

## State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

**Project:** Big Creek Trails Rezone (RZ-15-00001)

**Description:** A rezone from Rural Recreation and Rural 5 to Planned Unit Development (PUD) to create 58 lots from eleven [11] parcels (approximately 290 total acres)

**Proponent:** DK Professional Consultants (Landowner)  
304 W 1<sup>st</sup> St  
Cle Elum, WA 98926

**Location:** 11 parcels, located west of the City of Cle Elum of near Exit 74 off of Interstate 90 , in a portion of Section 28, 29, 30, 31, 33, T20N, R14E, WM in Kittitas County, bearing Assessor's map numbers 20-14-28000-0018, 20-14-28000-0054, 20-14-29000-0006, 20-14-29000-0015, 20-14-29000-0017, 20-14-29000-0018, 20-14-29000-0019, 20-14-32000-0001, 20-14-32000-0003, 20-14-32000-0004 and 20-14-32000-0005.

**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:

### I. Transportation

- A. Access: This project proposes to change the use of the existing access from the county road. The access must be improved to meet commercial standards. An access permit must be applied for and issued prior to beginning any work within the county right of way. Access must be completed prior to issuance of any building permits.
- B. The Subject property has a federally owned bridge (United States Bureau of Reclamation) and requires a replacement of the bridge and transfer of ownership to privately owned and maintained bridge.

- C. Kittitas Reclamation District requires a crossing license to be obtained to cross the KRD owned canal prior to construction.
- D. Bonneville Power Administration (BPA) requires that any activity in parcels 20-14-29000-0019, 20-14-290000-0017, 20-14-32000-0001, 20-14-32000-0003, & 20-14-32000-0004 that occurs in the right of way needs to be permitted by BPA prior to installation or construction and acquire a Land Use Agreement for any portion of the development plans that lie within the BPA's right of way.

## II. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a 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 (Erosion Sediment Control Plan). It is the applicant's responsibility to contact the Department of Ecology.
- B. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and reviewed by the County Engineer prior to issuance of a building permit. The stormwater system construction shall be certified by a licensed engineer prior to issuance of an occupancy permit.
- C. All water proposed to be used must be obtained from a water budget neutral source and meets conditions of Kittitas County Code Chapter 13.35.
- 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. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in an area becomes limited, use could be curtailed by those with senior water rights. Department of Ecology and Washington State Fish and Wildlife concur the surface water is not adequate to satisfy all water rights year-round.
- F. Prior to applying for any type of building permit in Kittitas County, applicants shall be required to make appropriate provisions for potable water supplies per RCW 58.17.110 which includes, but is not limited to, the minimum requirements outlined in the Kittitas County Board of Commissioners Resolution 2012-027.
- G. The Washington State Department of Health, Office of Drinking Water requires an approved water system for this project.
- H. Category I wetlands require a 50' buffer from the wetland delineation in accordance to KCC 17A.02. Category II wetlands require a 25' buffer from the wetland delineation in accordance to KCC 17A.02. Category III wetlands require a 20' buffer from the wetland delineation in accordance to KCC 17A.02.
- I. Setbacks to the shorelines of Big and Little Creek shall be consistent with the Shoreline Substantial Development Permit (SD-15-00002).



- J. Washington State Department of Fish and Wildlife will require Hydraulic Project Approval (HPA) permit for any work that would influence flow or bed of either Big or Little Creek.

### **III. 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.

### **IV. Fire & Life Safety**

- A. Addresses of all new residences shall be clearly visible.
- B. All construction must comply with Wildland Urban Interface Code (WUIC).
- C. If Single Family Residences are sprinkled [1] 30,000 gallon storage tank is required, if single family residences are not sprinkled [1] 60,000 gallon storage tank is required.
- D. Hydrant system installed per International Fire Code (IFC).

### **V. Light and Aesthetics**

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
- B. RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds. Accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds.
- C. All landscaping in the development area and its immediate surroundings shall follow the landscaping plan submitted with the Rezone application.

### **VI. Noise**

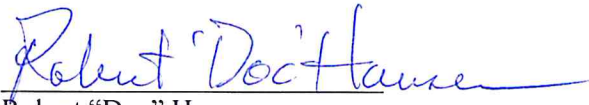
- A. Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.

### **VII. Historic and Cultural Preservation**

- A. Should ground disturbing or other activities related to the proposed conditional use permit 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.

The above stated mitigation conditions listed above will be provided within conditions of the decision of the rezone permit, shoreline substantial development permit, and short plat approval.

**Responsible Official:**   
Robert "Doc" Hansen

**Title:** Planning Official

**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7506 Fax: (509) 962-7682

**Date:** Friday, June 17, 2016

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; 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's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, Friday July 1<sup>st</sup>, 2016.

Pursuant to Chapter 15A.04.020 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 within 10 working days, or no later than 5:00 PM, July 1<sup>st</sup>, 2016. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.