

James Carmody

From: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Sent: Thursday, July 15, 2021 3:40 PM
To: 'Geoffrey Gray'; James Carmody; Jan Williamson
Cc: Toni Berkshire
Subject: RE: 11798 Manastash Road - Ellensburg, Wa
Attachments: Shoreline Exemption Permitting.pdf

Good Afternoon Geoffrey, Jamey and Jan,

I have had an opportunity to review the critical areas study submitted yesterday and found it sufficient to address the project. From a shoreline perspective, it appears this project can become compliant with a Shoreline Exemption Application (attached). In the application you will want to note that you are utilizing the "Interrupted Buffer" option allowed under KCC 17B.05.050(B)(3), and that you are applying under the exemption KCC 17B.07.030(2)(g) which allows appurtenant structure to single family residences within shoreline jurisdictions. This project does not require a SEPA, JARPA or VSP element so you can ignore those submittal requirements, but we will need a scaled site plan and a brief narrative that describes the structure and notes the code sections I listed above. These applications usually take 1-2 months to process. Let me know if you have any questions.

Jeremy Johnston

Kittitas County CDS, Planning Official

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"Building Partnerships-Building Communities"

From: Geoffrey Gray <gg@gg-env.com>
Sent: Wednesday, July 14, 2021 4:33 PM
To: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Cc: James Carmody <Carmody@mftlaw.com>; Jan Williamson <jmw1955@msn.com>
Subject: FW: 11798 Manastash Road - Ellensburg, Wa
Importance: High

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Greetings, Jeremy.

Hope you are well! As you are as busy as a three-armed octopus, I appreciate your assistance in this matter. =)

The purpose of this email is to address the potential for relocation of an existing awning, from one wall of an existing barn to another wall ("action"), to affect the existing baseline functions and values of Manastash Creek and an associated Category I Riverine wetland.

Spoiler alert: The action will not result in a measurable effect to the above aquatic resources. Otherwise stated, any effect would be negligible.

Discussion: The wetland and stream delineation was conducted from the existing bridge at the parcel's southwest corner to a small wooden dock present on the edge of the pond. The buffer zone along this creek reach (left/north bank) has been managed for residential and agricultural use for a considerable period of time. As such, the buffer zone is occupied by a rural residence, multiple outbuildings, equipment access areas, a livestock enclosure, and landscaped/managed vegetation. The action was implemented in an area encompassed by existing outbuildings. The action did not introduce additional pollution-generating impervious surface – so no additional stormwater is generated. All stormwater arising from the awning infiltrates into pervious soils without entering the wetland/stream. No vegetation was removed by the action. The nearest corner of the relocated awning is approximately 90 feet from the edge of the pond. The awning does not alter the shade regime along the creek. As such, and given the baseline condition of the buffer zone, there is no measurable effect of the action on the existing functions and values of the creek or wetland.

Incidental Observations:

- The left bank of the creek is eroding in multiple locations between the bridge and pond. These approximate locations are mapped in the Wetland and Stream Report.
- Despite the history of residential/agricultural activity along the creek, the wetland and stream baseline environment within the parcel remains unique and valuable.
- The creek is listed as critical habitat for steelhead, and according to Jennifer Nelson (WDFW), Chinook and coho salmon may also be present.
- Many fish were observed in the pond, which currently offers off-channel habitat for invertebrates and amphibians as well.
- Beavers are active along the reach, a keystone species associated with a healthy wetland and stream environment.
- The parcel intercepts elevated groundwater/springs which helps to keep stream water temperatures low and desirable for fish in the summer/low flow period.
- The riparian zone, consisting of very large trees, is one of the wider zones along Manastash Creek. Such tree stands shade the water, slow flood flows, reduce erosion, and introduce large woody debris and organics (complexity) to the stream.
- The creek flows through a Category I Riverine wetland. This category of wetland is very rare. I have only delineated a handful in my career. This wetland unit absolutely crushed the Ecology rating form – receiving the highest score I've ever seen (25 out of 27 points).

I trust this information provides the information you need to move the discussion forward. Should you have any questions at all, please don't hesitate to contact me.

Cheers, GG

Geoffrey Gray, MA, PWS #3162
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ZOOM, MS Teams, Google Duo, NetMeeting

From: James Carmody <Carmody@mftlaw.com>
Sent: Monday, July 12, 2021 11:50 AM
To: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Cc: Deborah Girard <Girard@mftlaw.com>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; Geoffrey Gray <gg@gg-env.com>
Subject: RE: 11798 Manastash Road - Ellensburg, Wa

Jeremy:

I appreciate your confirmation regarding the easement and buffer interruption provisions. Geoff Gray is going through the final draft of his shoreline and wetland report which should be available in the next few days. The report focuses on the OHWM and wetland boundaries as well as buffer conditions. We waited on specific analysis of the encroachment area until we heard back from you, Geoff can supplement his report with his opinion regarding the encroachment area and options. It might make sense to think about a meeting which includes Geoff and Jan because there is a unique bigger picture option which includes a possible buffer enhancement effort. Geoff can speak to some of those ideas. It is subject that Jan and WDFW (Jennifer) have been discussing over the past many months. It can also address a serious problem related to erosion of the stream bank on the Williamson property caused by the temporary placement of an upstream bridge. The temporary bridge was to be replaced within one year but the adjacent owner failed to take the required action. T

I will follow-up with Geoff and Jan and give you a timeline for the additional opinion.

Thanks for your help.

Jamie

From: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Sent: Monday, July 12, 2021 9:41 AM
To: James Carmody <Carmody@mftlaw.com>
Cc: Deborah Girard <Girard@mftlaw.com>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>
Subject: RE: 11798 Manastash Road - Ellensburg, Wa

Good Morning,

Thank you for the clarifying information. Your letter appears to demonstrate that the easement in question was active when the awning was erected in 2018. As such, KCC 17.05.050(B)(3) does allow the Administrator to permit structures landward of such easement. Our criteria for permitting such a structure is based on impacts and whether they are negligible or can be mitigated. Once Mr. Gray has completed his report I would like a chance to review it and read his opinion on impacts of the project and potential mitigation options. CDS can then make a determination based on this information. Due to the Code Enforcement element of this project it is important that we receive this report as soon as possible. I have CC'd our Code Enforcement Officer to ensure we are all on the same page.

Jeremy Johnston
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"Building Partnerships-Building Communities"

From: Deborah Girard <Girard@mftlaw.com>
Sent: Friday, July 9, 2021 2:01 PM
To: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>
Cc: James Carmody <Carmody@mftlaw.com>
Subject: 11798 Manastash Road - Ellensburg, Wa

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Jeremy, please see attached correspondence regarding the Williamson property at 11798 Manastash Road.

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