



Henke Accessory Dwelling Unit
File Number AU-24-00002
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: The applicants are proposing the addition of an accessory dwelling unit (ADU) to the existing property. The property has an existing single-family residence. The subject property is zoned Agriculture 5. The subject property land use is Rural Residential.

Location: One tax parcel (#691236), located off Iron Mountain Road, south of the intersection of Pay's Road & Iron Mountain Road by 0.37 miles in Cle Elum, WA. Section 1, Township 19, Range 15; Kittitas County parcel map number 19-15-01000-0034, with a zoning designation of Agriculture 5.

Site Information:

Total Property Size:	15.17 acres
Number of existing lots:	1
Domestic Water:	Existing individual well
Existing sewage Disposal:	Existing on-site septic
Fire District:	Fire District 2 (Cle Elum)

Site Characteristics: The site consists of developed land with a single-family residence.

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 project has existing access from Iron Mountain Road.

II. Administrative Review

Notice of Application: An ADU permit application was submitted to Kittitas County Community Development Services on May 23, 2024. The application was deemed complete on May 31, 2024. A Notice of Application for the Henke ADU (AU-24-00002) 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 June 4, 2024. Notice was published in the 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).

Designated Permit Coordinator (staff contact): Bradley Gasawski, Staff Planner. Phone: (509) 962-7539, Email: bradley.gasawski@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 0.37 miles south of the intersection of Pay's Road & Iron Mountain Road, in Cle Elum, WA, and has a zoning designation of Agriculture 5.

The purpose of the Agriculture (A-5) is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. The Henke ADU is being proposed under KCC 17.08.022 and KCC 17.15, when the ADU is located outside an Urban Growth Area.

KCC 17.08.022 Accessory Dwelling Unit Review:

"Accessory dwelling unit" means a self-contained, secondary residential unit that is located on the same lot as the primary dwelling and provides independent living facilities for one household.

Staff Conclusions

The proposal, as conditioned, meets the requirements of KCC 17.08.022.

KCC 17.06B.050 Administrative Review

1. That the granting of the proposed administrative use permit approval will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. That the granting of the proposed administrative use permit is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.
3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
4. That the applicant has addressed all requirements for a specific use.

Staff Conclusions

The proposal 1a) is not detrimental to the public health, safety, and general welfare, 1b) the ADU will not adversely affect the established character of the surrounding vicinity and planned uses; nor 1c) be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, 2) is compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation, 3) the conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced, 4) the applicant has addressed all requirements for a specific use. Staff finds the proposed ADU, as conditioned, consistent with the requirements of 17.06B.050.

KCC 17.15 Allowed Use Review: The planning official shall be vested with the responsibility of processing ADU applications. The county shall review and consider the proposed ADU regarding:

1. The parcel must be at least 3 acres in size;
2. Only one ADU shall be allowed per lot;
3. The ADU shall not exceed 1,500 square feet;
4. All setback requirements for the zone in which the ADU is located shall apply;

5. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;
6. No mobile homes or recreational vehicles shall be allowed as an ADU;
7. The ADU shall provide additional off-street parking;
8. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists;
9. The ADU must share the same driveway as the primary dwelling;
10. ADUs shall be subject to obtaining an administrative permit.

Staff Conclusions

The proposal; 1) the parcel is 15.17 acres in size, 2) the parcel currently has no ADU on the property, 3) the ADU is 1,150 square feet, 4) the placement of the ADU respects the setback requirements of A5 zoning, 5) the ADU meets the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097, 6) the parcel has no mobile homes or recreational vehicles, 7) the ADU has off-street parking 8) no accessory living quarter or special care dwelling exists, 9) the ADU shares the same driveway as the primary dwelling and 10) the ADU is subject to the administrative permit review process. Staff finds the proposed ADU, as conditioned, consistent with the requirements of 17.15.060.2.27.

IV. Environmental Review

A critical area review was performed by staff, and GIS data indicates a Type 4 Seasonal, non-fish bearing stream and an R4SBC wetland on the west side of the property. These critical areas and their associated buffers appear to be outside of the proposed development.

V. 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: Kittitas PUD, Snoqualmie Tribe, KC Fire Marshall, Confederated Tribes of the Colville Reservation, WA DNR, WA Dept of Ecology, KC Building Official, KC Public Works and WA DAHP.

Comments are addressed below.

Kittitas Fire Marshal

“Driveways in excess of 150’ shall have a turnaround at the terminus that meets the requirements of the International Fire Code Appendix D.”

Applicant Response: No response.

Staff Response: The application has been conditioned to meet the requirements provided by KC Public Works.

Confederated Tribes of the Colville Reservation

CCT requests a cultural resource survey and that during implementation that there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.

Applicant Response: No response.

Staff Response: An inadvertent discovery plan shall be in place prior to any ground disturbing activities in the unforeseen chance resources are discovered.

Washington Department of Natural Resources

Based on remote review of this parcel(s) it appears that some or all of the parcel(s) consist of forestland, and it will require a Forest Practices Application (FPA) from the DNR if merchantable timber is removed/harvested as part of the proposal and/or is being converted out of forest land (RCW 76.09 and WAC 222). The FPA would need to meet the requirements of the Forest Practices Act and its rules. It is our recommendation that the applicant meet with our local forest practices forester to discuss, they may call our Southeast Region office at (509) 925-8510 to schedule an appointment.

Applicant Response: No response.

Staff Response: The application has been conditioned to meet the requirements provided by WA DNR.

Washington Department of Ecology

Your project is located within the boundaries of WAC 173-539A so it may be subject to the rule. If you're planning on withdrawing groundwater for a new use within the boundaries of WAC 173-539A, your project must be water budget neutral. Before withdrawing or using any water please submit a Request of Determination of Water Budget Neutrality or an Application for a New Water Right Permit, depending on the size of your project either form may be required. 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: The application has been conditioned to ensure the applicant shall coordinate with Washington Department of Ecology on water budget neutral requirements.

Kittitas County Building Official

The only comments I have are to inform the applicant of the current adopted Building Codes for the State of Washington. Below is a list of the current codes as well as a link to the codes:

2021 International Residential Code
2021 International Building Code
2021 International Fire Code
2021 International Mechanical Code
2021 International Fuel Gas Code
2021 International Existing Building Code
2021 International Wildland Urban Interface Code
2021 International Swimming Pool and Spa Code
2021 International Property Maintenance Code
2021 Uniform Plumbing Code
2021 NFPA 54
2020 NFPA 58
2017 ICC A117.1
2021 Washington State Energy Code- Residential
2021 Washington State Energy Code- Commercial

Washington State amendments to the model codes are available here: <https://sbcc.wa.gov/state-codesregulations-guidelines/state-building-code>

You can also find the integrated Washington State Building Codes on the ICC website here: <https://codes.iccsafe.org/search/titles?searchTermAny=washington+2021>

Kittitas County also enforces the 2015 edition of the International Property Maintenance Code which is not adopted by the State.

Applicant Response: No response.

Staff Response: The comments were shared with the applicant.

Kittitas County Public Works

Access:

- An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- 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.
- Iron Mountain Road is not a certified road, road certification is required. A Road Variance application may be applied.
- 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:

- Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).

Survey

- There are no survey comments regarding application.

Transportation Concurrency

- No transportation concurrency requirements for this project.

Flood

- Parcel #691236 is not located in a FEMA identified special flood hazard area (100-year floodplain). A floodplain development permit is not required for the project.

Water Mitigation/Metering

- Per KCC 13.35.027 all new uses of ground water require mitigation and metering. Proof of mitigation is required prior to applying for a building permit (as part of the Adequate Water

Supply Determination process).

- Water mitigation has been purchased from the Kittitas County Water Bank (WM-24-00027) for this project.

Applicant Response: No response.

Staff Response: The application has been conditioned to meet the requirements provided by KC Public Works.

VI. Findings of Fact

1. Requested Action: The applicants are proposing the addition of an accessory dwelling unit (ADU) to the existing property. The property has an existing single-family residence.
2. Site Location: One tax parcel (#691236), located off Iron Mountain Road, south of the intersection of Pay's Road & Iron Mountain Road by 0.37 miles in Cle Elum, WA. Section 1, Township 19, Range 15; Kittitas County parcel map number 19-15-01000-0034, with a zoning designation of Agriculture 5.
3. Site Information:

Total Property Size:	15.17 acres
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Fire District:	Fire District 2 (Cle Elum))

Site Characteristics: The site consists of developed land with a single-family residence.

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 project has existing access from Iron Mountain Road.

4. The Comprehensive Plan land use designation is "Rural Residential".
5. The subject property is zoned "Agriculture 5".
6. An ADU permit application was submitted to Kittitas County Community Development Services on May 23, 2024. The application was deemed complete on May 31, 2024. A Notice of Application for the Henke ADU (AU-24-00002) 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 June 4, 2024. Notice was published in the 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).

7. The proposal is consistent with KCC 17.08.022 Accessory Dwelling Unit Review, KCC 17.06B.050 Administrative Review and KCC 17.15 Allowed Use Review. Staff finds that the proposed accessory dwelling unit is consistent with all applicable Washington State and Kittitas County code sections.
8. The following agencies provided comments during the comment period: Kittitas PUD, Snoqualmie Tribe, KC Fire Marshall, Confederated Tribes of the Coleville Reservation, WA DNR, WA Dept of Ecology, KC Building Official, KC Public Works and WA DAHP.
9. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(b). The proposed accessory dwelling unit is consistent with KCC Title 15.
10. The proposed accessory dwelling unit is consistent with KCC Title 17A Critical Areas as conditioned.
11. The proposed accessory dwelling unit is consistent with KCC 17.29 A20 – Agriculture 5 Zone as conditioned.
12. The proposed accessory dwelling unit is consistent with KCC Title 14 Building and Construction as conditioned.
13. The proposed accessory dwelling unit is consistent with KCC 12 Roads and Bridges as conditioned.

VII. Conclusions

1. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
2. As conditioned the proposal is consistent with KCC 17.08.022 Accessory Dwelling Unit, KCC 17.06B.050 Administrative and KCC 17.15 Allowable Use.
3. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14 Building Code, Title 13 Water and Sewers, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

VIII. Decision and Conditions of Approval

Kittitas County Community Development Services grants *approval* of the Henke accessory dwelling unit, AU-24-00002, based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

- All new construction must meet the International Residential Code requirements.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property

they serve. The County will not maintain access.

- This application is subject to the latest revision of the Kittitas County Road Standards, dated 2023.
- A road certification or an approved road variance is required.
- Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
- Driveways in excess of 150' shall have a turnaround at the terminus that meets the requirements of the International Fire Code Appendix D.
- Applicant shall meet all state and federal regulations.
- Per KCC 13.35.027 all new uses of ground water require mitigation and metering. Proof of mitigation is required prior to applying for a building permit (as part of the Adequate Water Supply Determination process).
- The applicant is to work with the Washington Department of Natural Resources to determine if a Forest Practices Application is needed.
- Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed, and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

From these conclusions and findings, the proposed Accessory Dwelling Unit 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 July 29, 2024, at 5:00p.m. Appeals submitted on or before July 29, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Bradley Gasawski

Title: Planner I

Address: Kittitas County Community Development Services

411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7539

Date: July 16, 2024