



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

"Building Partnerships – Building Communities"

CDS@CO.KITTITAS.WA.US

### Firl Accessory Dwelling Unit

File Number AU-24-00006

### FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

#### I. General Information

**Requested Action:** The applicants have proposed an 880 square foot Accessory Dwelling Unit (ADU). The property has an existing single-family residence, as well as associated non-residential structures. The subject property is zoned Forest & Range, and the land use is Rural Working.

**Location:** One tax parcel (#956834), located at 1060 South Cle Elum Ridge Road. Approximately 2.09 miles Southwest of South Cle Elum, WA. Section 8, Township 19, Range 15, W.M.; Kittitas County parcel map number 19-15-08052-0002.

**Site Information:**

Total Property Size:	3.04 acres
Number of existing lots:	1
Domestic Water:	Existing Individual Well
Existing sewage Disposal:	Existing On-Site Septic
Fire District:	Fire District #7 (Cle Elum)

**Site Characteristics:** The site consists of forested land with residential and non-residential structures.

**Surrounding Property:**

North:	Low-density residential development within a forested setting and Forest & Range zoning. Bonneville Power Administration power lines are north of the area of this parcel.
South:	Low-density residential development within a forested setting and Forest & Range zoning.
East:	Low-density residential development within a forested setting. Includes land zoned Forest & Range, as well as Rural-5.
West:	Low-density residential development within a forested setting and Forest & Range zoning.

**Access:** The project has existing access from South Cle Elum Ridge Road, a public road.

#### II. Administrative Review

**Notice of Application:** An ADU permit application was submitted to Kittitas County Community Development Services on October 21, 2024. The application was deemed complete on October 23, 2024. A Notice of Application for the Firl ADU (AU-24-00006) 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 October 23, 2024. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

### **III. Zoning and Development Standards**

The purpose of the Forest & Range zone (F&R) is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The Firl ADU is being proposed under KCC 17.08.022 and KCC 17.15, when the ADU is located outside an Urban Growth Area.

#### **KCC 17.08.022 Accessory Dwelling Unit Review:**

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

#### **Staff Conclusions**

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

#### **KCC 17.06B.050 Administrative Review**

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

#### **Staff Conclusions**

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

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

1. The parcel must be at least 3 acres in size;
2. Only one ADU shall be allowed per lot;
3. The ADU shall not exceed 1,500 square feet;
4. All setback requirements for the zone in which the ADU is located shall apply;
5. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;
6. No mobile homes or recreational vehicles shall be allowed as an ADU;
7. The ADU shall provide additional off-street parking;
8. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists;

9. The ADU must share the same driveway as the primary dwelling;
10. ADUs shall be subject to obtaining an administrative permit.

#### **Staff Conclusions**

The proposal; 1) the parcel is 3.04 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 F&R zoning, 5) the ADU meets the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097, 6) the proposed ADU is not a mobile home or recreational vehicle, 7) the ADU has off-street parking 8) no accessory living quarter or special care dwelling exists, 9) the ADU shares the same driveway as the primary dwelling and 10) the ADU is subject to the administrative permit review process. Staff finds the proposed ADU, as conditioned, consistent with the requirements of 17.15.060.2.27.

#### **IV. Environmental Review**

Staff performed a critical area review and found there is a Type-2 (F) stream present within the East Cascades ecoregion. This stream has a building setback of 165 feet. The site plans indicate that the proposed ADU is greater than 165 feet away from the stream, therefore meeting the minimum setback requirements.

#### **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: Bonneville Power Administration, Washington State Department of Natural Resources, Kittitas County Public Health, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Kittitas County Public Works.

Comments are addressed below.

##### **Bonneville Power Administration**

The BPA stated that this proposed project will not adversely impact their facilities and that they have no concerns regarding approval.

*Applicant Response: No response.*

*Staff Response: Because the comments provided were confirming that BPA does not have concerns regarding this project, staff has no further comment.*

##### **Washington State Department of Natural Resources**

The DNR provided comments stating that if merchantable timber is removed from this parcel, a Forest Practices Application will be required.

*Applicant Response: "No trees will be cut down."*

*Staff Response: Staff reaffirms the requirements of the DNR and has conditioned this project to obtain an FPA if merchantable timber is removed from the property during this project.*

#### **Kittitas County Public Health**

KCPH provided comments pertaining to the maximum allowable bedrooms on-site. KCPH also detailed the need to complete an Adequate Water Supply Determination Form I/S and submit said form to KCPH.

*Applicant Response:* “We have a permitted four bedroom septic already and main house has two bedrooms and ADU has two bedrooms so we’re good thanks.”

*Staff Response:* Staff hereby reaffirms the requirements set forth by KCPH and has conditioned approval upon remaining in compliance with these requirements.

#### **Washington State Department of Fish and Wildlife**

WDFW provided comments noting the presence of Tillman Creek, and gave specifics regarding its actual location. WDFW further noted that it is correctly labeled on the applicant’s site plans.

*Applicant Response:* No response.

*Staff Response:* As the WDFW has confirmed that the creek is shown accurately on the applicant’s site plans, and is therefore further than the minimum setback from the ADU, staff recognizes that the ADU is placed in an acceptable location in relation to Tillman Creek and has no further comment.

#### **Washington State Department of Ecology**

WSDOE referred to WAC 173-539A, and stated that the project must be water budget neutral. WSDOE pointed applicants to required forms and requested them to contact WSDOE for further information. The required forms referred to by WSDOE: “Request of Determination of Water Budget Neutrality” and “Application for a New Water Right Permit.”

*Applicant Response:* “Using existing well on property from house.”

*Staff Response:* Staff recognizes the requirements set forth by WSDOE and shall condition approval upon remaining in compliance with these requirements.

#### **Kittitas County Public Works**

KCPW provided comments pertaining to access notes and engineering notes. KCPW also referred to KCC 13.35.027 requirements for water mitigation and metering. KCPW asked the applicants to contact KCPW for mitigation options and metering requirements.

*Applicant Response:* No response.

*Staff Response:* Staff recognizes the requirements set forth by KCPW regarding water mitigation and metering and has conditioned approval upon adhering to any and all requirements related to water mitigation and metering set forth by Kittitas County Code.

## **VI. Findings of Fact**

1. **Requested Action:** The applicants have proposed an ADU with 880 square feet of total living space. This ADU will be built on property that contains an existing single-family residence and associated non-residential features, a well, and a septic system.

2. Site Location: One tax parcel (#956834), located at 1060 South Cle Elum Ridge Road. Approximately 2.09 miles Southwest of South Cle Elum, WA. Section 8, Township 19, Range 15, W.M.; Kittitas County parcel map number 19-15-08052-0002.

3. Site Information:

Total Property Size:	3.04 acres
Number of existing lots:	1
Domestic Water:	Existing individual well
Existing sewage Disposal:	Existing on-site septic
Fire District:	Fire District #7 (Cle Elum)

Site Characteristics: The site consists of forested land with residential and non-residential structures.

Surrounding Property:

North: Low-density residential development in a forested setting within Forest & Range zoning. Bonneville Power Administration power lines are nearby in this direction.  
South: Low-density residential development in a forested setting within Forest & Range zoning.  
East: Low-density residential development in a forested setting within both Forest & Range and Rural-5 zoning designations.  
West: Low-density residential development in a forested setting within Forest & Range zoning.

Access: The project has existing access from South Cle Elum Ridge road, a public road.

4. The Comprehensive Plan land use designation is “Rural Working”.
5. The subject property is zoned “Forest & Range”.
6. An ADU permit application was submitted to Kittitas County Community Development Services on October 21, 2024. The application was deemed complete on October 23, 2024. A Notice of Application for the Firl ADU (AU-24-00006) 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 October 23, 2024. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
7. The proposal is consistent with KCC 17.08.022 Accessory Dwelling Unit Review, KCC 17.06B.050 Administrative Review and KCC 17.15 Allowed Use Review. Staff finds that the proposed accessory dwelling unit is consistent with all applicable Washington State and Kittitas County code sections.
8. The following agencies provided comments during the comment period: Bonneville Power Administration, Washington State Department of Natural Resources, Kittitas County Public Health, Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Kittitas County Public Works.

9. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(b). The proposed accessory dwelling unit is consistent with KCC Title 15.
10. The proposed accessory dwelling unit is consistent with KCC Title 17A Critical Areas as conditioned.
11. The proposed accessory dwelling unit is consistent with KCC 17.56 – Forest & Range Zone as conditioned.
12. The proposed accessory dwelling unit is consistent with KCC Title 14 Building and Construction as conditioned.
13. The proposed accessory dwelling unit is consistent with KCC 12 Roads and Bridges as conditioned.

## **VII. Conclusions**

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

## **VIII. Decision and Conditions of Approval**

Kittitas County Community Development Services grants *approval* of the Firl accessory dwelling unit, AU-24-00006, 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.
- Per KCC 13.35.027 all new uses of ground water require mitigation and metering. Proof of mitigation is required prior to applying for a building permit (as part of the Adequate Water Supply Determination process).

- Development shall comply with KCC 17.15.060.2.27.
- The applicant shall submit a *Request for Determination of Water Budget Neutrality* or an *Application for a New Water Right Permit* to the Department of Ecology.
- Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed, and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
- A fire apparatus turnaround is required within 150 feet of the Accessory Dwelling Unit in accordance with the International Fire Code 2018.
- A water meter must be installed and inspected by Kittitas County Public Works prior to scheduling the final building inspection.
- The combined number of bedrooms on this property shall not exceed four (4) bedrooms. The applicants shall complete an "Adequate Water Supply Determination Form I/S" and submit the completed form to Kittitas County Public Health.
- If merchantable timber is removed from the project site at any time during the completion of this project, a Forest Practices Application shall be completed with the Washington State Department of Natural Resources.

**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 December 13, 2024, at 5:00p.m. Appeals submitted on or before December 13, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.**

**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:** November 26, 2024

