

From: [Jeremy Johnston](#)
To: [Jeremiah Cromie](#)
Subject: FW: Schmidt Tiger Plat Extension
Date: Thursday, July 15, 2021 2:49:45 PM
Attachments: [Final Plat Application.pdf](#)

Jeremiah,

Below is the assessment I sent to the applicant for the Wildcat and Timothy applications (and another application I am dealing with). As far as I could tell this is where the applications were at. Keep in mind they have vested to the 2007 Code, but they do not vest to the processing from 2007. We will need to process them under our current 15A process. I went ahead and put the 2007 Code binder on your desk. Let me know if you have any questions.

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

“Building Partnerships-Building Communities”

-----Original Message-----

From: Jeremy Johnston
Sent: Thursday, July 8, 2021 11:06 AM
To: 'Andy Schmidt' <Andy@wardrugh.com>
Cc: Dan Carlson <dan.carlson@co.kittitas.wa.us>; 'Marc Kirkpatrick' <mkirkpatrick@encompasses.net>; 'Jeff Slothower' <Jslothower@lwhsd.com>; 'Paul Dempsey' <pdempsey@hnw.law>
Subject: RE: Schmidt Tiger Plat Extension

Hi Andy,

I have done a quick review of the three projects you note in your email. My understanding of the next steps for each project are provided below:

Tiger Plat LP-08-00022 : This plat received preliminary approval on December 1, 2009. This plat is on its last plat extension. A final plat application will need to be submitted no later than November 1, 2021 for processing. You will need to demonstrate that all preliminary conditions have been met and include a survey for final review. It sounds like you will have the water issues sorted out by then. I have attached our final plat application for your convenience which outlines the submittal requirements.

Wildcat Plat LP-08-00024 : Following a little digging and internal conversations it seems this application was put on hold until water issues could be resolved. It appears this application was noticed and received public comment. If you are ready to continue processing of this application, I will assign the application to a planner and have them send you the comments that were received and provide an opportunity for you to respond. We will also need to prep another Land Use Action sign to be posted at the site (assuming any original sign is no longer there). From there we can initiate our review and begin drafting a SEPA determination and recommendation documents consistent with code standards in place when the application was submitted.

Timothy Short Plat SP-08-00018: From what I understand from the file and internal conversations, processing of this application was also put on hold until the water issues were sorted out. We can continue processing this

application as soon as you are comfortable that the water issues are sorted. It appears this application still requires noticing and will need to be processed under the code standards in place at the time of submittal.

An acknowledgment that you are ready to proceed with the Timothy and/or Wildcat application is all we will need to re-engage the process (an email will suffice).

It is a little unusual to pick up processing of applications this long after the submittal date, so there may be a few additional items that arise as we engage the process. That being said I believe this is a general summary of where we are at and how we proceed. Let me know if you have any questions.

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

“Building Partnerships-Building Communities”

-----Original Message-----

From: Andy Schmidt <Andy@wardrugh.com>
Sent: Thursday, July 8, 2021 9:48 AM
To: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Cc: Dan Carlson <dan.carlson@co.kittitas.wa.us>; 'Marc Kirkpatrick' <mkirkpatrick@encompasses.net>; 'Jeff Slothower' <Jslothower@lwhsd.com>; 'Paul Dempsey' <pdempsey@hnw.law>
Subject: RE: Schmidt Tiger Plat Extension

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Good morning Jeremy and Dan,

We are being told by Ecology that our water transfer has been approved. Please take whatever steps you can to fast track the approval process for the Tiger Long Plat, Wildcat Long Plat and the Timothy Short Plat. We will be drilling wells this fall to show proof of potable water.

Best regards,

Andy Schmidt

-----Original Message-----

From: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Sent: Thursday, February 18, 2021 3:48 PM
To: Andy Schmidt <Andy@wardrugh.com>
Cc: Dan Carlson <dan.carlson@co.kittitas.wa.us>
Subject: Re: Schmidt Tiger Plat Extension

Hi Andy,

I was finally able to have a conversation with the Department of Ecology. They did verify delays with water approvals due to Covid-19. Thank you for bringing this to our attention. We are going to work within our department to look at alternatives to find a solution to this issue. Please continue working on your plat requirements to the best of your ability. We will reach out to you when we have more specifics on the appropriate path forward.

Feel free to contact me with any additional questions.

Jeremy Johnston

Kittitas County Planning Official

From: Andy Schmidt <Andy@wardrugh.com>
Sent: Thursday, February 11, 2021 12:07 PM
To: Jeremy Johnston
Cc: Dan Carlson
Subject: Schmidt Tiger Plat Extension

Hi Jeremy,

Please reference the email below from Paul Dempsey. Please pay special attention to the last portion of his email concerning delays relative to Dept of Ecology Yakima. These Covid delays are very real and have not only slowed my project but others as well. I was planning on drilling wells last fall but we are still waiting on DOE approval of the water transfer. Drilling water wells on my project has a narrow drilling window basically Nov-Dec and again in March- April due to drill rig access. Of course I am not asking for only my project to receive an extension. I would expect others to receive this as well.

Best regards,

Andy Schmidt

Hi, Andy.

Thanks for including me on this correspondence with the County. Jeremy Johnston's comments are mostly encouraging, but of course there are no guarantees of extensions for final plat approvals for you -- or for anybody

else in the County -- at this point.

Before I address Ecology delay specifics, let me update you regarding your new permit app. I just conferred with Jessica Kuchan, who confirmed that Kittitas County recorded the Nelson/Ecology Trust Water Right Agreement today. Meanwhile, I've been told on a couple occasions that Jenna Rushing's work as the permit writer on this project is completed. That means that following confirmation of TWRA recording, Jenna's draft mitigated permit approval paperwork is ready for final CRO review. Likely that means an initial hydrogeologic review, which should be a formality, given the green zone status of your existing and planned wells. Once the HG is signed off, it goes to Scott Turner for final permit writing review. In connection with that, there will be some sort of electronic posting and public comments period - as long as 30 days, but perhaps less than that, at Ecology's discretion. When that hurdle is cleared, the permit goes to Trevor Hutton for signature.

Will these final Ecology review items be completed immediately? Our lengthy experience with this and other projects suggests "No." That said, Mr. Turner understands that I expect these final steps to be completed by the end of March. And I am fairly confident we'll meet that timeline. I have a follow-up request for project completion timetable out to Trevor and Scott today.

Assuming we meet that late March deadline, I'm guessing that would allow you sufficient time to drill and test any new well(s) required for the Tiger Plat and for Jeff Slothower to secure final plat approval through the County. Am I right about that?

Next, understanding that we have no ironclad guarantees re Ecology's final permit determination or the timing of such, your separate effort to secure another final plat extension for Tiger and perhaps other plats could emphasize the following Ecology-specific delay items:

- * Ecology, including the CRO office, which has jurisdiction over your mitigated domestic permit app, has been closed down since March, 2020.
- * Only a handful of very senior staff are even permitted to go to the office in Union Gap - and only for an hour or two, typically once a week.
- * CRO employees work almost exclusively from home and will continue to do so until at least the end of June 2021.
- * CRO employees were furloughed one day a week last summer and one day a month during the latter part of 2020.
- * The CRO Water Resources permitting department has been significantly understaffed since even prior to the pandemic shutdown.
- * The permit writing staff, with direct responsibility for your application, has been down three full-time permit writers for more than one year.
- * In this case, Ms. Rushing, who did the principal drafting work on your permit decision documents, is an Olympia based Ecology employee, on-loan to CRO for back-up on projects such as yours.
- * The CRO Water Resources Section Leader, Trevor Hutton, was sidelined for the better part of a month during late 2020, caring for a very sick spouse.
- * Mr. Hutton's Permit Writing Lead, Scott Turner, contracted COVID at the first of the year, immediately following a Christmas vacation. Scott and his entire family were sick and quarantined for two+ weeks in early January 2021.

Andy, I hope the above items provide some additional leverage for your conversations with Jeremy! I'll continue to focus on securing a final Ecology "Yes" on the mitigated permit app ASAP...

Best,

Paul

Paul C. Dempsey, Attorney

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