

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

August 31, 2017

MDJ Contractors LLC  
PO Box 1117  
Ellensburg WA 98926

Subject: PD-16-00001 & LP-17-00004 The Commons at Dry Creek PUD & Preliminary Plat  
Additional Information Required

Dear Applicant,

On May 8, 2017, staff issued a Notice of Application for the above-referenced applications. The comment period ended on May 23, 2017. Staff received several agency comments and sent a request for additional information on June 9, 2017. On July 21, 2017, you submitted revised plans and a wetland inventory report. Staff reviewed this information, and routed it agencies for review on August 8, 2017. On August 15, 2017, staff received a letter from Washington State Department of Ecology (DOE) requesting additional information regarding the wetland inventory report.

According to Kittitas County Code (KCC) 15A.03.040(3), additional information may be required after an application is deemed complete. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies if new information is required. In addition, the notice of application was issued using the optional SEPA DNS process in accordance with Washington Administrative Code (WAC) 197-11-355. According to WAC 197-11-355(4), the responsible SEPA Official shall consider timely comments on the notice of application and has the option of requiring additional information prior to making a threshold determination.

Based on the comments received above, the following is required in order for continued processing of the applications:

1. The Department of Ecology letter stated that the wetland inventory used for the property utilized incorrect methodology for determining whether or not wetlands are present on or adjacent to the area proposed for development. The letter included resource documents for appropriate preparation of a wetland determination. Therefore, please submit a new wetland determination meeting the requirements of the Department of Ecology.

Kittitas County staff will not continue processing the applications until the item above has been addressed. Please let me know if you have questions.

Sincerely,

Dan Carlson, AICP  
Community Development Services Director

Cc: Lori White, DOE, Wetland/Shoreline/Federal Permit Specialist (via email)

Enclosure: August 15, 2017 DOE Comment Letter



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 15, 2017

Dusty Pilkington  
Kittitas County Community Development Services  
411 N. Ruby St., #4  
Ellensburg, WA 98926

RE: Ecology SEPA 6503 Comments for The Commons at Dry Creek preliminary plat

Dear Mr. Pilkington:

Thank you for sending a copy of the application for the proposed preliminary plat, The Commons at Dry Creek, to the Washington State Department of Ecology (Ecology) for review and comment.

Ecology staff electronically received the following documents for review:

- *The Commons at Dry Creek preliminary plat* by MDJ Contractors LLC, dated July 14, 2017
- *The Commons at Dry Creek Project Narrative* by MDJ Contractors LLC, dated stamped received by Kittitas County CDS on July 21, 2017
- A July 29, 2014, *Wetland Inventory Report for Jackson (1910 Dry Creek Road, Ellensburg, WA)*, prepared by Lee Boad of The Wetland Corps.

Based on the information you provided, we offer the following comments.

The Wetland Inventory for the Jackson property utilized incorrect methodology for evaluating the subject property in determining whether or not wetlands are present on or adjacent to the area proposed for development. The Washington State Wetlands Identification and Delineation Manual (1997) is no longer the accepted manual to follow. Wetland delineations and determinations at the Jackson property should be completed in accordance with procedures outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0) (USACOE, 2008).

Based on review of The Wetland Corps data collected onsite, Ecology has the following comments regarding the methodology employed to evaluate the presence of wetlands on the Jackson property.



1. The area was surveyed during late July when conditions are dry with little rainfall. Plant communities can shift seasonally and wetland habitat can be difficult to detect in the Arid West Region due to the lack of precipitation and extreme heat during the summer months.
2. A single datasheet was prepared for all four plots investigated. Each plot must have a separate data sheet to show the characteristics found at each location investigated on the property. Combining test plots on a data sheet is not standard practice and does not follow agency guidance or methodology for collecting data.
3. Test holes were dug using an excavator. This method reduces many details of the soil profile that are necessary to correctly identify soil characteristics.
4. The Arid West Data sheet was not utilized for collecting data, resulting in incomplete collection of necessary data to make a wetland determination. The most current National Wetland Plant List for Washington, at the time of data collection, was not applied. Within the Arid West Region Supplement, five types of wetland status indicators are used. The plus (+) and minus (-) modifiers are no longer applicable. The horsetail (*Equisetum*) species should be identified to species in order to apply the proper indicator status.
5. An existing swale is mentioned within the Wetland Inventory, however it is not identified on the maps provided, nor is it clear if a data point was taken within the existing feature. The topographic feature should be evaluated further for wetland conditions.

The Wetland Inventory references the *Washington State Wetland Rating System for Eastern Washington* (Hruby, 2004). The 2004 publication has been replaced with the *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Publication #14-06-030). Classification must follow the current wetland rating publication.

Dry Creek is in close proximity to the Jackson property; therefore, the ordinary high water mark, stream classification and regulated buffer setback need to be identified. Any regulated buffer overlap on The Commons at Dry Creek should be identified and shown on plan sheets.

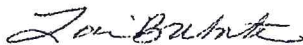
Ecology is unable to perform substantive technical assistance review and cannot confirm the findings of The Commons at Dry Creek documents received, as the wetland review by The Wetland Corps was not conducted in accordance to the prescriptive manual for wetland delineations and determinations. According to the National Wetlands Inventory (NWI) data, the majority of the parcel consists of an emergent wetland. Additionally, current and historic aerial photography review suggests there are vegetation changes indicative of potential wetlands

Dusty Pilkington  
Kittitas County Community Development Services  
August 15, 2017  
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scattered throughout the Jackson property. Ecology recommends the County request the applicant provide a wetland delineation report of the Jackson property utilizing current wetland delineation methodologies prior to further processing of The Commons at Dry Creek preliminary plat application. Attached to this letter are two guidance documents that outline components of a complete wetland delineation report. We recommend providing a copy of these documents to the applicant for reference.

Ecology looks forward to providing the County with technical assistance and expertise in the future. If you have any questions or would like to discuss my comments, please give me a call at (509) 575-2616.

Sincerely,



Lori White  
Wetland/Shoreline/Federal Permit Specialist

Attachments: as noted

cc: Dusty Pilkington, Kittitas County  
Gwen Clear, Ecology

#### References Cited

Hruby, T. 2014. Washington State Wetland Rating System for Eastern Washington: 2014 Update. Washington State Department of Ecology Publication #14-06-030.

U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble, ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

## Appendix H - Checklist & Sample Outline for a Delineation Report

At a MINIMUM, a delineation report should include:

- Field data sheets (complete set that were filled out during the wetland determination and delineation). These could be added as an Appendix to the report.
- A map identifying wetland boundaries and the locations of all data collection points (for large and/or complex projects, a large scale [1":400' to 1":100'] aerial photo with overlays displaying site property and wetland boundaries is helpful). This map must also clearly delineate the boundaries of the area evaluated.
- An explanation of the approach used to delineate the wetlands and synthesize the data. Describe the vegetation, soils, and hydrologic characteristics and summarize the available information used in making the wetland determination. The following are examples of potential sources of information<sup>11</sup>:
  - USGS quadrangle map (or other topographic map of the area).
  - National Wetland Inventory (NWI) map.
  - Local wetland inventories.
  - County soil surveys.
  - Stream and tidal gage data.
  - Previous site documentation and/or analysis (e.g., environmental checklist, environmental impact assessment or statement (EIA or EIS), geotechnical report).
  - Federal Emergency Management Agency (FEMA) flood insurance rate maps.
  - Regional maps that characterize the area.
  - Local experts.
  - USGS land use and land cover maps.
  - Survey plans and engineering designs for the proposed development project.
  - Aerial photos.
  - Other site specific information.
- Information on rare plants and high-quality wetlands from the Washington National Heritage Program.
- Information on priority habitats and species from the Washington Department of Fish and Wildlife.

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<sup>11</sup> These are potential sources of information that may have been helpful in making a determination, but not all listed sources of information may be applicable to a given situation. The delineator is not required to obtain information from all of the listed sources of information.

The following sample outline for a wetland delineation report has been copied with permission from the *Field Guide for Wetland Delineation: 1987 Corps of Engineers Manual* prepared by the Wetland Training Institute. Additional information can be found at the end of that field guide in the section of the document entitled "Preparing a Delineation Report."

**I. Introduction**

- A. Who authorized the delineation
- B. Why is it being done
- C. Location of site (Map)
- D. Date of site visit (s)
- E. Identification of delineators

**II. Methods**

- A. Brief description of method used
- B. Any modification of methods
- C. Sources of existing information used

**III. Results and Discussion**

- A. Description of the site
  - 1. Topography
  - 2. Plant communities
  - 3. Soils mapped and found (map)
  - 4. Hydrology information
  - 5. Existing wetland mapping (e.g., NWI/state/local)
- B. Findings
  - 1. Types of wetlands identified (e.g., Cowardin, et al 1979)
    - a. Description
    - b. Locations
    - c. Area
    - d. Contrast with nonwetland
    - e. How was boundary chosen (e.g., feature on the landscape)
  - 2. Types of other waters identified
    - a. Description
    - b. Locations
    - c. Area
    - d. Contrast with nonwetland
    - e. How was boundary chosen (e.g., feature on the landscape)
  - 3. Include maps/drawings showing results

**IV. Conclusion**

- A. Brief summary of total area and types of wetlands and other regulated waters
- B. Statement regarding the need for permits
- C. Caution that final authority rests with the appropriate agencies

**V. Literature Cited**

**VI. Appendix A (Data Sheets)**