

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

LP-25-00004

Pfenning Road Long Plat

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on September 8, 2025 the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. Tyler Glahn, authorized agent for Crytyl Enterprises, Inc., submitted an application for a 39-lot plat (subdivision) on three (3) parcels totaling 12.49 acres of land. The proposal includes 39 residential lots ranging in size from 4,680 square feet to 31,920 square feet. The subject property is currently zoned Urban Residential with an Urban land use designation.
2. Site Information:
 - 2.1. Total Project Size: 12.49 acres
 - 2.2. Number of Proposed Lots: 39 (3 currently existing)
 - 2.3. Domestic Water: City of Ellensburg Public Utilities
 - 2.4. Sewage Disposal: City of Ellensburg Public Utilities
 - 2.5. Fire Protection: Fire District #2 (Kittitas Valley Fire & Rescue)
3. Site Characteristics:
 - 3.1. North: Low-density residential development, giving way to suburban tract housing within a Residential Suburban zoning designation. City of Ellensburg land lies in this direction.
 - 3.2. South: Low-density residential development and commercial development within an Urban Residential zoning designation. Kittitas County land lies in this direction.
 - 3.3. East: Low-density residential development within an Urban Residential zoning designation. Kittitas County land lies in this direction.
 - 3.4. West: Low-density residential development giving way to suburban tract housing developments within a Residential Suburban zoning designation. City of Ellensburg land lies in this direction.
4. Access: Access to the site will be via N. Pfenning Road.
5. The Comprehensive Plan land use designation is "Urban" for the subject property.
6. The subject property is zoned Urban Residential.
7. A Long Plat application was submitted to Kittitas County Community Development Services on July 14, 2025. The application was deemed complete on July 16, 2025. The site was posted pursuant to KCC 15A.03.110 on July 17, 2025. One posting site was established. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on July 18, 2025, and noticed in the local county

paper of record on July 24, 2025. The comment period for this notice ended on August 8, 2025. All comments were transmitted to the applicant on August 12, 2025.

8. SEPA review was previously conducted and an MDNS was issued for SE-25-00009 Pfenning Plat on June 30, 2025.
9. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by County services. Staff conducted an administrative critical area review in accordance with KCC 17A. As part of the SEPA review of the project, the applicants submitted a Critical Area Report completed by Sewall Wetland Consulting, Inc. The study concluded the presence of a Category III Wetland surrounding Lyle Creek on the Eastern edge of the site. With appropriate mitigation measures, no impact to the on-site wetlands are expected from this project.
10. This proposal, as conditioned, is consistent with the Kittitas County Zoning Codes 17.22.
11. This proposal, as conditioned, is consistent with the Kittitas County 16.12 Subdivision Code for Preliminary Plats.
12. This proposal, as conditioned, is consistent with the provisions of KCC Title 12: Roads and Bridges.
13. This proposal is consistent with the provisions of KCC 15 Environmental Policy.
14. This proposal, as conditioned, is consistent with KCC 17A Critical Areas.
15. This proposal, as conditioned, is consistent with KCC Title 20, Fire & Life Safety.
16. This proposal, as conditioned, will meet Kittitas County Road Standards.
17. Location: Three tax parcels (12391, 12392, 12393) located approximately 734 feet Northeast of the intersection of N. Pfenning Rd. & Vantage Hwy, in Section 31, Township 18, Range 19, W.M.; Kittitas County. The property holds Kittitas County Map numbers 18-19-31060-0002, 18-19-31060-0003, and 18-19-31060-0004.

18. SITE INFORMATION

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| 18.1. | Total Project Size: | 12.49 acres |
| 18.2. | Number of Proposed Lots: | 39 (3 currently existing) |
| 18.3. | Domestic Water: | City of Ellensburg Public Utilities |
| 18.4. | Sewage Disposal: | City of Ellensburg Public Utilities |
| 18.5. | Fire Protection: | Fire District #2 (Kittitas Valley Fire & Rescue) |
| 18.6. | <u>Site Characteristics:</u> | |

- 18.6.1. North: Low-density residential development, giving way to suburban tract housing within a Residential Suburban zoning designation. City of Ellensburg land lies in this direction.
- 18.6.2. South: Low-density residential development and commercial development within an Urban Residential zoning designation. Kittitas County land lies in this direction.
- 18.6.3. East: Low-density residential development within an Urban Residential zoning designation. Kittitas County land lies in this direction.
- 18.6.4. West: Low-density residential development giving way to suburban tract housing developments within a Residential Suburban zoning designation. City of Ellensburg land lies in this direction.

18.7. Access: Access to the site will be via N. Pfenning Road.

19. ADMINISTRATIVE REVIEW

19.1. Deemed Complete: A Long Plat application was submitted to Kittitas County Community Development Services on July 14, 2025 (Exhibit #1-5). The application was deemed complete on July 16, 2025 (Exhibit #6).

19.2. Notice of Application: The site was posted pursuant to KCC 15A.03.110 on July 17, 2025 (Exhibit #8). One posting site was established. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on July 18, 2025, and noticed in the local county paper of record on July 24, 2025 (Exhibit #9). The comment period for this notice ended on August 8, 2025. All comments were transmitted on August 12, 2025, to the applicant (Exhibit #13).

20. ZONING & DEVELOPMENT STANDARDS

20.1. The subject property is located approximately 734 feet Northeast of the intersection of N. Pfenning Rd. & Vantage Hwy. The subject property is currently zoned Urban Residential with an Urban land use designation. The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available.

20.2. There is sufficient room on all parcels to meet all property line setbacks (Front: 25 ft. Side: 15 ft. Rear: 25 ft.) seen in KCC 17.22.060.

20.3. Preliminary Plats: The plat map submitted with the current application was reviewed under the existing KCC 16.12 Preliminary Plats and, as conditioned, meets all requirements.

21. COMPREHENSIVE PLAN

21.1. The Kittitas County Comprehensive Plan designates the proposal site as "Urban Land Use". Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

21.1.1. LU-P1: Minimize the cost of providing public services and utilities by directing urban growth and development to areas where public roads and services can support such growth.

21.1.1.1. Consistency Statement: The Pfenning Road plat is directly adjacent to the City of Ellensburg and is within the Urban Growth Area designated by the City and Kittitas County. The overarching goal of the Growth Management Act is to encourage higher density development close to established urban areas, rather than remote, rural areas where access to utilities and services are much more costly. This proposed plat is in keeping with the overarching goals of the Growth Management Act.

21.1.2. LU-G1(g): Encourage the conversion of undeveloped lands into urban densities (infill).

21.1.2.1. Consistency Statement: The proposed plat will convert 12.49 acres of undeveloped grassland directly adjacent to an urban area into small residential parcels. The proposed plat fits with the stated goal of seeking the conversion of undeveloped lands into urban densities, where possible.

21.1.3. LU-G3: Development densities, intensities or uses that require urban level of services should not be allowed outside of urban areas.

21.1.3.1. Consistency Statement: The proposed plat will facilitate the construction of a residential neighborhood. This new neighborhood will require urban levels of services to its residents that are available in the City of Ellensburg, an urban area that is directly adjacent to this plat.

21.2. CDS staff reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. CDS finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.

22. ENVIRONMENTAL REVIEW

22.1. SEPA review was completed for the project through SEPA application SE-25-00009 Pfenning Plat. An MDNS was issued on June 30, 2025 (Exhibit #16). No appeals were received. As part of the SEPA review of the project, the applicants submitted a Critical Area Report completed by Sewall Wetland Consulting, Inc. The study concluded the presence of a Category III Wetland surrounding Lyle Creek on the Eastern edge of the project site. With appropriate mitigation measures, no impact to the on-site wetlands are expected from this project.

23. AGENCY AND PUBLIC COMMENTS

23.1. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. Timely comments were received from the following agencies: Yakama Nation, Cascade Irrigation District, Bonneville Power Administration, Washington State Dept. of Health – Office of Drinking Water, Kittitas County Fire Marshal, Nancy Jewett – Adjacent Property Owner, Washington State Dept. of Fish & Wildlife, Washington State Dept. of Ecology, City of Ellensburg – Engineering Services, Kittitas County Public Works, City of Ellensburg (Multiple Department Comments), Confederated Tribes of the Colville Reservation.

23.2. Below are summaries of the substantive agency and public comments submitted as well as the response from the applicant regarding the comments. For full context and details please see Exhibit #14. Applicant responses can be seen in Exhibit #15.

23.3. City of Ellensburg (Multiple Departments, Transmitted by Planner):

23.3.1. Dan Johnson (Kittitas Valley Fire & Rescue) submitted comments pertaining to the International Fire Code and the City of Ellensburg's applicable code requirements, fire access and turnaround specifications, specifications related to fire safety, signage, and fire hydrants.

23.3.2. Craig Jones (City Development Coordinator) submitted comments pertaining to frontage specifications, utility improvements, water main requirements, the maximum number of lots for water availability, fire hydrant code requirements, sewer mains and associated required sizes, necessary street improvements, new road entrance requirements, road standards, lighting requirements, signage requirements, drainage and sidewalk standards, power pole requirements, stormwater specifications, ecology requirements related to stormwater, addressing requirements, mail service requirements, the need for a Traffic Impact Analysis, the possibility of new needed utility easements, and specifications related to irrigation, landscaping, and road naming.

23.3.3. Applicant response: "Crytyl Enterprises is committed to complying with all guidelines and requirements set forth by the City Public Works Department and Community Development. I have already addressed and clarified several design related issues for this plat and will continue to do so as we progress through the platting process, ensuring full compliance with both city and county standards."

- 23.3.4. Staff response: Staff hereby reaffirms the requirements stated by the City of Ellensburg and has conditioned this plat to comply with all stated requirements and specifications.
- 23.4. Bonneville Power Administration: The Bonneville Power Administration provided comments stating that the proposed plat will not impact their facilities and that they have no objections to the proposed plat.
- 23.4.1. Applicant response: “On behalf of Crytyl Enterprises, I would like to thank you, and all who have taken the time to review and comment on the proposed Pfenning Plat, for your engagement in this process.”
- 23.4.2. Staff response: As BPA stated the proposal will not impact their facilities and that they have no objections to the proposed project, staff has no further comment.
- 23.5. Cascade Irrigation District: Cascade Irrigation District provided comments related lot fees and the need for an engineered irrigation plan. CID also listed additional engineering specifications.
- 23.5.1. Applicant response: “Crytyl Enterprises is well-versed in the standard specifications for irrigation water within your district. We will work closely with Kelton Montgomery to ensure our plans fully comply with the published rules and specifications established by Cascade.”
- 23.5.2. Staff response: Staff hereby reaffirms the requirements stated by CID and has conditioned this project upon successful adherence to the listed requirements.
- 23.6. Confederated Tribes of the Colville Reservation: The Colville Tribe stated that they recommend an Inadvertent Discovery Plan, as well as a Cultural Resource Monitor, be in place prior to ground disturbing activities associated with construction. CTCR also requested a copy of any generated reports.
- 23.6.1. Applicant response: “On behalf of Crytyl Enterprises, I would like to thank you, and all who have taken the time to review and comment on the proposed Pfenning Plat, for your engagement in this process.”
- 23.6.2. Staff response: Staff has conditioned this project to have an IDP in place prior to ground disturbing activities, and shall include the condition that all construction personnel must review the IDP prior to beginning work on the project site.
- 23.7. Kittitas County Fire Marshal: The Kittitas County Fire Marshal provided comments listing county building and fire codes as they relate to the proposed plat. KCFM further gave Fire Flow specifications, water main requirements, and fire hydrant specifications. KCFM also stated the need for Fire Marshal approval of hydrant locations within the development, as well as required fire turnaround specifications.
- 23.7.1. Applicant response: “Crytyl Enterprises is committed to meeting all requirements set forth by these departments. As we progress further into the platting process, we will obtain specific details – such as hydrant placement and signage – and incorporate these, along with other necessary items, into the civil engineering plans. We also intend to increase the water meter size to 1” for lots 39-30 to ensure adequate flow for individual home fire sprinkler systems. If a secondary connection point is completed before these homes are constructed, this upgrade may not be necessary. However, given current timelines, it appears unlikely that a connection road will be built in time. To address this, we will note the requirement on the plat map and in recorded covenants, ensuring these parcels remain encumbered with this condition.”

- 23.7.2. Staff response: Staff hereby reaffirms the requirements and specifications given by the Kittitas County Fire Marshal and has conditioned this project upon successful adherence to these requirements.
- 23.8. Washington State Dept. of Fish & Wildlife: WDFW provided comments detailing facts related to the ecology of the stream present on the project site. WDFW pointed out the importance of maintaining water quality and riparian habitats associated with the stream and wetlands. WDFW stated they are supportive of the applicant's plans to create a barrier between development and the critical area boundaries. WDFW also stated the proposed wildlife friendly fence should be constructed prior to ground disturbing work to protect critical areas on the properties. WDFW was also supportive of the placement of a sign on the fence that the riparian ecosystem is off limits and is not to be disturbed by future residents. WDFW closed by stating that they wish to work with the applicants in the future on these aspects of the proposed project.
- 23.8.1. Applicant response: "Crytyl Enterprises intends on installing a permanent physical boundary, such as a split rail fence, to clearly mark the critical area boundary. We support installing prior to other ground disturbing work to ensure the protection of the critical areas and their functions and values. We also support including the following language on the final plat map and on signs posted along the fence line: Page 2 "No activity shall take place within designated wetland areas, including but not limited to the cutting of vegetation, dumping, filling, or construction. Wetland areas must remain in their natural state in perpetuity.""
- 23.8.2. Staff response: Staff supports the plans stated by the applicants to address concerns raised by WDFW and has conditioned this project upon successful adherence to the listed plans.
- 23.9. Washington State Dept. of Ecology: WSDOE provided comments related to stormwater and the need for associated stormwater construction permits if certain thresholds are passed.
- 23.9.1. Applicant response: "*Crytyl Enterprises plans to comply with all rules and guidelines set forth by DOE.*"
- 23.9.2. Staff response: Staff hereby reaffirms all stated specifications put forth by WSDOE, along with associated thresholds that will necessitate permits, and has conditioned this project upon successful adherence to the stated requirements.
- 23.10. Washington State Dept. of Health – Office of Drinking Water: WSDOH – ODW stated that they have no comments on this project proposal and that they defer to the concerns of the City of Ellensburg in this matter.
- 23.10.1. Applicant response: "On behalf of Crytyl Enterprises, I would like to thank you, and all who have taken the time to review and comment on the proposed Pfenning Plat, for your engagement in this process."
- 23.10.2. Staff response: As the WSDOH – ODW stated that they defer to the concerns of the City of Ellensburg, staff has no further response.
- 23.11. Yakama Nation: The Yakama Nation stated that they recommend that an Inadvertent Discovery Plan be in place prior to any ground disturbing activities associated with construction, and gave an example of an IDP for the applicants to review.
- 23.11.1. Applicant response: "On behalf of Crytyl Enterprises, I would like to thank you, and all who have taken the time to review and comment on the proposed Pfenning Plat, for your engagement in this process."
- 23.11.2. Staff response: In keeping with the requests of other Native American tribes that commented on this project, staff has conditioned this project to have an IDP in place prior to

ground disturbing activities, and shall include the condition that all construction personnel must review the IDP prior to beginning work on the project site.

23.12. Kittitas County Public Works: KCPW provided comments pointing out the need to adhere to the City of Ellensburg Road Standards. KCPW also provided comments pertaining to driveway maintenance, access requirements, specifications related to the Interlocal Agreement between Kittitas County and the City of Ellensburg, annexation specifications as they relate to public and private roads, grading/filling requirements, and survey concerns associated with credential stamps. KCPW also stated that a Transportation Concurrency Management Application is required per KCC 12.04.02.020. KCPW further went over the need to provide legal water availability, and conditions that will need to be met prior to final plat approval. KCPW closed by listing required documents, further water mitigation/metering requirements, and final plat notes as they relate to water rights and mitigation.

23.12.1. Applicant response: “On behalf of Crytyl Enterprises, I would like to thank you, and all who have taken the time to review and comment on the proposed Pfenning Plat, for your engagement in this process.”

23.12.2. Staff response: Staff hereby reaffirms all stated requirements and specifications outlined by KCPW and has conditioned this project upon successful adherence to all requirements and specifications.

23.13. Public Comments: Nancy Jewett, an adjacent property owner, provided comments stating concerns associated with access, property rights, and overall safety. The applicants responded by stating: “Thank you for sharing your concerns regarding this plat. From our phone conversation today, I understand you have submitted pre-application materials to the City of Ellensburg for a proposed short plat that does not incorporate the road configurations I have designed. I can appreciate why this must be frustrating; however, I am confident that together we can explore alternative options for your parcel that align with the overall design and layout. Additionally, with some joint planning, we may be able to coordinate utility placement in advance. This could allow for utility stubs to be installed on your property ahead of time, supporting future growth while minimizing the need for reconstruction of newly built city infrastructure. Thanks for your time I hope we can meet together soon to discuss this project.”

23.14. The Hearing Examiner has reviewed all the comments submitted and proposed conditions in this decision to address many of the concerns noted.

24. PROJECT ANALYSIS

24.1. In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

24.2. Comprehensive Plan Consistency:

24.2.1. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan as seen in Section V of this staff report.

24.3. Consistency with the provision of KCC 17 Zoning:

24.3.1. The proposal is consistent with the provisions of KCC 17.22.

24.4. Consistency with the provisions of KCC 17A Critical Areas:

24.4.1. This proposal is consistent with the Kittitas County Critical Areas Code.

- 24.5. Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:
24.5.1. This proposal is consistent with the Kittitas County Subdivision Code (Title 16) for Preliminary Plats with the recommended conditions.
- 24.6. Consistency with the provisions of KCC Title 12: Roads and Bridges:
24.6.1. This proposal is consistent with the Kittitas County Title 12 Roads and Bridges with the recommended conditions.
- 24.7. Consistency with the provisions of KCC Title 20: Fire & Life Safety:
24.7.1. This proposal is consistent with the Kittitas County Title 20 Fire & Life Safety with the recommended conditions.
25. An open record public hearing was held, after legal notice, on September 8, 2025.
26. Appearing and testifying on behalf of the Applicant was Tyler Glahn. Mr. Glahn testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. He testified that he had reviewed and had no objection to either the representations in the staff report or proposed conditions of approval. He stated that he did substantial research on the property before putting forth his plat design.
27. No member of the public testified at the hearing.
28. The following exhibits were admitted into the record:
- 28.1. Ex. 1 Application
 - 28.2. Ex. 2 Preliminary Plat Map
 - 28.3. Ex. 3 Project Narrative
 - 28.4. Ex. 4 Receipt
 - 28.5. Ex. 5 Assessor's Office Documents
 - 28.6. Ex. 6 Deemed Complete
 - 28.7. Ex. 7 Staff Maps
 - 28.8. Ex. 8 Proof of Yellow Sign Posting & Signed Affidavit
 - 28.9. Ex. 9 Affidavit of Mailing & Publication – Notice of Application
 - 28.10. Ex. 10 Notice of Application Legal
 - 28.11. Ex. 11 Notice of Application Memo
 - 28.12. Ex. 12 Northern Kittitas County Tribune Notice of Application Legal Receipt
 - 28.13. Ex. 13 Transmittal of Comments Letter
 - 28.14. Ex. 14 Transmitted Agency Comments
 - 28.15. Ex. 15 Applicant Response to Transmitted Agency Comments
 - 28.16. Ex. 16 SEPA Checklist
 - 28.17. Ex. 17 Community Development Services Staff Report
 - 28.18. Ex. 18 Notice of Public Hearing Legal
 - 28.19. Ex. 19 Notice of Public Hearing Memo

- 28.20. Ex. 20 Northern Kittitas County Tribune Notice of Public Hearing Legal Receipt
- 28.21. Ex. 21 Agreement Between James A. Gunderson Revocable Trust & Crytyl Enterprises, Inc – Dated April 10, 2025
- 28.22. Ex. 22 Affidavit of Mailing & Publication – Notice of Public Hearing
29. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
30. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Kittitas County Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, Title 12 Roads and Bridges, and Title 20 Fire & Life Safety.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, LP-25-00004, is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and application materials on file submitted on July 14, 2025.
2. **Building**
 - 2.1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
 - 2.2. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required

permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.

2.3. All structures shall comply with current Kittitas County adopted building codes at the time of construction.

3. Roads and Transportation

3.1. Road Standards: This application is subject to the latest revision of the Kittitas County Road Standards. A performance guarantee may be used, in lieu of the required improvements, per the conditions outlined in KCC 12.01.150. Kittitas County Code 12.07 requires use of City of Ellensburg standards for roadways, sidewalk, curb, and gutter pursuant to Ellensburg City Code Title 4.

3.1.1. Roads & Driveways:

3.1.1.1. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work in the county road right-of-way.

3.1.1.2. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The county will not maintain access.

3.1.1.3. Any further subdivisions or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

3.1.1.4. A Road Name Application is required for the road serving the joint-use driveway to lots 1-3. All proposed road names will need to go through a review process that includes the entire Kittitas County to eliminate any duplicate or similar sounding road names. Roads serving the development shall also be named per City of Ellensburg standards.

3.1.1.5. Easement must show a fire apparatus turnaround at termination or within 150 feet on shared residential driveway.

3.1.1.6. All shared residential driveways shall have a maintenance agreement recorded with the final plat approval that specifies consistent maintenance in accordance with the approved plat/plans.

3.1.1.7. In accordance with the Kittitas County and City of Ellensburg Interlocal Agreement, the roads and road standards for this project shall be per the City of Ellensburg standards and is subject to review by the City of Ellensburg.

3.1.1.8. If the parcels associated with this plat are not annexed by the City of Ellensburg, then the roads within the plat will need to be certified as private roads.

3.1.2. Other

3.1.2.1. Except as exempted in 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. An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan.

3.1.2.2. All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED

This ____ day of ____, A.D., 20__.

Kittitas County Engineer

- 3.1.2.3. All accesses and roads shall meet the requirements of the International Fire Codes including Appendix D. Plat must meet current IFC and City of Ellensburg Code requirements at the time of construction for the occupancy classification and construction type. Plat will be required to meet current IFC and City of Ellensburg Code anytime there is a change in occupancy classification. In addition, Plat will be required to be in compliance with the provisions of Kittitas County building and fire codes.
- 3.1.2.4. Standard Addressing per City Code requirements shall include Accessory Dwelling Units, if applicable.
- 3.1.2.5. If a gate is to be installed, a permit from the Kittitas County Fire Marshal's Office shall be obtained.
- 3.1.2.6. Fire Department Access and Turnarounds, per IFC and Appendix D: Fire department access roads shall be a minimum of 20' wide, access roads shall be a minimum of 26' wide in the vicinity of fire hydrants or meet the City Street Standard if greater. There will be no parking allowed 20' from center of hydrant. It may be required to post "No Parking Signs" on one or both sides of the fire access road, depending on width. If access road is greater than 26' but less than 32' wide parking is allowed on one side of site. Fire department access roads cannot exceed 150' in length without an approved turnaround per IFC Appendix D. Road surfaces must be rated for a minimum of 75,000 lbs. or City of Ellensburg Street Standard if it requires a higher rating. Signs shall be 12 inches wide by 18 inches in height with NO PARKING FIRE LANE in red letters on white reflective background. An arrow shall be used indicating which side no parking allowed, if no parking on one side only.
- 3.1.2.7. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 500 feet and such that no lot or parcel is in excess of 250 feet from a fire hydrant as measured along approved fire apparatus access roads. Unless waived by the fire district chief, fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a three-foot clear space around the entirety of every fire hydrant.
- 3.1.2.8. Current plat design has only one fire access road. Per Appendix D of International Fire Code Section D107.1, (one- or two-family developments): Developments of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with two separate and approved fire access roads. It would be acceptable to plat the 39 lots and limit building to 30 dwelling units until such time that it can be shown that future development will connect to secondary fire access road or any acceptable alternate means and method which would reduce the hazard. Any phasing of the project would be required to meet IFC requirements for Fire Department access, turnarounds, and water supply.
- 3.1.2.9. This project will trigger the requirement for half street improvements along the access road with a new road entrance off Pfenning Rd. The access road will require

dedication of public right-of-way or preserved through a perpetual public roadway and utility easement. The half road will need to be built to a minimum 20' wide standard. The engineer will need to verify turning movements and road widths are adequate for access. The interior roads will need full street improvements and have adequate turn-around that meet KVFR and City Development Standards. Street improvements include concrete curb/gutter, sidewalks, street lighting, permanent signage, asphalt, asphalt markings, gravel base, storm drainage, and other items associated with minimum public improvements consistent with Public Works Development Standards. Under the Land Development Code, the sidewalks will need to be separated from the curb. Existing power poles may need to be relocated to accommodate these frontage improvements.

3.1.2.10. Developer will be required to work with the Post Office to establish the mail delivery routing plan and mailbox locations. The Post Office requires the use of metal Collection Box Unit style mailboxes.

3.1.2.11. Due to the size of the project, a complete Traffic Impact Analysis (TIA) will need to be completed. The TIA will need to evaluate the traffic impact before and after the proposed development. Contact the Public Works Department to discuss the limits of the TIA scope. The city has established transportation impact fees. This project may be subject to impact fees. A Transportation Concurrency Management application shall also be required for this plat per KCC 12.04.02.020.

3.1.2.12. The developer is required to obtain all other permits (HPA if required, DOE construction site grading permit, etc.) that may be required as a result of plat development. Additional utility easements may be required for any proposed utility outside of the right-of-way. Any phasing plans for the project will need to be reviewed and may have additional requirements associated with utilities or temporary turn around. Landscape plans will need to be included for review of any conflicts with existing or proposed utilities.

3.1.2.13. Fire flow in the amount of 1000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval.

4. Survey

4.1. Engineer of Record, Sewage Note, Potable Water Note, Existing Locations of Fences and Structures, and Road Surfacing and Width shall be on final plat.

4.1.1.A Title Report shall be submitted and the legal description on the Title Report shall match the legal description on the final plat.

4.1.1.1. If topographic elements are used on the final plat, they shall meet the requirements of WAC 332-130-145.

4.1.1.2. The final plat shall meet the requirements of KCC 16.20.

5. Water/Sewer

5.1. The applicant must provide legal water availability for all new uses on the proposed lots of this project. Plats are not eligible for mitigation through the County's water bank. In accordance with

KCC 13.35.027, the applicant shall provide one of the following documents before final plat approval:

- 5.1.1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
 - 5.1.2. An adequate water right for the proposed new use; or
 - 5.1.3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- 5.2. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.
 - 5.3. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
 - 5.4. Any ground water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.
 - 5.5. The developer will be required to build an 8" water main on all the proposed interior roads. Each lot will need a separate water service. The maximum number of lots that can be served by one water connection is 40 lots. Larger water service lines may be required for any lot that will have a residential fire sprinkler system. Looping of an interior water main may be needed depending on fire flows. Fire hydrants shall be placed in the proposed development according to the Fire Marshal's requirements. The developer's engineer may be required to verify that the fire flow capacity will meet the necessary requirements.
 - 5.6. The sewer main available to serve this development is a 12" PVC main in Pfenning Rd. There is an 8" existing stub in the proximity of the proposed access road. The developer will need to install 8" sewer mains on the interior roads and side sewer stubs to each lot.
 - 5.7. The existing road side ditches will need to be conveyed across the frontages of the property. All storm facilities will need to be designed so they will not be inundated with ground water. The engineer will need to verify groundwater during peak irrigation season to confirm the project will not be affected by it. The applicant shall be required to use the current Stormwater Management Manual for Eastern Washington, or approved equivalent for reference in design of stormwater treatment and flow control for post construction requirements for new development and redevelopment. The design shall at a minimum use the following design storms, or as recommended for the proposed BMP, whichever is greater.
 - 5.7.1. Treatment shall be designed for the first ½" of rainfall on the property, and storm drainage detention on a 10 year storm event (1.2" of precipitation/24 hours).
 - 5.8. Because the site is greater than one acre in size, the developer shall make a Notice of Intent (NOI) with Ecology and apply for a Stormwater General Construction Permit months in advance of construction. The Ecology permit requires a Stormwater Pollution Prevention Plan (SWPPP) be submitted with the plan set and be reviewed by the City of Ellensburg Utility along with a set of temporary sediment erosion control plans (TESC). In addition, Ecology now requires an Operation and Maintenance (O&M) Plan be submitted to the City for review and retainage. The O&M Plan must address the long term maintenance of the stormwater facilities (swales) that will be constructed onsite to deal with the flow control and treatment requirements of Core Element 5 & 6 in the Eastern Washington Stormwater Management Manual.

- 5.9. Irrigation water will need to comply with Irrigation District requirements, and be continued through the site to downstream users.
- 5.10. Cascade Irrigation District will require a \$50 per lot plat fee, as well as an engineered irrigation plan based on Cascade Irrigation District specifications. The irrigation plan must include the point of entry of irrigation water, the system for provision of irrigation water to each parcel, a description of system proposed, and a description of provisions made including right of ways for the protection of other parcels within CID which are affected. If a pressurized pipe is proposed, it must include a sump, pump and the proposed system of water to the sump. Before CID can release or sign off, they require an approved, inspected and in place irrigation system; or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs; or a variance. A variance is only by CID Board of Directors action after Board of Directors receives, reviews, and approves a formal petition for such. If the plat is part of or wishes to become part of an existing LID operating with CID, they must complete all work to hook-up to the LID and pay the associated hook-up fees or a signed Irrigation Facility Installation Agreement with respective bond covering proposed construction and costs involved in such hook-up. If installing a pressurized system not associated with an LID, the Developer will be required to form an owner's association to cover the operating costs and maintenance of the infrastructure.
- 5.11. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and a stormwater plan are required prior to beginning ground-disturbing activities.

6. Cultural Resources

- 6.1. Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural resources 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.
- 6.2. Prior to ground disturbing activities associated with construction, the developer shall generate an Inadvertent Discovery Plan (IDP) using the example format provided by the Yakama Nation. The IDP shall detail procedures to be followed in the case of the discovery of cultural artifacts or human remains during ground disturbing activities. All construction personnel shall be required to thoroughly review the IDP prior to beginning ground disturbing work.

7. Other

- 7.1. Applicant must meet all state and federal regulations.
- 7.2. Developers shall install a permanent physical boundary, such as a split rail fence, to clearly mark the critical area boundary. This "wildlife friendly" fence shall be installed prior to other ground disturbing work to ensure the protection of the critical areas and their functions and values. Signs shall be posted along the fence line stating, *"No activity shall take place within designated*

wetland areas, including but not limited to the cutting of vegetation, dumping, filling, or construction. Wetland areas must remain in their natural state in perpetuity.”

- 7.3. All conditions of the SEPA MDNS (SE-25-00009 Pfenning Plat) issued on June 30, 2025, shall be met.
- 7.4. Taxes must be paid in full on all tax parcels involved in this land use action as required by Washington State Law (RCW 84.40.042 & 84.56.345) prior to final plat recording.
- 7.5. All sheets of the final mylars shall reflect plat number LP-25-00004 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat number will be assigned when CDS receives your final plat application. **This file number will also be required on the face of the final plat.**

8. Plat Notes

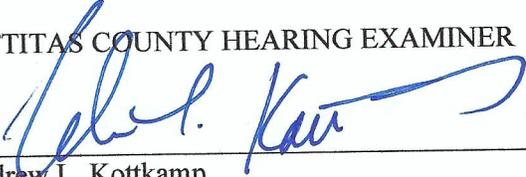
8.1. The following plat notes shall be recorded on the final mylar drawings:

- 8.1.1. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
- 8.1.2. No activity shall take place within designated wetland areas, including but not limited to the cutting of vegetation, dumping, filling, or construction. Wetland areas must remain in their natural state in perpetuity.
- 8.1.3. All development must comply with the International Fire Code.
- 8.1.4. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
- 8.1.5. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
- 8.1.6. Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
- 8.1.7. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- 8.1.8. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
- 8.1.9. Maintenance of the access is the responsibility of the property owners who benefit from its use.

8.1.10. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided by 5 feet on each side of interior lot lines. Said easement may also be used for irrigation.

Dated this 10 day of September, 2025

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.