



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Project:** B&J Preliminary Plat (LP-08-21)
- Description:** Application for a 7-lot subdivision of approximately 21.57 acres of land zoned Ag-3 pursuant to Kittitas County Code 16.32.
- Proponent:** Cruse & Associates
Chris Cruse
PO Box 959
Ellensburg, WA 98926
Landowner: Craig and Reesa Duncan
- Location:** The subject property is located west of the City of Ellensburg, north of Manastash Road, east of Cove Road, Ellensburg, WA 98926, and is located in a portion of Section 07, T17N, R18E, WM, in Kittitas County. Specific map number 17-18-07030-0018.

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.
- B. The applicant shall utilize only the existing access, as outlined in the Road Variance (RV-08-27) approved on September 17, 2008. There shall be no additional access directly off of Cove Road created to serve this project.

II. 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.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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- B. Stormwater and surface runoff generated by this project shall be retained and treated on-site in accordance with regulating agencies standards, and shall not be allowed to flow onto the County Road right-of-way or into Manastash Creek, a Shoreline of the State.
- C. Erosion control measure shall be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
- D. 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.
- E. The applicant shall require that shared wells be used to serve this project. Lot B1 and B2 shall share a well, lot B3 and B4 shall share a well, lot B5 and B6 shall share a well, and Lot B7 shall have an individual well. Lots B1 through B7 are part of a single project, the B&J Preliminary Plat (LP-08-21), and the entire project is limited to a single daily groundwater exemption. Each connection shall be allowed 714 gallons per day.
- F. The total daily groundwater withdrawal of all wells located within the B&J Preliminary Plat (LP-08-21) shall not exceed 5,000 gallons per day cumulatively per requirement of the Department of Ecology.
- G. All wells located on the subject property shall be metered and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements (WAC 173-539A-070).
- H. Not more than ½ acre of lawn and garden shall be irrigated of the entire 21.57 acres using the 5,000 gallon daily exemption. All irrigation water exceeding ½ acre shall be from the Kittitas Reclamation District.
- I. 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.
- J. 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.

III. Irrigation

- A. The subject property is located within the boundaries of the Kittitas Reclamation District (KRD). Irrigation delivery and distribution plans shall be developed, submitted and approved by KRD prior to final approval of the B&J Preliminary Plat.
- B. There shall be no interruption or diversion of KRD irrigation water delivery to surrounding properties.

IV. Land and Shoreline Use

- A. A portion of the subject property is located within the shoreline jurisdiction of Manastash Creek, a Shoreline of the State. No work shall be done (including clearing and grading) and no structures shall be placed within 100 feet of the Ordinary High Water Mark (OHWM) of the creek. The 100 foot buffer shall be delineated and shown on the face of the final mylars.
- B. Any work done within 200 feet of the OHWM of Manastash Creek, other than the following exempt activities, shall require further review and a Shoreline Substantial Development Permit from Community Development Services. Those exempt activities are as follows:
 - a. A permit will not be required for any development costing \$5,718 or less fair market value.
 - b. Normal maintenance and repair of existing structures including replacement provided the structure is approximately the same size, serves the same general function and is placed in the same general location. The type of material used for replacement of the structure is not of importance.
 - c. Emergency construction necessary to protect property from damage by the elements.
 - d. Construction of barns or similar agricultural buildings.
 - e. Single-family dwellings for use by the owner or his family and not to exceed a height of 35 feet above the average grade of the property.
- C. The 200 foot shoreline jurisdiction, 100 foot buffer area, and associated floodplain of Manastash Creek shall be delineated and depicted on the face of the final mylars.
- D. All development shall comply with the Kittitas County Shoreline Master Program.
- E. All waterways/waters/ditches located on the subject property, regardless of their designation of intermittent, perennial, or ephemeral shall be delineated and depicted on the final mylars. Improvements to such water features shall not impact on-site and off-site use. No diversions (i.e. culverts) or interruptions to any course of water on the subject property shall be incorporated without the approval of the Department of Fish & Wildlife, Community Development Services and the Department of Ecology.
- F. The riparian area of Manastash Creek shall be protected within the 100 foot buffer from the OHWM and no non-native or potentially invasive species shall be introduced. There shall be no disturbance within the buffer area.
- G. Site grading shall comply with Kittitas County Code 14.08.
- H. The subject property was rezoned in 2006 (Duncan Rezone, Z-06-55). All conditions identified in the rezone shall continue to apply to the subject property and subsequent parcels created therein.
- I. Pursuant to Kittitas County Code 17.74.060A, a Plat Note regarding the Right to Farm Ordinance is required. The note shall read as follows: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305).
- J. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system (Ord. 84-6 (part), 1984).

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.
- C. The fire department access road shall be capable of supporting 75,000 lbs in all weather, be 20' wide, provide 13'6" vertical clearance and provide for adequate turn-around for fire department apparatus in accordance with IFC 1006-Appendix D.

VIII. Air

- A. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt. The applicant shall consult with the Department of Ecology for information on implementing the FDCP.

IX. 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, Wednesday, October 29, 2008).

**Responsible
Official:**



Mackenzie Moynihan

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: October 14, 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, October 29, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.