



**Pazaruski Reasonable Use
File Number RU-26-00001
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

I. GENERAL INFORMATION

Requested Action: Ryan Pazaruski (property owner) submitted a reasonable use application to build a 992 square foot Single-Family Residence, a 600 square foot detached garage, as well as driveway/access improvements, and the installation of a culvert crossing over a stream near the center of the parcel for vehicular access, utilizing KCC 17A.01.060(2) Reasonable Use exception for circumstances in which Critical Areas Ordinance denies all reasonable economic use of property on parcel #558535. Reasonable Use exceptions are processed under KCC 17A.01.060.

Location: One tax parcel (#558535), located off Snoqualmie Drive, approximately 1,100 feet Northwest of the intersection of S.R. 906 & Hyak Drive East in Snoqualmie Pass, WA. Section 15, Township 22, Range 11; Kittitas County parcel map number 22-11-15051-0009.

II. SITE INFORMATION

Total Property Size: 0.42 Acres
Number of Lots: 1
Domestic Water: Snoqualmie Pass Utility District
Sewage Disposal: Snoqualmie Pass Utility District
Fire Protection: Snoqualmie Pass Fire & Rescue (District #51)

Site Characteristics:

North: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
South: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
East: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
West: Heavily forested environment within a Forest & Range zoning designation. Land is owned by USA (WNF) Wenatchee National Forest.

Access: The site is accessed via Snoqualmie Drive.

III. ZONING, ENVIRONMENTAL AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of Residential and a LAMIRD land use designation.

The purpose and intent of this zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. Residential zones have a required 25-foot front setback for parcels within the Snoqualmie Pass LAMIRD, a 5-foot side setback, and a 15-foot rear setback for parcels within the Snoqualmie Pass LAMIRD.

A Type-4 Seasonal (N) stream is located on-site with a 100-foot setback buffer landward from the OHWM. There is also a required 15-foot structural setback from the buffer edge (KCC 17A.01.090.4).

The applicant is requesting to utilize the reasonable use exception process pursuant to KCC 17A.01.060(2), to deviate from the prescribed critical area buffer requirements in KCC 17A.04.030. Title 17A.01.060(2)(c) of the Kittitas County Code outlines seven criteria in which a reasonable use can be granted. The applicant must demonstrate that the proposal **has met all seven criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

KCC 17A.01.060(2)(c) Granting Criteria (all seven must be met):

1. The application of this Title would deny all economic use of the property.

Applicant Response

“The subject parcel is approximately 0.42 acres in size and contains two Type Ns streams that traverse the property. Each stream requires a 125-foot buffer plus an additional 15-foot building setback line. These buffers overlap and collectively cover the entire parcel. Since no portion of the property lies outside of these buffers, strict application of the Critical Areas Ordinance would prohibit construction of a residence or any associated improvements. As a result, the property would be rendered unusable for its intended residential purpose despite its zoning designation and location within an established residential neighborhood. Approval of a Reasonable Use Exception is therefore necessary to allow any reasonable economic use of the property.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant submitted information and comments received during the comment period. The current critical areas and associated buffers for the lot, as outlined in the Critical Areas report, deny all reasonable economic use of the property.

The applicant has demonstrated in a factual and meaningful way that the application of this Title (KCC 17A) would deny all economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(i).

2. No other reasonable economic use of the property has less impact on the critical area and its buffer.

Applicant Response

“The proposed project consists of a modest single-family residence and a detached garage that together represent the minimum level of development necessary to allow residential use of the parcel. Because the buffers associated with the two streams extend across the entire property, any residential use would require some degree of buffer encroachment. There are no alternative development locations on the parcel that would reduce the impacts to the regulated buffers. The proposed location of development on the northern portion of the site reflects the only practical area for construction due to topographic constraints and access considerations.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant's submitted information and comments received during the comment period. CDS believes that unless the applicant does nothing with the property or leaves it vacant for

recreational use, a single-family residence has the least amount of impact on the critical areas & their associated buffers.

The applicant has demonstrated in a factual and meaningful way there are no other reasonable economic uses that have less impact on the critical area and its buffer on the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(ii).

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property.

Applicant Response

“The proposed residence is approximately 992 square feet, and the detached garage is approximately 600 square feet, which represents a modest residential development consistent with surrounding properties. The project footprint, including the residence, garage, driveway, and access crossing, has been minimized to reduce disturbance within the stream buffers. Structures are clustered within the most feasible portion of the site in order to limit the overall area of impact. The proposed culvert crossing will be located near the center of the parcel and is necessary to provide safe and functional access to the building area while minimizing disturbance to the stream corridor.”

Staff Response

The proposed residential development will present the minimum necessary impact to the critical area while allowing reasonable use of the property. Based on county records, and aerial imagery, staff can confirm that this size home is consistent with others in the area.

The applicant has demonstrated in a factual and meaningful way that the proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iii)

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Title.

Applicant Response

“The streams and associated critical area buffers are natural site features that were not created by the applicant. The property exists as a legally recognized parcel within a residentially zoned area and is surrounded by existing residential development. The hardship arises solely from the presence of the streams and application of critical area buffer requirements to a relatively small parcel.”

Staff Response

The critical areas buffer that governed when the subject application was submitted (effective 7/1/2025) increased the buffers on this property to a point that derived it of reasonable economic use. The critical areas and their corresponding buffers cover all the buildable areas on the property, making it difficult to utilize the property for any economic means.

The applicant has demonstrated in a factual and meaningful way that the proposal is not the result of actions taken by the applicant after the effective date of this Title (KCC 17A).

The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iv).

5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.

Applicant Response

“The proposed development is a standard residential use consistent with the zoning designation and surrounding land uses within the Snoqualmie Pass area. Construction will follow applicable building codes, stormwater management requirements, and erosion control standards to ensure that the project does not create hazards related to flooding, erosion, or slope instability. The proposed stream crossing will be designed and installed in accordance with applicable engineering and environmental standards to maintain proper drainage and protect the function of the stream channel.”

Staff Response

The proposal has similar qualities to other single-family dwellings and will not pose an unreasonable threat to public health, safety and welfare. Impacts greater than what already exist are not anticipated.

The applicant has demonstrated in a factual and meaningful way that the proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(v).

6. The proposal will result in no net loss of critical area functions and values consistent with the best available science.

Applicant Response

“The project has been designed to minimize impacts to the critical area buffers to the greatest extent practicable. Existing vegetation will be retained wherever possible and clearing will be limited to the minimum area necessary for construction of the residence, garage, driveway, and culvert crossing. Disturbed areas will be stabilized following construction, and native vegetation will be retained or replanted as necessary to maintain ecological functions such as erosion control, shading, and habitat continuity. Implementation of construction best management practices and retention of existing vegetation outside the development footprint will ensure that the project maintains critical area functions consistent with best available science.”

Staff Response

With the assistance of Sewall Wetland Consulting, Inc. and the Washington Department of Fish & Wildlife, the applicant is proposing mitigation measures to protect and enhance the stream buffer and stream. CDS has conditioned this determination to ensure the applicant works with the Washington Department of Fish & Wildlife to develop a mitigation plan that results in a no net loss of critical area functions and values.

The applicant has demonstrated in a factual and meaningful way that the proposal will result in no net loss of critical area functions and values consistent with the best available science. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vi).

7. The proposal is consistent with other application regulations and standards.

Applicant Response

“The proposed single-family residence and detached garage are consistent with the residential zoning designation for the parcel and with the surrounding pattern of development within Snoqualmie Pass. All applicable land use regulations, building codes, and permit requirements will be followed during project design and construction.”

Staff Response

The proposal is conditioned to be consistent with all other applicable regulations and standards.

The applicant has demonstrated in a factual and meaningful way that the proposal is consistent with other application regulations and standards. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vii).

Staff Conclusions

Staff finds that the reasonable use exception request **does** meet all seven criteria outlined in KCC 17A.01.060(2)(c) as described above. Therefore, the critical areas reasonable use request is consistent with the conditions necessary to grant a reasonable use exception under KCC 17A.01.060(2)(c).

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on April 6, 2026.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 6, 2026, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on April 24, 2026, and all comments were transmitted to the applicant on April 27, 2026.

V. ENVIRONMENTAL REVIEW

A Critical Areas Report was completed by Sewall Wetland Consulting, Inc. which identified a Type-4 Seasonal (N) stream on the property. No other critical areas were identified.

For Type-4 Seasonal (N) Streams, KCC 17A.04.030 established a 100-foot buffer from the Ordinary High-Water Mark (OHWM), at the time this application was submitted. This does not include the additional 15' building setback in KCC 17A.01.090.4. The proposed building footprint is entirely within the RMZ buffer for the Type-4 Seasonal (N) stream and requires a reasonable use exception for the proposed development.

With the assistance of Sewall Wetland Consulting, Inc. and the Washington Department of Fish & Wildlife, the applicant is proposing mitigation measures to protect and enhance the stream buffer and stream. CDS has conditioned this determination to ensure the applicant works with the Washington Department of Fish & Wildlife to develop a mitigation plan that results in a no net loss of critical area functions and values.

VI. 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:

Comments were received from the following agencies during the comment period: Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Kittitas County Public Works, Snoqualmie Pass Utility District, Washington State Dept. of Natural Resources, Washington State Dept. of Fish & Wildlife, Yakama Nation Fisheries. All comments are on file and available for public review.

Bonneville Power Administration

BPA provided comments pertaining to an access road easement over Snoqualmie Drive. BPA stated they do not have any objection to the project, but that their access roads must remain in place and access must remain unimpeded. BPA further provided a statement to the applicants pertaining to the nature of the rights of their agency to utilize accesses for their agency's functions. BPA further provided a Land Use Application that will need to be submitted by the applicants. BPA stated they wish to avoid situations where incompatible uses and/or non-permitted activities are placed within their easements.

Applicant Response

"Applicant understands and will comply."

Staff Response

Because the comments provided contained requirements, staff has conditioned this project to successfully adhere to all stated requirements.

Confederated Tribes of the Colville Reservation

CTCR provided comments pertaining to concerns regarding cultural resources and State/Tribal sensitivity maps. CTCR requested that a cultural resource monitor be present and the proponent develop and have on hand an Inadvertent Discovery Protocol for all ground disturbing work. CTCR further elaborated on the significance of the area from Snoqualmie Pass through to the Yakima River Valley and its importance to human migration over the last 10-14,000 years.

Applicant Response

"The applicant agrees to develop an Inadvertent Discovery Plan."

Staff Response

CDS has conditioned this determination to ensure the applicant shall have an Inadvertent Discovery Plan (IDP) in place prior to beginning construction.

Kittitas County Public Health

KCPH provided comments pertaining to the fact that this project site is located in the Snoqualmie Pass Utility District (SPUD) for drinking water. KCPH further stated that the SPUD district is available for wastewater/sewage disposal.

Applicant Response

"Applicant understands and is in contact with SPUD."

Staff Response

Because the comments provided were informational in nature, and because the applicants have indicated they will work with SPUD do address water/sewage, staff has no further comment.

Kittitas County Public Works

KCPW provided comments pertaining to access requirements, driveway maintenance, driveway grade maximum, stream crossing requirements as they relate to access, road standards,

engineering notes related to the proposed culvert, bridge permit requirements, grading/filling requirements and thresholds, and survey deficiencies per WAC 332-130-145. KCPW further stated that the parcel is not within a FEMA identified special flood hazard area and that a floodplain development permit is not required for this project.

Applicant Response

"Applicant does not object and will comply with all public works comments."

Staff Response

As KCPW comments contained requirements, staff has conditioned this project to remain in compliance with all stated requirements.

Snoqualmie Pass Utility District

SPUD provided comments stating that the property has not yet purchased a water and sewer connection. SPUD further provided supplementary maps with more information.

Applicant Response

"Noted. Applicant will purchase water and sewer connections when appropriate."

Staff Response

As the applicants have indicated they will purchase needed water and sewer connections, staff has no further comment.

Washington State Dept. of Natural Resources

The DNR provided comments pertaining to the fact that this parcel consists of forested land. The DNR stated that a Forest Practices Application will be required from the DNR if merchantable timber is removed or harvested as part of this project. The DNR further detailed the requirements of obtaining an FPA.

Applicant Response

"The applicant will pursue an FPA if necessary."

Staff Response

As the comments provided contained circumstantial requirements, staff recognizes and reaffirms that if the circumstantial thresholds are met, a Forest Practices Application will be required.

Washington State Dept. of Fish & Wildlife

Per WDFW: "Thank you for the opportunity to review and comment on Kittitas County Reasonable Use Application RU-26-00001 Pazaruski, a proposal to construct a 992 square foot residence, 600 square foot detached garage, driveway/access improvements and the installation of a culvert crossing on Kittitas County parcel 558535. The Washington Department of Fish and Wildlife (WDFW) is familiar with this parcel and has previously been on site (2018) to review the streams on the property. Our comments are regarding the project's impact on Fish and Wildlife Habitat Conservation Areas (FWHCAs, CAO Chapter 17A.04), specifically stream and riparian habitat. As referenced in the critical areas report and observed during WDFW's prior site visit, there are two streams on the property. The critical areas report states: "These appear to be seasonal streams." WDFW observed both streams flowing in October 2018. The streams should be considered perennial unless a formal stream typing is completed by the Department of Natural Resources' Timber, Fish & Wildlife collaborative and determines otherwise. The streams are tributaries to Coal Creek, a fish-bearing tributary to Lake Keechelus. Coal Creek, including its tributaries, provide important habitat for native salmonids, such as Endangered Species Act

(ESA) listed bull trout, and westslope cutthroat trout.

The proposed project is wholly within the Riparian Management Zone (RMZ, CAO 17A.04.030) of the streams. Kittitas County's Critical Areas Ordinance (CAO) states that RMZs and buffers shall be maintained in a predominately well-vegetated and undisturbed condition to ensure that they perform their intended function of protecting the FWHCA. Further, Riparian is identified as a Priority Habitat under WDFW's Priority Habitat and Species Program. Under Kittitas County's CAO, the RMZ width shall be either the site-specific Site Potential Tree Height (SPTH) or 100 feet, whichever is greater, consistent with Best Available Science for pollution removal and Volume 2 of WDFW's Riparian Ecosystem Management Recommendation (CAO 17A.04.030(2)). Using the SPTH mapping tool, the RMZ buffer at this location is 126 feet from the ordinary high water mark (OHWM). We recommend following the mitigation sequencing of avoidance, minimization and mitigation. Avoiding and minimizing impacts to the RMZ as much as possible by reducing the development footprint as feasible and siting the infrastructure as far away from the streams as possible. Where impacts cannot be avoided, compensatory mitigation will be needed to offset the impacts to the streams' riparian buffers. While Kittitas County's CAO doesn't include mitigation ratios for disturbance to riparian areas, the standard is mitigation must achieve equivalent or greater biological functions, including the loss of shade and any impervious surfaces being placed within the RMZ that preclude ecosystem function. The Narrative Owner Statement included with the application materials states: "... opportunities for formal mitigation are limited ... several measures will be implemented to minimize impacts and protect existing environmental functions." These measures include minimizing clearing, retaining native vegetation, constructing best management practices, stream crossing design, and post-construction stabilization. Although these measures may minimize the disturbance of the project, they will not achieve no net loss of ecological function.

The proposed stream crossing will need to meet WAC 220-660-190 and will require a Hydraulic Project Approval (HPA) permit from WDFW prior to construction. The water crossing structure must be designed to pass the 100-year flood flow, including ice, large wood and associated debris. During a site visit in October 2018, WDFW reviewed a potential access road for this parcel, with access from Snoqualmie Drive, and took bankfull measurements of the stream. The bankfull width measurements ranged from 11-14 feet. Based on these measurements, the 48" culvert proposed on the site plan is not sufficient. Following WDFW's Water Crossing Design Guidelines and WAC 220-660-190, WDFW recommends a bridge. We request a site visit with the landowner to review the proposed stream crossing location and discuss the water crossing structure.

WDFW recommends development of a mitigation plan for the impacts to the Riparian Management Zone, to be reviewed and approved by WDFW. The mitigation plan should quantify the proposed disturbance within the RMZ and the mitigation measures to achieve equivalent or greater biological functions of the FWHCA consistent with Kittitas County's Critical Areas Ordinance (CAO 17A.04.070). If planting is proposed as mitigation, it should include monitoring to ensure survivability of the planted plants. We recommend at least three years of monitoring with 80% survivability. If metrics fall below 80%, we recommend that similar plants be planted to replace those that did not survive.

Given there are two streams on this small parcel, and the RMZs wholly encompass the parcel, the plan should also explicitly state how much of the riparian area is to be left. Significant incursions into the riparian area are likely to result in substantial impacts to the streams and avoidance and minimization should be the first step of this mitigation plan. We recommend the mitigation plan be developed prior to approval of this application to determine if the impacts could be mitigated for. WDFW requests to meet on site with the applicant and the County to review the proposed development, discuss the streams and mitigation, and determine the appropriate water crossing structure and sizing. We look forward to working collaboratively with the County and the applicant on this project. Please contact me at (509) 406-3206 or Cassandra.Weekes@dfw.wa.gov

if you have any questions or concerns regarding these comments.

Applicant Response

“The applicant agrees to provide a crossing plan meeting the requirements of WDFW’s water crossing manual with the intention of securing an HPA. The applicant will also work with WDFW to develop a mitigation plan. The applicant requests that specific, quantifiable mitigation requirements be provided as a condition of this Reasonable Use Permit.”

Staff Response

As the comments transmitted by WDFW contained requirements, staff has included the listed requirements as conditions of this project’s decision. Staff will also include conditions to require that the applicants work with WDFW to develop a mitigation plan according to specifications dictated by WDFW. WDFW requirements for stream crossing will ensure no disruption of flows.

Yakama Nation Fisheries

YNF provided comments stating that their project review did not yield any information that would require further investigation of the potential impacts on Archaeological or Cultural Resources.

Applicant Response

No Response.

Staff Response

As the comments provided stated that YNF does not see the need for further investigation of this project, staff has no further comment.

Public Comments:

Five public comments were received during the public comment period. These comments expressed concern regarding the following:

- The installation of a culvert and the associated disruption of the natural environment, particularly the runoff creek on-site.
- Modifications proposed to the waterway that could cause drainage issues for adjacent properties. Particular concern raised with flood events.
- Concerns associated with the natural environment, habitat of wildlife, and scenic beauty.
- Culvert design and whether it could change the path of any streams.
- Potential negative impacts of the structures and impervious surfaces and possible disturbances caused by these regarding water flow and the natural environment.
- Impacts toward erosion and general concerns about the health and stability of the land on adjacent properties.
- Various disputes of assertions made by the property owners in their application.
- Concerns associated with clearing of vegetation.
- The Hyak Property Owners Association provided comments regarding perceived discrepancies between plans submitted to their board and plans submitted to Kittitas County. HPOA further stated they will not be held liable for any subsequent damages that could occur due to changes to water drainage caused by the installation of a culvert. HPOA further pointed to covenants included in their legal documents.

As all agreements between Property Owners Associations’ and individual property owners are a private civil matter, Kittitas County has no further comment on HPOA concerns.

All comments received during the comment period were transmitted to the applicant on April 27, 2026. The applicant responded to transmitted comments on May 19, 2026.

VII. PROJECT ANALYSIS

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

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

The proposal must be consistent with the provisions of KCC Title 20.

Consistency with the provisions of the KCC Title 17, Zoning:

The proposal must be consistent with the provisions of KCC Title 17.

Consistency with the provisions of KCC 17A, Critical Areas:

A Critical Areas Report was completed by Sewall Wetland Consulting, Inc. which identified a Type F stream near the property. No other critical areas were identified.

For Type-4 Seasonal (N) Streams, KCC 17A.04.030 established a 100-foot buffer from the Ordinary High-Water Mark (OHWM), at the time this application was submitted. This does not include the additional 15' building setback in KCC 17A.01.090.4. The proposed building footprint is entirely within the RMZ buffer for the Type-4 Seasonal (N) stream and requires a reasonable use exception for the proposed development.

With the assistance of Sewall Wetland Consulting, Inc. and the Washington Department of Fish & Wildlife, the applicant is proposing mitigation measures to protect and enhance the stream buffer and stream. CDS has conditioned this determination to ensure the applicant works with the Washington Department of Fish & Wildlife to develop a mitigation plan that results in a no net loss of critical area functions and values.

VIII. FINDINGS OF FACT

1. Ryan Pazaruski (property owner) submitted a reasonable use application to build a 992 square foot Single-Family Residence, a 600 square foot detached garage, as well as driveway/access improvements and the installation of a culvert crossing over a stream near the center of the parcel for vehicular access, using KCC 17A.01.060(2) Reasonable Use exception on parcel #558535. Reasonable Use exceptions are processed under KCC 17A.01.060.
2. One tax parcel (#558535), located off Snoqualmie Drive, approximately 1,100 feet Northwest of the intersection of S.R. 906 & Hyak Drive East in Snoqualmie Pass, WA. Section 15, Township 22, Range 11; Kittitas County parcel map number 22-11-15051-0009.
3. Site Information

Total Property Size:	0.42 Acres
Number of Lots:	1
Domestic Water:	Snoqualmie Pass Utility District
Sewage Disposal:	Snoqualmie Pass Utility District

Fire Protection:

Snoqualmie Pass Fire & Rescue (District #51)

4. Site Characteristics:

- North: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
- South: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
- East: Residential development in a Residential zoning designation within a Type-1 LAMIRD, all within a forested environment.
- West: Heavily forested environment within a Forest & Range zoning designation. Land is owned by USA (WNF) Wenatchee National Forest.

5. Access: The site is accessed via Snoqualmie Drive.
6. The subject property has a zoning designation of Residential and a LAMIRD land use designation.
7. The purpose and intent of this zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. Residential zones have a required 25-foot front setback for parcels within the Snoqualmie Pass LAMIRD, a 5-foot side setback, and a 15-foot rear setback for parcels within the Snoqualmie Pass LAMIRD.
8. A Reasonable Use Application was submitted to Kittitas County Community Development Services department on March 23, 2026.
9. The application was deemed complete on April 6, 2026.
10. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 6, 2026, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on April 24, 2026, and all comments were transmitted to the applicant on April 27, 2026.
11. The proposal is consistent with the provisions of KCC 17A, Critical Areas as conditioned.
12. The proposal is consistent with the reasonable use exception criteria in KCC 17A.01.060(2)(c). All seven criteria have been satisfied.
13. The proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
14. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety, as conditioned.
15. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
16. Comments were received from the following agencies during the comment period: Bonneville

Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Kittitas County Public Works, Snoqualmie Pass Utility District, Washington State Dept. of Natural Resources, Washington State Dept. of Fish & Wildlife, Yakama Nation Fisheries. All comments are on file and available for public review.

17. Comments were received from five members of the public, and the local Property Owners Association during the public comment period.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all seven criteria of KCC Title 17A.01.060(2)(c).
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations including Kittitas County Code Title 12 Roads and Bridges, Title 14.04 Building Code, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Pazaruski Reasonable Use Exception Request (RU-26-00001) is hereby **approved**. The Pazaruski Reasonable Use Exception Request has satisfied the requirements of a reasonable use exception pursuant to KCC 17A.01.060(2)(c).

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated March 23, 2026, and subsequent information included in the complete file index except as amended by the conditions herein.
2. The applicant shall comply with all local, State and Federal regulations, including environmental standards and regulations in place at the time of building permit application submittal.
3. The applicant shall comply with local regulations including Kittitas County Code Title 12 Roads and Bridges, Title 14.04 Building Code, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.
4. 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 parcels on this application. 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.
5. Driveway not to exceed 10% grade. Driveway between 10-15% grade shall be hard surfaced. Driveways exceeding 15% grade will require a variance, per KCC Title 12. All stream crossing structures must be coordinated with Washington State Department of Fish & Wildlife prior to issuance of Access Permit.
6. 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 (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).

7. The draft site plan details both a 5-ft. diameter culvert and a 2-ft x 4-ft box culvert. Kittitas County would consider the proposed structure a “major drainage structure” due to the amount of flow upstream of the crossing. As per KCC 12.04.06.040 (19) the county would require a bridge permit be submitted for the proposed design.
8. All current and future owners must comply with International Fire Code.
9. All current and future owners must comply with International Building Code.
10. Bonneville Power Administration has a perpetual access road easement over Snoqualmie Drive located within the Pazaruski project plan. The BPA access roads must remain in place and BPA access must remain unimpeded at all times. BPA has the right to enter, locate, construct, maintain, repair and reconstruct the access road to its Rocky Reach-Maple Valley No. 1 Transmission Line Right-of-Way. All activities planned within the BPA easements need to be reviewed by BPA prior to their occurrence. The applicant shall complete a Land Use Application and submit it to BPA for review prior to use.
11. The applicant shall have an Inadvertent Discovery Plan (IDP) in place prior to beginning ground-disturbing activities associated with construction. These activities include, but are not limited to, subsurface utility installation, installation of a culvert, etc.
12. All drinking water and wastewater services shall be obtained through Snoqualmie Pass Utility District. Property will be required to purchase a water and sewer connection through SPUD.
13. Should ground disturbing or other activities related to this proposal 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). 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.
14. The applicant shall complete a Forest Practices Application (FPA) according to the requirements set forth by the Washington State Department of Natural Resources if merchantable timber is harvested and/or removed from the property at any point during construction, in accordance with RCW 76.09 & WAC 222. The FPA would need to meet the requirements of the Forest Practices Act and its rules.
15. The applicant shall develop and submit a mitigation plan for the impacts to the Riparian Management Zone, per KCC 17A.04.070. The mitigation plan is to include minimizing impacts to the riparian buffers and mature trees as well as planting natural plants, shrubs & trees typically found near streams. The mitigation plan is to include improvements to the stream reach. The mitigation plan shall also explicitly state how much of the riparian area is to be left.
 - a. The planting plan should include monitoring requirements to ensure survivability of the planted plants, as well as specifically identifying where the 1,600 sq. ft. proposed addition to the existing buffer is to be located.

- b. Planting shall be followed by three years of monitoring with an 80% survivability. If metrics fall below 80%, similar plants should be planted to replace those that did not survive.
 - c. The mitigation plan shall include provisions to ensure the area is protected in perpetuity. The applicants shall provide additional information on all proposed mitigation measures needed to evaluate the adequacy and ensure no net loss of the riparian buffer function and value.
 - d. The mitigation plan shall be reviewed by the Washington Department of Fish & Wildlife prior to construction. The mitigation plan shall quantify the proposed mitigation measures and demonstrate equivalent or greater biological functions of FWHCAs consistent with Kittitas County's Critical Areas Ordinance (CAO 17A.04.070). Further, the mitigation shall account for loss of shade and any impervious surfaces being placed within the Riparian Management Zone that preclude ecosystem function.
 - e. The proposed stream crossing will need to meet WAC 220-660-190 and will require a Hydraulic Project Approval (HPA) permit from WDFW prior to construction. The water crossing structure must be designed to pass the 100-year flood flow, including ice, large wood and associated debris.
16. To ensure no net loss of the RMZ, the applicants shall enact the mitigation sequencing of avoidance, minimization, and ultimately mitigation. To avoid and minimize impacts to the riparian management zone, new infrastructure should be sited as far from the stream as possible and the development footprint should be reduced as is feasible. Where impacts cannot be avoided, mitigation will be needed to offset the impact to the stream's riparian buffer.
17. Per Title 17A.01.090(5), notice on Title shall be recorded with the Kittitas County Auditor's office for all lots involved describing the following:
- i. The presence and location of the critical area and buffer.
 - ii. A statement of as to the applicability of Title 17A to the property including this reasonable use exception.
 - iii. A statement describing limitations on action in or affecting critical area and buffers approved as part of this reasonable use.

A copy of the recorded notice shall be provided to Kittitas County Community Development Services.

Responsible Official



Zach Torrance-Smith

Title:

Planner I

Address:

Kittitas County Community Development Services
411 N. Ruby Street, Suite 2

Ellensburg, WA 98926
Phone: (509) 962-7079

Date: June 1, 2026

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St. Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 pm, June 22, 2026. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

