



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Office (509) 962-7506

"Building Partnerships – Building Communities"

## Johnson Barn Shoreline Substantial Development Permit File Number SD-24-00002

### FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

#### I. GENERAL INFORMATION

**Requested Action:** The applicant proposes the construction of an accessory agricultural building. The building will be 12,000 square feet and excavated into the side of the hill within the shoreline of Manastash Creek.

**Location:** SEC 16, TWP 17, RGE 17, WM in Kittitas County; The project site is an existing homesite and small farm at 11810 Manastash Road, Ellensburg WA, parcel number 145133.

#### II. SITE INFORMATION

|                      |                 |
|----------------------|-----------------|
| Total Property Size: | 1.0 Acre        |
| Number of Lots:      | 1               |
| Domestic Water:      | N/A             |
| Sewage Disposal:     | N/A             |
| Power/Electricity:   | N/A             |
| Fire Protection:     | Fire District 2 |
| Irrigation District: | N/A             |

##### Site Characteristics:

North: Manastash Creek and residential homes  
South: Steep slopes and forestland  
East: Creek Bottom  
West: Private cabin - forestland

**Access:** The site is accessed via an existing driveway from Manastash Road.

**Zoning and Development Standards:** The project area is located along the southern shoreline of Manastash Creek will construct an agricultural building excavated into the hillside. The project area is located within the Rural Conservancy 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, a floodplain development permit and SEPA Checklist. The property is zoned Forest & Range, with Rural Working Land Use. The Forest and Range zone, per 17.15.060.1 accessory residential structures are allowed as a permitted use in this zone.

##### Shoreline Master Program

The Shoreline Use Table in KCC 17B.04.090.1 allows for Marinas within the Urban Conservancy 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 August 19, 2024. The application was deemed complete on September 9, 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 September 19, 2024. The comment period for this notice ended on October 21, 2024.

### IV. ENVIRONMENTAL REVIEW

Pursuant to WAC 197-11-355 on September 3, 2024 the County issued a SEPA MDNS. A copy of the threshold determination may be obtained from the County.

### 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: Kittitas PUD, DNR, Kittitas County Public Works, Colville Tribe, Bonneville Power Administration , Washington Department of Fish and Wildlife.

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

#### Washington State Department of Natural Resources

WSDNR submitted comments in regard to forest Practices Act and the required application if merchantable timber is removed or being converted out of forestland.

Applicants Response: “An FPA is in process and will be submitted once the SEPA is approved. BORA Architecture has been in coordination with Marty Mauney of DNR and met onsite to review project on March 4, 2024.

*Staff Response: Staff has conditioned the SEPA to require an FPA.*

#### Kittitas County Public Works:

Public Works submitted comments regarding the projects proposed access location being off Manastash Road, A Floodplain development permit being required, the need for a grading permit and water mitigation and metering being required for new uses of groundwater.

Applicants Response: “no new access is proposed to access the site, a grading permit and engineered grading plan will be submitted with building permit, the building has been designed and located outside of the Floodplain and floodway, and no new water use will be associated with this building beyond the

existing three residents of the home on the property.

*Staff Response: This approval will be conditioned to include requirements of Kittitas County Public Works.*

**The Confederated Tribes of the Colville Reservation:**

The Colville Tribe submitted comments concerning the high potential for inadvertent discovery and potential of impacts to a talus slope and potential human modified components (rock features). The tribe requested a cultural resources survey prior to ground disturbing activities.

Applicants Response: An Archeological Cultural Resource Survey was performed on 7/23/24. No resources were located, and RLR Cultural Resources LLC will be putting together the report.

*Staff Response: The applicant completed a cultural resources survey as required by the SEPA and found no resources, an IDP will be put in place during ground disturbing activities.*

**Washington Department of Fish and Wildlife:**

WDFW stated their familiarity with the property and the site visit that they conducted supports their request to consider and protect all critical areas on and around the subject property. WDFW requested the applicant minimize riparian management zones and floodplain disturbance on the property.

Applicants Response: "Care will be taken with the construction of the structure and site to disturb as little as possible.

*Staff Response: The structure as proposed will be located outside of the riparian management zones.*

## **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, public and 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 Rural Lands and Critical Areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

CF-G3: Provide consistency with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan.

**Staff Consistency Statement:** The proposed project is located within the Rural Working Land Uses. Staff finds the proposal consistent with the following goals and policies of Chapter 8 Rural and

Resource Lands identified within the Comprehensive Plan:

RR-G8: The County should strive to sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.

RR-P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

RR-P19: Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

*Staff Response: The proposed development is on an already developed parcel and is preserving resource lands in other areas of the county by developing on a previously developed lot with a permitted use within the zone it is located..*

**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.*

**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 proposed use is consistent with RCW 90.58.020 and the Master Program. The project is on a private parcel, roughly 330' from the edge of Manastash Creek and not in the floodplain. There*

*are no public access, recreation, circulation, historical/cultural, or flood hazard prevention elements impacted, and no work over or near Manastash Creek.*

## VII. FINDINGS OF FACT

The applicant proposes construction of an accessory agricultural building. The building will be 12,000 square feet and excavated into the side of the hill within the shoreline of Manastash Creek.

SEC 16 , TWP 17, RGE 17, WM in Kittitas County; The project site is an existing homesite and small farm at 11810 Manastash Road, Ellensburg WA, parcel number 145133. .

### 1. Site Information:

|                      |                 |
|----------------------|-----------------|
| Total Property Size: | 1 Acres         |
| Number of Lots:      | 1               |
| Domestic Water:      | N/A             |
| Sewage Disposal:     | N/A             |
| Power/Electricity:   | N/A             |
| Fire Protection:     | Fire District 2 |
| Irrigation District: | N/A             |

### 2. Site Characteristics:

#### Site Characteristics:

|        |                                       |
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| North: | Manastash Creek and residential homes |
| South: | Steep slopes and forestland           |
| East:  | Creek Bottom                          |
| West:  | Private cabin – forestland            |

- The project area is located along the southern shoreline of Manastash Creek will construct an agricultural building excavated into the hillside. The project area is located within the Rural Conservancy 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, a floodplain development permit and SEPA Checklist. The property is zoned Forest & Range, with Rural Working Land Use. The Forest and Range zone, per 17.15.060.1 accessory residential structures are allowed as a permitted use in this zone.
- A Shorelines Substantial Development permit application was submitted to Kittitas County Community Development Services (CDS) on August 19, 2024. The application was deemed complete on September 9, 2024.
- 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 September 19, 2024. The comment period for this notice ended on October 21, 2024.
- Pursuant to WAC 197-11-350 the County issued the SEPA MDNS on September 3, 2024.
- The following agencies provided comments during the comment period: : Kittitas PUD, DNR, Kittitas County Public Works, Colville Tribe, Bonneville Power Administration , Washington Department of Fish and Wildlife.
- The proposal is consistent with the provisions of KCC 17B, Shorelines as conditioned.

9. The proposal is consistent with the goals and policies of the Kittitas County Shoreline Master Program.
10. The proposal, as conditioned, is consistent with KCC 17.56, Forest and Range.
11. The proposal is consistent with the provisions of KCC 15, Environmental Policy.
12. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
13. The proposal, as conditioned, is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
14. The proposal is consistent with KCC 20, Fire Life and Safety.

**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 accessory structure shall incorporate all of the mitigation requirements of the SEPA MDNS issued on September 3, 2024.
2. The Applicant shall comply with all applicable State and Federal regulations.

**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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**Date:** May 20, 2025

