

# 2022 Kittitas County Annual Docket Planning Commission Public Hearing

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Mardee Lake

Comprehensive Plan Amendment (CP-22-00005)

And Rezone (RZ-22-00005)

November 8, 2022

# Mardee Lake

(CP-22-00005 and RZ-22-00005)

## Project Description

- Mardee Lake LLC is requesting a Map Amendment and Rezone of four consecutive parcels (808335, 818335, 828335, and 838335) currently designated Rural Working Land Use and Forest and Range Zone to Rural Recreation Land Use and Zoning, located on Snoqualmie Pass northeast of the I-90 Exit 54.
- The proposed Map Amendment and Rezone encompasses approximately 150.98 acres

# Mardee Lake

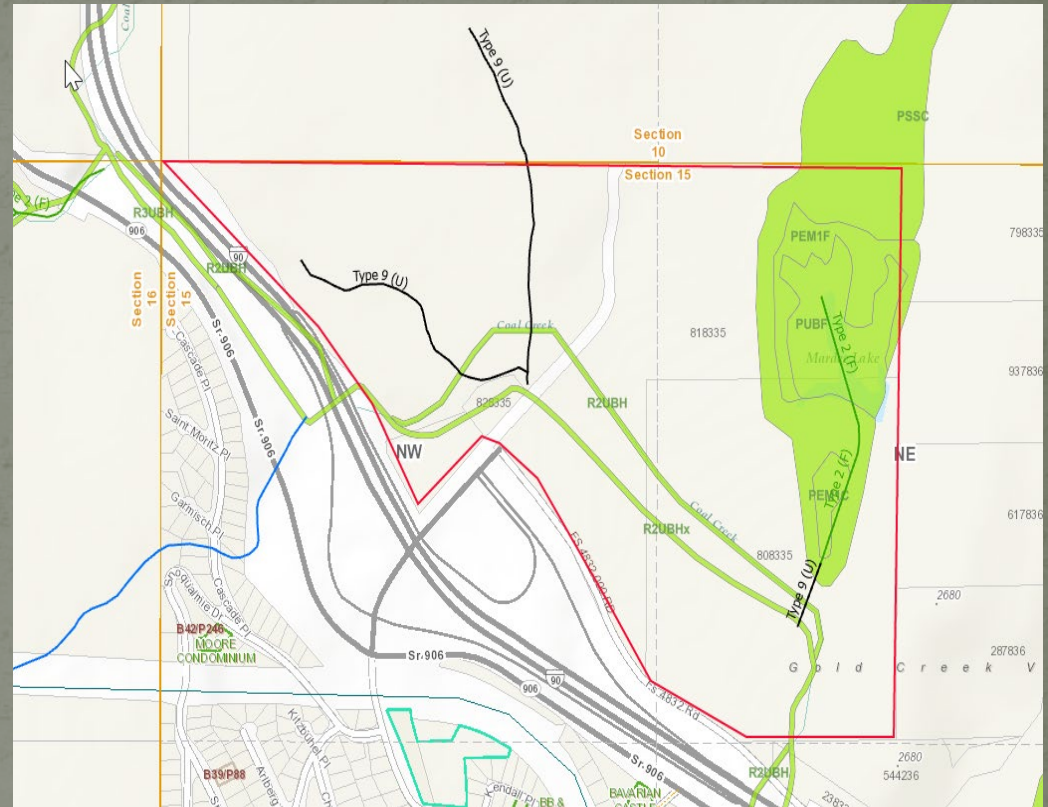
- Application for a comprehensive Plan map amendment (CP-22-00005), A Land Use designation change from Rural Working to Rural Recreation and a rezone from Forest and Range zoning to Rural Recreation(RZ-22-00005), and SEPA Environmental checklist were received on June 30, 2022
- The submittal packet was submitted prior to the June 30<sup>th</sup> 5pm docketing deadline
- Processing of this Map Amendment and Non-Project Rezone follow the Annual Docket process pursuant to KCC 15B.





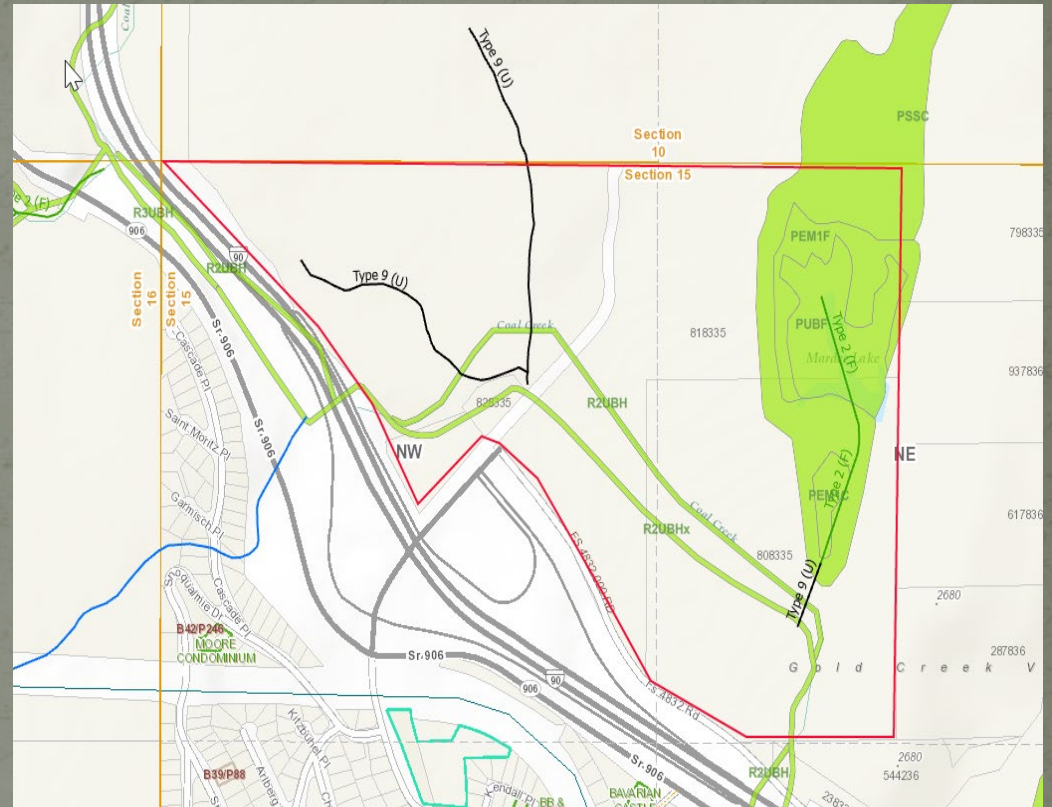
# Mardee Lake

- During the SEPA Review many critical areas were identified; including Mardee Lake and associated wetlands, a Type 2 Fish Bearing Stream identified as Coal Creek and multiple other Type 9 Streams, all located within Shoreline Jurisdiction of the State.
- Many comments were received regarding the critical areas and the area being part of State and Federally funded investment project for the Gold Creek Valley.



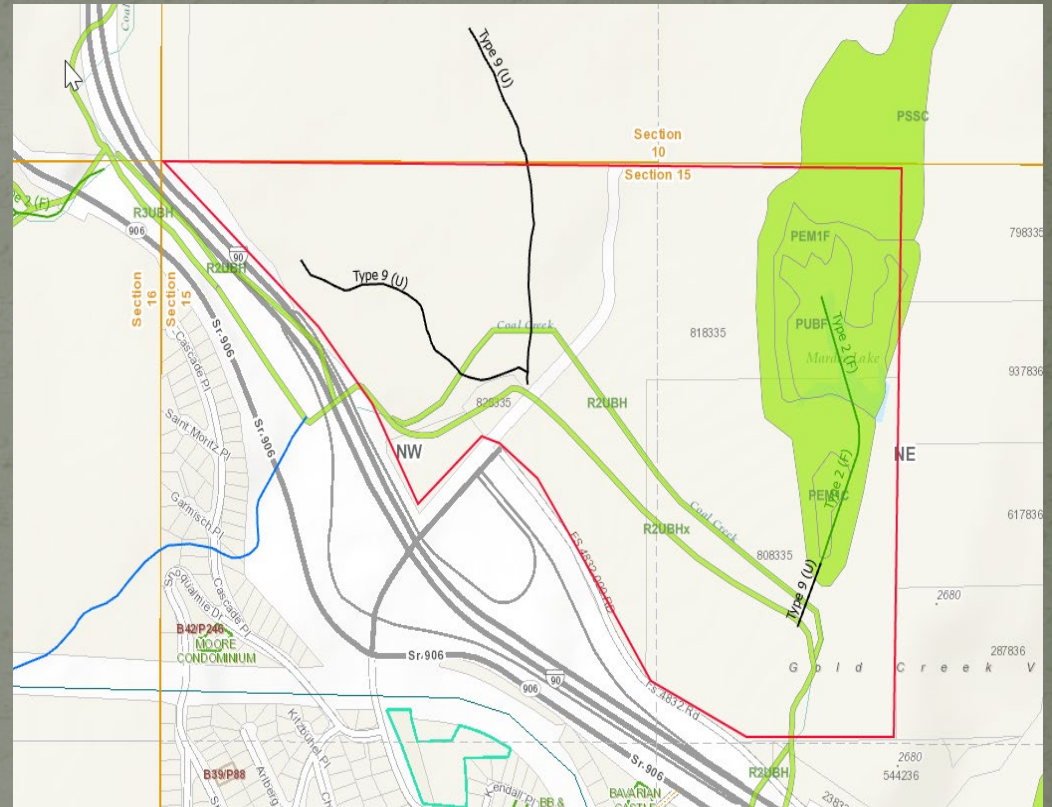
# Mardee Lake

- Staff shared some of the same concerns regarding the Map Amendment and Rezone increasing the allowed density on property that includes numerous critical areas, Shoreline Jurisdiction and 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 a non project specific application. Any future land use activity proposals on the property would require additional Critical Areas Review.



# Mardee Lake

- Kittitas County issued a SEPA Determination of Non Significance (DNS) on September 8, 2022
- A Notice of SEPA DNS Retention was issued on October 13, 2022 with an appeal period ending on October 27, 2022.
- A timely SEPA Appeal was received by Kittitas County Community Development Services on October 27, 2022 filed by Co-Apellants Conservation Northwest and Karl Flaccus.
- The SEPA Appeal will be heard before the BOCC on November 29, 2022



# Mardee Lake

## Comprehensive Plan Review

- According to the Comprehensive Plan 2.5 Rural and Resource Lands – Rural Recreation is lands that “often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences.. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.”
- Staff finds the proposed property to be sufficient to be considered for designation of Rural Recreation Land Use



# Mardee Lake

## Comprehensive Plan Review

- Some of the Goals and Policies for Rural Recreation Land Use in the Kittitas County Comprehensive Plan include things like:
  - 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.

# Mardee Lake

## Comprehensive Plan Review

- As there are no current structures located on the property or being proposed and the property is currently used for outdoor recreational activities, staff believes this proposal meets the intent of the Rural Recreation Land Use. Any future proposal to develop the land will require additional critical areas review. Staff provided a land use table comparison in the Staff Report between Forest and Range and Rural Recreation showing the allowed uses within each zone, as well as the processes required for each allowed use.

# Mardee Lake Rezone

- KCC 17.98.020.6 provides the criteria to be met for a rezone:
  - 1) compatible with the comprehensive plan; and
  - 2) substantial relation to the public health, safety or welfare; and
  - 3) Provide merit and value for Kittitas County or a sub-area of the county
  - 4) Needed because of changed circumstances or need for additional property in zone
  - 5) In general conformance with zoning standards for proposed zones
  - 6) Not be materially detrimental to use of properties in the immediate vicinity
  - 7) Won't adversely impact irrigation water deliveries
  - 8) Amendment in compliance with KCC 17.13 Transfer of Development Rights.

Staff finds that the rezone is consistent with the eight (8) rezone criteria. It is compatible with the comprehensive plan as shown above, provides merit to the county, is in conformance with the zoning standards of Rural Recreation as the property is over 5 acres, would not be detrimental to the properties in the vicinity as there are few uses other than recreational and seasonal recreation residences in the area. It won't negatively affect irrigation deliveries as it does not have irrigation and is not part of an irrigation district and does not involve TDR's. A full review of the rezone criteria can be found in the staff report.

# Mardee Lake

## Comments Received

- Agency comments were received from:
  - Washington State Department of Natural Resources – Shane Early
  - Snoqualmie Tribe
  - Washington State Department of Natural Resources – Luke Warthen
  - Washington State Department of Ecology
  - Kittitas County Public Health
  - Kittitas County Public Works
  - Washington State Department of Transportation
  - Washington State Department of Fish and Wildlife
  - Confederated Tribes and Bands of the Yakama Nation
  - Kittitas Conservation Trust

Substantial comments were received in regards to the property being located within Shoreline Jurisdiction, having numerous critical areas on the property (including water, wetlands, riparian, wildlife connectivity, and bull trout rearing habitat, concerns with allowing for increased density on the property, a request from Fish and Wildlife and the Kittitas Conservation Trust to have a Critical Areas Report completed on the property prior to moving forward with the Rezone, a portion of the property being located with 100-year floodplain of Coal Creek and any activities within the Floodplain requiring permitting, concerns regarding potential buildout and the impact to the Interstate 90 Snoqualmie Pass East project, and concerns regarding the effects of any development on the property might have on the state and federally invested project to assess, design and permit large scale restoration needed to improve habitat and flow.

# Mardee Lake

## Comments Received

- Public Comments were received from:
  - Karl Flacos
  - The Gold Creek Valley Landowners (Sue and Bob Mecklenburg, Kirsten and Vincent Turner, Erin Barzen, Claudia Davis, Charlie Buitron, Jody Jldersma, and Matthew Jenkins, Marry Shwetz and Don Grubb, Barb and Wes Moorhead, Gordon Gray, Amy and Francisco Perez, Jennifer and Gary Gray),
  - Richard Pierson
  - Tom Robey (along with Michael and Fritz Robey).
- 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.

# Mardee Lake

## Staff's Comments Response

### Staff's Comments Response:

Staff shares some of the same concerns as the comments submitted by agencies and 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. Any future development proposals on the property would require critical areas review. A review of comments can be found in the staff report and all comments can be found in the master file.

# Mardee Lake

- CDS recommends the Planning Commission recommends approval of the Mardee Lake Rezone and Map Amendment to Rural Recreation (RZ-22-00005 & CP-22-00005)