

September 29, 2026

Kittitas County Community Development Services
Attn: Staff Planner
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926



Re: SP-26-00010 — Brown Road Estates II / Proposed Use of TDR Density Credits

Dear Kittitas County Community Development Services:

I am writing as a neighboring property owner at **751 Barnes Road** to respectfully but strongly oppose approval of the proposed Brown Road Estates II short plat and, specifically, the proposed use of Transfer of Development Rights (TDR) Density Credits in connection with this application.

Barnes Road is perpendicular to Brown Road, and from my property I have a direct view of the area proposed for development. I have a personal interest in the appropriate application of the County's land-use regulations to this property. My primary concern, however, is not simply the visual or neighborhood impact of the proposal. It is whether the proposed use of TDR Density Credits complies with the requirements and purpose of **Kittitas County Code Chapter 17.13**, particularly KCC 17.13.040.

TDR Density Credits must be established and used as authorized by KCC Chapter 17.13

I understand that the underlying property is zoned Agriculture-5 and that the proposed short plat would create four approximately 2.5-acre residential lots. I also understand that the applicant is relying upon TDR Density Credits to obtain density beyond what would otherwise be permitted under the underlying zoning.

I recognize that KCC 17.13.055 expressly provides that TDR Density Credits may be used to increase density within an established receiving-site project boundary and that parcel sizes within that boundary may therefore be decreased. The code also expressly identifies Short Plats as one of the County actions in which TDR Density Credits may be used.

My concern is therefore not that TDR credits can never be used to increase density or reduce parcel sizes. Rather, my concern is whether **the specific TDR credits being relied upon for SP-26-00010 were properly established, calculated, documented, and transferred under KCC Chapter 17.13, and whether their use remains authorized under the County's current TDR regulations and moratorium.**

KCC 17.13.040 requires a specific calculation and documentation

KCC 17.13.040 establishes how the number of residential development rights, or TDR Density Credits, available from an unincorporated sending site is determined. The calculation is tied to

the sending site's underlying zoning and/or established density, subject to the limitations contained in that section.

The code further provides that the determination of available TDR Density Credits must be documented in a TDR Density Credit certificate and that the determination is for purposes of the TDR program. The code also makes clear that the TDR determination does not itself change the underlying zoning designation of the sending parcel.

For that reason, I respectfully request that the County identify in the administrative record the precise basis for the TDR credits being used for this application, including:

- The identity and parcel numbers of the TDR sending site or sites;
- The underlying zoning and acreage used to calculate the development rights;
- The calculation performed pursuant to KCC 17.13.040;
- The number of TDR Density Credits determined to be available;
- The date on which those credits were established and certified;
- The applicable TDR Density Credit certificates and/or certificates of intent;
- The TDR easement or other documentation establishing that the corresponding development rights were properly extinguished;
- The number of credits being applied to SP-26-00010;
- The calculation showing how those credits result in the proposed four-lot density; and
- Any remaining TDR Density Credits associated with the sending site or sites.

These documents are particularly important because KCC 17.13.040 provides that development rights from a sending site may be transferred to more than one receiving site. Consequently, if the applicant has additional TDR Density Credits available after this proposal, the County should clearly establish what development rights have been extinguished, what credits remain, and how those remaining credits may subsequently be used.

The applicant's other parcels warrant careful review

I understand that the applicant owns or controls approximately **twelve other parcels** to which TDR Density Credits could potentially be applied if this proposal is approved.

I am concerned about the precedent created if TDR credits are used in a manner that permits substantially increased residential density on one property while leaving additional credits available for use on other properties.

I am not asking the County to assume that such future development will occur. Rather, I am asking the County to determine and document the extent of the development rights being transferred through this application and whether approval of this proposal would leave additional TDR credits available for subsequent receiving-site applications.

That information is important to understanding the actual effect of this application and whether the proposed transaction is consistent with the County's stated purpose for the TDR program.

The TDR moratorium makes this review particularly important

Kittitas County has acknowledged the need to review its TDR regulations. Pursuant to Resolution 2026-101, the County enacted a moratorium on the submission of TDR applications on June 8, 2026, citing the need to ensure that County regulations are consistent with the intent of the TDR program.

Because the County has itself determined that its TDR regulations warrant review, I respectfully request that the County clearly establish the legal status of any TDR Density Credits being relied upon by SP-26-00010.

Specifically, the County should identify when the relevant TDR application, certificate, certificate of intent, and TDR easement were submitted or established, and explain why the proposed use of those credits is permitted notwithstanding the current TDR moratorium and any subsequent extension or applicable transition provisions.

I believe this issue should be expressly addressed before the County approves the proposed short plat.

Purpose of the TDR program

KCC 17.13.010 states that the purpose of the County's TDR program is to provide public benefits by permanently conserving rural farm and forest land through acquisition and extinguishment of development rights on designated sending sites.

I support the County's objective of protecting agricultural and rural lands through properly structured TDR transactions. My concern is that the County should ensure that the transaction proposed here actually satisfies the requirements established by Chapter 17.13 and accomplishes the conservation and development-right objectives contemplated by that chapter.

The existence of TDR credits should not, by itself, end the County's inquiry. The County should establish that the credits were properly created, that the appropriate development rights were permanently extinguished, that the credits are valid and available for this receiving site, and that the proposed use complies with all applicable provisions of Chapter 17.13 and other County regulations.

Request for denial

For these reasons, I respectfully but strongly oppose approval of the proposed use of TDR Density Credits in connection with SP-26-00010.

I request that the County **deny the proposed TDR authorization and not approve the short plat unless and until the applicant has demonstrated, and the County has documented in the administrative record, that the proposed TDR transaction fully complies with KCC Chapter 17.13, including the calculation and certification requirements of KCC 17.13.040,**

the receiving-site requirements, and all applicable provisions governing the current TDR moratorium.

I further request that the County provide written notice of its decision and the basis for that decision, including the applicable appeal rights.

Thank you for considering these comments and for including this letter in the administrative record for SP-26-00010.

Respectfully,

Jack Piper
751 Barnes Road
Ellensburg, WA 98926