

From: [Jeremiah Cromie](#)
To: ["Ian Loveless"; "Costa Philippides, PE"](#)
Cc: [Jeremy Johnston](#)
Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)
Date: Monday, August 16, 2021 4:39:00 PM

Ian and Costa,

After consulting with attorneys, the completed plat that was recorded does not vest the critical areas ordinance in anyway. Since it has been more than 10 years, this plat is subject to current standards per RCW 58.17.170. The Ski Acres plat was platted back in 1968. Old plats that are beyond their timeline in RCW 58.17.170 would be subject to current standards.

Also, please note that RCW 58.17.033 limits vesting to zoning and other land use controls in place at the time but does not apply to other laws that are state mandated (i.e. SEPA, Shoreline, Critical Area, Stormwater).

With that said, we are going to issue an MDNS this Thursday that just says that "A buffer consistent with Kittitas County Critical Areas Ordinance in place of the time of clearing shall be observed for Tunnel Creek" as one of the conditions.

I just wanted to make you aware of this, so you guys weren't caught off guard.

Let us know if you have any questions.

Jeremiah Cromie
Planner I
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: Friday, August 6, 2021 10:53 AM
To: 'Downes, Scott G (DFW)' <Scott.Downes@dfw.wa.gov>; 'Ian Loveless' <ian@evolutionprojects.com>; 'Early, Shane (DNR)' <Shane.Early@dnr.wa.gov>; 'MAUNEY, MARTY (DNR)' <MARTIN.MAUNEY@dnr.wa.gov>; 'Costa Philippides, PE' <CostaP@encompasses.net>
Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

Ian,

As mentioned on the phone, our director met with our attorney this morning and found out that the current critical areas ordinance does not vest with the grading permit. I have sent an invite for a WebEx meeting with myself, the planning official and likely the director of the department on Tuesday (8/10) at 11 per your request. I also included the link and meeting number for you here in case you did not get the other somehow:

Join from the meeting link

<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=mc6af9c5532c729ed22c89ef23ae2798e>

Join by meeting number

Meeting number (access code): 146 507 6432

Meeting password: mPNYkWrr988

The current proposed updated critical areas ordinance can be found [here](#). You can sign up for e-mail notifications regarding the update on the page. The next meeting regarding the Critical Areas ordinance is an extended study session with [the Planning Commission on Tuesday \(8/10\) at 6pm](#). There will likely be a final draft put together after that with a planning commission public hearing in September and County Board public hearing in October. Kittitas County anticipates the earliest a new ordinance would go into effect would be in November of 2021 but there are no guarantees.

Jeremiah Cromie

Planner I

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: Thursday, August 5, 2021 2:21 PM

To: 'Downes, Scott G (DFW)' <Scott.Downes@dfw.wa.gov>; 'Ian Loveless' <ian@evolutionprojects.com>; 'Early, Shane (DNR)' <Shane.Early@dnr.wa.gov>; 'MAUNEY, MARTY (DNR)' <MARTIN.MAUNEY@dnr.wa.gov>; 'Costa Philippides, PE' <CostaP@encompasses.net>

Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

Ian,

The director is having a meeting with our attorney tomorrow to discuss vesting the critical areas requirements with the grading permit. I will let you know more after that meeting and what we are thinking moving forward for your project in regards to Critical Areas and SEPA decision.

Jeremiah Cromie
Planner I
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: Thursday, July 29, 2021 4:26 PM
To: 'Downes, Scott G (DFW)' <Scott.Downes@dfw.wa.gov>; 'Ian Loveless' <ian@evolutionprojects.com>; 'Early, Shane (DNR)' <Shane.Early@dnr.wa.gov>; 'MAUNEY, MARTY (DNR)' <MARTIN.MAUNEY@dnr.wa.gov>; 'Costa Philippides, PE' <CostaP@encompasses.net>
Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

After talking to all parties,

It sounds like the best way of dealing with the tree shade is doing a condition related to the following:

A buffer of 40 feet shall be maintained from the creek. All understory trees providing shade to the creek shall be retained within 100 feet of the creek unless a mitigation plan is approved by Department of Fish and Wildlife that provides adequate shade to the creek. (Please note that a tree survey is likely necessary).

Let me know your thoughts.

It looks like No FPA would be required due to the less than 2 acres of contiguous ownership.

Jeremiah Cromie
Planner I
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: Wednesday, July 28, 2021 8:37 AM
To: 'Downes, Scott G (DFW)' <Scott.Downes@dfw.wa.gov>; Ian Loveless <ian@evolutionprojects.com>; Early, Shane (DNR) <Shane.Early@dnr.wa.gov>; MAUNEY, MARTY (DNR) <MARTIN.MAUNEY@dnr.wa.gov>; 'Costa Philippides, PE' <CostaP@encompasses.net>
Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

In relation to Scott's comments, based on the size of the lots, the county is likely going to put in the SEPA decision that a 40 ft. setback be maintained from the stream while saving the overstory trees within the 100 ft. buffer.

A FPA (Forest Practices Act) application will be required if there is more than 2 acres of contiguous ownership currently for the clearing/grading/utilities install. If you are harvesting lumber and driving over the culvert, it would require the FPA as well and replacing the culvert. We will address this in the SEPA conditions.

Please let me know if/when there are any resolutions regarding the turn-around.

Thanks.

Jeremiah Cromie
Planner I
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: Downes, Scott G (DFW) <Scott.Downes@dfw.wa.gov>
Sent: Monday, July 26, 2021 8:17 AM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>; Ian Loveless <ian@evolutionprojects.com>; Early, Shane (DNR) <Shane.Early@dnr.wa.gov>; MAUNEY, MARTY (DNR) <MARTIN.MAUNEY@dnr.wa.gov>; costap@encompasses.com

Subject: RE: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

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.

This is a follow-up to our meeting on Friday on site. First, thank you again for meeting out there. We determined that the stream meets the physicals for a fish-bearing stream on the property. In current county CAO language this would be a Type 2 stream. The current CAO allows a buffer of 40-100 feet. This stream flows downstream into Coal Creek which has some documented use by Bull Trout. Thus, shade over this stream to protect water quality and temperature is critical for stream protection. For this stream protection and its effects to Bull Trout, a listed species, WDFW would recommend applying the full 100 foot of the buffer. If a lower distance is applied, then all overstory trees that are contributing shade to the creek need to be retained.

Thank you,

Scott

Scott Downes

Fish & Wildlife Habitat Biologist
Washington Department of Fish and Wildlife
Region 3 Habitat Program
1701 South 24th Ave
Yakima, WA 98902-5720
Scott.Downes@dfw.wa.gov
Office-509-457-9307
Cell-509-607-3578

-----Original Appointment-----

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Sent: Tuesday, July 13, 2021 3:58 PM

To: Jeremiah Cromie; Ian Loveless; Early, Shane (DNR); MAUNEY, MARTY (DNR); Downes, Scott G (DFW)

Cc: PRESTON, CINDY (DNR); costap@encompasses.com; Neet, Wendy (ECY)

Subject: SE-21-00012 Ski Acres Site Visit (Corner of SR906/Tanner Way)

When: Friday, July 23, 2021 8:30 AM-9:30 AM (UTC-08:00) Pacific Time (US & Canada).

Where: (Corner of SR906/Tanner Way) 47°24'06.7"N 121°24'25.1"W

External Email

Site visit to go over stream location and clearing addressed in comments.

Comments can be seen here:

<https://www.co.kittitas.wa.us/uploads/cds/land-use/Miscellaneous%20SEPA%20Applications/SE-21-00012%20Ski%20Acres/SE-21-00012%20Ski%20Acres%20Combined%20Comments.pdf>

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