

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
16-03	KCC Title 16, Subdivisions	KCC Title 16: Sections 16.05.020 Binding Site Plans Requirements; 16.09.040 Development regulations; 16.12.030(7) Existing conditions; 16.12.040 Comprehensive Plan and zoning regulation conformance; and 16.20.050 Dedications, easements, alleys	Staff	CDS	Approve

Kittitas County Community Development Services proposes amending KCC Title 16 for clarity and administrative improvements. Staff recommends amendments for the following:

- Remove unnecessary “Administrative Segregations” (e.g., KCC 16.12.030(7))
- Codifying open space common ownership requirements for land divisions

DRAFT – September 2016

Kittitas County Code Title 16 Subdivisions, amendments to Sections 16.05.020; 16.09.040; 16.12.030(7); 16.12.040; 16.20.050 and 16.32.030 are proposed as follows:

16.05.20 Requirements.

- A. Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:
1. A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
 - a. Maximum number of dwelling units permitted.
 - b. Approximate size and location of all proposed buildings.
 - c. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
 - d. Approximate location of proposed open space, including required landscaped areas, if any.
 - e. Approximate location of parking areas.
 - f. Location and size of utility trunk lines serving the site.
 - g. Topography detailed to five-foot intervals.
 - h. Location of water storage and fire hydrant location.
 - i. Demonstrate that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061
- B. The director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:
1. Conformance of the proposed site plan with any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances, of the State of Washington and Kittitas County. The director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or

- limitations which may be proposed or required for utilities, access, drainage controls, sanitation, potable water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.
2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.
 3. Proof that all lots or tracts created by binding site plan are approved for irrigation delivery by the appropriate irrigation entity or entities.
 4. The director may require dedication of additional road right-of-way pursuant to criteria contained in Kittitas County Code.
- C. Additional documents shall be submitted as necessary for review and approval and may include a plat certificate, boundary survey, agreements, easements, covenants.
- D. The plan must be approved and signed in the same manner as a short plat. Prior to recording, the director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a binding site plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property.
- E. Open Space. All plats which include open space shall contain appropriate plat notes to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW 90.58.065(2)(a) or the lots are designated as timber and forestlands according to RCW 84.33. Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
- F. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

16.09.40 Development regulations.

1. Cluster plats, Conservation and Agricultural plats are subject to the following provisions:
 - a. Notification Requirement. If appropriate, the final plat and all conveyance instruments shall contain the following notice: "The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in the Section 17.74 of the Kittitas County Zoning Code."
 - b. Compliance with County Development Regulations. Unless otherwise specified by this chapter, all development activities authorized through this chapter shall comply with all existing, applicable county development regulations, including but not limited to: subdivision ordinance, zoning code, shoreline master program, road standards, fire and life safety, critical areas, and floodplain development ordinance. In addition, Cluster Platting and Conservation Platting shall not be used prospectively in conjunction with the Kittitas County planned unit development zone (KCC Chapter 17.36).
 - c. Applications. Applications shall be evaluated for the possible impacts to adjacent agricultural uses. Residential parcel densities allowed in rural and resource areas can have a significant impact on agricultural, forestry and mineral resource uses. Conditions may be placed on development proposals through the normal Kittitas County permitting authority, which protect agricultural lands from possible impacts related to incompatible land uses.
 - d. Farmstead. The farmstead, including the pre-existing residential and associated out buildings within the project boundary, will not be required to become part of a cluster of residences.

- e. Location. Clustered lots and Agricultural Lots shall be located within the project boundary in a manner that best recognizes the purpose and intent of cluster plats, conservation plats or Agricultural plats, including but not limited to, the location of the natural resource lands, critical areas as identified in KCC 17.A, purpose of open space, natural or topographical features serving as a functional division, etc.
- f. Access to Public Lands. Applications that included parcels which share property line boundaries with public lands which allow public use must maintain or enhance existing public access points. Maintained or enhanced public access points to public lands shall be in conformance with requirements as identified by federal, state, and local agencies having jurisdiction over said public lands. Documentation demonstrating such shall be submitted as part of the project application.
- g. Open Space. All open space shall contain appropriate covenants and restrictions to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards.

2. Open Space. All plats which include open space shall contain appropriate plat notes to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW 90.58.065(2)(a) or the lots are designated as timber and forestlands according to RCW 84.33. Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.

3. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

~~2-4~~ 4. Cluster plats are subject to the following provisions:

- a. The cluster development does not exceed the density permitted by the zone in which the development is located;
- b. The proposed cluster is not within one thousand three hundred twenty (1,320) feet between the lot lines of any other cluster or existing residential structure unless the residential structure(s) is part of the proposed development;
- c. The cluster development does not exceed six (6) residences per cluster;
- d. No residential dwelling within the cluster is further than one hundred (100) feet from another residential dwelling; and
- e. Sixty percent (60%) of the land outside of the cluster remains in contiguous open space in perpetuity. Open space in cluster plats shall be held in common ownership or maintained at existing land use or agricultural use.

~~3-5~~ 5. Conservation plats are subject to the following provisions:

- a. The conservation development does not exceed the density permitted by the zone in which the development is located;
- b. No conservation plat is adjacent to another cluster or conservation plat so that the total conservation development exceeds six (6) units unless the proposed developments are separated by an existing County road;
- c. In a residential development in a conservation plat, lots must be located adjacent to one another upon no more than fifty percent (50%) of the total property being divided.
- d. Seventy percent (70%) of the land outside of the conservation cluster remains in open space for resource use in perpetuity. Open space in conservation plats may either be held in common ownership, owned by a conservation entity, or remain in the ownership of the farmstead or resource parcel.

~~4~~ 6. Agricultural plats are subject to the following provisions:

- a. No Agricultural plat shall be adjacent to another cluster, conservation or agricultural plat so that the total development on the parcels within the adjacent plats exceeds 10 units;
- b. The agriculture development does not exceed the density permitted by the zone in which the agricultural land is located.

- c. The agricultural plat is necessitated or pursued for one or more of the following reasons:
 - i. to accommodate housing for farm labor or farm family members; or
 - ii. to implement an irrigation improvement; or
 - iii. to create parcels of real property for financing purposes; or
 - iv. to improve or increase agricultural efficiencies or dispose of property no longer useful to the agricultural activities; or
 - v. to allow gradual or sequential platting as needed to ensure the economic viability of the farm's future; or
 - vi. to facilitate residential dwellings on acreages with varying sizes to allow "small" farms such as Community Support Agriculture (CSA), local farmer's market suppliers to exist in Ag and other zones while acres in excess of those purchased remain with original owner but carry nondevelopment status to meet the density of the underlying zone.
- d. Dwellings shall be located with the plat in a manner which secures the necessity of the plat as defined in 4(c) above and in a manner which does not adversely impact productive farmland or on- or off-site agricultural activities. The possibility that lots and dwellings may be located where they are impacted by dust, irrigation water, or agricultural treatments or chemicals, or will encourage trespass, or will interfere with the movement of agricultural vehicles or livestock, or may be adversely impacted by noise or odor, should be minimized. All lots shall have a notation on the face of the plat or a deed restriction that runs with the title that provides notice that the lot is located in an area where agricultural activities occur and may impact lot owners' use and enjoyment of their property.
- e. Lots smaller than two acres and, for all lots, home sites and facilities that support the residential development, such as onsite waste disposal systems, residential units shall be located on lands with poor soils or otherwise not suitable for agricultural purposes.

16.12.030 Existing conditions.

Unless otherwise indicated, the following shall be shown on the preliminary and final drawings.

1. Contour lines at intervals of five feet for slopes less than thirty percent, and ten feet for slopes over thirty percent at preliminary review only, or the use of USGS maps to represent elevations and slopes at preliminary review may be used and where such maps are utilized at preliminary review they must be verified by Contour lines of five feet for slopes less than thirty percent and ten feet for slopes over thirty percent at final review.
2. Location, width and type of all roads, streets, alleys, easements, and rights-of-way on and adjacent to the proposed subdivision.
3. Location of all existing ditches apparent or of record, marshes, areas subject to flooding, and the direction of flow of all water courses, as required by KCC 17A.05.015.
4. Existing uses of the property, including the location and nature of all acreage, fences and/or other structures.
5. Any additional information deemed necessary by Kittitas County.
6. The total acreage and number of lots included within the subdivision shall be indicated on sheet one of the plat.
7. ~~Except for administrative segregations, o~~One soil log shall be performed and information recorded for each lot within the proposed subdivision. Soil logs shall be in accordance with chapter 246-272A WAC . (Ord. 2010-014 , 2010; Ord. 2005-31, 2005)

16.12.040 Comprehensive plan and zoning regulation conformance.

All proposed subdivisions ~~and administrative segregations~~ shall conform to the county comprehensive plan and all applicable zoning regulations in effect at the time they are submitted for approval. Lots shall be of sufficient area, width and length to satisfy zoning requirements, or, where zoning controls do not apply, to satisfy the minimum health and sanitation requirements of the county health department.

**Chapter 16.12
PRELIMINARY PLATS**

II DESIGN STANDARDS

16.12.040 Comprehensive plan and zoning regulation conformance.

16.12.060 Open space and non-buildable lots.

16.12.090 Lot size.

16.12.110 Required easements.

16.12.060 Open space and non-buildable lots.

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16.20.050 Dedications, easements, alleys.

No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, and other general purposes as may be required to protect the public health, safety, and welfare.

1. Dedications - Shown on Plat. All dedications of land shall be clearly and precisely indicated on the face of the plat in the order listed in Sections 16.24.070 through 16.24.140.
2. Protective Improvements. Protective improvements and easements to maintain such improvements shall be dedicated. (Ord. 2005-31, 2005)
3. Open Space. All plats which include open space shall contain appropriate plats notes to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW 90.58.065(2)(a) or the lots are designated as timber and forestlands according to RCW 84.33. Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
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