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Kittitas County CDS

KITTITAS COUNTY HEARINGS EXAMINER

Bull Ranch Long Plat Application of:
Lathrop Development Co., Inc., Appellant

LP-21-00001

NOTICE OF ADMINISTRATIVE
APPEAL OF SEPA DECISION

1. Notice is hereby given of the administrative appeal by Appellant of the Mitigated Determination of Non-Significance (“MDNS”) issued for the Bull Ranch Long Plat (LP-21-00001) (the “Plat”) dated May 20, 2021. The Notice of SEPA Action and the MDNS are attached hereto as Exhibits 1 and 2, respectively.

2. Appellant is the applicant for the Plat, and its address is 1572 Robinson Canyon Road, Ellensburg, Washington, 98926.

3. This appeal is brought pursuant to KCC 15.04.210 on the grounds that the inclusion of following portion of the mitigation measures set forth in Paragraph 2 of “Critical Areas” of the MDNS violates, or is inconsistent with, RCW 43.21C.060 and WAC 197-11-330 and 197-11-794.

“...This may include but is not limited to installation of fish screening and/or replacement of the Bull Road Culvert with a new water crossing structure. Compliance with any associated HPA conditions shall be required....”

This language implies an obligation on Appellant to provide mitigation measures having no reasonable nexus, under either law or fact, to any impact of the Plat on Lyle Creek or its

1 waters. Appellant holds no rights to any of the waters of Lyle Creek, has no legal authority to
2 take any actions with respect to its course, will impose a fifty (50) foot critical area buffer on the
3 Plat from Lyle Creek, and proposes no development or other activities either within the buffer or
4 that would otherwise impact Lyle Creek. The disputed language should be deleted from the
5 MDNS and that portion of the condition should not be imposed on the Plat.

6 4. The appeal fee of ^{1550.00}~~1560.00~~ is submitted to the county together with this notice of
7 appeal.

8
9 Respectfully submitted this 3rd day of June, 2021.

10 LATHROP, WINBAUER, HARREL,
11 SLOTHOWER & DENISON L.L.P.

12 
13 F. Steven Lathrop WSBA #5243
14 Attorney for Appellants

1 **CERTIFICATE OF SERVICE**


2 I certify that I have this day caused a copy of the document to which this is attached to be
3 served on the individual(s) listed below and in the manner noted below:

4
5 Jeremy Johnston, CDS Planning Official
6 Kittitas County Community Development Services
7 411 N. Ruby Street, Suite 2
8 Ellensburg, WA 98926

- BY U.S. MAIL
- BY HAND DELIVERY
- BY OVERNIGHT DELIVERY
- BY EMAIL: jeremy.johnston@co.kittitas.wa.us

9 I certify, or declare, under penalty of perjury under the laws of the State of Washington that the
10 foregoing is true and correct.

11 Signed at Ellensburg, Washington this 3rd day of May, 2021.

12 
 13 Rhoda Crispin
 14 Legal Assistant to F. Steven Lathrop

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KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

**Notice of SEPA Action and Public Hearing
Bull Ranch Long Plat
LP-21-00001**

To: Interested Parties,
Applicant

From: Rachael Stevie, Planner

Date: May 20, 2021

Subject: Bull Ranch Long Plat (LP-21-00001)

NOTICE IS HEREBY given that Kittitas County CDS and the Kittitas County Hearings Examiner will meet at 6:00 p.m. on June 10, 2021 to conduct a virtual public hearing to consider the Bull Ranch Long Plat (LP-21-00001). The proposal is for a one hundred and thirty-eight (138) single-family residential lot plat that includes seven (7) access tracts and associated utility infrastructure, on 1 parcel totaling 45.02 acres of land that is zoned Residential within the Urban Growth Area (UGA).

All interested parties are encouraged to attend the hearing by using one of the methods listed below:

1. By online Webex video conferencing: Meeting Link:
2. <https://kittitascounty.webex.com/kittitascounty/j.php?MTID=efe7dd60b52363038cfl18c95a59ba68cd>
3. By <https://kittitascounty.webex.com> or the Cisco Webex App on your phone or electronic device:
Meeting Number: 187 086 5322 Meeting Password: Hearing
By telephone: 1-408-418-9388 Meeting Number: 187 086 5322

Instructions for how to participate in virtual public hearings may be found at:

<https://www.co.kittitas.wa.us/uploads/documents/cds/Virtual%20Public%20Hearing%20Instructions.pdf>.

If you do not have access to an internet connection, you may join a virtual public meeting by using a community Wi-Fi service. There are several provided throughout the county. Here is a map of free community Wi-Fi locations:

<https://eburg.maps.arcgis.com/apps/Directions/index.html?appid=537575cc1cd6423a959551df3f56bcfb>.

For public meetings concerning the Easton area, a free Wi-Fi access point will be available at the Easton Fire Department KCFD #3 during the meeting. If you use this service, please do not park in an area that will affect station operations.

NOTICE IS HEREBY given that pursuant to WAC 197-11-355, Kittitas County Community Development Services did, on May 20, 2021, issue a Mitigated Determination of Non-Significance (MDNS) for the Bull Ranch Long Plat (LP-21-0001).

The lead agency for this proposal has determined that it does 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). This

decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the MDNS. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW shall be commenced on or before June 4, 2021 by 5:00 PM.

Anyone with an interest in this matter is urged to attend this noticed hearing where testimony will be taken. Written comments will also be received. Documents may be viewed at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx>, under "Long Plats" file number "LP-21-00001 Bull Ranch," or at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 prior to the hearing. Interested persons are encouraged to verify date and time prior to attending.

Staff Planner: Rachael Stevie

Dated: May 20, 2021
Publish in: Daily Record- May 20, 2021 & May 27, 2021



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Building Partnerships; Building Communities

MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: SEPA Checklist (LP-21-00001)
Bull Ranch Long Plat

Description: Steven Lathrop, registered agent for Lathrop Development Co, Inc., landowner, submitted an application for a one hundred and thirty-eight (138) single-family residential lot plat that includes seven (7) access tracts and associated utility infrastructure, on 1 parcel totaling 45.02 acres of land that is zoned Residential within the Urban Growth Area (UGA). Certain City of Ellensburg standards will apply to projects located within the UGA.

Proponent: Lathrop Development Co, Inc.
C/O Steven Lathrop
1572 Robinson Canyon Rd
Ellensburg, WA 98926

Location: The project area is located directly east of the City of Ellensburg along Kittitas Highway and Bull Rd. It includes one parcel owned by Lathrop Development Co, Inc. The subject property is parcel 298633, in the western half of the northeast quarter of Section 12, Township 17, Range 18, bearing Assessor's Map number 17-18-12010-0006.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it 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). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request, or can be viewed at the Kittitas County Community Development Services website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Long Plats" using the file number "LP-21-00001."

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 mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. The mitigation measures include the following:

Critical Areas

- 1) All final surveys shall include denotation of Lyle Creek and it's 50' buffer.
- 2) The applicant will work with WDFW to protect fish habitat and migration along Lyle Creek. This may include but is not limited to installation of fish screening and/or replacement of the Bull Road Culvert with a new water crossing structure. Compliance with any associated HPA conditions shall be required. Any encroachment into riparian buffer areas shall be mitigated consistent with WDFW recommendations and consistent with Kittitas County Code 17A.

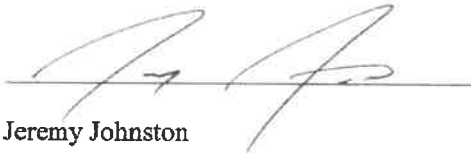
Cultural Resources

- 3) Should ground disturbing or other activities related to the proposed subdivision 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.

This MDNS is issued under WAC 197-11-355; the lead agency will not act on this proposal for 15 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 **June 4, 2021 at 5 p.m.** to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg WA 98926.

Questions or Comments regarding this determination can be directed to Jeremy Johnston, (509) 962-7065, jeremy.johnston@co.kittitas.wa.us.

**Responsible
Official:**



Jeremy Johnston

Title: Kittitas County CDS Planning Official

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

Date: May 20, 2021

Pursuant to Chapter 15A.07.010 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$1550.00 to the Kittitas County Community Development Services, 411 N Ruby St. Suite 2, Ellensburg WA 98926. Timely appeals must be received no later than 5:00pm, June 4, 2021. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on appeal process.