

BROWN ROAD ESTATES II SHORT PLAT

File Number SP-26-00010

FINDINGS OF FACT, CONCLUSIONS, AND DECISION OF DENIAL

I. GENERAL INFORMATION

Requested Action: The applicant proposes a four-lot short plat resulting in four (4) 2.5-acre lots. The requested lot configuration relies on Transfer of Development Rights (TDR) Density Credits under Kittitas County Code (KCC) Chapter 17.13. The subject property is zoned Agriculture-5 and is designated Rural Residential in the Kittitas County Comprehensive Plan.

Location: Two tax parcels, Parcel Nos. 953834 and 428333, located at 100 and 300 Anderville Lane, Ellensburg, Washington, in Section 04, Township 17 North, Range 18 East, W.M. The properties are identified by Kittitas County parcel map numbers 17-18-04000-0010 and 17-18-04040-0001.

II. SITE INFORMATION

Total Property Size:	10 acres
Number of Existing Lots:	2
Number of Proposed Lots:	4
Comprehensive Plan Designation:	Rural Residential
Zoning Designation:	Agriculture-5
Domestic Water:	Proposed Group B Water System
Existing Sewage Disposal:	On-site septic systems
Fire District:	Kittitas Valley Fire and Rescue, Fire District 2
Irrigation District:	West Side Irrigation District
Access:	Existing access from Brown Road

III. ADMINISTRATIVE REVIEW

A Short Plat permit application for Brown Road Estates II, File No. SP-26-00010, was submitted to Kittitas County Community Development Services (CDS) on September 1, 2026. CDS determined the application complete on September 10, 2026.

A Notice of Application was mailed on September 15, 2026, to applicable federal, state, and local agencies and departments and to adjacent landowners within 500 feet of the subject property. Notice was also published in the Ellensburg Daily Record and posted on the Kittitas County website in accordance with KCC Title 15A.

The designated permit coordinator is Ellie Myers, Planner I, Kittitas County Community Development Services.

IV. APPLICABLE CODE AND RESOLUTIONS

KCC 16.32.050 - Short Plat Review

KCC 16.32.050 requires the County to review and consider a proposed short subdivision for conformance with applicable County subdivision, zoning, health and sanitation, roads and bridges, fire and life-safety regulations, and laws adopted by the State of Washington. The review also includes required improvements and easements, adequate access, public-interest considerations, and compliance with applicable water-supply requirements.

KCC Chapter 17.13 - Transfer of Development Rights

KCC Chapter 17.13 establishes the County's Transfer of Development Rights program. The program provides for transfer of development rights from qualifying sending sites to eligible receiving sites.

KCC 17.13.030 identifies eligible receiving sites. Parcels designated Rural Land may be eligible receiving sites, subject to the requirements of KCC Chapter 17.13.

Under KCC 17.13.055, a receiving-site application shall include the project boundary and the location where TDR Density Credits will be placed. Density within the project boundary may be increased above the underlying zone by the number of TDR Density Credits placed within that boundary. TDR Density Credits may be used in County actions that include short plats.

Resolution No. 2026-101

On June 8, 2026, the Kittitas County Board of County Commissioners adopted Resolution No. 2026-101, establishing an emergency moratorium on accepting new Transfer of Development Rights applications.

Resolution No. 2026-133

On August 4, 2026, the Board of County Commissioners adopted Resolution No. 2026-133, extending the emergency moratorium on new TDR applications for six months, unless further extended or earlier terminated by Board action.

Resolution No. 2026-133 provides that CDS will not accept new TDR applications during the moratorium. It further provides that TDR applications submitted before June 8, 2026, will be processed under the TDR regulations in effect at the time of their submittal.

V. ENVIRONMENTAL REVIEW

CDS determined that the Brown Road Estates II Short Plat is exempt from SEPA review under WAC 197-11-800(6)(d). A desktop review for critical areas was completed using County GIS data and did not identify mapped critical areas on the subject property.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties were given the opportunity to review and comment on the proposal. Agency comments were received from Kittitas County Public Health, Bonneville Power Administration, Yakama Nation Fisheries, Washington State Department of Health, Kittitas County Fire Marshal, Kittitas Public Utility District, and Kittitas County Public Works.

The agency comments address matters including water-system requirements, wastewater setbacks, access, roadway standards, survey information, water mitigation, and construction requirements. Those matters do not resolve the dispositive issue addressed in this decision: whether the requested TDR-supported density may be processed or approved during the operative TDR moratorium.

Public comments received during the comment period are included in the administrative record.

VII. FINDINGS OF FACT

1. The applicant proposes a 4-lot short plat resulting in four (4) 2.5-acre lots on approximately 10 acres of land
2. Site Location: Two (2) Tax Parcels (953834 & 428333), located at 100 & 300 Anderville Lane in Ellensburg, WA. Section 04, Township 17, Range 18. These properties bear Kittitas County parcel map numbers 17-18-04000-0010 & 17-18-04040-0001.
3. The subject property is designated Rural Residential in the Kittitas County Comprehensive Plan and is zoned Agriculture-5.
4. The Agriculture-5 has a minimum lot size of five acres.
5. Absent use of Transfer of Development Rights (TDR) Density Credits, the approximately 10-acres subject property supports a maximum of two five-acre lots under the applicable Agriculture-5 minimum lot size standard.
6. The applicant proposes four (4) 2.5 acre lots and therefore requests two density increments above the density otherwise available under the Agriculture-5 zone.
7. A Short Plat permit application was received by Kittitas County Community Development Services on September 1, 2026. The application was deemed complete on September 10, 2026, meeting the requirements of the short plat application.
8. A Notice of Application for the Brown Road Estates II Short Plat (SP-26-00010) 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 September 15, 2026. Notice was published in the Ellensburg Daily Record, 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).
9. The proposal is subject to review pursuant to Kittitas County Subdivision Code 16.32.050, Short Plat Review.
10. The following agencies provided comments during the comment period: Kittitas County Public Health, Bonneville Power Administration (BPA), Yakama Nation Fisheries, Washington State Department of Health, Kittitas County Fire Marshal (KCFM), Kittitas PUD, and Kittitas County Public Works (KCPW).

11. Tyler Morris, Luke Berford, April Richter, Colleen Anderson, Jack Piper, Tom Morris, Jeff and Carrie Satterland, Corey and Karrine Rogers, Richard Swanson, Arlien Anderson, Brenda Bland, Rodney Van Orman, Jill Orcutt and Glen Goodman, Tim Englund, Marlene Pfeifer, D. Baumgardner, Caron Van Orman, Dana Ogan, and Jeff Seapulski submitted written comments during the public comment period.
12. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(d).
13. The proposed short plat is consistent with KCC Title 15.
14. The proposed short plat is consistent with KCC Title 17A Critical Areas.
15. The proposed short plat is consistent with KCC Title 14 Building and Construction.
16. The proposed short plat is consistent with KCC Title 12 Roads and Bridges.
17. The proposed short plat is consistent with KCC Title 20 Fire and Life Safety.
18. The applicant's project narrative states that the proposed short plat will use Development Right credits as allowed by KCC 17.13 to support the requested four-lot configuration.
19. The proposed two additional density increments are integral to the short plat application as submitted and depend upon use and implementation of KCC Chapter 17.13, Transfer of Development Rights.
20. KCC 17.13.055 provides that density credits may be used to increase density may be used in County actions that include boundary lot line adjustments, long plats, planned unit developments, short plats, and cluster plats.
21. KCC 17.13.080 provides that TDR Density Credits may be acquired through the purchase from certified sending sites, transfer from certified sending sites owned by the receiving site owner, or purchase of previously purchased and unexecuted TDR credits. Applications using TDR Density Credits must comply with all other laws and regulations.
22. On June 8, 2026, the Kittitas County Board of County Commissioners adopted Resolution 2026-101, establishing an emergency moratorium on accepting new Transfer of Development Rights applications.
23. On August 4, 2026, the Board adopted Resolution NO. 2026-133, extending the moratorium on new TDR applications for six months, unless further extended or terminated by Board action.
24. Resolution No. 2026-133 directs CDS not to accept new TDR applications during the moratorium.
25. The proposed two additional density increments are integral to the short plat application as submitted and depend upon use and implementation of KCC 17.13, Transfer of Development Rights.
26. The applicant has not identified or submitted evidence of a pre-June 8, 2026, issued TDR Density Credit certificate or other grandfathered TDR interest that support the two requested density increments.

27. The application materials do not demonstrate that the two additional densities requested for the proposed four lot short plat are supported by TDR Density Credits that were lawfully available to the applicant before June 8, 2026, or by another interest preserved for processing under Resolution No. 2026-133.
28. CDS's determination that the short plat application was complete did not constitute substantive approval of the proposed four-lot configuration, approval of TDR-supported density, a determination that TDR Density Credits were available to the applicant, or a waiver of applicable substantive requirements under KCC 17.13 or Resolutions No. 2026-101 and No. 2026-133 .
29. Without utilization of TDR Density Credits, the proposed four-lot configuration does not comply with the five-acre minimum lot size standard applicable to the Agriculture-5 zone.
30. Except for the requested TDR-supported density and resulting four-lot configuration, the proposal appears capable of complying with the identified requirement of KCC Title 12, 14, 15A, 16, 17A, and 20, subject to final review, required conditions, and agency approvals. This finding does not establish compliance with KCC 17.13, the Agricultur-5 base density requirements, or the County's TDR moratorium.
31. The application has not demonstrated that the four-lot short plat conforms with KCC 17.13, the TDR moratorium, or the applicable Agriculture-5 base-density requirement and consistency with the Growth Management Act.
 - RCW 36.70A.020 — GMA planning goals, including urban growth, reduced sprawl, natural-resource protection, open space, environment, and adequate public facilities and services
 - RCW 36.70A.030(38) Rural character
 - RCW 36.70A.070(5)(a)-(c) Rural element; density transfer; rural-character protections
 - RCW 36.70A.090 — Innovative land-use management techniques, including TDR.
 - RCW 36.70A.110(1)-(4) UGAs, urban growth, urban densities, infrastructure, and urban governmental services

VIII. CONCLUSION

1. CDS must review a proposed short plat for conformance with applicable County subdivision, zoning, and other land-use regulations, including KCC Chapter 17.13, KCC 16.32.050, and the County's operative TDR moratorium.
2. The Brown Road Estates II Short Plat seeks density above the applicable Agriculture-5 zoning standard through the use and implementation of TDR Density Credits under KCC Chapter 17.13.
3. The requested TDR-supported density is integral to the short plat as submitted because the four-lot configuration cannot be approved under the applicable Agriculture-5 base-density standard without two TDR Density Credits.

4. The application was submitted and deemed complete after the June 8, 2026, effective date of Resolution No. 2026-101 and during the TDR moratorium extended by Resolution No. 2026-133.
5. Resolution No. 2026-133 directs CDS not to accept new TDR applications during the moratorium, while providing limited continued processing for TDR applications submitted before June 8, 2026, and preserving the validity period of certain pre-moratorium TDR certificate letters of intent and TDR certificates.
6. The applicant has not demonstrated that the two TDR Density Credits required for the proposed four-lot configuration are supported by a TDR application submitted before June 8, 2026; a pre-moratorium certificate letter of intent; an issued TDR Density Credit certificate; a certified sending site; an executed credit-transfer arrangement; or another interest preserved for processing under Resolution No. 2026-133.
7. Under Resolutions No. 2026-101 and No. 2026-133, CDS may not approve the applicant's requested TDR-supported density because the application was submitted after the moratorium's effective date and the applicant has not demonstrated that the requested density is supported by a TDR interest expressly preserved under Resolution No. 2026-133.
8. Without the two TDR Density Credits necessary to support the proposed four-lot configuration, the application does not demonstrate compliance with KCC Chapter 17.13, KCC 16.32.050, the Agriculture-5 base-density requirement, Comprehensive Plan, or the Growth Management Act.
9. The Brown Road Estates II Short Plat (SP-2026-00010) must therefore be denied as submitted.

IX. DECISION OF DENIAL

Based on the application materials, administrative record, Findings of Fact, Conclusions, KCC Chapter 17.13, KCC 16.32.050, Resolution No. 2026-101, and Resolution No. 2026-133, Kittitas County Community Development Services **DENIES** the Brown Road Estates II Short Plat, File No. SP-26-00010, as submitted.

The proposed short plat requests four lots, including two density increments that depend upon use and implementation of KCC Chapter 17.13. The application was submitted and determined complete after June 8, 2026, during the effective period of the County's TDR moratorium, as extended by Resolution No. 2026-133.

The applicant has not demonstrated that the requested two TDR Density Credits are supported by a TDR application submitted before June 8, 2026; a pre-moratorium certificate letter of intent; an issued TDR Density Credit certificate; a certified sending site; an executed credit-transfer arrangement; or another TDR interest preserved for processing under Resolution No. 2026-133.

Under Resolutions No. 2026-101 and No. 2026-133, CDS may not approve the requested TDR-supported density because the applicant has not established an interest preserved under Resolution No. 2026-133. Without those credits, the proposed four-lot configuration does not comply with the Agriculture-5 five-acre minimum lot-size requirement.

This decision does not invalidate any otherwise valid TDR certificate, TDR certificate letter of intent, or other TDR interest. This decision does not determine the future treatment of any such interest under subsequent action by the Board of County Commissioners or future amendments to KCC Chapter 17.13.

This decision does not determine whether a future revised short-plat proposal that does not depend upon TDR-supported density may be submitted and reviewed under the regulations applicable at the time of submittal.

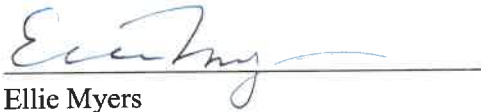
X. APPEAL

Pursuant to KCC 15A.07.010, an appeal of this administrative land-use decision must be filed within ten working days of the date of this decision by submitting specific factual objections and the applicable appeal fee to Kittitas County Community Development Services.

Appeal Deadline: November 6, 5:00 p.m.

Appeals must be filed with:

Kittitas County Community Development Services
411 N. Ruby Street, 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

Date: October 23, 2026