

Chapter 16.09 PERFORMANCE BASED CLUSTER PLATTING

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16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, to recognize benefits to the greater community through an effort to conserve natural resource lands, to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent.

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in [KCC 16.09.090](#) can be found in [KCC 17.14](#) performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in [Title 15A](#).

16.09.030 Criteria.

Public Benefit Rating System (PBRs) points may be earned for including certain project elements are items that are or amenities not already otherwise required by code. No PBRs points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Management Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation, including but not limited to wetland areas and shall not include their buffers, slopes over 33% or%, frequently flooded areas as defined in [KCC 17A.02.140](#), areas used to accommodate plat infrastructure (e.g. roadway surfaces, stormwater drainage facilities, or community septic facilities). For purpose of calculating open space, eligible areas are defined in 16.09.10.C.

16.09.035 Applicability.

A. Applicability. This chapter applies to all tax parcels or combination of tax parcels from the date of the ordinance codified in this chapter, located in the Residential, Residential 2, Suburban, Suburban 2, Agriculture-3, Agriculture 5, Agriculture 20, Rural-3, Rural 5 and Forest and Range 20 zoning districts.

B. When a public benefit is demonstrated then bonus density points will apply, according to the Public Benefit Rating System in KCC 16.09.090. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus provided in KCC 16.09.090 is limited to use in the following rural designations with a 100% bonus: in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There. However, there is no limit to density bonus or the use of PBRS within the Urban Growth Areas. All public benefits that are proposed and accepted in exchange for density bonus points shall be identified on recorded plats as easements, covenants, plat notes, or other acceptable mechanism as determined by the Kittitas County Director of Community Development Services.

1. A minimum of forty percent (40%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

2. The following minimums for total open space allocation and minimum acreage for application for performance based cluster plat (PBCP) application by zone shall apply:

	<u>Rural 3 and Ag 3 Zones.</u>	<u>Rural 5 and Ag 5 Zones.</u>	<u>Agriculture 20 and Forest and Range 20.</u>
Minimum open space acreage.	9 acres	15 acres	<u>30 acres</u>

3. A minimum percentage of the density bonus must be achieved with the transfer of developments rights. The following percentage minimums by zone shall apply:

	<u>Rural 3 and Ag 3 Zones.</u>	<u>Rural 5 and Ag 5 Zones.</u>	<u>Agriculture 20 and Forest and Range 20.</u>
Minimum % of density bonus with TDRs.	50%	75%	<u>100%</u>

16.09.040 Development Regulations.

A. Applicability. This chapter applies to all tax parcels or combination of tax parcels from the date of the ordinance codified in this chapter, located in the Residential, Residential 2, Suburban, Suburban 2, Agriculture-3, Agriculture 5, Agriculture-20, Rural-3, Rural 5 and Forest and Range 20 zoning districts. Roads. Title 12 Road Standards of this code shall apply to Performance Based Cluster Platting. Phasing. Phasing shall be permitted without bonding requirements for future phases. Final plat approval must be given within five years of the date of preliminary plat approval. Extension to final plat approval may be requested by the applicant in no more than three, three for a period of one year increments, pursuant to RCW 58.17.140. Final plat approval must be given within five years of the date of preliminary plat approval, and KCC 16.12.250. Such an extension request must be filed within 30 days before the expiration date of preliminary approval, must show that the applicant has attempted in good faith to submit the final plat within the time period, and the associated fees shall be paid. The extension may be granted up to five times.

B. Notification Requirement. If appropriate, all Performance Based Cluster Platting 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.

- C. 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, critical areas, and floodplain development ordinance. In addition, Performance Based Cluster Platting shall not be used prospectively in conjunction with the Kittitas County planned unit development ordinance (Chapter 17.36 of this code).
- D. Applications. Applications for Performance Based Cluster Platting shall be evaluated for the possible impacts to adjacent agricultural uses. Residential parcel densities allowed in rural 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. All applications shall be referred to the [planning commission Hearing Examiner](#) for review.
- E. Irrigation. If the land is served with irrigation water, a preliminary irrigation plan is required with application.
- F. 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.
- G. Location. Clustered lots shall be located within the project boundary in a manner that best recognizes the integrity of the public benefits identified in the cluster plat, including but not limited to, the location of the natural resource lands, critical areas as identified in [K.C.C. 17-AKCC 17A](#), purpose of open space, etc.
- H. Agriculture-20. The ability to create one lot less than twenty acres in size in the Agriculture-20 zoning district shall not be used in addition to or cumulatively with Performance Based Cluster Platting. (~~Ord. 2006-36, 2006; Ord. 96-6 (part), 1996~~)
- I. Access to Public Lands. Applications that included parcels which share property line boundaries with public lands which allow public use must create multi-modal public access points or maintain or enhance existing public access points as part of the application in order to be considered for density bonuses under the Public Benefit Rating System. Proposed 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.

16.09.060 Minimum Lot Size.

The size of the lots to be developed shall meet the minimum WA ST Department of Health requirements.

16.09.080 Process for Approval.

- 1. Prior to submitting an application for a Performance Based Cluster Plat the applicant shall submit a request for a Pre-application Conference with the staff of Community Development Services. (CDS). CDS will schedule the pre-application conference and invite other county departments and outside agencies as appropriate to review and offer comments regarding the application and to assist the applicant in the appropriate process.
- 2. Submit preliminary Performance Based Cluster Plat map in conformance with requirements in [KCC Title 16.12](#) Preliminary Plats and [Title 12](#) Road Standards. Submit SEPA checklist in conformance with [KCC 15.04](#) SEPA Regulations, as required for a plat application.
- 3. Submit critical areas application consistent with [KCC Title 17A.C.](#)

4. Performance Based Cluster Plats are to be processed as plats and are subject to a public hearing before the Hearing Examiner as provided for in [KCC Title 15A](#). Project Permit Application Process.
5. Final Performance Based Cluster Plat approval must be in conformance with [KCC Title 16.20](#) Final Plats.
6. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.
7. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of [Chapter 16.09](#), and shall also demonstrate consistency with the bonus density awarded for such development prior to final approval.
8. Final plats meeting all requirements of this chapter shall be submitted to the Board of County Commissioners for approval within five years of the date of preliminary approval as required by [RCW 58.17.140](#). An applicant who files a written request with the County at least thirty days before the expiration of this five year period ~~shall~~ may be granted an extension of no more than ~~four years for a total of nine years~~ one year pursuant to RCW 58.17.140 and KCC 16.12.250 upon a showing that the applicant has attempted in good faith to submit the final plat within the initial five year period ~~-, and the associated fee shall be paid. Such extension may be granted a maximum of five times.~~

16.09.090 Public Benefit Rating System.

Points accrued from each element will be calculated in a cumulative manner and applied as a total in accordance with the public benefit rating system chart below. This total shall be converted to a percentile on a one to one basis (ex. 80 points equals 80% bonus density) and multiplied against the underlying zone minimum lot size based density.

Where more than one zone exists within a cluster plat boundary, the overall percentile shall be applied against the number of whole lots calculated within the individual zone acreage ~~and within the overall limit for the zone per 16.09.030 of this code.~~

Example:

- An application for an 80 acre cluster plat where 65 acres are zoned ~~Forest and Range 20~~ Rural 5 and 15 acres are zoned Rural 3.
- Total cumulative points for entire plat earned = 150. Converted to 150%.
- Rural 3 zone density bonus limit = 100%
- ~~Forest and Range 20 zone density bonus limit = 200%.~~

Calculations:

1. 15 acres divided by 3 acre min. lot size = 5 whole lots.*
5 lots ~~times plus~~ 100% max. ~~(within the 150% earned) bonus~~ for Rural 3 = 10 lots.
2. 65 acres divided by ~~205~~ 20 acre min. lot size = ~~313~~ 3 whole lots.
3. ~~313~~ 3 lots ~~times 150% earned (within the 200 plus 100% max. allowed bonus~~ for ~~Forest and Range)~~ Rural 5 = ~~7~~ 26 whole lots.
4. Total lots allowed for cluster plat = ~~4736~~ 513. A potential of up to 513 clusters (minimum 3 lots or building envelopes each) may be located where most appropriate within the 80 acre project boundary regardless of the zone in which each is placed.

* Whole lots are based on the minimum lot size for the zone and fractions thereof will not be rounded up to constitute a whole lot.

Public Benefit Ratings System Chart

Element	Urban Points	Rural Points or Units	Comments
Transportation			
Roadway Right of Way width exceeding County Road Standards by >20% to Accommodate Future Growth and Multi-Modal Transportation Needs.	25	0	Urban levels of activity will need to consider future needs as growth and population increase. There will be more opportunity for Multi-modal transportation options in the urban environment.
Incorporate appropriate easements and rights of way to allow for connectivity between developments for motorized, non-motorized and pedestrian travel. Facilitates grid system transportation network.	<u>250</u>	5	Establishment and facilitation of connectivity between developments for all modes of transportation will allow for efficient and orderly road development.
Provide for multi-modal access to publicly owned recreational lands. Preserve Historic Access to recreation areas.	25	25	Access to public recreation lands has diminished as a result of increased development. Incentives to preserve this access are vital to the public interest. Proposed 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.
Develop Design Standards for streetscape. i.e. separated sidewalks, street lighting, landscaping.	20	0	Urban streetscapes are an important element to the character of an urban community. As density in these urban areas increases, it is important to provide elements in street design that are effective in reducing the effects of hardscape and that are visually pleasing.
Open Space			
Place minimum of 50% of site in open space for 25 yrs.	20	0	25 year period is sufficient to justify the development of passive uses. Allows for redevelopment in urban areas after 25 years.
Place <u>40</u> 41 % to <u>80</u> 75 % of site in open space for	<u>100</u>	<u>40 to 80 dependent on % set aside. Points</u>	Significant long term benefit in rural areas. Minimizes options for

perpetuity.		directly related to set aside percentage ie: 20% – 40 points.* See habitat connectivity for additional points associated with this category. 41-50% = 10 51-55% = 11 56-60% = 12 61-65% = 13 66-70% = 14 71 - 75% = 15	redevelopment in urban areas.
Create urban redevelopment areas using open space.	35	0	Allows for redevelopment in urban areas not currently served by urban services.
<u>In rural areas provide for open space connectivity with existing public lands, resource lands, or adjacent open space protected in perpetuity.</u>	<u>0</u>	<u>25</u>	<u>Open space provides the greatest public benefit when combined with adjacent open space to create larger tracts of contiguous resource land.</u>
Wildlife Habitat			
Connectivity of Wildlife Corridors	0	15 if done in conjunction with open space in perpetuity. 15	Development of open space is most effective if done with adjacent open space lands in mind. Development of wildlife corridors provides maximum benefit from open space creation. Proposed wildlife corridors shall be consistent with the requirements of the Washington State Department of Fish and Wildlife. Documentation demonstrating such shall be submitted as part of the project application. <u>New dedicated wildlife corridors must be designated as open space for perpetuity in order to be award bonus density points.</u>
Wetland and riparian areas, setbacks, wetland, riparian areas and habitat enhancement and creation beyond requirements of CAO.	10	<u>405</u>	Provides for replacement of historic loss of wetlands, habitat, riparian and aquifer recharge areas.
Health and Safety			
Connection to municipal water system.	50	0	Use of urban services.
Connection to Group A	50	0	Minimize need for individual

water system.			wells.
Connection to Group B water system.	0	0	Minimizes need for individual wells. Not consistent with urban levels of development.
Connection to Sewage Disposal System	50	0	Use of urban services.
Community septic system.	0	10	Minimizes individual drain fields and ensures maintenance of system.
Reclaimed water system.	50	50	Reduces use of domestic water supplies for irrigation and stream flows.
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Recreation — “ : For specific uses see KCC 17.14 .			
Development of passive recreational facilities: ie: bird watching, picnic areas.	5/10* higher number if available for general public use. <u>5/10* higher number if available for general public use.</u>	5/10* higher number if available for general public use. <u>5/10* higher number if available for general public use.</u>	Provides limited recreational use. <u>Passive recreational facilities must be available for public use (not limited to private landowners within the development) to be awarded points.</u>
Development of active recreational facilities ie: trails, ball fields, tennis courts, outdoor riding arenas.	10/20* higher number if available for general public use. <u>10/20* higher number if available for general public use.</u> <u>An additional 10 points shall be awarded for active recreational facilities that connect with adjacent facilities.</u>	10/15* higher number if available for general public use. <u>10/15* higher number if available for general public use.</u> <u>An additional 10 points shall be awarded for active recreational facilities that connect with adjacent facilities.</u>	Provides for increased opportunity for recreation. <u>Active recreational facilities must be available for public use (not limited to private landowners within the development) to be eligible for points</u>
Development of formal recreation facilities- <u>available for general public use</u> , ie: pool, clubhouse, golf course, indoor riding arenas.	10/25* higher number if available for general public use. <u>10/25* higher number if available for general public use.</u>	10/20* higher number if available for general public use. <u>10/20* higher number if available for general public use.</u>	Provides for increased opportunity for recreation
Conservation of Farm and Forest Land			
Purchase of residential development rights pursuant to KCC 17.13 .	0	Number of units is directly related to the number of residential development rights transferred pursuant to KCC 17.13 .	Permanent conservation of rural farm and forest land through acquisition and extinguishment of the development rights on lands designated as "sending sites" pursuant to KCC 17.13 .

16.09.100 Definitions.

- A. Cluster. A "cluster" consists of three or more buildable contiguous lots or building envelopes within the cluster boundary. Individual clusters need not be contiguous but must be within the project boundary.
- B. "Density bonus" is that percentage of increase over the underlying zoning in the number of residential lots based on the total acres of the proposal.
- C. Open space. For purposes of this chapter, "open space" shall mean land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or slopes over 33%, or frequently flooded areas, or dwellings or roadways surfaces, or building setbacks required by current codes, ~~or areas otherwise encumbered by other federal, state, or local jurisdictions.~~ BPA easements, conservation easements or areas otherwise encumbered by federal, state, or local jurisdictions. Open space that is utilized to accommodate plat infrastructure, such as roads, stormwater drainage, or community septic facilities cannot be counted for density bonus points or meeting the minimum 40% open space criteria as required in 16.09.030(1). However, for the purpose of the calculation of open space to determine the minimum 40% open space criteria as required in 16.09.030(1), areas encumbered by an easement may be included in the 40% minimum open space calculation if the easement allows development consistent with active and passive recreation or resource land uses. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.
- D. Public Water System. A DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of "Municipal water supplier" under RCW 90.03.015.
- E. Sewage Disposal System. A DOH or DOE approved sewage disposal system that meets the requirements of RCW 36.94 or RCW 90.46 or RCW 90.48.
- F. Parent Parcel. That land made up of one or more contiguous tax parcels that are developed under this section.
- G. Recreational passive uses shall include, but not be limited to, picnic areas, bird and wildlife viewing areas, pedestrian trails, etc.
- H. Recreational active uses shall include, but not be limited to, ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc.
- I. Recreational formal uses shall include, but not be limited to, swimming pools, clubhouses, golf courses, indoor riding arenas, etc.
- J. Reserve Development Area is all of the land within the project boundary that is within one mile of an Urban Growth Area and could reasonably be considered for inclusion within an Urban Growth Area during the 20 year planning period.
- K. The "residual parcel" (also called "the open area") is that land which is remaining after the cluster subdivision lots and internal roads are deducted.