

<b>Docket No.</b>	<b>Project Name</b>	<b>Brief Description of Suggested Amendment</b>	<b>Who Suggested Amendment</b>	<b>Staff Lead</b>	<b>Staff Recommendation</b>
11-16	KCC 17.13: Transfer of Development Rights	Revise Chapter 17.13 related to eligibility of sending sites. Clarity amendment for related Comprehensive Plan policy.	BOCC	Dan	Docket

Kittitas County Community Development Services prepared proposed amendments for Chapter 17.13, Transfer of Development Rights. These amendments were docketed with CDS prior to the June 30th docketing deadline.

In 2009, the County amended Title 17, Zoning, to include a new chapter, Chapter 17.13, for Transfer of Development Rights (TDR). Subsequent amendments were made in 2010 and 2011 to clarify implementation requirements (Ord. No. 2010-006 and No. 2011-005) and eliminate the requirement for Master Planned Resorts to obtain TDR credits for final approval (Ord. No. 2011-005). Currently TDR Sending Sites must be a minimum of 20 acres in size and must be in 20 acre minimum lot size zoning and agricultural or forestry-based land use designation. However, opportunities exist in rural areas of the County where land may be currently designated as a higher density zone, but contiguous undeveloped parcels may be sufficient to meet the 20 acres minimum size requirement while still meeting the other criteria necessary for sending site eligibility. The proposed amendments are in response to these issues and are consistent with the following Comprehensive Plan policies adopted in 2009 (Ord. No. 2009-005):

**“GPO 2.12a** Kittitas County shall work with cities in collaborative efforts that result in transfers of development rights from the Rural Area, to encourage and promote the protection of Natural Resource Lands, Forest Lands and Agriculture Lands. This may be accomplished through development of interlocal agreements.

**GPO 8.14** In order to conserve important natural resource lands, the use of Transfer of Development Rights should be a priority use for calculation of density bonus for cluster residential developments located in rural lands.”

The proposed amendments are also consistent with the following Comprehensive Plan text and policies:

**“8.5.3 Non-Designated Resource Uses – Forestry, Farming, Mining**

Natural Resource activities contribute to the County’s overall economic base, as such, commercial agriculture, forestry and mining in Rural Lands should be encouraged and enhance. The County’s commitment to support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance should be achieved through the following policies.

GPO 8.23 Kittitas County will continue to explore incentives for farming and ranching to continue as significant land uses.” and,

“GPO 8.36 Kittitas County should support and encourage the maintenance of forestlands in timber and current use property tax classifications consistent with RCW 84.28, 84.33, and 84.34.”

## DRAFT—August 5, 2011

*The Kittitas County Comprehensive Plan is amended as follows:*

**GPO 2.12a** Kittitas County shall work with cities in collaborative efforts that result in transfers of development rights ~~from the Rural Area, to~~ encourage and promote the protection of **Rural Lands**, Natural Resource Lands, Forest Lands and Agriculture Lands. This may be accomplished through development of interlocal agreements.

*Kittitas County Code, Chapter 17.13, Transfer of Development Rights, is amended as follows:*

### **17.13.020 TDR Sending Sites.**

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 either criteria 1, 2, 3 or 4, as stated below:

1. Farm and Agricultural Land (must satisfy criteria 1.a. thru 1.e.)
  - a. Is ~~in 20-acre agricultural land zoning in the~~ (Commercial Agriculture, ~~Ag-20, Ag-5, A-3, Forest & Range, R-5 or R-3 zoning~~);
  - b. Is a minimum of 20 acres in size;
  - c. Is located within the boundary of the Agricultural Production District area shown on the Kittitas County ~~zoning map~~Comprehensive Plan Land Use Map.
  - d. Includes proof of commercial agricultural income as required for Current Use Agricultural taxation under RCW 84.34; and
  - e. Has value above that associated with resource value ("higher and better use").
2. Forest Land (must satisfy criteria 2.a. thru 2.e.)
  - a. Is ~~in 80-acre land in~~ Commercial Forest, ~~zoning or 20-acre~~ Forest & Range, R-5 or R-3 zoning;
  - b. Is a minimum of 20 acres in size;
  - c. Is not publicly owned;
  - d. Has a Timber Management Plan that is in compliance with Washington State Department of Revenue's guidelines dated June 2010 or as thereafter amended; and
  - e. Has value above that associated with resource value ("higher and better use").
3. Frequently Flooded Area as defined in KCC 17A.02.140.
4. Lands designated as eligible sending sites in a TDR agreement with a city.
5. Lands must be located within Kittitas County.
6. If a sending site consists of more than one lot, the lots must be contiguous. For purposes of this chapter, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed.
7. Development rights acquired from eligible sending sites may be converted to density credits which may be transferred to eligible receiving sites through the TDR transfer process. After completion of the conveyance of a sending site's development rights, the property shall be maintained in a condition that is consistent with the criteria in this chapter under which the sending site was qualified by means of a TDR conservation easement.
8. Publicly owned property shall not be eligible to become a sending site.

### **17.13.040 Calculations of Available Development Rights on Sending Sites.**

1. The number of residential development rights that an unincorporated sending site is eligible to sell under this program shall be determined by applying the sending site base density dictated by

the underlying zoning as established in Title 17, Zoning, to the area of the sending site, **provided that the number of development rights shall not exceed one per twenty acres.** Any portion of the sending site used for residential development or reserved for future residential development in the TDR conservation easement shall be subtracted from the calculation at base density.

2. Any fractions of development rights that result from the calculations in KCC 17.13.040 1. shall not be included in the final determination of total development rights available for sale.
3. 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 KCC 17.13.040 3.a.i.
4. Development rights from one sending site may be converted and transferred to more than one receiving site and one receiving site may accept density credits from more than one sending site.
5. The determination of the number of residential development rights a sending site has available shall be valid for transfer purposes only, shall be documented in a TDR certificate, and shall be considered a final determination, not to be revised due to changes to the sending site's zoning.
6. No density credits may be allowed from land already encumbered by a conservation easement, unless such land was encumbered by a TDR demonstration project.
7. The development right determinations and applications in 1. through ~~6.~~ 7. above extend only to the TDR program and do not change the sending site parcel's existing zone designation.