

Lopushinsky Accessory Dwelling Unit

File Number AU-25-00001

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: The applicant is proposing to change the designation of an existing garage with a 1,200 square foot Single-Family Residence (SFR) above it to an Accessory Dwelling Unit (ADU), so they can construct a SFR with more square footage. The subject property is zoned Forest and Range and has a land use designation of Rural Working.

Location: One tax parcel (#951713), located at 9030 Colockum Pass Road. Approximately 16 Miles from the intersection of Sheep Creek Road and Colockum Pass Road. Section 3, Township 20, Range 21; Kittitas County parcel map number 20-21-03000-0004.

Site Information:

Total Property Size:	21 acres
Number of existing lots:	1
Domestic Water:	Existing Individual Well
Sewage Disposal:	New or Expanded On-Site Septic
Fire District:	Outside Fire District

Site Characteristics: The site is located in the Columbia Plateau ecoregion and is semi-arid with shrub and grassland characteristics and areas of open stands of pine and fir.

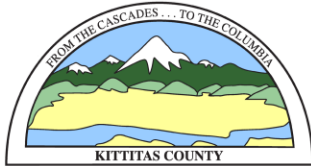
Surrounding Property:

North:	Privately owned land primarily used for range land and/or residential purposes.
South:	Privately owned land primarily used for range land and/or residential purposes.
East:	Privately owned land primarily used for range land and/or residential purposes.
West:	Privately owned land primarily used for range land and/or timber harvesting.

Access: The project has existing access from Colockum Pass Road.

II. Administrative Review

Notice of Application: An ADU permit application was submitted to Kittitas County Community Development Services on January 15th, 2025. The application was deemed complete on January 22nd, 2025. A Notice of Application for the Lopushinsky ADU (AU-25-00001) 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 January 22nd, 2025. 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).



III. Zoning and Development Standards

The purpose of the Forest and Range zone (F-R) is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The Durkan 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 3 acres in size, 2) the parcel currently has no ADU on the property, 3) the ADU is less than 1,500 square feet, 4) the placement of the ADU meets the setback requirements of A-20 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 proposed ADU is not a mobile home or recreational vehicle, 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

Staff performed a critical area review and found there is a Type F stream north of the property and a Type Ns stream southeast of the property. In the Columbia Plateau ecoregion Type F stream has a 100-foot setback buffer landward from the OHWM and the Type Ns stream has a 40-foot setback buffer landward from the OHWM. Additionally, there is a 15-foot structural setback from the buffers edge (KCC 17A.01.090.5). Both streams are approximately 500 feet or more away from any proposed construction.

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 County Public Health (KCPH), Confederated Tribes of the Colville Reservation, Washington State Dept. of Health (DOH), Bonneville Power Administration (BPA), Kittitas County Public Works (KCPW), Washington State Dept. of Ecology, and Kittitas County Fire Marshal.

Comments are addressed below.

Kittitas County Public Health

On-site Sewage:

- The parcel has an existing permitted 2-bedroom OSS, permit number OS-10-00113. The applicant may choose to expand the existing system to serve both the primary residence and the ADU or permit a new system for the primary residence. In either case the applicant must have a site evaluation performed by KCPHD & apply for either a new installation permit or an expansion permit. Installation permits must include an OSS design that meets the requirements in WAC 246-272A.

Drinking Water:

- The parcel has an existing individual well. Kittitas County Code allows an individual water system that serves two residential dwelling units to be considered a shared water system. The applicants must complete an Adequate Water Supply Determination Form I/S and submit it to Public Health.

Applicant Response: No response.

Staff Response: As the comments provided contained requirements, staff hereby reaffirm the requirements outlined by KCPH and has conditioned this project upon successfully adhering to those requirements.

Confederated Tribes of the Colville Reservation

The confederated Tribes of the Colville Reservation provided comments requesting that an Inadvertent Discovery Plan be in place prior to any ground disturbing activities.

Applicant Response: No response.

Staff Response: This proposal has been conditioned to prepare for the inadvertent discovery of cultural resources.

Washington State Department of Health

DOH stated that as long as the new house and the second residence above the garage are the only connections to the existing well, then this is a “shared” well and not a public water system. If a third connection is added to the existing, then it would become a public water system.

Applicant Response: No response.

Staff Response: Staff has transmitted the information provided by DOH to the applicant.

Boinville Power Administration (BPA)

BPA stated they had no comments.

Applicant Response: No response.

Staff Response: Because the comments provided confirm that BPA does not have concerns regarding this project, staff have no further comment

Kittitas County Public Works

Access:

- Existing Access (Permit # 07-0106) is being used to serve this structure, as proposed no additional access requirements.
- An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or alternative existing access.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The county will not maintain access.

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

- No comments.

Flood

- No comments.

Water Mitigation/Metering

- Water mitigation and metering requirements are not applicable per KCC 13.35.028. The parcel is not within the Yakima River Drainage and the project is groundwater permit exempt.

Airport

- No comments.

Applicant Response: No response.

Staff Response: Staff recognize the requirements set forth by KCPW and shall condition approval upon remaining in compliance with these requirements.

Washington State Department of Ecology

Ecology states that residential ground water use up to 5,000 gallons per day is exempt from permitting.

Applicant Response: No response.

Staff Response: Staff has transmitted the information provided by Ecology to the applicant.

Kittitas County Fire Marshal

The Kittitas County Fire Marshal (KFM) stated driveways in excess of 150 feet must have turnaround per International Fire Code Appendix D.

Applicant Response: No response.

Staff Response: Staff recognize the requirements set forth by the Kittitas County Fire Marshal and shall condition approval upon remaining in compliance with these requirements.

VI. Findings of Fact

1. Requested Action: The applicant is proposing to change the designation of an existing garage with a 1,200 square foot Single-Family Residence (SFR) above it to an Accessory Dwelling Unit (ADU), so they can construct a SFR with more square footage. The subject property is zoned Forest and Range and has a land use designation of Rural Working.
2. Site Location: One tax parcel (#951713), located at 9030 Colockum Pass Road. Approximately 16 Miles from the intersection of Sheep Creek Road and Colockum Pass Road. Section 3, Township 20, Range 21; Kittitas County parcel map number 20-21-03000-0004.
3. Site Information:

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|-----------------------------|--------------------------------|
| 4. Total Property Size: | 21 acres |
| 5. Number of existing lots: | 1 |
| 6. Domestic Water: | Existing Individual Well |
| 7. Sewage Disposal: | New or Expanded On-Site Septic |
| 8. Fire District: | Outside Fire District |

Site Characteristics: The site is located in the Columbia Plateau ecoregion and is semi-arid with shrub and grassland characteristics and areas of open stands of pine and fir.

Surrounding Property:

North: Privately owned land primarily used for range land and/or residential purposes.
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East: Privately owned land primarily used for range land and/or residential purposes.
West: Privately owned land primarily used for range land and/or timber harvesting.

Access: The project has existing access from Colockum Pass Road.

9. The Comprehensive Plan land use designation is “Rural Working”.
10. The subject property is zoned “Forest and Range”.
11. An ADU permit application was submitted to Kittitas County Community Development Services on January 15th, 2025. The application was deemed complete on January 22nd, 2025. A Notice of Application for the Lopushinsky ADU (AU-25-00001) 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 January 22nd, 2025. 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).
12. 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 find that the proposed accessory dwelling unit is consistent with all applicable Washington State and Kittitas County code sections.
13. The following agencies provided comments during the comment period: Kittitas County Public Health (KCPH), Washington State Dept. of Archaeology and Historic Preservation (DAHP), Washington State Dept. of Health (DOH), Bonneville Power Administration (BPA), Kittitas County Public Works (KCPW), Washington State Dept. of Ecology, and Kittitas County Fire Marshal.
14. 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.
15. The proposed accessory dwelling unit is consistent with KCC Title 17A Critical Areas as conditioned.
16. The proposed accessory dwelling unit is consistent with KCC 17.56 – Forest and Range Zone as conditioned.

17. The proposed accessory dwelling unit is consistent with KCC Title 14 Building and Construction as conditioned.
18. 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 Lopushinsky accessory dwelling unit, AU-25-00001, 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.
- This application is subject to the latest revision of the Kittitas County Road Standards.
- 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).
- Applicant shall meet all local, state, and federal regulations.
- Development shall comply with KCC 17.15.060.2.27.
- 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.

- If the driveway exceeds 150 feet in length, then a turnaround is required per International Fire Code Appendix D.
- Applicant shall apply for a new installation permit or expansion permit with a site evaluation for On-Site Sewage to proceed with a building permit for the proposed SFR.

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 March 10th, 2025, at 5:00p.m. Appeals submitted on or before March 10th, 2025, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, 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
Phone: (509) 962-7048

Date: February 24th, 2025