



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

"Building Partnerships – Building Communities"

CDS@CO.KITTITAS.WA.US

Brown Road Short Plat File Number SP-25-00009

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

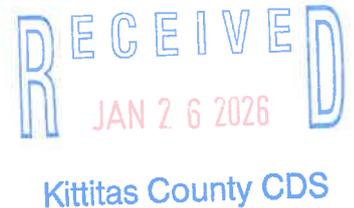
I. GENERAL INFORMATION

Requested Action: The applicant is proposing a 2-lot short plat resulting in two (2) 2.5-acre lots, utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1).

Location: One Tax Parcel (#953835), located approximately 1 mile southeast of the intersection of S Throp Highway and Brown Road in Ellensburg, WA. Section 4, Township 17, Range 18. The property bears Kittitas County map number 17-18-04000-0011 and has a land use designation of Rural-Residential and a zoning designation of Agriculture 5.

Site Information:

Total Property Size:	5 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Proposed Group B Water System
Existing Sewage Disposal:	Existing On-Site Septic System
Fire District:	Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District:	West Side Irrigation District



Site Characteristics: The site consists of a Single-Family Residence and associated non-residential structures in an Agriculture-5 zoning designation.

Surrounding Property:

North:	Privately owned land primarily used for agricultural and/or residential purposes.
South:	Privately owned land primarily used for agricultural and/or residential purposes.
East:	Privately owned land primarily used for agricultural and/or residential purposes.
West:	Privately owned land primarily used for agricultural and/or residential purposes.

Access: The property has existing access to Brown Road.

II. ADMINISTRATIVE REVIEW

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on July 8, 2025. The application was deemed complete on July 11, 2025. A Notice of Application for the Brown Road Short Plat (SP-25-00009) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on July 11, 2025. Notice was published in the Northern Kittitas County Tribune, the official newspaper of

record for Kittitas County, and posted to the Kittitas County Website, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

Designated Permit Coordinator (staff contact): Ellie Myers, Staff Planner. Phone: (509) 962-7048, Email: ellie.myers@co.kittitas.wa.us.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property is located approximately 1 mile southeast of the intersection of S Throp Highway and Brown Road in Ellensburg, WA, and has a Zoning designation of Agriculture-5 with a Land Use designation of Rural-Residential. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. The Agriculture-5 zone has a minimum lot size of 5 acres. The Brown Road Short Plat is proposed under KCC 16.12.040(1) New Small Lots Around Existing Residences to permit the subdivision of Agriculture 5 zoning below the minimum lot size.

Staff Conclusions

The proposal, as conditioned, meets the requirements of KCC 16.12.040(1); 1) The lot size for both parcels is 2.5 acres, which meets the minimum lot size requirements for this provision of Kittitas County Code. 2) The lot comprising the balance of the division is capable of meeting all setback requirements ensuring continued agricultural use.

KCC 16.32.050 Short plat review: The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision regarding:

1. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
2. Its conformance to all standards and improvements required under this title.
3. Potential hazards created by flood potential, landslides, etc.
4. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
5. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.
6. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
7. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060
 - a. However, per KCC 16.12.040(1)(a) parcels created through the New Small Lots Around Existing Residence are subject to recording of a covenant precluding further division of the subject lot while designated for agricultural use by the adopted Kittitas County Comprehensive Plan maintaining the minimum adjustment necessary to accommodate the proposed use.
8. Its compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.

Staff Conclusions

The proposal; 1) conforms to all county subdivision, zoning, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, and will be conditioned to meet health and sanitation 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for all proposed lots, 6) indicates no hindrance to the public interest, 7) will be conditioned to not be further divided, and 8) complies with KCC 13.35 to determine adequate water supply. Staff finds that the proposed short plat, as conditioned, is consistent with all applicable Washington State and Kittitas County codes.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal as a short plat in a Rural-Residential land use designation. Kittitas County has established the following goals and policies to guide activities in these areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G9: The County should continue to explore ways to provide rural economic opportunity.

Consistency Statement

The applicants are proposing a 2-lot short plat that will create an additional parcel while maintaining low-density residential development in the area. This will add to the availability of land parcels that can be built upon in the future, which facilitates Kittitas County's goals for providing rural economic opportunity.

RR-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.

Consistency Statement

The applicants are proposing the creation of an additional parcel within the restrictions put forth by Kittitas County Code. By allowing the creation of the new parcel, Kittitas County is demonstrating its commitment to providing a variety of housing choices while maintaining overall rural character.

RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, and critical areas determine necessary and outlined within existing Shorelines Management Programs, the Critical Areas Ordinances and other adopted resource ordinances in order to protect ground and surface waters.

Consistency Statement

The proposed short plat will not interfere with the Yakima River Shoreline Jurisdiction and associated riparian habitats. These critical areas will remain protected from development.

RP-15: Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

Consistency Statement

The proposed short plat gives preference to rural residential land use with the creation of two residential lots from one single lot, intended for residential use.

Staff Comments

The Brown Road short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal does not adversely affect agricultural lands and allows for continued agricultural land use while providing a variety of density to future housing options.

V. ENVIRONMENTAL REVIEW

CDS determined that the Brown Road Short Plat is exempt from SEPA review under WAC 197-11-800(6)(d). A desktop review for critical areas was completed by staff using County GIS data and did not identify any regulated streams or wetlands on or near the property.

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.

Agency Comments:

The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation (CTCR), Kittitas County Public Works (KCPW), Washington State Department of Ecology (DOE), and Kittitas County Public Health (KCPH). Four public comments were received during the comment period.

Confederated Tribes of the Colville Reservation

The CTCR stated they have no concerns regarding the proposed undertaking's potential impact on cultural resources.

Applicant Response: No response.

Staff Response: As CTCR provided comments stating that they have no concerns, staff has no further comment.

Kittitas County Public Health

Drinking Water

- Configuration of each lot line to allow a supply protection zone to fit within the lot lines: or
- Water supply protection zone on more than one lot when the person proposing the subdivision or development provides a copy of a recorded restrictive covenant to each property that is sited partially or completely within the water supply protection zone:
- Water supply protection zone of at least 100-foot radius for each existing or proposed well site.

Wastewater

- Site evaluation application must be submitted to Kittitas County Public health and completed before final plat approval on lots without existing permitted OSS.

Applicant Response: No response.

Staff Response: As the comments provided by KCPH contained requirements and needed documents, staff has conditioned approval of this project upon successfully adhering to listed requirements and submission of necessary documents.

Washington State Department of Ecology

Water Quality Program

- Dividing or platting a piece of property is often the first step in a proposed development. An

NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities. Please contact Wendy Neet with the Department of Ecology, (509) 571-6733, with questions about this permit.

Water Resources Program

- The Attorney General's Opinion, (AGO 1997 No. 6) regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal. It would also not be exempt from the permitting requirement contained in RCW 90.44.050 if the total amount withdrawn for domestic use exceeds 5,000 gallons per day or if a total of more than .5 acre of lawn and garden are irrigated. If you have any questions or would like to respond to these Water Resources comments, please contact Nathan Longoria at (509) 907-1752 or email at nathan.longoria@ecy.wa.gov.

Applicant Response: No response.

Staff Response: DOE comments with recommendations and guidance for the Water Quality Program and Water Recourse Program have been transmitted to the applicant.

Kittitas County Public Works

Access:

- An approved access permit shall be required from the KCPW prior to creating any new driveway access or alternative existing access.
- An access permit (9AC-25-00010) has been submitted for the private road apron onto Brown Road – Easement B. See Survey comments.
- Per KCC 12.04.04.050 Road Certification is required.
- Per KCC 12.04.01.030 Roads serving five or more lots shall be named according to the Kittitas County Private Road naming and sign standards.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
- Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

Engineering:

- There is an existing grading permit associated with this and the surrounding parcels (GP-25-00002). If there are any additional grading or earthwork planned as part of this short plat please provide that information and Public Works can update the Conditions of Approval for the grading permit as needed.

Survey:

- Application does not meet WAC 332-130-145 Topographic elements on map.
- show encroachment distances of existing building(s) into Brown Road Right of way.
- 2024 Aerial photography shows 5 additional buildings not shown on the application. These should be shown or a statement from the applicant stating that they have been removed.

FOR FINAL (not required for Prelim Approval)

- Include Ownership, surfacing and R/W width for Brown Road.
- At a minimum, the new division line between parcels shall be staked in the field, and corners shown on the face of the map.
- Adjacent lots 2, 4 and 7 shall include reference to recorded survey.
- The 60' access easement shall include reference to recording number of the creation documents, as the survey only notes that is to be created by separate documents.
- Given the simplistic nature of the SP, Lot Closures are not required at final.

Water Mitigation/Metering

- The following comments outline the requirements for legal availability of water and metering for the proposed short plat:
- The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. Prior to final plat approval and recording, the following conditions shall be met:
- In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval:
 - A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use.
 - An adequate water right for the proposed new use; or
 - A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.
- Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- Final Plat Notes: The following notes shall be placed on the face of the plat:
 - C-1 "Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations."
 - C-2 "The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law."

Applicant Response: No response.

Staff Response: As the comments provided by KCPW contained requirements and needed documents, staff has conditioned approval of this project upon successfully adhering to listed requirements and submission of necessary documents.

Dawn Baumgardner, April Richter, Irma Gorgan, and Luke Bergford submitted written comments during the public comment period. Full comments can be examined by the public on the Community Development Services (CDS) website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> then navigate to "Short Plats - 2018 and Forward - Preliminary" & "SP-25-00009 Brown Road" or at the CDS offices at 411 N. Ruby St, Suite 2, Ellensburg, WA 98926 during normal business hours. The main concerns expressed by the submitted comments are listed below:

Believed misapplication of KCC 16.12.040(1)(a).

The commenters strongly believe that the “New Small Lots Around Existing Residences” provision was written and meant for long time landowners. The code states that a property needs to contain a lawfully existing residence for at least five years before the land can be subdivided. However, the code does not state that the property needs to be owned by the same person for five years, nor does it establish a length of time one should own the property before the land can be divided.

KCC 16.12.040(1)(a) states that these parcels will be subject to recording a covenant precluding further division of the subject lots while designated for agricultural use, meaning that these parcels cannot be divided again, unless the zoning designation changes to a non-agricultural use zone. The code does not bar parcels created through this provision from residential use.

Additionally, in conformance with the Kittitas County Comprehensive Plan, lands in Rural Residential Land Use designations are encouraged to promote rural residential development. Permitting residential use is consistent with the County's goals and policies.

Concerns parcel #953835 was created through the Brown Road Long Plat (LP-25-00002) that was granted preliminary approval July 2025.

Parcel #953835 was created through the Brown Road Estates LLC Boundary Line Adjustment (BL-25-00004) in April 2025. This parcel is not associated with LP-25-00002.

VII. PROJECT ANALYSIS & CONSISTENCY REVIEW

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 the planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

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 goals of Comprehensive Plan include and are not limited to: RR-G9, RR-G10, RR-P13, and RP-15.

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

CDS determined that the Brown Road Short Plat is exempt from SEPA review under WAC 197-11-800(6)(d). A desktop review for critical areas was completed by staff using County GIS data and did not identify any regulated streams or wetlands on or near the property.

Consistency with the provisions of KCC 17.28A, A-5 – Agriculture-5 Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Agriculture-5 zoning designation.

Consistency with the provisions of KCC 16.32.050, Short Plat Review:

This proposal, as conditioned, is consistent with the Kittitas County Short Plat Review requirements. The proposal; 1) conforms to all county subdivision, zoning, roads and bridges, and fire and life safety regulations and will be conditioned comply with laws adopted by the state of Washington for health and sanitation, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for both proposed lots, 6) indicates no hindrance to the public interest,

7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply.

Consistency with the provisions of KCC 16.12.040(1), New Small Lots Around Existing Residences:

This proposal, as conditioned, is consistent with the requirement of Kittitas County Code KCC 16.12.040(1), New Small Lots around existing residences because it is located within an agriculture type zoning, and it has been more than 5 years since the date for the establishment of the lawfully existing residence.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be in accordance with International Building Codes.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

VIII. FINDINGS OF FACT

1. **Requested Action:** The applicant is proposing a 2-lot short plat resulting in two (2) 2.5-acre lots, utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1).
2. **Site Location:** One Tax Parcel (#953835), located approximately 1 mile southeast of the intersection of S Throp Highway and Brown Road in Ellensburg, WA. Section 4, Township 17, Range 18. The property bears Kittitas County map number 17-18-04000-0011 and has a land use designation of Rural-Residential and a zoning designation of Agriculture 5.

Total Property Size:	5 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Proposed Group B Water System
Existing Sewage Disposal:	Existing On-Site Septic System
Fire District:	Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District:	West Side Irrigation District

3. **Site Characteristics:** The site consists of a Single-Family Residence and associated non-residential structures in an Agriculture-5 zoning designation.
4. **Surrounding Property:**
North: Privately owned land primarily used for agricultural and/or residential purposes.
South: Privately owned land primarily used for agricultural and/or residential purposes.
East: Privately owned land primarily used for agricultural and/or residential purposes.
West: Privately owned land primarily used for agricultural and/or residential purposes.
5. **Access:** The property has existing access to Brown Road.
6. The Comprehensive Plan land use designation is “Rural Residential.”
7. The subject property is zoned “Agriculture-5.”
8. A Short Plat permit application was submitted to Kittitas County Community Development Services on July 8, 2025. The application was deemed complete on July 11, 2025. A Notice of

4. State and Federal

- A. Applicant shall meet all state and federal regulations.
- B. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements and building or upgrading roads. A permit and a stormwater plan are required prior to beginning ground-breaking activities.

5. Plat Notes

- A. The following plat notes shall be recorded on the final mylar drawings:
 - i. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
 - ii. All development shall comply with International Fire Code.
 - iii. Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - iv. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
 - v. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
 - vi. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - vii. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided by 5 feet on each side of interior lot lines. Said easement may also be used for irrigation.
 - viii. Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
 - ix. The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject to legal action as public nuisances.
 - x. A signature box for West Side Irrigation District shall be included by the Professional Licensed Surveyor (PLS) on the final mylars and shall be signed by an authorized representative of West Side Irrigation prior to obtaining signatures from various Kittitas County department officials.

- H. All applicants for land divisions shall also submit information on “proximate parcels” held in “common ownership” as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- I. The applicant must have a site evaluated by Public Health on lots without existing permitted on-site sewage before the Final Plat submittal.
- J. There shall be a water supply protection zone that has at least a 100-foot radius for each existing or proposed well site.
- K. Where subdivisions with nonpublic wells are proposed the configuration of each lot line should allow a supply protection zone to fit within the lot lines or a restrictive covenant shall be recorded to each property that is sited partially or completely within the water supply protection zone.
- L. The existing residence is located within the public right-of-way and is considered nonconforming according to KCC 17.18. Nonconforming residential structures shall not be remodeled or expanded in a manner that increases non-conformity, unless it qualifies for a one-time expansion up to 10% of the existing building area.
- M. The applicant shall record a covenant precluding further division of the subject lot while designated for agricultural use by the adopted Kittitas County Comprehensive Plan maintaining the minimum adjustment necessary to accommodate the proposed use.

From these conclusions and findings, the proposed Short Plat is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is September 5, 2025, at 5:00 p.m. Appeals submitted on or before September 5, 2025, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2, Ellensburg, WA 98926.

Responsible Official



Ellie Myers

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7079

Date: August 15, 2025