



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

Mardee Lake Non-Project Rezone (CP-24-00001)

I. GENERAL INFORMATION

Requested Action:

Linda Lewington, owner for Mardee Lake Inc., is proposing a rezone and map amendment to four parcels (808335, 818335, 828335 and 838335) currently zoned Forest and Range with a Rural Working Land Use, rezoned to Rural Recreation zoning and land use designation. The rezone will allow the current use of the property to be consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-24-00001), rezone application, and SEPA checklist were submitted as part of the application packet. This project is being processed as a remand from the 2022 Annual Comprehensive Plan Docket process.

Location: Tax parcels 808335, 818335, 828335, 838335, located on Snoqualmie Pass northeast of the I-90 Exit 54 in Section 15, T.22N, R.11E, W.M.; Kittitas County parcel map numbers 22-11-15020-0001, 22-11-15020-0002, 22-11-15020-0003, 22-11-15010-0002.

II. SITE INFORMATION

Total Proposal Size:	approximately 150.98 acres
Number of Lots:	4
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Snoqualmie Pass Fire District #51
Irrigation District:	None

Site Characteristics: The site is undeveloped Forest and Range with Rural Conservancy Shoreline Jurisdiction and primarily located within the Channel Migration Zone for Coal Creek.

Surrounding Property:

North: Wenatchee National Forest
South: I-90 Corridor/Hyak Estates
East: Privately owned forested land
West: Wenatchee National Forest

Access: The proposal has access from I-90 and Forest Service Road 4832.

Zoning and Development Standards: The subject property is currently zoned Forest and Range with a Rural Working Land Use. The application is to amend both the zoning and land use to Rural Recreation. The purpose and intent of the Rural - Recreation zone is to provide areas where residential development may occur on a low-density basis or in residential clusters. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County. The proposed rezone has the potential to allow for future recreational/residential/resource activity consistent with surrounding properties. Attachment A of this Staff Report is a land use table comparison between Forest and Range and Rural Recreation showing the allowed uses within each zone, as well as the processes required for each allowed use.

III. ADMINISTRATIVE REVIEW

Complete Annual Comprehensive Plan Docket Application: Application for a comprehensive plan map amendment, rezone from Rural Working Land Use and Forest and Range Zoning to Rural Recreation zoning and land use, and SEPA environmental checklist was received on January 11, 2023. The application was deemed complete on March 1, 2024. A Notice of Application was issued on April 11, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

IV. COMPREHENSIVE PLAN

The current land use designation is Rural Working. The proposed land use designation is Rural Recreation. Under the 2021 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20-year planning window. These goals and policies were developed in an effort to ensure consistency and coordination with County Wide Planning Policies:

RR-G26: Maintain and enhance the extraordinary and expansive recreational opportunities in Kittitas County.

RR-G27: Provide safe opportunities to develop public and private recreational spaces while preserving rural character.

RR-G28: Increase rural tourist and rural recreational spaces while maintaining environments characteristic to rural areas.

RR-G29: Allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.

V. REZONE CRITERIA

The following criteria must be met per KCC 17.98.020.6 (a-h).

- a) The proposed amendment is compatible with the comprehensive plan; and
- b) The proposed amendment bears a substantial relation to the public health, safety or welfare; and
- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
- d) The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property; and
- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
- g) The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and
- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

The applicant's and staff response to the above criteria can be found below:

- a) The proposed amendment is compatible with the comprehensive plan.

Applicants Response: *“This Project's relationship and compatibility with the Kittitas County Comprehensive Plan is consistent with the goals and policies outlined within Exhibit 4 of this proposal along with the additional goals and policies listed below.*

H-G 1: Support strategies that increase and maintain the availability of affordable housing for all incomes levels throughout the county.

This zone change will allow for additional housing to be built in the future with domestic water provided by Group A water system. Housing units needed for future populations, per the comprehensive plan, is projected to be 8,611 units by the year 2037. This is one of the very few areas in the upper county that is be served by a Group A water system via the Snoqualmie Pass Utility District.

H-G3: Provide equitable housing options to allow residents with supported living needs to live as independently as possible throughout the County.

The proposal will create the possibility for new homes to be built in the future which will provide future home ownership.

H-G7: Provide a sufficient number of housing units for future populations in rural areas of Kittitas County while maintaining environmental corridors and quality habitats.

This proposal will could provide for additional housing units while maintaining the environmental corridors and quality habitats that this land contains.

H-G8: Provide for future populations while protecting individual property rights.

This proposal allows for the continued protection of private property rights.

H-P3: Identify lands within areas which are served by centralized water and sewer systems, paved streets and other public services provide to them which are suitable for high density residential use including multi-family and single family planned unit developments and cluster housing.

This proposal is within the service area of the Snoqualmie Pass Utility (water and sewer) District. This district provides domestic water and sewer to the proposed land to be re-designated to rural recreational. The subject parcels have immediate access from I-90 and are within a 1.5 to 2 miles of other public services.”

Staff Response: This project proposes to change the Land Use and Zoning designations conforming with adjacent properties zoning and recreational uses within the vicinity. The requested zone change is compatible with the County's Comprehensive Plan.

- b) The proposed amendment bears a substantial relation to the public health, safety or welfare.

Applicants Response: *“The proposed amendment must bear a substantial relation to only one of the following: public health, safety or welfare and this proposal benefits county residents in all three categories.*

Kittitas County Population Growth: The Kittitas County Conference of Governments (COG) made a recommendation to the Board of County Commissioners to adopt the Office of Financial Management's (OFM) numbers and distribution of populations projections through 2037. These projections are intended to guide in the development of Kittitas County. This recommendation included a population projection of 65,967 residents within Kittitas County by the year 2037. Using this projection, the 20-year population allocation for Kittitas County is anticipated to increase by 23,297 people. This proposal provides for the possibility of housing that will add to the greater mix of residential housing types that will assist in meeting the carrying capacity that the county is required to provide for in the Kittitas County Comprehensive Plan. By changing this zone to Agricultural-5 with property located in the future boundaries of a Group A Water System that has the water rights to serve this area bears a substantial relation to the public health, safety and/or welfare; and

Public Health: In 2016 Kittitas County had the availability of new domestic water supplies greatly reduced as the Department of Ecology has determined that the water in the upper Yakima River basin has been over allocated. In addition, the Department of Ecology has found that there is a connection between surface and ground water in the Upper Yakima River Basin and has determined that there will be no new water rights (surface or ground) issued for any use unless mitigated by an existing senior water right.

Since this decision Kittitas County came into compliance with the adoption of their comprehensive plan along with the continued development on how to provide water for domestic purposes. One example is that Kittitas County has purchased water rights and developed an over the county water program to meet the domestic needs of Kittitas County. Furthermore, private water banks were developed, with approval from WA ST. Dept. of Ecology to also allow for the ability to provide domestic water for new and future residential uses. Furthermore, this proposal is within the service area of the Snoqualmie Pass Utility (water and sewer) District. This district provides domestic water and sewer to the proposed land to be re-designated to rural recreational. By providing domestic water and sewer by being within the service area of the Snoqualmie Pass Utility District this amendment bears a substantial relation to the public health; and Welfare: The Merriam-Webster dictionary defines "welfare" as "the state of doing well especially in respect to good fortune, happiness, well-being, or prosperity ". Home ownership intermixed with recreation activities are specifically designed to provide happiness and well-being. The property is located adjacent to other properties in the same area that provide for wide variety of recreational opportunities for both summer and winter (Snoqualmie Pass Skiing, snow shoeing, mtn. biking, fishing, hunting, hili.ng, access to Wenatchee National Forest to name a few). By providing these new opportunities the proposal bears a substantial relation to welfare; and Safety The Merriam-Webster dictionary defines "safety" as "the condition of being safe from undergoing or causing hurt, injury, or loss". The change in the zone from Forest & Range - 20 to Rural Recreational will provide a similar environment for the continued and growing rural population and recreation uses. The proposal is already being encircled by surrounding smaller densities along with other existing recreational uses. By zoning these parcels to Rural Recreational will bring this property into consistency with the surrounding area, allow for innovated techniques to occur for residential development while protecting the rural character and natural environment with a safe water and sewer supply in a safe environment, therefore this amendment bears a substantial relation to safety."

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public as the proposal is currently a non-project specific application. A critical areas report was completed as part of this application and identifies the critical areas and buffers to which development must abide by as required in the Critical Areas Ordinance. The primary goal and intent of the proposed zoning, Rural Recreation, is to promote rural recreation residential development associated with the many natural amenities found within Kittitas County. The property is located in the vicinity of a wide array of outdoor recreational opportunities.

- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

Applicants Response: *"The Merriam-Webster dictionary defines "merit" as "a good quality or feature that deserves to be praised' and/or "the quality of being good, important, or useful ".*

Protection of existing natural areas: With the concept of preserving natural areas, by designating this land as rural recreation land provides for consistency within the immediate area and those similar recreational uses. All the surrounding land has been continually developed making it even more difficult to continue with any future recreational types of scenarios. By changing the land use designation and zoning designation allows for the continued rural recreational lifestyle to occur. By doing this the amendment and rezone has merit and value for the county.

Protection of Coal Creek: Coal Creek is located on a portion of this proposal. By including this rural recreational growth on these lands allows for the continue recreational use (merit and value for the County) of Coal Creek and other associated natural areas.

Water Availability: This amendment and rezone will also allow any future recreational use/development to use the Snoqualmie Pass Utility (water & sewer) District for domestic uses. By doing this the amendment has merit and value for the county allowing further protections to the natural recreational area.

Access: With access from I-90 and the existing county road allows for the immediate access to the subject property and provides the ability for future connectivity for future recreational development proves that

this amendment has merit and value for the county."

Staff Response: Staff recognizes the value and merit of creating additional recreational properties in an area with winter and summer recreational opportunities including skiing and hiking which would provide additional tax revenue for the county. The identified buffers in the critical area report will reduce and direct the areas of potential development outside of those critical areas.

- d) The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.

Applicants Response: *"The proposed amendment needs to be found appropriate because one of the following (i) because of changed circumstances (ii) because of a need for additional property in the proposed zone (iii) because the proposed zone is appropriate for reasonable development of the subject property. As stated above the amendment for the proposal needs to meet only one of these criteria. Because of Changed Circumstances:*

First and foremost, this proposal is forested ground but is not considered a working forest property. There have been major changes in the timber industry over the last 15 plus years, last two remaining local timber processing mills have shut down or are on limited operations and are no longer buying timber to process into lumber. This has eliminated the ability of the land to sustain any reasonable commercial timber harvest cycle and has changed the use of this land forever. With the current forest & range zoning designation covering this property and the change in the timber industry alone creates inconsistencies with the purpose and intent of the Forest & Range zoning district, which states the following "this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where development of lands for uses and activities incompatible with resource land management are discouraged." These conditions over the last 15 along with this land not designated as forest resource lands of long-term commercial significance warrant a change and not meeting the intent of the existing zone warrant a change in the land use and zone designation.

Secondly, there has been major changes with regards to water rights. Snoqualmie Pass Utility District has recently completed their update to their comprehensive water plan. During this update water rights have increased to allow for future growth. See Exhibit#. With these new changes in water the applicant can be provided with domestic water from an existing community water system therefore eliminating the need to for individual wells to be used. Thirdly, there has been the continued development of the surrounding areas and adjacent lands. 20 acre lots have been developed to the east of this proposal. Directly across I-90 Kittitas County recently (within the last 4-5 years) approved a planned unit development that contains residential, commercial, open space, and recreational uses. This newly planned unit development is less than a ½ mile away and along with this change will create additional need of recreational lands.

Finally, the implementation of the newly designation of Rural Recreational lands constitutes a major change. As you can see when Kittitas County designated lands in the Snoqualmie Pass Area as Rural Recreational, they just designated the existing ski pass areas and their associated uses. This property was not taken into consideration regarding whether other private lands provided a recreational use or for that matter be designated as recreational lands. This land is Rural Recreational lands designated to the west and to the south and it is only fitting, through meeting that criterial, be designated as rural recreational lands along with a zoning designation of rural recreational. Because of a need for additional property in the proposed zone his amendment is due to the need for lands to be included into the Rural Recreational Land Use. There are limited areas within Kittitas County that were designated appropriately, and one might say inappropriately designated. For example, one of these areas is the Master Plan Resort, now called Suncadia just west of the City of Cle Elum. This master planned resort with golf courses is just that a Master Plan Resort and is continuously being built out mainly as residential development with golf courses/trails etc. There are other areas along the SR903 corridor that are mainly residential development that contain higher residential uses than recreational uses. You also have land that includes

the Snoqualmie ski area, which is appropriately designated as recreational land use. It is also important to note that recreational second homes area are allowed under this land use designation. As you look at the land use map of county and the total acreage of rural recreational lands you will see there is a need for additional lands to be designated with a recreational land use designation along with a rural recreational zone. This proposal fits this needed as it is adjacent to Rural Recreational zoning to the south and to the north, but more importantly this land does not fit the Rural Working Land use designation. This land is not a working farm or forest land. This amendment is 1-2.5 miles away from Snoqualmie Pass (ski areas) and fits in with the recreational nature of hiking, snow shoeing, skiing, mountain biking etc. that occurs in the surrounding area. Also, this proposal contains a recreational element of having streams flowing through it that provides for recreational fishing activities, along with Mardee Lake, hiking, snow shoeing, skiing, mountain biking all that are similar if not the same uses allowed on the surrounding/adjacent lands. Because the proposed zone is appropriate for reasonable development of the subject property because. The surrounding land is no longer used as resource-based land. The land that is now used for rural recreational lands. The proposed rezone for the property provides for the reasonable development of the land for rural recreational uses. As stated above this proposed amendment is appropriate because of changed circumstances and because of a need for and because the proposed zone is appropriate for reasonable development of the subject property.”

Staff Response: CDS staff finds that the proposal is adjacent to the west and south of other rural recreation land use and zoning and the proposed rezone would allow for reasonable development of the land for rural recreational uses.

- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

Applicants Response: “Chapter 17.30 R-R-RURAL RECREATION ZONE
17.30.010 Purpose and intent.

The purpose and intent of the Rural - Recreation zone is to provide areas where residential development may occur on a low-density basis or in residential clusters. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County.

As pointed out throughout this proposal the uses that are surrounding the subject parcels are consistent with this proposed land use and zone change by being recreational in nature compared to the existing zoning of Forest & Range. In comparison the intent of the forest & range zone is where natural resource management is the highest priority and the development of lands for uses and activities incompatible with resource management are discouraged. With respect to the uses allowed (permitted & conditional uses) within the existing zone and compared to the proposed zone of Rural Recreational there are some extremely intense uses that do not appropriately fit this recreational area (See Exhibit 9).

Within the Forest & Range-20 zone (KCC 17.56), the current zoning of this proposal, there are certain uses such as, Agricultural enhance uses, Agricultural direct marketing activities, Agricultural seasonal harvest festivities use, Agricultural expanded seasonal harvest festivities, Taverns, Asphalt/Concrete Plants, mini-warehouse, refuse & recycle centers, boarding house, Mining & excavation, & Rock Crushing uses, that are allowed within this zone. This land does not lend itself to the agricultural uses within with the Forest & Range zone. This land is mainly timber land along with natural amenities. Most importantly, The Forest & Range zone allows for one of the most intensive uses in Kittitas County, with the use being mining and rock crushing. These two types of uses do not fit within this land or for that matter the surrounding recreational lands. These types of uses should not be allowed within a recreational area of Snoqualmie pass and if allowed could be a detriment to the recreational vitality of the area.

The surrounding land, the surrounding uses of the property, the changing uses of the land to more of a rural recreational area, the available of water & sewer through the Snoqualmie Pass Utility (water &

sewer) District water only shows that the property is suitable for development in general conformance with zoning standards of the Rural Recreational zone.”

Staff Response: The existing zoning designation is Forest and Range and the proposed zoning designation is Rural Recreation. This proposal is adjacent to property on the west and east sides currently zoned rural recreation, directly outside of the Snoqualmie Pass LAMIRD. While the proposed zoning would allow for potentially higher density (5-acre lot sizes), it conforms with the Goals of the Rural Recreation Zoning by allowing for additional residential development on a low density basis or in residential clusters, promoting rural recreation residential development associated with the natural amenities found within Kittitas County. The critical areas ordinance will still provide protections to the sensitive habitats.

- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

Applicants Response: *“The proposed rezone of the property will enhance the properties in the immediate vicinity of the subject property. Under the land use and zoning of F&R-20 that allows for certain uses that are agricultural driven that does not fit this land, and more importantly this current zone allows for a very high intense use of Mining and Rock Crushing. This type of use is not conducive to the recreational vitality in the area, or for that matter conducive to the natural environment in the immediate vicinity. By rezoning this property, will not be materially detrimental to the use of the properties in the immediate vicinity of the subject property and would be more protective to the properties in the immediate vicinity help further grow the recreational aspect of the area.”*

Staff Response: CDS staff finds that the proposed rezone and Comprehensive Plan Amendment will not likely be detrimental to the use of property owners within the immediate vicinity of the subject property. Staff appreciates the concerns regarding the change allowing for higher density (5-acre parcels) on property that has many critical areas associated with it and has multiple plans identified by state and federal agencies to improve the wildlife corridor within the vicinity and the possible impact future development may have on the improvements. Other property owners in the vicinity have been afforded the opportunity to develop their properties such as a large ski hill recreational development and by limiting this property could be considered a takings.

- g) The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

Applicants Response: *“There are no irrigation water on the subject property nor any irrigation conveyance ditches that run through the property.”*

Staff Response: The proposal is not located within an irrigation district, therefore it does not have any irrigation ditches for delivery. The project will not have any impacts on irrigation.

- i) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Applicants Response: *“The proposed amendment is in full compliance with Chapter KCC 17.13 Transfer of Development Rights.*

According to KCC 17.13 Transfer of Development Rights, specifically 17.14.080.2 the transfer of development rights is not a precondition for any amendment to the Comprehensive Plan, Zoning Map, or proposed development to be approved.”

Staff Response: Upon review of KCC 17.13 Transfer of Development Rights, staff has determined that

the rezone request is outside of the scope of consideration and the legislative intent of KCC 17.13 when it was adopted in 2009 and further amended in 2010 and 2011. Therefore, TDRs are not required for this rezone proposal.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County issued a Mitigated Determination of Non-Significance (MDNS) on September 18, 2024. A timely SEPA Appeal was filed on October 11, 2024 and the SEPA Appeal Hearing will be scheduled for BOCC consideration with the rezone.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following parties provided substantive comments during the comment period:

Washington State Department of Natural Resources-:

WSDNR provided comment stating that as project area appears to be primarily forested, DNR wanted to formally note that current or future landowners within the proposed rezoned area may need to obtain an approved Forest Practices Application (FPA) prior to conducting any timber harvest.

Staff Response: Staff has transmitted these comments to the applicant, and they are aware that any timber harvest on any of the parcels may require the need to obtain an approved Forest Practices Application (FPA) prior to conducting any timber harvest.

Washington State Department of Fish and Wildlife:

WDFW commented in regards to the concern of rezoning the property to allow for more intensive recreation on the property that holds multiple critical areas and the intensive recreation's incompatibility with protection of these critical areas, these areas include streams, bull trout rearing habitat, wetlands, wildlife connectivity area. WDFW brought up concerns with potential water withdrawals on Coal Creek, the public investment into the Gold Creek Valley and WDFW's recommendation on the SEPA Determination. WDFW believes the rezone proposed in this area would likely have substantial impact on the environment, and suggested a Determination of Significance should have been issued and an EIS be prepared to address all of the potential uses allowed in the zone.

Staff Response: Staff shares some of the same concerns as the WDFW in regard to increasing the allowed density on property that includes numerous critical areas as well as an area that has been highly invested in at the state and federal level to improve the ecological functions. The applicant did complete a critical areas report per the request of the prior application. The proposed Rezone and Comprehensive Plan Amendment is not a project specific application. Any future development proposals on the property would require additional critical areas review.

WSDOT Aviation

Aviation replied they had no comment on this proposal.

Colville Tribe

Colville Tribe commented that a previous cultural survey was done in 1995 however this is outside of the acceptable timeline and scope for this rezoning plan. CCT requests a cultural resource survey prior to the implementation of ground disturbing activities and that during implementation that there be an inadvertent discovery plan or (IDP) in place to

ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.

Staff Response: as there is no ground disturbing activities taking place with this rezone staff didn't require a cultural resources survey however an inadvertent discovery plan was made a required mitigation measure of the SEPA.

Washington State Department of Transportation:

WSDOT provided comment stating their concern surrounding potential buildout being up to an additional 864 additional weekday trips according to their calculations and the density and location of the associated future development having the potential to affect the function of publicly funded improvements associated with the Interstate 90 Snoqualmie Pass East project, the 20 plus years of collaboration of WSDOT, US Forest Service and other natural resource agencies to identify and define a landscape-scale, watershed-based approach to allow for the expansion of I-90, the identification of the Gold Creek Valley as an important connectivity emphasis area due to ecological improvement opportunities within the watershed, the impacts the increased land use densities and development within the adjacent to the valley could have

Staff Response: The calculations used to identify number of potential lots is incorrect. The project encompasses a total of 150.98 acres. Under the proposed Rural Recreation zoning (lot size minimum of 5 acres), the applicants could divide the property into a total of 30 parcels. If the applicants proposed a Cluster Plat subdivision under KCC 16.09 they would only be allowed up to 30 parcels in the cluster and 60% of the land outside of the cluster must remain in contiguous open space in perpetuity.

Kittitas County Public Health:

Public Health commented that any future development of lots associated with this proposed project would ultimately be served by the Snoqualmie Pass Utility District (SPUD) as the parcels are in that service area.

Staff Response: Staff concurs that the project is within the SPUD boundaries and would ultimately be served by said utility district.

Snoqualmie Tribe:

Snoqualmie Tribe stated they had no substantive comments at this time but reserve the right to modify their position if the scope of the project or the parameters for defining the APE change.

Staff Response: CDS Staff transmitted the comments to the applicants and note that if any changes are made to the application Snoqualmie Tribe will be notified.

Kittitas County Public Works:

KCPW provided comments solely regarding flood. KCPW stated a portion of the proposal is within the 100-year floodplain of Coal Creek and any activities within the floodplain must be permitted through the floodplain development permit process. This requirement pertains to all construction, including buildings exempt from building permit.

Public Comments:

Public Comments were received from Karl Flacus, Rex Gentry and Conservation North West.

Public Comments included concerns for the inconsistency with the multi-million dollar investments made by the state and federal agencies and funded by taxpayers to support Gold Creek wildlife corridor, inconsistencies with the multi-million dollar restoration plans for Gold Creek Valley proposed by Yakima

Basin Integrated Plan, inconsistencies with the preservation of an important wetland complex at Mardee Lake, concerns for recreational access, congestion, waste and light in the area, winter access to property being uniquely fragile and the current issues with plowing and access, the addition of commercially owned land in the vicinity will further reduce access to the winter recreation and harder for residents, the current zoning being more consistent with the local benefit rather than distant profit.

Staff Response: Staff shares some of the same concerns as the comments submitted by the public regarding increasing the allowed density on property that includes numerous critical areas as well as an area that has been highly invested in at the state and federal level to improve the ecological functions. The proposed Rezone and Comprehensive Plan Amendment is not a project specific application. A critical Areas Report was completed and any future development proposals on the property would require adherence to the critical area buffers require by the Kittitas County Critical Areas ordinance.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: RR-G26, RR-G27, RR-G28, and RR-G29. This proposal is consistent with the intent of the Rural and Resource Lands of Kittitas County.

Consistency with the provisions of KCC Title 12 Roads and Bridges:

This proposal is for a non-project rezone, therefore there will be no impact on existing infrastructure. The proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC 13 Water and Sewers Code:

This proposal is for a non-project rezone. This proposal is consistent with the Kittitas County Code for Water and Sewers.

Consistency with the provisions of KCC Title 14 Buildings and Construction:

As this is a non-project rezone and comprehensive plan request, no building or construction is being requested by this action. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.

Consistency with the provisions of KCC 17.30, Rural Recreation zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.30. The proposal is compatible with KCC 17.30.020 referring to the uses table in KCC 17.15.

Consistency with the provisions of KCC 17A Critical Areas Code:

As this is a non-project specific rezone no critical areas will be affected. A Critical Areas Report was completed as part of this application and buffers identified. Future activities and/or development will be required to comply with all regulations at the time of the new proposal and the critical areas will be assessed at that time.

Consistency with the provisions of KCC 20 Fire and Life Safety Code:

As this is a non-project rezone this proposal is consistent with the Kittitas County Code for Fire Life Safety.

VIII. RECOMMENDATION

Staff recommended approval of the Lewington Non-project Rezone (CP-24-00001) subject to the following findings of facts and conditions:

Findings of Fact

1. Linda Lewington, owner for Mardee Lake Inc., is proposing a rezone and map amendment to four parcels (808335, 818335, 828335 and 838335) currently zoned Forest and Range with a Rural Working Land Use, rezoned to Rural Recreation zoning and land use designation. The rezone will allow the current use of the property to be consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-24-00001), rezone application, and SEPA checklist were submitted as part of the application packet. This project is being processed as a remand from the 2022 Annual Comprehensive Plan Docket process.
 2. This proposal is located on tax parcels 808335, 818335, 828335, 838335, on Snoqualmie Pass northeast of the I-90 Exit 54 in Section 15, T.22N, R.11E, W.M.; Kittitas County parcel map numbers 22-11-15020-0001, 22-11-15020-0002, 22-11-15020-0003, 22-11-15010-0002.
 3.

Total Proposal Size:	approximately 150.98 acres
Number of Lots:	4
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Snoqualmie Pass Fire District #51
Irrigation District:	None
 4. Site Characteristics: The site is undeveloped Forest and Range with Rural Conservancy Shoreline Jurisdiction and primarily located within the Channel Migration Zone for Coal Creek.
 5. Surrounding Property:

<u>North:</u>	Wenatchee National Forest
<u>South:</u>	I-90 Corridor/Hyak Estates
<u>East:</u>	Privately owned forested land
<u>West:</u>	Wenatchee National Forest
- Access: The proposal has access from I-90 and Forest Service Road 4832.
6. The Comprehensive Plan designation is Rural Working.
 7. The subject property is currently located within the Forest and Range zoning district and is within the Rural Working Land Use. Rural Recreation Zoning and Land Use are being requested, which is consistent with lands to the west and south of the property as well as the uses located in the vicinity, including hiking trails and The Snoqualmie ski resort. The purpose and intent of this zone is to provide areas where residential development may occur on a low density basis or in residential clusters. The proposed zone has the potential to allow for future commercial/residential/resource activity consistent with surrounding properties.
 8. Application for a comprehensive plan map amendment, rezone from Urban Residential to Forest and Range, and SEPA environmental checklist was received on January 11, 2024. The application was

deemed complete on March 1, 2024. A Notice of Application was issued on April 11, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County issued a Mitigated Determination of Non-Significance (MDNS) on September 18, 2024. The appeal period for the MDNS ended on October 13, 2024 at 5:00 p.m. A timely SEPA Appeal was filed on October 11, 2024 and the SEPA Appeal Hearing is scheduled for BOCC consideration with the Rezone.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: RR-G26, RR-G27, RR-G28, and RR-G29. This proposal is consistent with the intent of the Rural and Resource Lands of Kittitas County.
11. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
12. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
13. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
14. This proposal is consistent with the Kittitas County Zoning Code Title 17, more specifically KCC 17.30 R-R.
15. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
16. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
17. This proposal is consistent with Kittitas County Code (KCC 17.13) Transfer of Development Rights.
18. The following agencies commented on this proposal: Washington State Department of Natural Resources, Snoqualmie Tribe, Washington State Department of Transportation Aviation, Kittitas County Public Health, Kittitas County Public Works, Washington State Department of Transportation, Washington State Department of Fish and Wildlife, and The Colville Tribe.
19. The following members of the public commented on this proposal: Karl Flaccus, Rex Gentry and Conservation Northwest.

Suggested Conclusions:

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14 Building and Construction, Title 15 Environmental Policy, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire Life Safety.

Suggested Conditions of Approval:

1. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted

PA Permitted

Administrative

CU Conditional Use

ACU Admin. Conditional
Use

** See KCC*

Chapter [17.08](#) Definitions

	Forest & Range	Rural Recreation
A. Agriculture		
Agricultural Enhanced Uses*	P55	
Agricultural direct marketing activities*	P62	
Agricultural seasonal harvest festivities*	P63	
Agricultural expanded seasonal harvest festivities*	C	
Animal boarding*	P	CU
Agriculture processing*	CU**	
Agriculture production*	P24	P24
Farm Stand,*	P22 / AC51	P22 / AC51
Agriculture Sales,*		
Dairy	CU	CU
Feedlot*	CU**	
Grazing*	P	P
Marijuana processing*		
Marijuana production*		
Marijuana, retail sales*		

Nurseries	CU**	CU <u>61</u>
Riding academies	CU	CU
Small-scale event facility*	AC <u>45</u> /CU	
U-Pick/U-Cut Operations*	P / AC <u>51</u>	CU
Farm Visit	AC <u>51</u>	CU
Commercial Activities associated with agriculture*		
	Forest & Range	Rural Recreation
B. Civic Uses/Community Services		
Cemetery	CU**	P <u>21</u>
Clubhouses, fraternities and lodges*	AC <u>35</u>	AC
Cultural and education facilities		P
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions	CU	CU
Schools, public or private*	CU	CU
Interpretive Center*	AC	AC
	Forest & Range	Rural Recreation
C. Commercial		

Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	AC **	AC
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant	CU <u>36</u>	CU
Retail sales,* general	CU <u>36</u>	CU <u>18</u>
Retail sales,* lumber and building materials		
Retail sales,* vehicles		
Services		
Shooting range*	CU ** <u>31</u>	CU <u>31</u>
Tavern	CU <u>36</u>	
Temporary sales office		
Vehicle/equipment service and repair*	CU <u>36</u>	
	Forest & Range <u>51</u>	Rural Recreation
D. Industrial		

Airport*	CU	CU
Asphalt/Concrete plants	CU 37	
Explosives, storage or manufacture		
Forest product processing* (portable)	CU 35	
Forest product processing* (permanent)	CU**	
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Impound/towing yard*		
Junkyard*		
Manufacturing*		
Mini-Warehouse	CU 59	
Refuse disposal/recycle*	CU 58	
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA 47	
Wholesale business		
	Forest & Range 51	Rural Recreation
E. Recreation		
Campground*	CU 12 P 54 **	CU 12

Golf course*	CU **	CU
Guest ranch or guest farm*	CU **	CU
Parks and playgrounds*	P	P
Recreation, indoor*		CU
Recreation , outdoor*	CU	AC
Recreational vehicle park*		CU
Recreational vehicle/equipment service and repair*	CU 60	
Recreational vehicle storage	CU 26	CU 26
Stadiums		
Trails	PA	PA
	Forest & Range 51	Rural Recreation
F. Residential		
Accessory dwelling unit*	PA 27 **	PA 27
Accessory living quarters*	P 28 **	P 28
Adult family home*	P 41	P 41
Boarding house	CU 29 **	
Convalescent home	CU **	
Dwelling, single-family*	P 34	P
Dwelling, two-family*	P 34	CU
Dwelling, multiple-family*		

Farm labor shelter*	CU <u>4</u> **	
Group home*		CU
Group Care Facility*	CU	CU
Home occupation*	P/CU <u>5</u> **	P/CU <u>5</u>
Manufactured home*	P **	P
Manufactured home park		
Mobile home	P <u>34</u>	
Special care dwelling*	P <u>30</u>	CU <u>30</u>
Temporary trailer	P <u>7</u> **	P <u>7</u>
	Forest & Range <u>51</u>	Rural Recreation
G. Resource		
Forestry*	P <u>34</u>	
Forest product sales*	P	
Mining and excavation*	P <u>34</u>	
Rock crushing*	P <u>34</u>	
	Forest & Range <u>51</u>	Rural Recreation
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P <u>32</u>	P <u>32</u>
Public facilities*	PA <u>53</u>	PA <u>53</u>
Solar Power Production Facilities	<u>57</u>	<u>57</u>
Utilities	P <u>9</u> /ACU <u>9</u> /CU <u>9</u>	P <u>9</u> /ACU <u>9</u> /CU <u>9</u>

Watershed management activities*	PA	PA
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