

RECEIVED
FEB 21 2024

Kittitas County CDS

BEFORE THE KITTITAS COUNTY HEARING EXAMINER

In the matter of an appeal of the: Mitigated Determination of Non-significance for 3 BR Custom Cuts	CDS FILE NO. CU-23-0001 NOTICE OF APPEAL
---	---

Wilson Creek Neighbors, an unincorporated association of property owners, file this appeal of Kittitas County SEPA Responsible Officials *Mitigated Determination of Nonsignificance* issued February 7, 2024.

I. DECISIONS BEING APPEALED

Wilson Creek Neighbors jointly and collectively appeal SEPA Responsible Official's *Mitigated Determination of Nonsignificance (MDNS)* issued February 7, 2024. A true and correct copy of the MDNS is attached hereto as *Attachment A*.

II. IDENTITY OF APPELLANTS

Appellant Wilson Creek Neighbors is an unincorporated association of property owners impacted by the proposed "3BR Custom Cuts full-service meat processing operation." Representative members include the following:

Mike Bach
3340 Wilson Creek Road
Ellensburg, WA 98926

Dan and Christy Bowers
3322 Wilson Creek Road
Ellensburg, WA 98926

Shannon Bright
2715 Willowdale Road
Ellensburg, WA 98926

1 Babette Mundy
2 3100 Wilson Creek Road
3 Ellensburg, WA 98926

4 Walter and Gail Farrar
5 3320 Wilson Creek Road
6 Ellensburg, WA 98926

7 III. STATEMENT OF ERRORS

8 A. Mitigated Determination of Nonsignificance for 3 BR Custom Custs Full- 9 Service Meat Processing Operation (File No. CU-23).

10 Appellants appeal SEPA Responsible Officials issuance of *Mitigated Determination of*
11 *Nonsignificance (MDNS)* issued February 7, 2024. SEPA is this state’s “...environmental full
12 disclosure law.” The purpose of SEPA rules is to ensure an agency fully discloses and carefully
13 considers a proposal’s environmental impacts at the earliest possible stage and prior to taking
14 action on the proposed action. *Spokane County v. Eastern Washington Growth Management*
15 *Hearings Bd.*, 176 Wn. App. 555, 578-79, 309 P.3d 673 (2013). The agency must base its
16 threshold determination on “information reasonably sufficient to evaluate the environmental
17 impact of a proposal.” WAC 197-11-335. An agency may not postpone environmental analysis
18 to a later implementation stage if the proposal would affect the environment without subsequent
19 implementing action. *Id.* 176 Wn. App. at 579. The purpose of these rules is to ensure an agency
20 fully discloses and carefully considers a proposal’s environmental impacts before adopting it and
21 “at the earliest possible stage.” *King County v. Wash. State Boundary Review Bd.*, 122 Wn.2d
22 648, 663-64, 666, 860 P.2d 1024 (1993). Proposals or parts of proposals that are related to each
23 other closely enough to be, in effect, a single course of action shall be evaluated in the same
24 environmental document. WAC 197-11-060(3)(b).

25 The agency has the burden of showing *prima facie* compliance with the procedural
26 requirements of SEPA. *Juanita Bay Valley Cmty. Ass’n v. City of Kirkland*, 9 Wn. App. 59, 73,
27 510 P.2d 1140 (1973). The scope of review is broad, and the search for significant environmental
28 impacts must be considered in light of the public policy of SEPA. *Id.* The SEPA policies of full
29 disclosure and consideration of environmental values require *actual consideration* of
30 environmental factors before a determination of no environmental significance can be made.

1 *Norway Hill Preservation and Protection Ass'n v. King County Council*, 87 Wn.2d 267, 276, 552
2 P.2d 674 (1976). The record must "...provide enough information to adequately advise the
3 [decision-maker] as to the likely significant impacts of their action." *King County v. Friends of*
4 *Sammamish Valley*, 26 Wn. App. 2d 906, 945, 530 P.3d 1023 (2023).

5 **B. Revised SEPA Checklist Is Inadequate, Incomplete And Insufficient To**
6 **Evaluate The Project Proposal.**

7 Under SEPA, evaluation of a proposal's environmental impact requires examination of at
8 least two relevant factors: "(1) the extent to which the action will cause adverse environmental
9 effects in excess of those created by existing uses in the area, and (2) the absolute quantitative
10 adverse environmental effects of the action itself, including the cumulative harm that results
11 from its contribution to existing adverse conditions or uses in the affected area." *Norway Hill*
12 *Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d at 277; and *Chuckanut Conservancy*, 156
13 Wn. App. at 285. The appropriate baseline for review is the adopted zoning ordinance and
14 associated development regulations. *State Environmental Policy Act Handbook* ("SEPA
15 *Handbook*") provides guidance to the Responsible Official regarding review of land use
16 applications and associated environmental documents. The following are examples of the type of
17 questions that need to be answered during the review process.

- 18 • Are the permit application(s) and environmental
19 checklist accurate and complete?
- 20 • Are there any additional studies and/or information
21 available that would help in the evaluation of the
22 proposal? (i.e. an environmental impact statement on
23 the comprehensive plan, or a similar project, or on a
24 project at a similar location.)
- 25 • Are specific studies needed under the (1) development
26 regulations, (2) SEPA, or (3) other local, state, or
27 federal regulations that must be made available prior to
28 making threshold determination? For example, is a
29 wetland study, a transportation study, or an
30 archaeological review needed?
- Is early consultation with tribes, or other agencies,
and/or the public required or would it be beneficial?
What form should this take?

- Is the project consistent with local critical area ordinances, development regulations, and comprehensive plans?
- Is the proposal consistent with other local, state, and federal regulations (such as those governed by regional air authorities, health districts, and state and natural resource agencies)?
- Will mitigation/conditions be required by the local development regulations or other local, state, or federal regulations?
- What are the likely adverse environmental impacts of the proposal? Have the reasonable concerns of tribes, other agencies, and the public been met?

The Mitigated Determination of Nonsignificance (MDNS) relies upon the Applicant's information set forth in the Revised SEPA Checklist. The information is incomplete, inaccurate, and/or out of date.

(a) SEPA Checklist does not include a current proposed site plan for the processing facility. Applicant filed an initial "site plan" for the proposed meat packing facility. Subsequent to initial submissions and comments, Applicant revised its project description and proposal. A substituted and incomplete site plan layout was included in the response materials which relocated access, modified structural layout, added parking areas, and introduced a new wastewater treatment facility. Drainfields were relocated to unidentified locations and no disclosure or identification was made with respect to land application disposal areas. The application lacks a detailed site plan that clearly identifies property lines, all project features and critical areas.

The site plan identifies that roadways will be placed directly on top of the existing well serving the property. Kittitas County Public Health Department specifically advised that any asphalt surface "...proposed within the 100 foot well radius represents a potential source of contamination..." and violates WAC 246-291-125(5). As proposed, the project cannot be constructed as depicted on the revised site plan. Any meaningful environmental review requires a complete and accurate site plan. "The written application shall be accompanied by a site plan

1 showing the dimensions and arrangement of the proposed development or changes including all
2 proposed land uses and structures; points of access, roads and parking areas; septic tank and
3 drainfield and replacement area; areas to be cut or filled; and natural features such as contours,
4 streams, wetlands, hazardous slopes, etc. The administrator may require other drawings,
5 topographic surveys, photographs, or other material essential to an understanding of the proposed
6 use and its relationship to the surrounding properties.” KCC 15A.03.030(2). The submitted site
7 plan is insufficient to identify and analyze environmental impacts of the proposed development.

8 **(b) SEPA Checklist fails to identify all government approvals and/or**
9 **permits required for the proposal.** Omitted from the list are grading permits, traffic
10 concurrency confirmation, Group A water system approval from Washington Department of
11 Health, Industrial Wastewater Discharge permit, and permit for land application of wastewater.

12 **(c) SEPA Checklist fails to identify and provide accurate information**
13 **regarding soils, excavation and grading.** SEPA Checklist Section 1(c) and (e) fail to identify
14 the types of soils found on the site and states that “...[t]here will be minimal grading and fill for
15 site roadways, building foundations, and limited excavation to install the proposed aerated
16 treatment pond.”

17 Applicant describes the only soils on site as “...well graded gravel.” Agency and
18 public comments specifically identified subsurface soil conditions. Yakama Nation DNR advised
19 that “...[t]his property also sits on the alluvial fan of Wilson and Naneum Creeks which is an
20 ...excellent source of surface and groundwater exchange and natural systems.” In this
21 environment, Yakama Nation advises that sources of potential contamination from commercial
22 production may harm these environmental resources. And requests that a report prepared by a
23 licensed geomorphologist be prepared to evaluate the potential impacts. This report was not
24 provided.

25 A Hydrogeologic Investigation is also required that assess physiography, geologic
26 and hydrogeologic setting, mapping and subsurface database, and required mitigation measures.
27 This analysis is required because of the proposed placement of the aerated wastewater treatment
28 pond, septic system and facilities, and areas of wastewater land application.

29 SEPA checklist Section 3(e) states that there will be “...limited excavation to
30 install the proposed aerated treatment pond.” Site plans suggest that total cut and fill would be

1 approximately 25,820 cubic yards. The excavation contemplates a wastewater treatment pond
2 that is fourteen feet (14') deep with extensive perimeter berms. SEPA Responsible Official failed
3 to identify, evaluate or consider the excavations. KCC 14.05.080 requires an engineered grading
4 plan for any excavation in excess of 500 cubic yards. SEPA Checklist is incomplete and
5 inadequate in describing and providing information with regard to soils, cuts, fills, and
6 development plans. All environmental impacts are to be evaluated at the earliest possible stage.

7 **(d) SEPA Checklist provides no substantive information with respect to**
8 **air emissions.** In SEPA Checklist Section 2(a), Applicant states that "...[w]e expect very
9 minimal increase in odor." There should be no serious question that livestock processing
10 facilities produce unacceptable odors. A significant consideration in all slaughterhouse
11 operations is air contamination and odors emanating from the slaughterhouse facility. Applicant
12 fails to identify air and odor emissions or provide any substantive information or data or odor
13 source, levels, and mitigation. SEPA Responsible Official neither evaluated nor considered
14 mitigation with respect to odor impacts on adjacent properties.

15 **(e) SEPA Checklist is inadequate with respect to surface and**
16 **groundwater information and assessment.** The SEPA Checklist Section 3(a) (Surface Water)
17 and Section 3(b) (Ground Water) are incomplete, inaccurate and insufficient for meaningful
18 environmental review.

19 **(i) Stormwater.** Applicant includes a single surface water reference
20 to Lyle Creek which "...runs north to south about 1000 feet east of the proposed facility." It is
21 further stated that the proposal will not result in any surface water diversions and there are no
22 potential discharges of waste materials to surface waters. SEPA Checklist Section 3(a)(1), (4),
23 and (6).

24 Kittitas County and Applicant ignores the history of surface water
25 flooding over the project site. Comments documented and provided photographs of recent flood
26 events. The project site is in a flood prone area.

27 The project proposal includes construction of a slaughterhouse,
28 wastewater treatment pond, septic system and drainfield, and land application of wastewater. All
29 will take place within the known surface flood areas with potential impacts on Lyle Creek, a fish
30 bearing stream. Kittitas County ignored all of this information and failed to require an

1 appropriate surface and groundwater assessment. Also ignored was Yakama Nation comments
2 regarding the location of the proposed project within the alluvial fan of Wilson and Naneum
3 Creeks with potential impacts on surface and groundwater exchanges within those natural
4 systems.

5 (ii) **Groundwater.** Applicant simply ignored the questions related to
6 groundwater in SEPA Checklist Section 3(b). Applicant was specifically required to "...give a
7 general description of the well, proposed uses and approximate quantities withdrawn from the
8 well." It is acknowledged that the project anticipates a demand of 9.9 acre feet per year which
9 will be "...largely if not entirely consumptive." No analysis is provided with respect to the
10 impacts of a consumptive use of 9.9 acre feet of water per year on groundwater within the
11 immediate area. Yakama Nation requested that "...a proper groundwater analysis needs to be
12 performed by a licensed geomorphologist." This request was ignored by the SEPA responsible
13 official.

14 Second, Applicant also proposes to develop a slaughterhouse and large
15 wastewater treatment pond and facility within an area of known high groundwater levels. No
16 analysis is provided with respect to the site improvements although it is obvious that construction
17 of a fourteen foot (14') deep wastewater treatment pond will impinge upon groundwater that is
18 typically found within two feet (2') of the surface. Groundwater levels will also impact the
19 viability of a lined treatment pond. None of these conditions, impacts, or mitigation measures
20 was based upon sufficient groundwater information, data, and details.

21 Third, the SEPA Checklist contains no information with respect to groundwater
22 impacts resulting from significant industrial water withdrawals, efficacy of water reduction
23 measures, or impacts on existing wells. Applicant incorrectly identifies the water system as a
24 "Class B Commercial Well". State of Washington, Department of Health characterizes that a
25 required as a "Group A Water System, either 'nontransient, Noncommunity' (NTNC) or
26 'transient noncommunity' (TNC.)". No details were provided with respect to water system
27 requirements or conditions.

28 As a final point, applicant provides no specific information with respect to
29 proposed septic drainfields and associated facilities." Department of Ecology noted that the
30

1 SEPA Checklist provided no substantive information with respect to Industrial Stormwater
2 discharges from the project and operations.

3 **(iii) Project proposal had significant adverse impact on drainage**
4 **patterns in the vicinity.** In SEPA Checklist Section 3(c)(3), Applicant states that the proposal is
5 not anticipated to alter or otherwise affect drainage patterns in the vicinity of the site. This is
6 simply false. The uncontroverted public comments establish that the project site is subject to
7 significant seasonal flood events. Photographs are contained in the record that show recent
8 events. The construction of the slaughterhouse and wastewater treatment facilities will divert and
9 redirect natural drainage during flood events to adjacent properties. No information, data,
10 analysis or mitigation is provided with respect to impacts on drainage patterns.

11 **(f) Applicant provides no details with respect to environmental health**
12 **hazards and hazardous waste.** In response to SEPA Checklist Section 7(a), applicant states that
13 "...[t]he only environmental health hazards applicable would be from the rendering of the animal
14 such as the inedible parts of the animals." The operation of a slaughterhouse, animal holding
15 pens, wastewater treatment facilities, and land application of contaminated wastewater each
16 present environmental health hazards. Applicant has provided no itemization of the content of
17 wastewater and material, management of the manure discharge, or land application of
18 wastewater. Kittitas County Public Health specifically requested the following:

19 An engineer/designer must submit plans to the department
20 for the industrial wastewater generated by the facility. The
21 engineered plans, reports, and specifications for the
22 construction of the aerated wastewater storage pond must
23 be submitted to the Washington State Department of
24 Ecology for review and approval. If land application is to
be used as a method of solid waste disposal, the applicant
must submit for approval under WAC 173-350-230.

25 This information is necessary to appropriate environmental review of the project proposal.
26 Applicant has failed to provide any substantive information with respect to these matters
27 involving environmental health hazards.

28 **(g) Applicant fails to disclose either the current use of adjacent**
29 **properties or effect of the proposal on current land uses on nearby or adjacent properties.**

30 SEPA Checklist Section 8(a) requires full disclosure of the current use of the site and adjacent

1 properties as well as the affect of the proposed project "...on nearby or adjacent properties."
2 Applicant ignores this question for a good reason. The immediate area and all adjacent properties
3 are utilized for rural residential land uses. The slaughterhouse and waste treatment pond will be
4 within sixty feet (60') of adjacent residences. The rural residential neighborhood will be
5 adversely affected by the industrial processing facility with significant increases in traffic, noise,
6 odor, and light and glare from the commercial operation.

7 SEPA Responsible Official cannot ignore an analysis of these impacts in the
8 context of a conditional use permit. Environmental review is designed and intended to be an
9 environmental full disclosure process that independently evaluates, identifies, and mitigates
10 impacts upon adjacent properties.

11 **(h) SEPA Checklist fails to provide specific updated transportation**
12 **information regarding the modified project proposal including increase in number of**
13 **employees (24 employees) as well as increases in daily cattle harvest (30 head per day).**
14 Estimated Average Daily Trips (ADT) is not supported by any Transportation Impact Analysis
15 (TIA) or other substantive trip generation data. No analysis is included with respect to retail
16 components of the facility. Also missing is an updated concurrency assessment.

17 **C. SEPA Responsible Official improperly deferred project review components**
18 **and failed to comply with WAC 197-11-158.**

19 SEPA Responsible Official appears to defer environmental review of the proposed
20 conditional use to other agencies and departments for proposed project review and assessment.
21 The deferral is inconsistent with the requirements of WAC 197-11-158.

22 **(1) SEPA Responsible Official failed to comply with WAC 197-11-158.**
23 WAC 197-11-158 has established specific procedures where SEPA review may defer to adopted
24 requirements or mitigation measures set forth in comprehensive plans, applicable development
25 regulations, or other local, state or federal rules or laws. The assessment requires the SEPA
26 Responsible Official to identify specific probable adverse environmental impacts of the project
27 and determine that such impacts have been identified and adequately addressed by adopted
28 comprehensive plans, applicable development regulations, and other local, state and federal rules
29 or laws. SEPA Responsible Official did not engage in the required process.

1 **(i) SEPA MDNS does not contain required statement identifying**
2 **project impacts addressed by other applicable laws.** WAC 197-11-158(2)(d) provides the
3 following notice be provided in the threshold determination:

4 “The lead agency has determined that the
5 requirements for environmental analysis, protection,
6 and mitigation measures had been adequately
7 addressed in the development regulations and
8 comprehensive plan adopted under chapter 36.70A
9 RCW, and in other applicable local, state, or federal
10 laws or rules, as provided by RCW 43.21C.240 and
11 WAC 197-11-158. Our agency will not require any
12 additional mitigation measures under SEPA.

13 The *MDNS* fails to include the required notification.

14 **(ii) SEPA Responsible Official failed to consult with agency.** In
15 deciding whether a project specific adverse environmental impact has been adequately addressed
16 by an existing rule or law of another agency with jurisdiction, the GMA County “...shall consult
17 orally or in writing with that agency and may expressly deferred to that agency.” SEPA
18 Responsible Official did not consult with other agencies. As an example, SEPA Responsible
19 Official did not consult with Department of Ecology with respect to the scope, requirements,
20 standards relating to operation of a wastewater facility in accordance with Department of
21 Ecology’s standards. It is insufficient to condition a project as follows:

- 22 3) The applicant shall operate the wastewater facility
23 in accordance with Department of Ecology
24 standards and conduct monitoring as proposed in
25 the submittal materials.
- 26 4) The applicant shall comply with all Local, State,
27 and Federal environmental standards and
28 regulations in place at the time of building
29 application submittal.

30 SEPA Responsible Official failed to identify specific regulations, standards, or requirements.
The purpose of a conditional use permit is to evaluate the specific impacts associated with a
proposed conditional use based upon the criteria set forth in KCC 17.60A.015.

1 **IV. REQUESTED RELIEF**

2 Wherefore, based on the foregoing, Appellants request that the *Mitigated Determination*
3 *of Nonsignificance (MDNS)* be declared inadequate and the application remanded for preparation
4 of a Scoped Environmental Impact Statement (EIS).

5
6 By: 

7 James C Carmody, WSBA # 05205
8 Meyer, Fluegge & Tenney P.S.
9 230 S 2nd St Ste 101
10 Yakima, WA 98901-2865
11 Ph: 509-575-8500
12 Email: carmody@mftlaw.com

13 U:\DebbieG\Wilson Creek Neighbors (Mike Bach)\Notice of Appeal.doc
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ATTACHMENT A



NOTICE OF SEPA ACTION

To: Applicable Agencies
Parties of Record
Applicant

From: Jamey Ayling, Planning Manager

Date: February 7, 2024

Subject: **CU-23-00001 3BR Custom Cuts – SEPA MDNS**

NOTICE IS HEREBY given that pursuant to WAC 197-11-355 and RCW 43.21C.030(2)(c), Kittitas County Community Development Services did, on February 6, 2024 issue a Mitigated Determination of Non-Significance (MDNS) on the proposed SEPA application submitted by Scott Toland. The applicant, is proposing an Agricultural Processing Facility – a 10,000 square foot USDA certified full-service meat processing operation serving the local region, including animal holding pens, associated parking and an aerated water treatment pond on approximately 14.90 acres. The subject property is zoned Agriculture 5 with a Rural Residential Land Use designation. The project area is parcel #214534, in a portion of Section 29, T18, R19, WM in Kittitas County, bearing Assessor's map number 18-19-29020-0007.

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 and WAC 197-11-355. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. The complete application file is available to the public on request or may be viewed at Kittitas County Community Development Services at 411 North Ruby St, Suite 2 Ellensburg, WA 98926, or on the county website: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> (Conditional Use Permit Applications, file number CU-23-00001 3BR Custom Cuts).

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) and pursuant to Chapter 15A.07.010 KCC, may be appealed by submitting specific factual objections in writing with a fee of \$1670.00 to Kittitas County Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than **5:00pm, February 21, 2024**.

Direct questions regarding this proposal to:

Jamey Ayling
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7065
jamey.ayling@co.kittitas.wa.us



State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: SEPA Checklist and Conditional Use Permit (CU-23-00001)
3 BR Custom Cuts

Description: **3 BR Custom Cuts** is proposing an Agricultural Processing Facility – a USDA certified full-service meat processing operation serving the local region, on approximately 14.90 acres. The subject property is zoned Agriculture 5 with a Rural Residential Land Use designation. Agricultural Processing Facilities are allowed in this zone with a Conditional Use Permit.

Proponent: Scott and Bonnie Toland, Applicant, Landowner

Location: 1 parcel # 214534, in a portion of Section 29, T18, R19, WM in Kittitas County, bearing Assessor's map number 18-19-29020-0007.

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:

- 1) Any grading over 100 cubic yards of material shall require a grading permit through Kittitas County Public Works. Any grading in excess of 500 cubic yards shall be accompanied by an engineered grading plan. All conditions must be met in any approved grading permit.
- 2) All development must comply with the International Fire Code (IFC) and Appendices.

- 3) The applicant shall operate the wastewater facility in accordance with Department of Ecology standards and conduct monitoring as proposed in the submittal materials.
- 4) The applicant shall comply with all Local, State, and Federal environmental standards and regulations in place at the time of building application submittal.
- 5) Adequate proof of water availability to serve the proposed project shall be provided to the Department of Health and Kittitas County Public Health Department to satisfy all requirements prior to or at the time of building permit submittal.
- 6) A Cultural Resources Survey shall be conducted in the project area where ground disturbance is anticipated. Survey results shall be submitted to DAHP and associated Tribes.
- 7) Should ground disturbing or other activities related to the development 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), and affected tribes. Work shall remain suspended until the findings are 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.
- 8) The well site must maintain a 100 foot sanitary control zone that is completely free of any potential sources of contamination per WAC 246-291-125(5).
- 9) A site obscuring buffer on the north side of the property along the proposed parking lot and wastewater storage pond shall be installed consisting of trees, shrubs, bushes and or a site obscuring fence.
- 10) An on-site sewage system designer/engineer must submit a design to Kittitas County Public Health for review for the drain field that will be required for the domestic wastewater from the facility.
- 11) The wastewater pond shall be secured with a fence to prevent unauthorized entry and aerated to reduce odor from stagnant water.
- 12) A wastewater discharge permit must be obtained from the Washington State Department of Ecology for the processing and land application of the wastewater pond.

This MDNS is issued under WAC 197-11-355. There is no further comment period on the MDNS; 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 on the grounds of noncompliance with the provisions of Chapter 43.21 RCW, shall be commenced on or before **February 21, 2024, at 5 p.m.**

Questions or Comments regarding this determination can be directed to Jamey Ayling, (509) 962-7065 jamey.ayling@co.kittitas.wa.us

**Responsible
Official:**



Jamey Ayling

Title:

Planning Official

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

Date: February 7, 2024