

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

TRANSFER OF DEVELOPMENT RIGHTS AND SENDING SITE CERTIFICATION

Updated May 1, 2019

To Whom It May Concern:

Please find attached the application form for "Transfer of Development Rights (TDR) and Sending Site Certification."

1. PURPOSE:

The intent of the TDR program as defined by KCC 17.13.010 is to provide public benefits by permanently conserving rural farm and forest land through acquisition and transfer of the development rights on those lands designated as "sending sites." All other rights of ownership, including the right to continue operation of such businesses as farming, timber harvesting, sports and recreation, and other uses permitted within the zone remain with the owner of the underlying fee provided the resource values of the property are not degraded.

2. APPLICABILITY:

Sending sites must contain a public benefit such that the preservation of that benefit by transferring residential development rights, in the form of density credits, to another site is in the public interest. A sending site will be presumed to contain a public benefit if it meets at least one of the following criteria (**check one box**):

- ☐ **Farm and Agricultural Land**
 - a. *Is in 20-acre agricultural zoning (Commercial Agriculture, Ag-20, Forest & Range);*
 - b. *Is a minimum of 20 acres in size;*
 - c. *Is located within the boundary of the Agricultural Production District shown on the Kittitas County Agricultural Sending Site Overlay Map;*
 - d. *Qualifies for Open Space ("current use") taxation under RCW 84.34; and*
 - e. *Has value above that associated with resource value ("higher and better use").*
- ☐ **Forest Land**
 - a. *Is in 80-acre Commercial Forest zoning or 20-acre Forest & Range zoning;*
 - b. *Is a minimum of 20 acres in size;*
 - c. *Is not publicly owned;*
 - d. *Qualifies for Designated Forest Land ("current use") taxation under RCW 84.33; and*
 - e. *Has value above that associated with resource value ("higher and better use").*
- ☒ **Frequently Flooded Area as defined in KCC 17A.02.140. CRITICAL AREA**
- ☐ **Lands designated as eligible sending sites in a TDR agreement with a city.**

3. PROCESS TO CERTIFY A SENDING SITE:

STEP 1: PRE-APPLICATION MEETING (Optional):

An applicant may request to meet informally with CDS staff to discuss general aspects of the proposed TDR sending site certification process and gather information related to the project and site, including zoning, critical areas and other development rules and regulations. Pre-application meetings are strongly encouraged, but must be initiated at the request of the applicant.

STEP 2: SUBMITTAL OF COMPLETE APPLICATION:

The Community Development Services (CDS) shall be responsible for determining whether properties are eligible to be considered a sending site. CDS shall base its decision on the materials provided by the landowner in a TDR sending site application and a satisfaction of the sending site requirements outlined in KCC 17.13.020.

STEP 3: TDR CERTIFICATE LETTER OF INTENT:

The County shall issue a TDR Certificate Letter of Intent containing a determination of the number of development rights calculated for the sending site and an agreement by the County to issue a corresponding number of TDR Certificates in conversion for a sending site conservation easement.

4. APPLICATION REQUIREMENTS

The review for a Transfer of Development Rights Sending Site Certification application is governed by Kittitas County Code Chapter 17.13 – Transfer of Development Rights and the minimum submittal requirements are identified on the first page of the attached application.

5. ESTIMATED DENSITY CALCULATION

Please complete this worksheet to assist yourself and CDS with evaluating the property. This is not a binding determination of the number of development rights a particular parcel may qualify to transfer, but allows the applicant to become familiar with the process to determine the number of “development rights” available on their property.

1. **To estimate the number of development rights that can be transferred from a Sending Site, the total area available for transfer must first be determined.** For purposes of calculating the number of development rights a sending site may sell, the area of a sending site shall be determined as follows:
 - a. If the sending site is an entire lot, the acreage shall be determined by:
 - i. Kittitas County Assessor records; or
 - ii. A survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the State of Washington.
 - b. If the sending site consists of multiple lots, the acreage in sum shall be determined through the means outlined in a.i., as stated above.

The area available for transfer is the total sending site divided by the base density of the underlying zoning as established in KCC Title 17 Zoning. Any fractions of development rights that result from the following calculations shall not be included in the determination of total development rights available.

Step 1. Total Acreage: 63 acres

Step 2. Underlying zoning base density (minimum lot size in acres): 3 acres (preexisting density)

Step 3. Divide total acreage (Step 1) by minimum lot size (Step 2): 21 units of density

Step 4. Deduct any retained development rights or existing residential structures: None

Total Development Rights Available (estimate only): Twenty-one (21) TDR Credits to be used in a planned unit development = Forty-two (42) TDR credits based on the exchange rate according to KCC 17.13.080(5)

Example One:

Owner A owns 180 acres zoned Forest and Range (F/R). The base density or minimum lot size of the F/R zone is twenty (20) acres. $180 / 20 = 9$ or 9 TDR credits.

Example Two:

Owner B owns 210 acres zoned Agriculture-20 (Ag-20). The base density or minimum lot size of the AG-20 zone is twenty (20) acres. $210 / 20 = 10.5$ or 10 TDR credits. Because fractions are not permitted, there are only 10 TDR credits available.

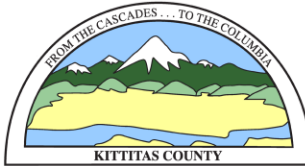
Example Three:

Owner C owns 400 acres zoned Commercial Forest (CF). The base density or minimum lot size of the CF zone is eighty (80) acres and Owner C wishes to retain development rights for his existing residence plus one future residence. $400 / 80 = 5$ or 5 TDR credits. Because Owner C wishes to retain two TDR credits, only three TDR credits would be available for transfer.

Please contact our office if you have any questions at (509)962-7506.

Sincerely,

Kittitas County Community Development Services



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TRANSFER OF DEVELOPMENT RIGHTS (TDR) AND SENDING SITE CERTIFICATION

(Create transferrable development rights according to KCC Chapter 17.13)

A **pre-application meeting** is encouraged for this application. The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a pre-application meeting, complete and submit a "Pre-Application Meeting Scheduling Form" to CDS. Notes or summaries from pre-application meetings should be included with this application.

Please type or print clearly in ink. Attach additional sheets as necessary. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- ☐ Site plan of the property drawn to scale with the following features (as applicable): all buildings, points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- ☐ Kittitas County Assessor records and map of the subject parcel(s)
- ☐ Record of survey (if available)
- ☐ Certificate of Title (Title Report) issued within 30 days of the date of application
- ☐ Statement of Intent and Sending Site Applicability Description responding to questions 9-10 on the following pages.

APPLICATION FEE:

\$200.00 Kittitas County Community Development Services (KCCDS)

\$200.00 Total fees due for this application (One check made payable to KCCDS)

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): _____	DATE: _____	RECEIPT # _____	<div style="border: 1px solid black; width: 150px; height: 100px; margin: 0 auto;"></div> DATE STAMP IN BOX

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

FORM LAST REVISED: 06-01-2021

Page 4 of 6

GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: BLUE JAY LAND COMPANY, LLC.

Mailing Address: 304 WEST FIRST STREET

City/State/ZIP: CLE ELUM, WA 98922

Day Time Phone: 509-260-0462

Email Address: PAT@PATRICKDENEEN.COM

2. Name, mailing address and day phone of authorized agent, if different from landowner of record:

If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: PAT DENEEN

Mailing Address: SAME AS ABOVE

City/State/ZIP: SAME AS ABOVE

Day Time Phone: SAME AS ABOVE

Email Address: SAME AS ABOVE

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: NONE

Mailing Address: —

City/State/ZIP: —

Day Time Phone: —

Email Address: —

4. Street address of property:

Address: SEE EXHIBIT 1 - LEGAL DESCRIPTION

City/State/ZIP: CLE ELUM, WA 98922

5. Legal description of property (attach additional sheets as necessary):

SEE EXHIBIT 1 – LEGAL DESCRIPTION

6. Tax parcel number: SEE EXHIBIT 10 - TAX PARCELS

7. Property size: 164.32 ACRES (acres)

8. Land Use Information:

Zoning: RURAL RECREATION Comp Plan Land Use Designation: RURAL RECREATION

STATEMENT OF INTENT AND SENDING SITE APPLICABILITY DESCRIPTION

9. Statement of Intent

- ☐ I wish to certify the entire property under as a sending site.
- ☐ I want to retain Zero (0) (number) dwelling units or development rights with the property for existing or future development.

63 Total Acreage of Property

63 Total Acreage you wish to certify as a sending site.

- 10. Description of intended use:** Provide a description of the intended use of the property after the transfer of development rights are sold (include as attachment). **THIS PROPERTY WILL BE DEEMED A CRITICAL AREA AND PLACED UNDER A COVENANT THAT REGARDS IT UNBUILDABLE**
- 11. Description of sending site:** Describe how sending site meets the requirements of KCC 17.13.020 TDR Sending Site requirements (include as attachment).

**SEE EXHIBIT 11 - PRIORITY HABITAT AND SPECIES CRITICAL AREAS ASSESSMENT
SEE EXHIBIT 12 - KITTITAS COUNTY 17.13 CODE RESPONSE**

AUTHORIZATION

- 12.** Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

Date:

X _____

Signature of Land Owner of Record
(Required for application submittal):

Date:

X _____
