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September 28, 2026

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RECEIVED
SEP 29 2026

Kittitas County CDS

Re: Written Comments Opposing SP-26-00010, Brown Road Estates II

Parcels 953834 & 428333 • 100 & 300 Anderville Lane, Ellensburg, WA

Applicant: Brown Road Estates, LLC

Zoning: Agriculture-5 • Land Use: Rural Residential

Dear Ms. Myers:

I am a neighboring property owner and submit these written comments in opposition to SP-26-00010. I request that Kittitas County deny the proposed four-lot short plat. Comments are due by 5:00 p.m. on September 30, 2026. There is no public hearing on this administrative short plat, so this letter is submitted for the official record.

The applicant proposes four 2.5-acre lots on land zoned Agriculture-5 and states that TDR Density Credits in the form of TDR Certificates will be used “to meet the requirements of the density being requested to comply with zoning regulations.” That use of TDR is inconsistent with Washington State TDR policy, the Growth Management Act, and Kittitas County Code.

1. Agriculture-5 does not permit 2.5-acre lots.

The Agriculture-5 zone requires a five-acre minimum lot size. A short plat outside an urban growth area may create no more than four lots under KCC 16.08.186 and Chapter 16.32, but each lot must still meet the underlying zone. TDR credits are not a variance from minimum lot size and are not a rezone.

The only small-lot exception in KCC 16.12.040 is a single one-to-three-acre lot around an existing residence, subject to a covenant precluding further division while the land remains designated for agricultural use. That exception does not authorize four 2.5-acre lots across two parcels.

2. Washington TDR law transfers density off farmland, not onto it.

State TDR programs exist to move growth from areas a community wants to conserve—agricultural and forest lands of long-term commercial significance and rural resource land—to urban areas where growth is supposed to occur. That direction is stated by the Washington State Department of Commerce, by

GMA implementing rules in WAC 365-196-815, and by the regional TDR statutes (including RCW 43.362 and RCW 39.108).

KCC Chapter 17.13 has the same purpose: permanently conserve rural farm and forest land by extinguishing development rights on designated sending sites and redeeming density credits on eligible receiving sites. Agriculture-5 land is a sending-site zone under KCC 17.13. Using TDR certificates to increase density on AG-5 land reverses the program. If the credits originated in an urban growth area, the transfer is even more contrary to GMA Goals 1, 2, and 8 in RCW 36.70A.020 (urban growth, reduction of sprawl, and conservation of natural resource industries).

3. TDR credits cannot be used to ignore the underlying zone.

KCC 17.13 allows TDR density credits to be applied in specified county actions, including short plats, but only on eligible receiving sites and only consistent with the Comprehensive Plan and other development regulations. That authority does not repeal the AG-5 five-acre minimum or convert a resource/rural parcel into a suburban short plat. Outside a UGA, a planned unit development generally cannot exceed underlying-zone density. A short plat should not be allowed to do what a Planned Unit Development cannot.

4. The proposal converts agricultural land in violation of GMA conservation requirements.

WAC 365-196-815 requires development regulations that prevent conversion of designated agricultural land and identifies TDR as a tool to send rights from agricultural land to urban receiving areas. Four 2.5-acre residential lots on AG-5 land is conversion. It increases rural residential density, wells, on-site sewage systems, driveway cuts, and demand for rural services—the scattered rural development costs the County's TDR program was adopted to reduce.

5. The application file should not be approved without a documented TDR trail.

If staff believes TDR can lawfully reduce AG-5 lots to 2.5 acres, that interpretation should be stated in the decision with: (a) the exact KCC 17.13 subsection and exchange rate used; (b) copies of the TDR certificates and sending-site conservation instruments attached to the file; (c) identification of the sending site, including whether it is urban or rural/resource land; and (d) written findings that the result is consistent with GMA resource-land conservation and the County Comprehensive Plan. Those materials and findings are not established by the Notice of Application.

Request for relief.

I request that Community Development Services deny SP-26-00010. 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.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Morris". The signature is written in a cursive style with a horizontal line underneath it.

Tom Morris

Neighboring Property Owner

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