

Ellie Myers

From: April Richter <richter.april@yahoo.com>
Sent: Tuesday, September 29, 2026 1:45 PM
To: Ellie Myers
Subject: Letter of Opposition- Brown Rd Short Plat

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Dear Ms. Myers:

I am a neighboring property owner and am submitting these written comments in opposition to **SP-26-00010**. I request that Kittitas County deny the proposed four-lot short plat. Since there is no public hearing for this administrative short plat, I am submitting this letter for inclusion in the official record.

The applicant proposes four 2.5-acre lots on property zoned **Agriculture-5 (Ag-5)** and states that TDR Density Credits in the form of TDR Certificates will be used to meet the density being requested. I do not believe TDR credits should be used in this manner because doing so is inconsistent with the purpose of Washington's TDR program, the Growth Management Act, and Kittitas County Code.

1. Agriculture-5 requires five-acre lots.

The Agriculture-5 zone has a five-acre minimum lot size. A short plat outside an urban growth area may create up to four lots under **KCC 16.08.186 and Chapter 16.32**, but the resulting lots must still comply with the underlying zoning.

TDR credits should not be considered a variance from the minimum lot size or a substitute for a rezone.

The limited small-lot exception in **KCC 16.12.040** allows a single one-to-three-acre lot around an existing residence, subject to restrictions preventing further division while the property remains designated for agricultural use. It does not authorize four 2.5-acre lots across two Ag-5 parcels.

2. TDR is intended to transfer development rights away from agricultural land.

Washington's TDR programs are intended to preserve agricultural and forest lands and other resource lands by transferring development potential to appropriate receiving areas where growth is intended to occur.

This purpose is reflected in Washington's Growth Management Act, **WAC 365-196-815**, and TDR statutes including **RCW 43.362 and RCW 39.108**.

Kittitas County's **KCC Chapter 17.13** follows the same concept by conserving rural farm and forest land through the transfer and extinguishment of development rights.

Using TDR certificates to increase density on Ag-5 land appears to reverse that purpose. If the TDR credits being proposed originated from properties within an Urban Growth Area, that raises additional concerns under **GMA Goals 1, 2, and 8 of RCW 36.70A.020**, concerning urban growth, reducing sprawl, and conserving natural resource industries.

3. TDR credits should not override the underlying zoning.

KCC Chapter 17.13 allows TDR density credits to be used in certain county actions, including short plats, but only on eligible receiving sites and in a manner consistent with the Comprehensive Plan and other development regulations.

That authority does not eliminate the Ag-5 five-acre minimum or turn an agricultural/rural property into a higher-density residential development.

A short plat should not be allowed to accomplish a density that would otherwise be prohibited by the underlying zoning.

4. The proposal increases development on agricultural land.

Creating four 2.5-acre residential lots from two five-acre agricultural parcels would increase rural residential density.

It would also result in additional wells, on-site sewage systems, driveways, traffic, and demand for rural services. These are the types of scattered rural development impacts that the County's TDR program and Washington's growth-management policies are intended to address.

The proposed development is also directly adjacent to **Ag-20 agricultural land**, making the increased residential density particularly concerning.

5. The TDR credits need to be fully documented.

Before this application is approved, the County should require documentation showing exactly where the TDR credits are coming from and why they can legally be used for this proposal.

If staff believes TDR credits can lawfully reduce the Ag-5 minimum from five acres to 2.5 acres, the decision should identify:

- (a) the specific **KCC 17.13** provision and exchange rate being used;
- (b) copies of the TDR certificates and sending-site conservation instruments;
- (c) identification of the sending parcels and whether they are urban or rural/resource lands; and

(d) written findings explaining how the proposal is consistent with GMA resource-land conservation and the County Comprehensive Plan.

My understanding is that the proposed sending parcels include **016833, 962710, 962711, and 962712**. The status and eligibility of these parcels should be clearly established in the public record.

I am very concerned that allowing this application would establish a precedent for using TDR credits to bypass the five-acre minimum in the Ag-5 zone. The County should not allow the underlying zoning to be effectively changed through the use of TDR credits.

Request for relief

I respectfully request that **Community Development Services deny SP-26-00010** and require the applicant to comply with the five-acre minimum lot size required under the Agriculture-5 zoning designation.

Please provide written notice of the administrative decision so that I may appeal under **KCC Chapter 15A.07**, if necessary.

Thank you for considering these comments and including this letter in the official record.

Sincerely,

April Richter
1251 Brown Rd
509-929-3747
richter.april@yahoo.com