

## **EXHIBIT K: Docket Item 14-09**

### **14-09 Kittitas County Proposal:**

**Amend Kittitas County Code Chapters 16.08 and 16.09 to allow platting in the Agriculture 20 and Commercial Agriculture zones providing for larger lots for benefit to owners involved in agriculture pursuits while maintaining required underlying densities.**

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*Kittitas County Code Title 16, Subdivisions, is amended as follows:*

**16.08.022 Agricultural activities.**

"Agricultural activities" has the same definition as RCW 90.58.065(2)(a), which is "agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation";.

**16.08.024 Agricultural products.**

"Agricultural products" has the same definition as RCW 90.58.065(2)(b), which "includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products."

**16.08.026 Agricultural equipment and agricultural facilities.**

"Agricultural equipment" and "agricultural facilities" have the same definition as RCW 90.58.065(2)(c), which "includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) all other agricultural activities or allowed uses per Kittitas County Code 17.15."

**16.08.028 Agricultural land.**

"Agricultural land" has the same definition as RCW 90.58.065(2)(d), which is "those specific land areas on which agriculture activities are conducted."

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## Chapter 16.09

### CLUSTER PLATTING ~~and~~, CONSERVATION ~~and~~ AGRICULTURAL PLATTING

#### Sections

16.09.010 Purpose and Intent.

16.09.020 Repealed.

16.09.025 Applicability.

16.09.030 Repealed.

16.09.040 Development Regulations.

16.09.060 Lot Size.

16.09.080 Process for Approval.

16.09.090 Repealed.

16.09.100 Repealed.

#### **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 with 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), this chapter provides innovative land division techniques that will accommodate appropriate resource, rural and urban densities and uses at levels that are consistent with the conservation of resource lands and preservation of rural character.

In order 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, ensure the continued existence of open space, conserve water resources, protect public health by reducing the number of septic drain fields, concentrate urban densities in urban growth areas and minimize the impact of "Rural Sprawl" in rural lands as designated in the Kittitas County Comprehensive Plan, Cluster Platting, ~~and~~ Conservation ~~and~~ Agricultural Platting techniques will foster the development of urban, rural and resource designated lands at appropriate densities while conserving resource lands, protecting rural character, protecting the environment and maintaining a high quality of life in Kittitas County. (Ord. 2013-001, 2013; Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

#### **16.09.020 Repealed**

(Ord. 2013-001, 2013; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

#### **16.09.025 Applicability.**

Cluster Platting and Conservation Platting are an alternative method for the division of land.

1. Cluster platting is permitted in the following zone Plan designations:
  - a. All zones in the Urban land use designation;
  - b. All zones in the Rural Residential land use designation;
  - c. All zones in the Rural Recreation land use designation; and
  - d. All zones in Rural LAMIRDs.

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2. Conservation and Agricultural platting is permitted in the following zone classifications, provided the parcel or combination of contiguous parcels meets the following required minimum land area:

- a. Agriculture 20, with a minimum land area of forty (40) acres which 40 acres may be in one (1) or more tax parcels, provided, however, if the applicant relies on more than one tax parcel all tax parcels relied on must be: i) used for agricultural activities as that term is defined in RCW 90.58.065(2)(a); and ii) be designated as open space or as farm and agriculture land under Chapter 84.34 RCW; and iii) be owned by the same individual or entity for a minimum of 5 years; and iv) all parcels relied on shall be contiguous with the other parcels, but, parcels separated by county roads, streams and irrigation canals shall be deemed contiguous;
- b. Forest and Range, with a minimum land area of forty (40) acres; and
- c. Commercial Agriculture, with a minimum land area of eighty (80) acres which 80 acres may be in one (1) or more tax parcels, provided, however, if the applicant relies on more than one tax parcel all tax parcels relied on must be: i) used for agricultural activities as that term is defined in RCW 90.58.065(2)(a); and ii) be designated as open space or as farm and agriculture land under Chapter 84.34 RCW; and iii) be owned by the same individual or entity for a minimum of 5 years; and iv) all parcels relied on shall be contiguous with the other parcels, but, parcels separated by county roads, streams and irrigation canals shall be deemed contiguous.

(Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2010-014 , 2010)

#### **16.09.030 Repealed.**

(Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

#### **16.09.040 Development Regulations.**

1. Cluster plats, ~~and conservation~~ Conservation and aAgricultural 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).

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- 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, ~~or~~ 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. 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. 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;
- ~~Any new residential dwelling must be within one hundred (100) feet of an existing residential dwelling, unless the existing residential dwelling is part of the farmstead; and~~

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- 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. 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:
    - 1. to accommodate housing for farm labor or farm family members; or
    - 2. to implement an irrigation improvement; or
    - 3. to create parcels of real property for financing purposes; or
    - 4. to improve or increase agricultural efficiencies or dispose of property no longer useful to the agricultural activities; or
    - 5. to allow gradual or sequential platting as needed to ensure the economic viability of the farm's future; or
    - 6. to facilitate residential dwellings on acreages with varying sizes to allow "small" farms such as Community Support Agriculture (CSA); ~~subsistence and~~ local farmer's market suppliers to existing in Ag and other zones while acres in excess of those purchased remain with original owner but carry non-development status to meet the density of the underlying zone. required by zone in which development is located. (For example, a 4-acre sale in a 20-acre lot size zone requires non-development status on 16 acres to be located and identified by seller.)
  - 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. ~~In an agricultural plat there is no restriction on the location of~~

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dwelling. Instead, 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 minimizes impact on productive farmland.

(Ord. 2013-001, 2013; Ord. 2011-013, 2011; Ord. 2010-014, 2010; Ord. 2006-36, 2006; Ord. 96-6 (part), 1996)

#### **16.09.060 Lot Size.**

1. Generally: The size of the lots to be developed shall be no larger than necessary to meet the minimum Washington State Department of Health requirements and the Kittitas County Code.
2. Exceptions:
  - a. The existing farmstead lot can be up to ten (10) acres in size; and
  - b. New lots may be as large as five (5) acres if building envelopes are established on the plat that ensure the same development pattern that would occur with smaller lots created consistent with subsection 16.09.060.1 above.
  - b-c. Agricultural plats.

(Ord. 2013-001, 2013; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

#### **16.09.080 Process for Approval.**

1. Prior to submitting an application 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 Cluster Plat or Conservation Plat map in conformance with requirements in KCC Chapter 15A Project Permit Application Review, KCC Chapter 16.12 Preliminary Plats or KCC Chapter 16.32 Short Plat Requirements, as applicable, and Title 12 Road Standards.
3. Cluster Plats and Conservation Plats are to be processed as a short subdivision or subdivision, depending on the number of lots proposed, and are subject to the review process as provided for in KCC Title 15A Project Permit Application Process.
4. Final Cluster Plat or Conservation Plat approval must be in conformance with KCC Chapter 16.20 Final Plats.

#### 5. Process for Approval of Agricultural Plats

##### 1. Agricultural Plats

- A. Prior to submitting an application the applicant and the County shall hold a pre-application meeting.
- B. After the pre-application meeting the applicant shall submit an agricultural plat based on information and input from the County at the pre-application meeting.:-
- C. The Agricultural Plat shall be processed as a short plat or long plat as defined in Title 16.

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4.6. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of KCC Chapter 16.09. (Ord. 2013-001, 2013; Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

**16.09.090 Repealed.**

(Ord. 2013-001, 2013; Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

**16.09.100 Repealed.**

(Ord. 2013-001, 2013; Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

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