



WDFW Matoon Shoreline Substantial Development Permit

File Number SD-24-00003

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The applicant is proposing site improvements to include replacing the boarding float, replacing the vault toilet, repairing the sign kiosk, grading of the parking lot, placement of barrier rock and installation of an accessible parking space & pathway to the vault toilet. The property is located within the Urban Growth Area and is zoned Urban Residential with Urban Land Use designation.

Location: One (1) tax parcels (# 307636), located approximately 0.5 miles west of the intersection of Umptanum Rd & South Canyon Rd, in Ellensburg, WA, in Section 11, Township 17, Range 18, W.M.; Kittitas County parcel map number 17-18-11020-0030.

II. SITE INFORMATION

Total Property Size:	54.12 Acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	N/A

Site Characteristics:

North: Mix of open space, residential and commercial development.

South: Interstate 90.

East: Mix of commercial properties within the City of Ellensburg.

West: Mix of open space, residential and commercial development and Interstate 90.

Access: The site is accessed via an existing gravel road from Umptanum Road.

Zoning and Development Standards: The project area is located inside the Urban Growth Area, just outside of the city limits of Ellensburg, WA within the Urban Residential zone with an Urban Land Use designation. The project area is located inside the Aquatic environment and Urban Conservation environment shoreline designations which is regulated by the Kittitas County Shoreline Master Program and Title 17B of the Kittitas County Code. The project requires a Shoreline Substantial Development permit.

The purpose and intent of the Urban Growth areas is to provide for areas that are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services, and to allow for alternative methods of development that allows for infill and development at urban levels.

The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available.

Shoreline Master Program

The Shoreline Management Act includes lands within two hundred (200) feet of designated shorelines as well as certain wetlands, river deltas, floodways and floodplains associated with such shorelines.

The Shoreline Use Table in KCC 17B.04.090.1 allows for Private and Joint Use Docks, Piers and Floats within the Urban Conservancy and Aquatic designations with a Shoreline Substantial Development Permit. KCC 17B.07.060 provides the criteria for approving a Shorelines Substantial Development permit:

- “2. Substantial development permits. A substantial development permit shall be granted only when the applicant demonstrates all of the following:
 - a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;
 - b. That the proposal is consistent with the policies and procedures of the Master Program; and
 - c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program”

III. ADMINISTRATIVE REVIEW

Deemed Complete: A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on November 22, 2024. The application was deemed complete on December 20, 2024.

Notice of Application: A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on February 4, 2025. The comment period for this notice ended on March 6, 2025.

IV. ENVIRONMENTAL REVIEW

A critical area review was performed by CDS staff and GIS data indicates a Type 9 (Unidentified) Stream on the property to the west of the existing parking area, a PSS1C wetland, a L1UBHx wetland, a R5UBH wetland, a RFUBFx wetland, Urban Conservancy shoreline designation and Aquatic shoreline designation.

Per KCC 17B.05.020G-1, The wetlands buffers, within shoreline, can have a buffer ranging from 40’ to 190’, and is based on the category. This does not include the additional 15’ building setback in KCC 17A.01.090.5. For

The Type 9 (Unidentified) Stream can have a buffer ranging from 40’ to 100’ in the Columbia Plateau Ecoregion and is based on the stream type. This does not include the additional 15’ building setback in KCC 17A.01.090.5.

The Matoon Lake (Aquatic shoreline) environment include areas waterward of the Ordinary High Water Mark (OHWM). Around Matoon Lake is Urban Conservancy & associated shoreline buffer in KCC 17B.05.050 is 100-foot from the OHWM. This does not include the additional 15’ building setback in KCC 17A.01.090(5).

A SEPA review was conducted by Washington Department of Fish & Wildlife and a Determination of Non-Significance was issued on September 6, 2024.

V. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. The following agencies and individuals submitted substantive comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Kittitas County Public Health Department, Washington Department of Transportation, Washington Department of Archeology and Historic Preservation, Kittitas County Public Works and the Bonneville Power Administration.

All comments are on file and available for public review. The following are a summary of the substantive comments submitted.

The Confederated Tribes of the Colville Reservation:

This Compliance Review is in response to SD-24-00003 WDFW Mattoon. The project involves ground disturbing activities related to demolition and construction of recreational and other facilities. The project area is considered Very High probability for an Inadvertent Discovery.

We request a Cultural Resource Survey of the APE prior to project implementation and for an IDP to be in place during implementation.

Applicants Response:

The site for Mattoon Lake is a former borrow pit used during construction of I-90 and is a highly disturbed area. We have an IDP for the project and, if the toilet is installed, we will have a monitor onsite during the demolition and excavation for the new toilet. Also, according to the SEPA checklist completed in 2024, our Cultural Resources Specialists consulted with DAHP and affected tribes for the kiosk and signage portion of the project. Concurrence from DAHP was provided on June 24, 2024 for Project Number 2023-12-08107. No comments were provided by the Confederated Tribes and Bands of the Yakima Nation or the Colville Confederated Tribes at that time. However, we will take your comments under advisement during implementation of the project.

Staff Response:

Staff have conditioned this report to ensure the applicant shall have an Inadvertent Discovery Plan (IDP) in place prior to beginning construction.

Kittitas County Public Health Department

Obtain a Privy/Compost Permit from Public Health to replace the existing vault toilet. Provide a plan for the removal of the existing vault with the permit application.

Applicants Response:

We have a Privy Permit application ready to be submitted upon completion of the Shoreline Substantial Development permitting process.

Staff Response:

Staff have conditioned this report to ensure the applicant work with the KC Public Health Department on a privy/compost permit.

Washington Department of Transportation

We previously reviewed and commented on the subject project in our letter to WDFW dated September 18, 2024. Those comments remain valid, and we have no additional requirements. The letter is available at CDS.

Applicants Response:

The comments were previously addressed during the SEPA review in September 2024, and the response we supplied remains the same.

Staff Response:
Staff shared the comments with the applicant.

Washington Department of Archeology and Historic Preservation

WA DAHP recommends a professional archaeological survey, with testing, of the project area be conducted prior to ground disturbing activities. We also recommend continuing consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

Applicants Response:
The applicant provided the same response as described under the Confederated Tribes of the Colville Reservation comments.

Staff Response:
Staff have conditioned this report to ensure the applicant shall have an Inadvertent Discovery Plan (IDP) in place prior to beginning construction.

Kittitas County Public Works:

Except as exempted in KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).

A portion of the proposed project is located within the FEMA mapped special flood hazard area (100-year floodplain). All activities within the floodplain require a floodplain development permit. All construction, including structures that are exempt from a building permit, must follow the guidelines within KCC 14.08.

Applicant Response:
While the parking lot area covers approximately 11,000 square feet, the amount of fill/grading will be well below that amount. We will be using 5/8" gravel to fill in divots and depressions to even the grade of the parking lot, which will be below the 100 cubic yard threshold and will not require a grading permit. A floodplain permit application will be submitted for the piling removal and installation on the boarding floats. Due to the toilet's location directly in a floodplain, we will most likely not install a new toilet at this time. However, if the toilet is installed, it will potentially be moved to the west of its current location and out of the floodplain, while still remaining in the proposed project area. If so, an updated drawing will be submitted to the county with the toilet's new location.

Staff Response:
Staff have conditioned the report to ensure the applicant work with KC Public Works to determine if a grading permit or floodplain development permit are needed.

Bonneville Power Administration

BPA easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA easement need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, driveways, utilities, or small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

In addition, BPA needs the opportunity to review the location of proposed roads to ascertain whether or not the clearance here allows for safe passage of vehicles (per National Electric Safety Code). This process takes up to 9 months to complete and is typically initiated by a land use application that the developer or landowner submits to BPA.

Whether or not this property is subdivided and/or this plat approved, the owner will need to submit a land use application, the associated application fee and acquire a Land Use Agreement from BPA, along with the county's building permit for any portion of the owner's development plans that lie within BPA's easement.

Applicant Response:

All project activities will occur outside of the BPA easement area. However, we will take your comments under advisement during implementation of the project.

Staff Response:

Staff have conditioned the report to ensure the applicant work with the Bonneville Power Administration to communicate any impacts to or work to be completed within BPA's easements.

Public Comments: No public comments were submitted during the public comment period.

VI. PROJECT ANALYSIS

In review of this proposal the Kittitas County Shorelines Master Program, the Goals and Policies of the Comprehensive Plan, Kittitas County Code, agency comments, any identified environmental concerns, and state and federal requirements were considered. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

Kittitas County has established the following goals and policies to guide activities related to Recreation, Parks, Open Space and Natural Environment. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RPO-G1: Kittitas County should encourage the enhancement of existing recreational areas and the development of new areas whenever feasible.

Staff Consistency Statement: The proposed project at Matoon Lake will provide enhanced ADA access, improved restroom facility, improved and defined parking area and larger floating dock.

RPO-P4: Provide a land use designation for public and private open space of regional/statewide significance. These areas are identified because their recreational, environmental, scenic, cultural, and other open space benefits extend beyond the local area.

Staff Consistency Statement:

The proposed development will enhance the recreation opportunities at Matoon Lake, a public lake of regional/statewide significance located in an urban lands use area. The tax parcel includes open space and a 26 acre lake used by the community primarily to fish.

NE-P17: Designate and protect and where feasible, enhance the functions and values of fish and wildlife habitat conservation areas.

Staff Consistency Statement:

The proposed development will enhance the protection of the functions and values of fish and wildlife habitat conservation areas by replacing an aging floating dock supported with creosote pilings, replacing the original vault toilet and installing rock barrier around the parking lot to protect habitat near the parking area.

Consistency with the KCC 17B Shorelines:

In compliance with the Shorelines Management Act, Kittitas County has adopted Title 17B Shorelines. KCC

17B.07.060 requires that the applicant must demonstrate:

- a. That the proposal is consistent with the policies and procedures in RCW Chapter 90.58 and WAC Chapter 173-27;

Staff Response: The proposal is consistent with both RCW 90.58 and WAC 173-27. The project as conditioned meets the requirements of the local shoreline program which was developed in accordance with state shoreline regulations.

- b. That the proposal is consistent with the policies and procedures of the Master Program;

Staff Response: The Kittitas County Shoreline Master Program Chapter 3 outlines goals and objectives of the program. The proposed project meets the intent of the SMP pursuant to the goals and objectives (as described below), and the appropriate permit process procedures have been followed.

- c. That the proposal has been appropriately conditioned where necessary to assure consistency of the project with the Act and the local Master Program.

Staff Response: This project has been reviewed and conditioned to ensure that it meets the intent and standards of the Shoreline Management Act and Kittitas County Shoreline Master Program.

Allowed uses within the Shoreline Environment Designations are outlined in KCC17B.04.090.1 Shoreline Use and Modification Table. In this table Private and joint use docks, piers and floats are permitted in the Urban Conservancy designation. In this same table, for Private and joint use docks, piers and floats, the table refers to the upland shoreline environment under Aquatic designation, which is Urban Conservancy. Therefore, the float, as proposed, is allowed in shoreline.

The vault toilet replacement, regarding the parking area and the installation of an ADA parking space and path to the vault toilet are on the landward side of an existing public gravel road. Per KCC 17B.05.050(B)(3), when a shoreline buffer contains an existing legally established public or private road, the Administrator may allow development on the landward side of the road provided that the development will not have a detrimental impact to the shoreline. The existing public gravel road acts as an interrupted buffer for the parking lot improvements, ADA parking space, path to the vault toilet & vault toilet.

Consistency with the Kittitas County Shoreline Master Program:

The Kittitas County Shoreline Master Program was adopted as part of the Kittitas County Comprehensive Plan. Project proposals within shoreline jurisdiction are subject to consistency with the Shoreline Master Program. The Following Goals and Objectives of the Shoreline Master Program are applicable:

SMP Goals and Objectives

3.4(A)(1) Develop and maintain a network of safe, convenient and diversified access opportunities for the public to enjoy the physical and aesthetic qualities of the shorelines of Kittitas County.

Staff Response: The project proposal will replace the vault toilet and floating dock with a vault toilet and floating dock that meets ADA requirements as well as provide a parking space and pathway that meet ADA requirements.

3.5(A)(1) Provide opportunities and space for diverse forms of water-oriented recreation.

Staff Response: The project proposal will enhance an existing recreation area for the public to enjoy shoreline for fishing, picnicking, birding, boating and site seeing.

3.5(B)(1) Prioritize water-oriented shoreline recreational development that is primarily related to access, enjoyment, and use of the water and shorelines of the state.

Staff Response: The project proposal will enhance an area that has been used by the public for years for access and enjoyment. Replacing the existing float that is in a state of disrepair will increase the safety and enjoyment of

the users fishing from the dock and/or accessing a boat. The replacement of the original vault toilet with an ADA approved vault toilet and installation of an ADA parking space and path to the vault toilet will allow easier access for a more diverse population to enjoy the shoreline.

Consistency with the Kittitas County KCC 17.22, Urban Residential

Mattoon Lake is located on parcel number 307636 within the Urban Growth Area and Urban Residential zoning with Urban Land Use. Per KCC 17.15.080.1, parks are a permitted use in this zone. The proposed development is consistent with KCC 17.22, Urban Residential.

Consistency with KCC 17.11, Urban Growth Areas

Per KCC 17.11.035, Urban Residential is converted into Residential Suburban with the Urban Growth Area. Per KCC 17.11.037(4)(c), parks are a permitted use within the Residential Suburban zone. The proposed development is consistent with KCC 17.11, Urban Growth Areas.

Consistency with KCC 15, Environmental Policy:

A SEPA review was conducted by Washington Department of Fish & Wildlife and a Determination of Non-Significance was issued on September 6, 2024. The proposed development is consistent with KCC 15, Environmental Policy.

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

A critical area review was performed by CDS staff and GIS data indicates a Type 9 (Unidentified) Stream on the property to the west of the existing parking area, a PSS1C wetland, a L1UBHx wetland, a R5UBH wetland, a RFUBFx wetland, Urban Conservancy shoreline designation and Aquatic shoreline designation.

The proposed maintenance to the parking area includes regrading with 5/8” crushed rock and placement of large rocks to act as barrier rock on the perimeter of the parking area. The proposed work will not increase the footprint of the existing parking area, is considered normal maintenance or repair of the existing parking area and will not encroach further within the critical area or buffer of the Type 9 (Unidentified) Stream. KCC 17A.01.050(3)(b), allows operation, maintenance or repair of the existing parking area.

Wetlands R5UBH and its buffer on the northwest area of the parcel are outside of the proposed development. Wetland L1UBHx & R5UBH are Mattoon Lake and located within the Aquatic Shoreline designation. Wetland PSS1C is located to the south of the proposed development and separated by an established and existing gravel road. Per KCC17B.05.02g(4), When a wetland buffer contains an existing legally established public or private road, the Administrator may allow development on the landward side of the road provided that the development will not have a detrimental impact to the wetland.

Consistency with the provision of KCC Title 12, Roads and Bridges:

The project proposal was reviewed by Kittitas County Public Works and found to be consistent with the provisions of KCC Title 12.

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

The project proposal was sent to the Kittitas County Fire Marshal for review and comment and no concerns were noted. As conditioned, the proposal is consistent with the provisions of KCC Title 20.

VII. FINDINGS OF FACT

The applicant is proposing site improvements to include replacing the boarding float, replacing the vault toilet, repairing the sign kiosk, grading of the parking lot, placement of barrier rock and installation of an accessible parking space & pathway to the vault toilet.

The project site is an existing WDFW property with open space and a lake.

1. Site Information:

Total Property Size:	54.12 Acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	N/A
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	N/A

2. Site Characteristics:

Site Characteristics:

North: Mix of open space, residential and commercial development.

South: Interstate 90.

East: Mix of commercial properties within the City of Ellensburg.

West: Mix of open space, residential and commercial development and Interstate 90.

3. The project area is located approximately 0.5 miles west of the intersection of Umptanum Rd & South Canyon Rd, in Ellensburg, WA, in Section 11, Township 17, Range 18, W.M.; Kittitas County parcel map number 17-18-11020-0030. The site is accessed via an existing gravel road from Umptanum Road. The property is located within the Urban Growth Area and is zoned Urban Residential with Urban Land Use designation. The project area is located within the Aquatic and Urban Conservancy designations which is regulated by the Kittitas County Shoreline Master Program and Title 17B of the Kittitas County Code.
4. A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on November 22, 2024. The application was deemed complete on December 20, 2024..
5. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 17B.07.070 and KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcels on February 4, 2025. The comment period for this notice ended on March 6, 2025.
6. A SEPA review was conducted by Washington Department of Fish & Wildlife and a Determination of Non-Significance was issued on September 6, 2024.
7. The following agencies and individuals submitted substantive comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Kittitas County Public Health Department, Washington Department of Transportation, Washington Department of Archeology and Historic Preservation, Kittitas County Public Works and the Bonneville Power Administration.
8. No public comments were received during the comment period.
9. The proposal is consistent with the provisions of KCC 17B, Shorelines as conditioned.
10. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program.
11. The proposal is consistent with KCC 17.22, Urban Residential.
12. The proposal is consistent with KCC 17.11, Urban Growth Area.

13. The proposal is consistent with the provisions of KCC 15, Environmental Policy.
14. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
15. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
16. The proposal is consistent with KCC 20, Fire Life and Safety.
17. The proposal is consistent with Kittitas County Comprehensive Plan.

VIII. CONCLUSIONS

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Shoreline Master Program.
2. As conditioned, the proposed project meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. The proposal meets the criteria outlined in KCC 17B Shorelines.
5. Public use and interest will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17B Shorelines, Title 12 Roads and Bridges, Title 17 Zoning, and Title 17A Critical Areas. Title 15 Environmental Policy, and Title 20 Fire and Life Safety.

IX. DECISION & CONDITIONS OF APPROVAL

From these conclusions and findings, the proposed Shorelines Substantial Development Permit is **approved** with the following conditions:

1. The applicant shall work with Kittitas County Public Works to determine if a flood plain development permit is required.
2. The applicant shall work with Kittitas County Public Works to determine if a grading permit is required.
3. The applicant shall work with the Kittitas County Public Health Department to determine if a privy/compost permit is required.
4. The applicant shall work with the Bonneville Power Administration to communicate any proposed work or impacts within BPA's easements prior to any work being performed.
5. The applicant shall have an Inadvertent Discovery Plan in place prior to construction. Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW

27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

6. The applicant shall comply with all applicable State and Federal regulations.
7. The applicant shall comply with Kittitas County Code Title 17 Zoning, Title 17B Shorelines, Title 12 Roads and Bridges, Title 17 Zoning, and Title 17A Critical Areas. Title 15 Environmental Policy, and Title 20 Fire and Life Safety.
8. Authorization to conduct development activities shall terminate five (5) years after the effective date of a shoreline permit, unless extended in accordance with KCC 17B.07.090(5).

This decision can be appealed to the Shorelines Hearings Board within 21 days of the date of filing with the Washington State Department of Ecology pursuant to RCW 90.58.180.



Responsible Staff

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Planner I

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Date:

April 15, 2025