

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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### SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Project:** Schmaus # 4 Preliminary Plat (P-07-55), Schmaus # 3 Short Plat (SP-07-146), Schmaus # 2 Short Plat (SP-07-134)
- Description:** Three contiguous subdivision projects to divide a total of approximately 43.51 acres into 13-lots. The property is zoned Agriculture-3. The Schmaus #4 Preliminary Plat is a proposal to subdivide approximately 22.95 acres into 7-lots; the Schmaus #3 Short Plat is a proposal to divide approximately 10.00 acres into 3-lots; and the Schmaus #2 Short plat is a proposal to divide approximately 10.56 acres into 3-lots.
- Proponent:** Robin and Jayne Schmaus  
1001 Big Creek Road  
Cle Elum, WA 98922
- Location:** The subject properties are located south of Interstate-90, north of Nelson Siding Road, east of Talmadge Road, Cle Elum, WA 98922, and are located in a portion of Section 21, T20N, R14E, WM, in Kittitas County. Specific map numbers 20-14-21033-0003, 20-14-21033-0006 and 20-14-21030-0008.

**Lead Agency:** Kittitas County Community Development Services

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. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance 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. These mitigation measures include the following:

**The following conditions shall also apply based on the project specific analysis:**

#### I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached memorandum.

## II. Air

- A. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.
- B. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

## III. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an 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. To comply with the 5,000 gallon per day groundwater withdrawal exemption limit set for by the Department of Ecology, all wells for this development (P-07-55, SP-07-146 and SP-07-134) shall be metered. An approved measuring device shall be installed and maintained for the source(s) in accordance with "Requirements for Measuring and Reporting Water Use," WAC 173-173. Water use data from the source well will need to be recorded at a prescribed interval and submitted to the Department of Ecology by January 31<sup>st</sup> of each calendar year.
- D. The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the groundwater exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
- E. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in your area becomes limited your use could be curtailed by those with senior water rights.

## IV. Land and Shoreline Use

- A. Portions of the subject properties are located within the 100-year floodplain of Big Creek, a designated Shoreline of the State, as defined by the Shoreline Management Act. Future applications for building permits shall require further review by Community Development Services to determine the need for flood development permits.
- B. There shall be no structures located within 100-feet of the Ordinary High Water Mark (OHWM) of Big Creek. All work done within 200-feet of the OHWM requires further review by Community Development Services.

**V. Light and Aesthetics**

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

**VI. Noise**

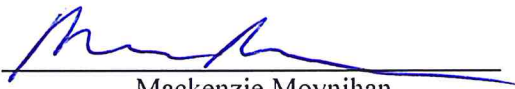
- A. Development and construction practices for this project shall only occur between the hours of 7:00am to 7:00pm to minimize the effect of construction noise on nearby residential properties.

**VII. Public Safety**

- A. Addresses of all new residences shall be clearly visible from both directions at the county road.
- B. The applicant shall consult with the local school district to determine the safest location for a school bus stop and said location shall be depicted on the final mylars.

**VIII. SEPA Review**

This MDNS is issued under WAC 197-11-350. 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's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced within 10 working days (on or before 5:00 PM, Friday, June 6, 2008).

**Responsible Official:**   
Mackenzie Moynihan

**Title:** Staff Planner

**Address:** Kittitas County Community Development Services  
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Ellensburg, WA 98926  
(509) 962-7506 FAX 962-7682

**Date:** May 22, 2008

Pursuant to Chapter 15A.07 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 no later than 5:00 PM, June 6, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.