

Merten Accessory Dwelling Unit

File Number AU-25-00003

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: The applicants are proposing to classify an existing 924 square-foot-manufactured home as an Accessory Dwelling Unit (ADU) and construct a new primary dwelling. The subject property is zoned Agriculture 20 and has a land use designation of Rural Working.

Location: One tax parcel (#239433), located at 73 Klocke Road Ellensburg, WA. Approximately 0.5 miles from the intersection of Klocke Road and SR 10. Section 18, Township 18, Range 18; Kittitas County parcel map number 18-18-18040-0002.

Site Information:

Total Property Size:	5.72 acres
Number of existing lots:	1
Domestic Water:	Existing Individual Well
Sewage Disposal:	New or Expanded On-Site Septic
Fire District:	Kittitas Valley Fire and Rescue (Fire District 2)

Site Characteristics: The site is located in the Columbia Plateau ecoregion near the Yakima River and displays wetland characteristics with areas of semi-arid grassland and woody vegetation.

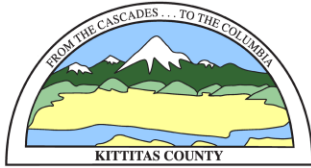
Surrounding Property:

North:	Privately owned land primarily used for agriculture and/or residential purposes.
South:	Privately owned land primarily used for conservation purposes.
East:	Privately owned land primarily used for agriculture and/or residential purposes.
West:	Privately owned land primarily used for agriculture and/or residential purposes.

Access: The project has existing easement access off Klocke Road.

II. Administrative Review

Notice of Application: An ADU permit application was submitted to Kittitas County Community Development Services on January 29th, 2025. The application was deemed complete on February 27th, 2025. A Notice of Application for the Merten ADU (AU-25-00003) 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 March 4th, 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 Agriculture 20 zone (A-20) is to provide for area wherein farming, ranching and rural lifestyles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by non-agricultural land uses; and protect the rights and traditions of those engaged in agriculture. The Merten 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 public health, safety, and general welfare;
 - b. Adversely affects 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 5.72 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

The Washington State Department of Fish and Wildlife reviewed the application and identified several features on the property, including a “modified historic channel of the Yakima River,” potential wetlands, and irrigation ditches, which may be considered modified natural floodplain elements. Within the Columbia Plateau ecoregion, Type F streams are subject to a 100-foot setback buffer measured landward from the Ordinary High Water Mark (OHWM) (KCC 17A.04.030.4). In addition, a 15-foot structural setback is required from the edge of this buffer (KCC 17A.01.090.5). For wetlands that have not been delineated by a certified wetland biologist, a 190-foot buffer is mandated, along with an additional 15-foot structural setback. However, the buffer distance may be reduced if a wetland biologist determines that the wetland falls under a category with a smaller required buffer width (KCC 17A.07.030).

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: Washington State Department of Health, Kittitas County Fire Marshal, the Confederated Tribes of the Colville Reservation, Kittitas County Public Works (KCPW), Washington State Department of Fish and Wildlife (WDFW), and the Bonneville Power Administration (BPA).

Comments are addressed below.

Washington State Department of Health

The Department of Health has no concerns with the application.

Applicant Response: No response.

Staff Response: Because the comments provided by the Department of Health do not have concerns regarding this project, staff have no further comment.

Kittitas County Fire Marshal

The Kittitas County Fire Marshal commented Driveway to meet road standards for width and turnarounds.

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.

Confederated Tribes of the Colville Reservation

The confederated Tribes of the Colville Reservation stated that this project involves no new ground disturbing activity and will not affect cultural resources.

Applicant Response: No response.

Staff Response: Because the comments provided confirm that the Confederated Tribes of the Colville Reservation do not have concerns regarding this project, staff have no further comment.

Kittitas County Public Works

Access:

- An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or alternative existing access.
- Access easement is recorded under document 199803230031 for ingress and egress.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
- Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

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).

Flood

- The proposed ADU is located within the FEMA identified special flood hazard area (100-year floodplain). All activities within the floodplain require a floodplain development permit. All construction, including structures that are exempt from a building permit, must follow the guidelines within KCC 14.08. Structures may be subject to mandatory flood insurance purchase requirements.

Water Mitigation/Metering

- Per KCC 13.35.027 water mitigation and metering will be required for the ADU because it is

a new use of ground water. Parcel #239433 is located within the OTC service area for the Kittitas County Water Bank. Please call the Kittitas County Public Works Water Recourses program at (509)962-7523 to discuss mitigation options and metering requirements.

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 Fish and Wildlife

WDFW stated that the “No Name Slough” identified on the site plan provided by the applicant is a modified historic channel of the Yakima River. WDFW identified irrigation canals located in the eastern portion of the property that are potentially modified historic floodplain features. They also identified wetlands on or near the property. They request a site visit to better understand the surface and ground water interactions associated with the irrigation canals and wetlands. They also recommend a full critical areas report be completed before approval of this project or the approval of a new single-family residence.

Applicant Response: No response.

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

Bonneville Power Administration

BPA stated they had no concerns with the application.

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

VI. Findings of Fact

1. Requested Action: The applicants are proposing to classify an existing 924 square-foot-manufactured home as an Accessory Dwelling Unit (ADU) and construct a new primary dwelling. The subject property is zoned Agriculture 20 and has a land use designation of Rural Working.
2. Site Location: One tax parcel (#239433), located at 73 Klocke Road Ellensburg, WA. Approximately 0.5 miles from the intersection of Klocke Road and SR 10. Section 18, Township 18, Range 18; Kittitas County parcel map number 18-18-18040-0002.
3. Site Information:
 4. Total Property Size: 5.72 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: Kittitas Valley Fire and Rescue (Fire District 2)

Site Characteristics: The site is located in the Columbia Plateau ecoregion near the Yakima River and displays wetland characteristics with areas of semi-arid grassland and woody vegetation.

Surrounding Property:

North: Privately owned land primarily used for agriculture and/or residential purposes.
South: Privately owned land primarily used for conservation purposes.
East: Privately owned land primarily used agriculture and/or residential purposes.
West: Privately owned land primarily used for agriculture and/or residential purposes.

Access: The project has existing easement access off Klocke Road.

9. The Comprehensive Plan land use designation is “Rural Working”.
10. The subject property is zoned “Agriculture 20”.
11. An ADU permit application was submitted to Kittitas County Community Development Services on January 29th, 2025. The application was deemed complete on February 27th, 2025. A Notice of Application for the Merten ADU (AU-25-00003) 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 March 4th, 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: Washington State Department of Health, Kittitas County Fire Marshal, the Confederated Tribes of the Colville Reservation, Kittitas County Public Works (KCPW), Washington State Department of Fish and Wildlife (WDFW), and the Bonneville Power Administration (BPA).
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 17.29 – Agriculture 20 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 Merten accessory dwelling unit, AU-25-00003, 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 ADU Standards KCC 17.15.060.2.27.
- The driveway shall be conditioned to meet road standards for width and turnarounds.
- An access permit will be required for any new driveway access or alteration of existing access.
- Applicant shall apply for a flood development permit before applying for the new primary dwelling building permit.
- Applicant shall apply for water mitigation and adequate water to proceed with a building permit for new primary dwelling.
- The applicant shall conduct a site visit with Washington State Department of Fish & Wildlife and complete a Critical Areas Report before proceeding with a building permit for new primary dwelling.
- This approval shall expire three (3) years after the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.60B.100.

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 April 21st, 2025, at 5:00p.m. Appeals submitted on or before April 21st, 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: April 7th, 2025