



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: 6.2 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): 2 units of density

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

Total Development Rights Available (estimate only): Two (2) TDR Credits to be used in a planned unit development =
Four (4) TDR credits based on the exchange rate according to KCC 17.13.08

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) **See Exhibit X-11**
- 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):

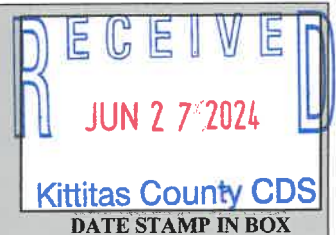
Eau My

DATE:

6/27/24

RECEIPT #

0024-0615



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: FOWLER CREEK TRAILS, LLC
Mailing Address: 1890 NELSON SIDING ROAD
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: 1890 NELSON SIDING ROAD
City/State/ZIP: CLE ELUM, WA 98922

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

SEE EXHIBIT 2 – LEGAL DESCRIPTION

6. Tax parcel number: 376334, 386334, 396334
SENDING SITE: 949862, 949863

7. Property size: 27.27 ACRES (acres)

8. Land Use Information:

Zoning: AGRICULTURE 5 Comp Plan Land Use Designation: RURAL RESIDENTIAL

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.

6.2 Total Acreage of Property

6.2 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 CONTINUE TO BE TREATED AS WETLANDS**

- 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 ATTACHED RESPONSE TO KCC 17.13. PROPERTY HAS BEEN IDENTIFIED AS WETLANDS AS SHOWN ON THE KITTITAS COUNTY COMPAS MAP.
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)

X _____

Date:

6-27-2024

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

X _____

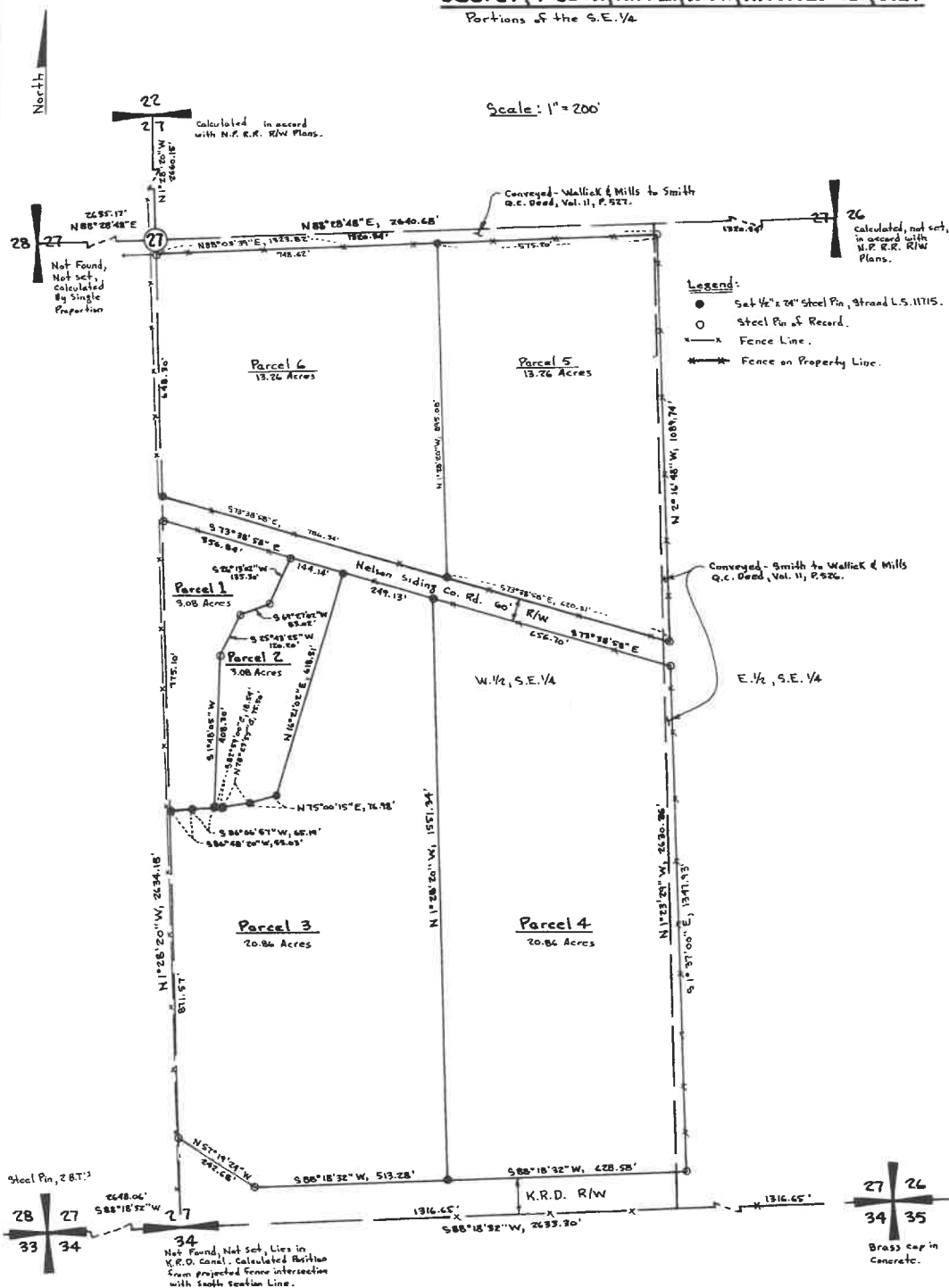
Date:

6-27-24

#479975

Sec. 27, T.20N, R.14E, W.M., Kittitas Co., Wa.
Portions of the S.E. 1/4

Scale: 1" = 200'



Recorder's Certificate 479975
Filed for record this 20th day of June 1984 at PM in book 13 of Survey page 214 at the request of Rodney D. Strand, P.E. & L.S.

Surveyor's Name
Rodney D. Strand
Deputy Auditor
Brian H. Allen
Auditor

Surveyor's Certificate
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of W.M. Ranch.

Rodney D. Strand
Certificate No. 11715



Rodney D. Strand, P.E. & L.S.
416 West First Street
Cle Elum, Washington 98922
Phone: (509) 674-2737

499975

Sec. 27, T. 20N., R. 14E., W.M., Kittitas Co., Wa.

Portions of the S.E. 1/4

DescriptionParcel 1

That portion of the W 1/2 of the SE 1/4 of Section 27, T. 20N., R. 14E., W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at the S.W. Corner of Said S.E. 1/4; thence N 1°28'20" W, 1883.67 feet along the west line of said S.E. 1/4 to the southerly right of way line of the Nelson Siding County Road, the true point of beginning; thence S 73°38'58" E, 356.84 feet along said right of way; thence S 26°13'02" W, 135.30 feet; thence S 69°27'02" W, 83.02 feet; thence S 25°43'25" W, 120.20 feet; thence S 1°48'05" W, 408.30 feet; thence S 86°06'57" W, 65.19 feet; thence S 86°48'20" W, 55.03 feet to the west line of said S.E. 1/4; thence N 1°28'20" W, 775.10 feet along said west line to the true point of beginning.

Contains 3.08 Acres more or less.

DescriptionParcel 2

That portion of the W 1/2 of the SE 1/4 of Section 27, T. 20N., R. 14E., W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at the S.W. corner of said S.E. 1/4; thence N 1°28'20" W, 1883.67 feet along the west line of said S.E. 1/4 to the southerly right of way line of the Nelson Siding County Road; thence S 73°38'58" E, 356.84 feet along said right of way to the true point of beginning; thence S 26°13'02" W, 135.30 feet; thence S 69°27'02" W, 83.02 feet; thence S 25°43'25" W, 120.20 feet; thence S 1°48'05" W, 408.30 feet; thence S 82°59'00" E, 18.54 feet; thence N 78°21'55" E, 75.50 feet; thence N 75°00'15" E, 76.98 feet; thence N 16°21'02" E, 618.51 feet to the southerly right of way line of the Nelson Siding County Road; thence N 73°38'58" W, 146.14 feet along said right of way line to the true point of beginning.

Contains 3.08 Acres more or less.

DescriptionParcel 5

That portion of the West Half of the Southeast Quarter of Section 27, Township 20 North, Range 14 East, W.M., Kittitas County, Washington lying northerly of the northerly right of way line of the Nelson Siding County Road; and that portion of the East Half of said Southeast Quarter of Section 27 as per Quit Claim Deed recorded in Volume 11, page 526 on May 1, 1970 records of Kittitas County, Washington lying northerly of said right of way line.

Except the West 748.60 feet thereof; and Except that portion of the East Half of Said Southeast Quarter of Section 27 as per Quit Claim Deed recorded in Volume 11, Page 527 on May 1, 1970 records of Kittitas County, Washington.

Contains 13.26 Acres, more or less.

DescriptionParcel 6

The West 748.60 feet of that portion of the West Half of the Southeast Quarter of Section 27, Township 20 North, Range 14 East, W.M., Kittitas County, Washington lying northerly of the northerly right of way line of the Nelson Siding County Road.

Except that portion of the East Half of Said Southeast Quarter of Section 27 as per Quit Claim Deed recorded in Volume 11, Page 527 on May 1, 1970 records of Kittitas County, Washington.

Contains 13.26 Acres, more or less.

Note: Parcels 1 thru 6 may be subject to easements rights of way, restrictions, and reservations, apparent or of record.

DescriptionParcel 4

The West Half of the S.E. Quarter of section 27, Township 20 North, Range 14 East, W.M., Kittitas County, Washington lying south of the south right of way line of the Nelson Siding County Road; and that portion of the East Half of said S.E. Quarter of Section 27 as per Quit Claim Deed recorded in Volume 11, page 526 on May 1, 1970 records of Kittitas County, Washington lying south of said right of way line.

EXCEPT the West 714.12 feet thereof (Parcels 1, 2, and 3); and Except a tract of land conveyed to the Kittitas Reclamation District by deed dated August 31, 1926. Recorded in Book 43 of Deeds, page 591 records of Kittitas County, Washington.

Contains 20.86 Acres more or less.

DescriptionParcel 3

The West 714.12 feet of the West Half of the S.E. Quarter of Section 27, Township 20 North, Range 14 East, W.M., Kittitas County, Washington lying south of the south Right of Way Line of the Nelson Siding County Road.

EXCEPT a tract of land conveyed to the Kittitas Reclamation District by deed dated August 31, 1926, Recorded in Book 43 of Deeds, page 591 records of Kittitas County, Washington; and Except that portion thereof of said West Half of the S.E. Quarter of Section 27 lying south of the South Right of Way Line of the Nelson Siding County Road bounded by a line described as follows:

Beginning at the Southwest corner of said Southeast Quarter; thence N 1°28'20" W, 1883.67 feet along the west line of said southeast quarter to the southerly Right of Way Line of the Nelson Siding County Road, the true point of beginning; thence S 73°38'58" E, 500.98 feet along said county road right of way line; thence S 16°31'02" W, 618.51 feet; thence S 75°00'15" W, 76.98 feet; thence S 78°23'55" W, 75.50 feet; thence N 82°59'00" W, 18.54 feet; thence S 86°06'57" W, 65.19 feet; thence S 86°48'20" W, 55.03 feet to the west line of said southeast Quarter; thence N 1°28'20" W, 775.10 feet along said west line to the true point of beginning.

Contains 20.86 Acres more or less.