

From: [Robert Doobovsky](#)
To: [Jeremiah Cromie](#)
Cc: [Daniel Robertson](#); [Jeremy Johnston](#); [Nelson, Jennifer L \(DFW\)](#); [Ryan Donogh](#); [Toni Berkshire](#); [dan.kristiansen39@gmail.com](#); [gconversano@redistair.com](#); [kriexinger@fairpoint.net](#); [pjonas@qscbeef.com](#)
Subject: Re: CU-22-00002 Calvary Ellensburg Request Site Visit with WDFW
Date: Tuesday, August 2, 2022 12:05:26 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Yes, thank you everyone for meeting on site today. I believe we have a good path forward. Calvary Ellensburg looks forward to working with fisheries and the county on this project.

Our plan moving forward is to provide the county with a critical area report with mitigation. We hope to have this to you within a couple of weeks. We are hopeful that once the critical area report has been approved with A SEPA determination, and we have completed the conditional use process, we will be able to turn in for building permits in September sometime.

Robert

On Tue, Aug 2, 2022 at 10:07 AM Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us> wrote:

Hello,

Thank you for meeting with the County and Fish and Wildlife on site at Calvary Ellensburg today (8/2/2022). After discussion, the county is going to require a critical areas report with a mitigation plan to offset the impacts of the project to the East Branch of Lyle Creek which is being treated as a Fish Bearing Stream (Type F) including the covered section as the proposed site plan is well within the 115' required setback. While a fish screen has been discussed as a possible solution to have the east branch of Lyle Creek to not be considered a Fish Bearing Stream, it is currently off-site and requires additional permitting and coordination that will likely go beyond desired timelines for your project. Attached is a list of qualified professionals that can help you with your critical areas report and mitigation plan. I would suggest that whoever you hire be in contact with Jen at WDFW prior to starting the report as well as providing them with your proposed site plans. I have attached the current proposed site plans for reference.

Let us know if you have more questions.

Jeremiah Cromie

Planner II

Kittitas County

Community Development Services

[411 N. Ruby Street; Suite 2](#)

[Ellensburg, WA 98926](#)

[Office: 509-962-7046](#)

jeremiah.cromie@co.kittitas.wa.us

From: Jeremiah Cromie

Sent: Monday, August 1, 2022 9:06 AM

To: 'Robert Doobovsky' <robertd@draftingcentral.net>

Cc: Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; Daniel Robertson <finishwell5676@gmail.com>; Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>;

Ryan Donogh <donoghcustomhomes@gmail.com>; dan.kristiansen39@gmail.com;

gconversano@redistair.com; kriexinger@fairpoint.net; pjones@qscbeef.com

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Thank you. See you at 8:30a tomorrow.

Jeremiah Cromie

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From: Robert Doobovsky <robertd@draftingcentral.net>
Sent: Monday, August 1, 2022 4:32 AM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Cc: Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; Daniel Robertson <finishwell5676@gmail.com>; Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Ryan Donogh <donoghcustomhomes@gmail.com>; dan.kristiansen39@gmail.com; gconversano@redistair.com; kriexinger@fairpoint.net; pjones@qscbeef.com
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We are meeting at 8:30 am

On Thu, Jul 28, 2022 at 3:12 PM Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us> wrote:

Robert,

Is there a time on Tuesday August 2nd that would be best for a site visit with you or others on Calvary Ellensburg property?

Jeremiah Cromie

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jeremiah.cromie@co.kittitas.wa.us

From: Jeremiah Cromie

Sent: Friday, July 22, 2022 4:59 PM

To: 'Nelson, Jennifer L (DFW)' <Jennifer.Nelson@dfw.wa.gov>; Robert Doobovsky <robertd@draftingcentral.net>

Cc: Daniel Robertson <finishwell5676@gmail.com>; Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Ryan Donogh <donoghcustomhomes@gmail.com>; dan.kristiansen39@gmail.com;

gconversano@redistair.com; kriexinger@fairpoint.net; pjones@qscbeef.com

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I am available all day on August 2nd and also available after 10a on August 5th. I am not available August 3rd.

Jeremiah Cromie

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jeremiah.cromie@co.kittitas.wa.us

From: Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>
Sent: Friday, July 22, 2022 4:39 PM
To: Robert Doobovsky <robertd@draftingcentral.net>; Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Cc: Daniel Robertson <finishwell5676@gmail.com>; Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Ryan Donogh <donoghecustomhomes@gmail.com>; dan.kristiansen39@gmail.com; gconversano@redistair.com; kriexinger@fairpoint.net; pjones@qscbeef.com
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I'm available all day on Tuesday, August 2; after 11 on August 3, and after 10 on August 5; I hope one of these times will work for others.

Lyle Creek comes under Judge Ronald Road and splits into two unscreened channels. It is my understanding that one of those channels flows around this property; although admittedly, it is not the channel that we generally consider the main branch of Lyle Creek.

Thank you,

Jen

Jennifer Nelson

Washington Department of Fish and Wildlife

Habitat Program

Ellensburg, WA 98926

(509) 961-6639 Mobile

From: Robert Doobovsky <robertd@draftingcentral.net>
Sent: Friday, July 22, 2022 4:13 PM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Cc: Daniel Robertson <finishwell5676@gmail.com>; Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Ryan Donogh <donoghcustomhomes@gmail.com>; dan.kristiansen39@gmail.com; gconversano@redistair.com; kriexinger@fairpoint.net; pjones@qscbeef.com
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External Email

Jeremiah,

We can meet on site it will have to be the first week in August. As you know we are on a time crunch and it seems a little late in the process to be requiring this. I guess I'm a little confused and frustrated at this point, Lyle Creek does not run through the Calvary Ellensburg property? When did the irrigation ditch get classified as a stream? What will we look at on site? The irrigation ditch is piped underground through the Calvary Ellensburg property. I don't know why this did not come up in our pre-submittal conference? Is the county now requiring a critical area report for all development with irrigation channels/ditches on the property?

We would appreciate it if we can get this over as soon as possible, so if we could meet the first week in August on the property that would be great, please let us know as soon as possible.

Robert Doobovsky

On Fri, Jul 22, 2022 at 3:40 PM Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us> wrote:

Hello,

Sorry for the delay in next steps as we were waiting on an attorney opinion on mapped Type U streams and Lyle Creek for multiple projects including yours. Based on our attorney's opinion, we would like to schedule a site visit with you and Fish & Wildlife under our review process for critical areas code KCC 17A.01.110 (see below). The other option would be to get a critical areas report done by a qualified professional. There may be required mitigation for Lyle Creek that runs through a portion of Calvary Ellensburg property.

17A.01.110 Review Process.

*1. **Administrative Procedures and Rules.** The administrative procedures followed during the critical area review process shall conform to the standards and requirements of all development and alterations. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by this Title.*

*2. **General Requirements***

*a. **Submittal.** Prior to the county's consideration of any proposed alteration or development not found to be exempt under [KCC 17A.01.050](#), the applicant shall submit to the County complete information regarding the critical area on the application for the underlying development, on forms provided by the county.*

b. As part of critical areas review, the County shall:

i. *Verify the information submitted by the applicant;*

ii. *Evaluate the project area and vicinity for critical areas and buffers;*

iii. *Determine whether the applicant is required to seek additional critical area consultation with qualified professionals and/or agencies, which may include a joint site visit with county staff, agency staff, and/or qualified professionals; (1) This additional consultation may be required for, but is not limited to, areas which contain unmapped critical areas and/or difficult mitigation circumstances.*

iv. *Determine whether the proposed development is likely to impact the functions or values of critical areas; and*

v. *Determine if the proposed development avoids impacts or adequately addresses the impacts to the critical area and buffer associated with the alteration or development.*

c. *Make a review determination:*

i. *No Critical Areas Present. If after a site visit the director's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed alteration or development is unlikely to degrade the functions or values of a critical area, then the director shall rule that the critical area review is complete and note on the underlying application the reasons that no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.*

ii. *Critical Areas Present, but No Impact - Waiver. If the director determines there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed alteration or development is unlikely to degrade the functions or values of the critical area(s) or buffer(s), the director may waive the requirement for a critical areas report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:*

1. *There will be no alteration of the*

critical area or associated riparian management zone or buffer;

2. The development proposal will not negatively impact a critical area or buffer.

iii. Critical areas may be affected by proposal. If the director determines that a critical area or areas or buffer(s) may be affected by the proposal, then the director shall notify the applicant that a critical areas report must be submitted prior to further review of the project, as described in [KCC 17A.01.080](#). The director may use the following indicators to assist in determining the need for a critical areas report:

1. Indication of a critical area on the county critical areas maps that may be impacted by the proposed alteration or development;

2. Information and scientific opinions from appropriate agencies, including but not limited to the Washington State Departments of Fish and Wildlife and Ecology;

3. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area; or

4. A finding by a qualified professional, or a reasonable belief by the director, that a critical area may exist on or adjacent to the site of the proposed alteration or development.

iv.

d. Effect of Director's Determination. A determination regarding the apparent absence of one or more critical areas by the director is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.

3. Request for Technical Assistance. *The Director may engage technical*

consultants or agencies with expertise to provide third party review and interpret critical area data and findings submitted by or on behalf of the applicant in instances where County staff lack the resources or expertise to review these materials. An applicant may be required to pay for or reimburse the County for the review costs incurred.

4. Pre-Qualification of Consultants. *The Director may prepare and maintain a list of qualified technical consultants and firms that meet the qualified professional standards detailed in [KCC 17A.01.610](#). Any proposed consultant whose name is not on the list may submit a statement of qualifications including information on experience in the preparation of critical area studies, years of experience, and sample work. Upon approval of the submitted qualifications, the Director shall add the name to the list of qualified consultants. The Director may reject data and findings from non-pre-qualified consultants or require a third-party review per [KCC 17A.01.110.3](#).*

Please let us know some times/dates that would work for you in the next few weeks.
Thank you.

Jeremiah Cromie

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