

From: [Karl Flaccus](#)
To: [Jamey Ayling](#)
Subject: Mardee Lake rezone application
Date: Saturday, March 23, 2024 5:45:49 PM

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Dear Jamey Ayling,

Please accept this comment on the Mardee Lake rezone application.

I have been a land owner and taxpayer in the Gold Creek area since 2000. I have hiked and enjoyed the area of lower Gold Creek for 24 years, including in the publicly accessible areas around and near Mardee Lake.

I oppose the Mardee Lake rezone application because of the likely development that would follow and its likely negative impact on the critical area of Lower Gold Creek valley and the areas near Mardee Lake. My preferences and values are based on the science of the habitat that is specific to the areas involved, and the need to protect and preserve the Mardee Lake area for wildlife, and for the general public who will benefit. This interest can be served by leaving the zoning as it is. Before any rezone is allowed, I ask that Kittitas County request a Critical Areas Report, find that the proposed zoning change is environmentally significant, and require an EIS.

This comment is made on the 23rd day of March 2024. But please note that on the 22nd day of March I was misled by the County into believing that the comment period had ended on March 21, 2024, and thus that I was too late to comment. (If I am misreading the Code or the Notice of Application, please let me know.) The County's Notice of Application Period only provided 14 days notice, whereas 15 days is required by the KCC (the comment period "shall be pursuant to Table A," requiring 15 days notice). Based on the County's erroneous Notice of Application, I failed to comment on the 15th day. Had I known yesterday what I know today, I would have commented yesterday (March 22nd, 2024). I believe other members of the public may have been similarly misled, and perhaps the County may wish to repair the mistake.

Please see the *Notice of Application Consultation*, and Section 15A.03.060 of the Kittitas County Code, pasted below.

Respectfully submitted,

Karl Flaccus
Gold Creek

NOTICE OF APPLICATION CONSULTATION

Notice of Application: March 7, 2024
Application Received: January 11, 2024
Application Complete: March 1, 2024

Project Name (File Number): Lewington Rezone & Comprehensive Plan Amendment (CP-24-00001)

Applicant: Property owner – Mardee Lake Inc., Linda Lewington

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.

Proposal: Mardee Lake Inc. is proposing to rezone four tax parcels totaling 150.98 acres currently zoned Forest and Range with a Rural Working Land Use to Rural Recreation Zoning and Land Use. 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 out of the annual Comprehensive Plan Docket process due to a remand from the Eastern Washington Growth Hearings Board.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> "Comp Plan Amendments", then "CP-24-00001 Lewington."

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on March 21, 2024. All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the final decision, once

made. Appeals of the rezone and comprehensive plan amendment decision must be filed within 60 days of the publication of the final decision (action) with the Eastern Washington Growth Management Hearings Board.

Environmental Review (SEPA): The County will issue a threshold determination on the environmental impacts of this application. We are requesting comments on the submitted Environmental Checklist to adequately consider potential impacts in drafting a threshold determination. This will not be the only opportunity to comment as we are utilizing the standard SEPA process per WAC 197-11-350. A copy of the threshold determination, once made, can be obtained from the County.

Designated Permit Coordinator (staff contact): Jamey Ayling, Planning Manager: (509) 962-7065; email at jamey.ayling@co.kittitas.wa.us

Kittitas County Code:

15A.03.060 Notice of application.

Kittitas County shall provide a notice of application to the public and the departments and agencies with jurisdiction. If Kittitas County has made a SEPA determination of significance under Chapter [43.21C RCW](#) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this subsection prevents a determination of significance and scoping notice from being issued prior to a notice of application.

1. The notice of application shall be provided within 14 days after the determination of completeness in the following method:
 - a. Publishing notice, including at least the project location in other than a legal description, brief description of project, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by Kittitas County. Additional legal notice may be published for development applications located in the upper county in newspapers published at least weekly, in addition to the legal publishing requirement in the official county paper of record.
 - b. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered.
 - c. Mailing to adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 500 feet of any portion of the boundary of the proposal's tax parcel or lot of record (real property). If the owner of the real property which is proposed for activity owns another parcel or parcels of real property which lie adjacent to the real property proposed for activity, notice shall be given to owners of real property located within 500 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed for activity. Mailed notice for Solar Power Production Facilities shall be provided in accordance with [KCC 17.61C.080\(2\)](#).
 - d. Notifying the news media.
 - e. Posting notice via the Kittitas County Website.
 - f. Posting the site as outlined in [KCC 15A.03.110](#).
2. The notice of application shall include the following:
 - a. The date of initial application, the date of the notice of completion for the application, and the date of the notice of application.
 - b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any additional studies requested to complete the application.
 - c. The identification of other permits not included in the application to the extent known by Kittitas County.
 - d. The identification of existing environmental documents that evaluate the proposed project.
 - e. The location where the application and any studies can be reviewed.
 - f. A statement of the public comment period, which shall be not less than 14 nor more than 30 days following the date of the notice of application. **This comment period shall be pursuant to Table A at the end of this title.**

Table A

	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Binding Site Plan:	15 days	None	Staff	HE	Sup. Court
Zoning Variance:	15 days	None	Staff	HE	Sup. Court
Public Agency and Utility Exception:	15 days	None	Staff	HE	Sup. Court
Reasonable Use Exception:	15 days	None	Staff	HE	Sup. Court
Permitted Administrative Uses ⁵ :	15 days	None	Staff	HE	Sup. Court
Short Plats:	15 days	None	Staff	HE	Sup. Court
Boundary Line Adjustments:	None	None	Staff	HE	Sup. Court
Grade and Fill Permit:	None	None	Staff	HE	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	HE	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS ¹ :	15 days	None	Staff	HE	Sup. Court
Independent administrative rulings:	None	None	Staff	HE	Sup. Court
Zoning Conditional Uses (Administrative):	15 days	None	Staff	HE	Sup. Court

Zoning Conditional Uses (Hearing):	15 days	HE	HE	None	Sup. Court
Long Plats:	15 days	HE	HE	None	Sup. Court
Shoreline Exemptions	None	None	Staff	None	Shorelines Board
Shoreline Substantial Development	30 days	None	Staff/HE ⁶	None	Shorelines Board
Shorelines Conditional Use:	30 days	HE	Department of Ecology	None	Shorelines Board
Shorelines Variance:	30 days	HE	Department of Ecology	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD) ⁴ :	30 days	HE	HE	BCC	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court