject:	RE: Notice of Application: CU-15-00001 Crowe

KVFR response:

- 1. Addressing clearly visible from both directions of travel.
- 2. Access road to 2012 IFC Appendix D
- 3. Knox box installed for FD access if locked gate and/or on site buildings.

From: Kaycee Hathaway [mailto:kaycee.hathaway@co.kittitas.wa.us]

Sent: Friday, May 08, 2015 9:36 AM

To: Brenda Larsen; Josh Hink; Lisa Iammarino; Holly Myers; Christina Wollman; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'crosepacoordinator@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'Brent.Renfrow@dfw.wa.gov'; 'Mark.Teske@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Gretchen.Kaehler@DAHP.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Michael Flory; Lou Whitford; 'Amber.greene@co.kittitas.wa.us'; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'linda.hazlett@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'jmarkell@kvnews.com'; Mike Johnston;
'Darren.habel@usace.army.mil'; Holmstrom, Rick; Rich Elliott; krd.keli@fairpoint.net; 'lonnie\_allphin@ksd403.org'; jhallisey@fs.fed.us; 'Christopher.Carlson@parks.wa.gov'
Cc: 'marly48@yahoo.com'; Doc Hansen; Lindsey Ozbolt; Jeff Watson; Rose Shriner; Emily Miltko
Subject: Notice of Application: CU-15-00001 Crowe

<u>CU-15-00001 Crowe Master File (For County Network Users Only)</u> On-Line Folder for Conditional Use Permits (For Users Off County Network)

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From: Sent: To: Subject: Attachments: Brenda Larsen Monday, May 11, 2015 9:34 AM Kaycee Hathaway RE: Notice of Application: CU-15-00001 Crowe Crowe.doc

Here you go!

Brenda Larsen Fíre Marshal 509-962-7000

#### From: Kaycee Hathaway Sent: Friday, May 08, 2015 9:36 AM

To: Brenda Larsen; Josh Hink; Lisa Iammarino; Holly Myers; Christina Wollman; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'crosepacoordinator@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'Brent.Renfrow@dfw.wa.gov'; 'Mark.Teske@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Gretchen.Kaehler@DAHP.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Michael Flory; Lou Whitford; 'Amber.greene@co.kittitas.wa.us'; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'linda.hazlett@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'jmarkell@kvnews.com'; Mike Johnston; 'Darren.habel@usace.army.mil'; Holmstrom, Rick; RichElliott; <u>krd.keli@fairpoint.net</u>; 'lonnie\_allphin@ksd403.org'; <u>jhallisey@fs.fed.us</u>; 'Christopher.Carlson@parks.wa.gov' **Cc:** 'marly48@yahoo.com'; Doc Hansen; Lindsey Ozbolt; Jeff Watson; Rose Shriner; Emily Miltko **Subject:** Notice of Application: CU-15-00001 Crowe

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## KITTITAS COUNTY FIRE MARSHAL'S OFFICE

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

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

May 11, 2015

Kaycee Hathaway Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926

Re: Crowe (CU-15-00001)

Dear Ms. Hathaway:

After conducting a review of the recent changes to the above named project, I have the following comments:

- Ensure adequate access for fire apparatus. The access to the quarry must be a minimum of 20 feet in width and all weather driving surface.
- If there are to be any structures at the quarry site in the future, a building permit and annual fire life safety inspection will be required.
- An address marker shall be provided at the road with the address of the quarry.
- 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. Please contact Joe Seemiller at (509) 933-7241 to acquire the set-up. A permit is required from the Fire Marshal's Office to install any gate.
- All future development must comply with the International Fire Code.

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

From: Sent: To: Cc: Subject: Shane Johnson <slji@fairpoint.net> Tuesday, May 26, 2015 9:31 AM Kaycee Hathaway Shane Johnson; Heather Johnson Comment on CU-15-00001

May 26, 2015

Kaycee K. Hathaway Planner I Kittitas County Community Development Services

Dear Ms. Hathaway,

As landowners directly adjacent to the property of Marly Crowe, we would like to comment on the application for a Conditional Use Permit to mine shale on Ms. Crowe's property (CU-15-00001).

We do not oppose the mining of shale on a neighboring property in and of itself. However, given Ms. Crowe's history of ignoring the concerns of her neighbors during previous shale operations on her land, we feel the permit needs to be specific in terms of access to the existing pit.

The pit was previously operated by Ms. Crowe and her representatives, Reecer Creek Excavation for roughly ten years, ending in 2006. During that time access was provided by the John Wayne Trail under an agreement with Washington State Parks. In 2005 this access was lost when RCE, refusing to pay permit fees for a period of three months was locked out by the State. RCE and Ms. Crowe made no attempt to negotiate with the State to continue use of the trail. At this time verbal permission was given by Ms. Crowe for RCE to use the residential driveway servicing her property as well as three others including our own. This was done without the consent of the adjacent landowners. The use of the driveway by gravel trucks and other heavy equipment created a hazardous situation for the three other properties that use the driveway. We were especially affected as the driveway provides sole access to our property covered by an access easement across Ms. Crowe's land.

Ignoring calls from ourselves and the other landowners to resume use of the Trail, Ms. Crowe and RCE continued to run gravel trucks over the driveway daily for a period of several months. The County closed the pit in March of 2006 in response to repeated complaints from the neighboring landowners and the discovery that Ms. Crowe and RCE had in fact been operating the pit illegally with no permit for ten years. The pit remained closed pending a Conditional Use Permit application (CU-06-00005) by Ms. Crowe and RCE.

The application never made it to public hearing as the County's position was that the driveway did not qualify as access to the site. Therefore, as the applicants would not pay the fees required by the State for use of the Trail, access to the pit could not be proven.

In reviewing the materials submitted by Ms. Crowe in the recent CUP application, we've found no mention of the shared driveway as access to the pit. In the SEPA checklist Ms. Crowe lists only the John Wayne Trail as access to the pit. In her letter formally withdrawing her original CUP application she again states the John Wayne Trail is and will be the only access to extract from the quarry.

Given Ms. Crowe's refusal to act in good faith in the past, we ask that should the County grant a Conditional Use Permit Ms. Crowe be held to these written statements. The permit to mine shale on her property should be conditioned upon access solely via the John Wayne Trail, commercial removal of shale from her land via our shared driveway should be found a violation of the terms of the permit.

Best Regards,

Shane and Heather Johnson

5002 Parke Creek Road Ellensburg, WA 98926

509 968-9019

<u>slji@fairpoint.net</u>



### STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 22, 2015

RECEIVED MAY 2 6 2015 KITTIPS COLIVITY CDS

Ms. Kaycee K Hathaway Kittitas County Community Development Services 411 North Ruby, Ste 2 Ellensburg WA 98926

**RE:** Crowe (CU-15-00001)

Dear Ms. Hathaway:

Thank you for the opportunity to comment on the notice of application for the shale mining located to the East of the City of Kittitas at 5002 Parke Creek Road. We have reviewed the application and have the following comment.

Sand and Gravel Operations

**Site Permit Application and Coverage.** Ecology requires site permit coverage under the Sand and Gravel General Permit for all owners (or operators) of stationary asphalt or concrete batch plants. In addition, concrete products manufacturers and property owners (or operators) of sand and gravel pits, rock quarries, and asphalt/concrete recycling facilities must apply for site permit coverage under the Sand and Gravel General.

**Sand and Gravel Permit Portable Facilities Coverage.** Owners or operators of *portable* facilities that crush, manufacture ready-mix concrete or concrete blocks/bricks, or manufacture asphalt/tar paving mixtures and blocks must apply for coverage under the sand and gravel permit for portable facilities if the plant will operate at sites without sand and gravel permit coverage for crushing, asphalt paving, or concrete ready-mix. This permit for portable facilities does not provide permit coverage for excavating or digging.



Ms. Kaycee K Hathaway May 22, 2015 Page 2 of 2

Permit applications are at http://www.ecy.wa.gov/programs/wq/sand/permit.html.

The proponent may download the application form and instructions for site coverage by clicking "Application for Coverage." For portable facilities coverage click "Application for Coverage – NEW Portables." If the proponent does not have internet access, the proponent may call Cindy Huwe at (509) 457-7105 for application materials. It can take up to 45 days to issue the permit for a portable crusher or concrete/asphalt batch plant and much longer to issue a site permit.

Sincerely,

Calle Rame of

Gwen Clear Environmental Review Coordinator Central Regional Office (509) 575-2012

(4214)

From:Christina WollmanSent:Tuesday, June 02, 2015 10:14 AMTo:Kaycee HathawaySubject:RE: Notice of Application: Wagon Wheel Plat Amendment (LP-14-00001)

Hi Kaycee,

I will need additional time to gather information for the Wagon Wheel Plat Amendment comments. I should have them to you by the end of next week.

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

From: Kaycee Hathaway

Sent: Thursday, May 14, 2015 11:14 AM

**To:** Brenda Larsen; Josh Hink; Kim Dawson; Lisa Iammarino; Holly Myers; Christina Wollman; Candie M. Leader; Jan Ollivier; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; GCLE461@ECY.WA.GOV; 'Brent.Renfrow@dfw.wa.gov'; 'Mark.Teske@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Gretchen.Kaehler@DAHP.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Michael Flory; Lou Whitford; 'Amber.greene@co.kittitas.wa.us'; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'linda.hazlett@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'jmarkell@kvnews.com'; Mike Johnston; 'Darren.habel@usace.army.mil'; 'jhallisey@fs.fed.us'; 'klarned@fs.fed.us'; 'wargog@cersd.org'; 'davisb@cersd.org'; 'montgomeryr@cersd.org'; Rose Shriner; Emily Miltko **Cc:** Doc Hansen; Jeff Watson; Lindsey Ozbolt **Subject:** Notice of Application: Wagon Wheel Plat Amendment (LP-14-00001)

<u>LP-14-00001 Wagon Wheel Plat Amendment Master File (For County Network Users Only)</u> On-Line Folder for Long Plat Use Permits (For Users Off County Network)

NOTICE OF APPLICATION COMMENT PERIOD: Kittitas County Community Development Services will accept comments through 5:00 p.m. on Friday, May 29, 2015.

**Project Name (File Number):** Wagon Wheel Plat Amendment (LP-14-00001) **Applicant:** Bob Bailey, authorized agent for John Hamel, Chad Hamel, Linda Ammons, Dwight Watson & Joseph Stehle, landowners.

**Location:** 9 parcels, located approximately 5 miles North of Cle Elum, north of SR 970 at 3440 Teanaway Middle Fork Road, in a portion of Section 26, T21N, R15E, WM, in Kittitas County, Assessor's parcel numbers 577435 (Lot 10), 587435 (Lot 11), 657435 (Lot 12), 667435 (Lot 14), 677435 (Lot 15), 687435 (Lot 16), 697435 (lot 17), 857335 (Lot 18), 837335 (Lot 26) & 847335 (Lot 6).

**Proposal:** Bob Bailey authorized agent for landowners has submitted a plat amendment application to dedicate a new location for the alignment of Boondoggle Road and dedicate a new location for a portion of East Boondoggle Road with no new lots to be created, per KCC Title 16 Subdivisions. The subject property is currently zoned **Forest & Range** and has a land use designation of **Rural Working**.

**Materials Available for Review:** The submitted application and related filed 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 <u>http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Long</u> <u>Plats</u>. Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to <u>5:00 p.m. on Friday, May 29</u>, <u>2015</u>. Any person has the right to comment on the application and request a copy of the decision once made. Appeal procedures can vary according to the type of decision being appealed, and are described in Kittitas County Code, Title 15A.

**Environmental Review (SEPA):** This application is exempt from SEPA per WAC 197-11-800 (6) (f) based upon RCW 58.17.040 (6).

**Public Hearing:** An open record hearing will be scheduled before the Kittitas County Hearing Examiner after the comment period has ended. A Public Hearing Notice will be issued establishing the date, time and location of the hearing.

**Designated Permit Coordinator (staff contact):** Kaycee Hathaway Staff Planner: (509) 962-7079; email at: Kaycee.hathaway@co.kittitas.wa.us

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## **KITTITAS COUNTY** DEPARTMENT OF PUBLIC WORKS

#### MEMORANDUM

TO:Kaycee HathawayFROM:Christina Wollman, Planner IIIDATE:June 28, 2015SUBJECT:Crowe CU-15-00001

The Department of Public Works has reviewed the permit for the Crowe Shale Pit Conditional Use Permit and has the following comments:

- A. <u>Transportation Concurrency</u>: A Determination of Concurrency Finding has been issued for this project under number TC-15-00003. No mitigation is required of this project.
- B. <u>Grading Permit</u>: This project will require a grading permit per the requirements within KCC 14.05.
- C. <u>Site Access</u>: The driveway must be constructed to commercial standards, as shown in the WSDOT Design Manual Exhibit 1340-2. Please contact Kelly Bacon at 509-962-7523 to discuss the requirements. A Kittitas County Access Permit is required prior to driveway construction.
- D. John Wayne Access Permit: Approval from Washington State Parks to use the trail as access shall be required prior to issuance of the Kittitas County Access Permit and final approval of the CUP.



## **KITTITAS COUNTY** DEPARTMENT OF PUBLIC WORKS

Kirk Holmes, Director

#### DETERMINATION OF CONCURRENCY FINDING

Project:	TC-15-00003 Crowe CU-15-00001
Description:	Shale pit.
Landowner:	Marly Crowe PO Box 158 Ellensburg, WA 98926
Location:	The project is located off Prater Road, Ellensburg, WA, in a portion of Section 08, T17N, R20E, WM in Kittitas County. Assessor's map number: 17-20-08053-0001.
Serving Roadway:	Prater Road (John Wayne Trail Access)

Capacity Allocation: 0-40 ADT (varies depending on product demand)

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:

Wollman 5-28-15

Date:

#### **Christina Wollman**

From:	Lenny Morrison <lmorrison@ellensburgcement.com></lmorrison@ellensburgcement.com>
Sent:	Wednesday, May 27, 2015 2:42 PM
To:	Christina Wollman
Subject:	Re: crowe shale pit
Attachments:	Imorrison.vcf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Christina,

Yes your last reply pretty well sums it up. If you need something else please let me know.

Lenny

On 5/26/2015 3:11 PM, Christina Wollman wrote:

Hi Lenny,

In addition to this email, we have spoken over the counter and on the phone. My understanding is that this pit will be used only when shale is requested. In addition, you may stockpile the shale in your yard to avoid the need to go to the pit for each order. Historic demand for shale indicates the pit will be used infrequently, maybe once a week or once every couple months. On the days you are working at the pit there may be approximately 20 truck loads throughout the day. When considering that the pit will be used infrequently, the average daily traffic is very low. On the days the pit is used, peak hour traffic (7-9 am and/or 4-6pm) would be fewer than 9 trips.

Please let me know if this sums up our conversations.

### Christina Wollman, AICP CFM

Planner III | Floodplain Manager [p] 509.962.7051 | [f] 509.962.7663

From: Lenny Morrison [mailto:Imorrison@ellensburgcement.com]
Sent: Friday, May 22, 2015 4:11 PM
To: Christina Wollman
Subject: Re: crowe shale pit

Christina,

The average truck count would be 20 per day, note this average. The shale pit may see a few loads a week possible. The demand for shale is not really known until we let people know we have the source. So the average trip per is 20. Does that fit in the guidelines? let me know I can adjust my number I know I am rather High. Have a good week end and let me know what else you need Ok?

On 5/22/2015 10:29 AM, Christina Wollman wrote:

Hi Lenny, comments are due soon so I need your info!

## Christina Wollman, AICP CFM

Planner III | Floodplain Manager [p] 509.962.7051 | [f] 509.962.7663

From: Lenny Morrison [mailto:Imorrison@ellensburgcement.com] Sent: Wednesday, May 20, 2015 2:37 PM To: Christina Wollman Subject: Re: crowe shale pit

Christina,

Yep you are right. You needed truck count per day and what else were you needing I will get to work on it Lenny

On 5/20/2015 2:19 PM, Christina Wollman wrote:

Hi Lenny, just reminding you I'm waiting for some info related to the usage of the property.

Christina Wollman, AICP CFM

Planner III | Floodplain Manager Kittitas County Department of Public Works | Flood Control Zone District 411 N Ruby St, Suite 1 Ellensburg WA 98926 [p] 509.962.7051 | [f] 509.962.7663

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message id: 38eb45916c6dcbdac24bb8719d004a14

Lenny Morrison

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Lenny Morrison

Lenny Morrison