

From: [Jeremy Johnston](#)
To: [Jeremiah Cromie](#); [Kelly Bacon \(CD\)](#); [Rachael Stevie \(CD\)](#)
Subject: Type U Streams
Date: Thursday, July 21, 2022 8:14:01 AM

Below is the response we received from Neil regarding our treatment of Type U streams.

“What a "Type U Stream" is, I can't say, but it may be a type NP (maybe) or type NS (more likely) stream. So where our designation in mapping came from that calls things out as type U streams, I don't know. It may be best/clearest to redo the maps and call them out as Type NS streams. But the important question is whether or not, and if so how, we can regulate these now. KCC 17A.01.110.2(b)(iii) states that an applicant may be required to submit a critical areas report (KCC 17A.01.080(1)) when the area contains unmapped critical areas or difficult mitigation measures. KCC 17A.01.110.2(c)(iii) states that if the Director determines that a critical area may be affected by the proposal, the Director shall require a critical areas report. One of the indicators in making that determination is info from an agency like WDFW or DOE. So, if DOE or WDFW tells us that Lyle Creek is a type F stream, regardless of what we have it denominated as, we then can determine that some development next to this "unmapped" (because we have it classed or mapped differently/wrongly) stream may affect the critical area that is Lyle Creek and its buffer, and so we (the Director) can (actually "shall") require a critical areas report. Similarly, under KCC 17A.04.060(1), if development is within or adjacent to a known or suspected fish and wildlife conservation area, the Director shall require the applicant to submit a habitat management plan. So again, if WDFW tells us Lyle Creek is a Type F stream, yet we've got it marked as something else, we do know that adjacent development would be next to at least a "suspected fish and wildlife conservation area" and so would need to require a habitat management plan. So regardless of our denomination of this stream, if WDFW tells us they think it's a Type F, then the adjacent development is next to a fish and wildlife conservation area and so a habitat management plan is required, or this info leads to the requirement of submission of a critical areas report because we didn't previously know it was a Type F stream - our map designation was in error and so the critical area (Lyle Creek) was an unmapped critical area. So that, I believe, is how we can regulate this now. In the context of code enforcement, we'd be arguing something like "your building permit, that you failed to get, would also have required a critical areas report and/or a habitat management plan because your unpermitted structure is next to/within the buffer of a previously unmapped critical area and is within a suspected fish and wildlife conservation area." As to the Type U stream business, we could just say that's a residual mapping designation that needs cleaning up, it's probably equal to a Type NS designation, but none of that matters anymore since WDFW straightened us out by telling us it's a Type F, and so the argument I just walked through applies.”

Jeremy Johnston
Kittitas County Planning Official
jeremy.johnston@co.kittitas.wa.us
(509) 962-7065

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcbdac24bb8719d004a14