

EXHIBIT J: Docket Item 14-08

14-08 Kittitas County Proposal:

Amend Title 16 of the Kittitas County Code to address split zoned parcels, adequate water supply, boundary line adjustments, and administrative segregations with regard to any future subdivisions in the County.

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Kittitas County Code Title 16, Subdivisions, is proposed as follows:

Title 16
Subdivisions

Title 16 | SUBDIVISIONS*

Chapters

- 16.04 General Provisions
- 16.05 Binding Site Plans
- 16.06 ~~Repealed Administrative Segregations~~ ~~Administrative Segregations~~
- 16.08 Definitions
- 16.09 Cluster Platting and Conservation Platting
- 16.10 Boundary Line Adjustments
- 16.12 Preliminary Plats
- 16.16 Road Construction Standards and Other Required Improvements
- 16.18 Irrigation and Sprinkling
- 16.20 Final Plats
- 16.24 Survey Data - Dedications
- 16.28 Development of Illegally Divided Land
- 16.32 Short Plat Requirements
- 16.36 Large Lot Subdivision
- 16.40 Penalties

* For provisions regarding private sewage disposal systems in plats, see Ch. 13.08 of this code.
Prior ordinance history: Ords. 70-13, 71-8, 73-2, 73-8, 73-10, 74-1, 75-3, 75-4, 75-13, 75-12, 76-3, 76-5, 77-2, 773, 77-4, 79-2, 79-3, 80-1, 81-4, 82-3, 84-6, 87-5, 89-3, 90-5, 92-3, 92-11, 96-19, Res. 80-25, and DPW-1-82.

**Chapter 16.04
GENERAL PROVISIONS**

Sections

- 16.04.010 Applicability.
- 16.04.020 Exemptions.
- 16.04.025 Prohibition of split-zone parcels
- 16.04.030 Administration.
- 16.04.040 Procedure - Application and fees.

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16.04.025 Prohibition of split-zoned parcels
No lot created through the provisions of this Title or adjusted through the boundary line adjustment process shall contain more than one land use zone classification.

**Chapter 16.05
BINDING SITE PLAN**

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Sections

- 16.05.010 Binding Site Plan Alternative to Platting.
- 16.05.020 Requirements.
- 16.05.030 Appeal.
- 16.05.040 Recording.
- 16.05.060 Amendments and Rescindment.

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16.05.020 Requirements.

- A. Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:
 - 1. A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
 - a. Maximum number of dwelling units permitted.
 - b. Approximate size and location of all proposed buildings.
 - c. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
 - d. Approximate location of proposed open space, including required landscaped areas, if any.
 - e. Approximate location of parking areas.
 - f. Location and size of utility trunk lines serving the site.
 - g. Topography detailed to five-foot intervals.
 - h. Location of water storage and fire hydrant location.
 - i. Demonstrate that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.
 - 2. ~~Upon application, the director shall distribute copies to public agencies having pertinent expertise or jurisdiction and all persons owning real property within 300 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant for review and comment. Upon application, the director shall distribute copies to public agencies having pertinent expertise or jurisdiction and all persons owning real property within 300 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant for review and comment.~~
- B. The director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:
 - 1. Conformance of the proposed site plan with any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances, of the State of Washington and Kittitas County. The director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, potable water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.

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2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.
 3. Proof that all lots or tracts created by binding site plan are approved for irrigation delivery by the appropriate irrigation entity or entities.
 4. The director may require dedication of additional road right-of-way pursuant to criteria contained in Kittitas County Code.
- C. Additional documents shall be submitted as necessary for review and approval and may include a plat certificate, boundary survey, agreements, easements, covenants.
- D. The plan must be approved and signed in the same manner as a short plat. Prior to recording, the director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a binding site plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property. ((Ord. 2014-005, 2014); Ord. 2011-013 , 2011; Ord. 2005-31, 2005)

Chapter 16.06

REPEALED ADMINISTRATIVE SEGREGATIONS*

Sections

~~16.06.010 Repealed.~~

~~16.06.020 Repealed.~~

~~16.06.030 Repealed.~~

~~16.06.040 Expiration and Credit.~~

~~16.06.050 Repealed.~~

~~16.06.060 Repealed.~~

~~16.06.010 Repealed.~~

~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~16.06.020 Repealed.~~

~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~16.06.030 Repealed.~~

~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~16.06.030 Repealed.~~

~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~16.06.040 Expiration and Credit.~~

~~All administrative segregation applications that have not received a letter of official denial and have received preliminary approval, shall, within 3 months of the adoption of this Ordinance, either (1) be submitted for final approval pursuant to the administrative segregation regulation in effect when the applications received preliminary approval, (an extension of up to three months may be requested by applicants who have submitted everything necessary for final review~~

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~~except the survey so long as the applicant demonstrates that they have financially obligated themselves, by payment of a deposit for example, to have the survey done within the extension period), or (2) convert to either a short plat, long plat, or large lot subdivision by notifying Kittitas County of the desire to convert and by paying any additional fees necessary for the review of the application to which the matter is being converted. Such converting applicant shall be eligible to credit application fees paid towards an appropriate subdivision in accord with this code section. As an example, if the prior administrative segregation application was creating three lots, it would be appropriate for the applicant to credit the fee towards a short plat application and provide all necessary additional materials to make up a complete short plat application. Similarly, if the administrative segregation application had been to create 20 lots, the new application should be for a long plat and the applicant would need to submit all needed additional fees and materials, including SEPA review, to make a complete long plat application. Prior to one year from the passage of this ordinance the converting applicant must submit the remaining necessary materials (potentially including all SEPA documentation and including proof of preliminary approval and fees paid) to create a complete short plat, long plat, or large lot subdivision application. Upon payment of the additional fee and submission of the additional necessary materials the converting applicant shall receive a vesting date establishing the land use regulations that will govern the review of the converted application. Applications that neither finish nor complete the conversion process by the deadlines herein shall be expired and void. The County shall endeavor to send all undenied administrative segregation applications individual notice of this regulation, but actual receipt of such notice is not necessary for the applicant to be bound by this regulation and the time limits contained herein. All applications by applicants who fail to request final administrative segregation approval or, for conversions to subdivision applications, fail to provide proof of amounts paid (including acceptance the subdivision fee credit) and preliminary acceptance, and provide additional materials within the time limits provided in this ordinance, are expired and void. Kittitas County shall provide notice to the Yakama Nation of all applications submitted for final approval no less than 14 days before such approval and shall consider comment from the Yakama Nation in each instance of final review. Nothing in this section exempts applicants for administrative segregations from any applicable laws including, but not limited to, the Washington Department of Ecology's Upper Kittitas Ground Water Rule, Chapter 173-539A WAC, the Kittitas County Zoning Ordinance, Title 17 KCC, the Kittitas County Critical Areas Ordinance, Title 15 KCC, Title 17A KCC, or the Kittitas County Shoreline Master Program. Nothing in this section shall be construed to expand or diminish the rights or obligations of persons receiving final approval of an administrative segregation application before September 18, 2012. (Ord. 2012-006, 2012; Ord. 2011-013, 2011)~~

Sections

~~16.06.010 Repealed.~~

~~16.06.020 Repealed.~~

~~16.06.030 Repealed.~~

~~16.06.040 Expiration and Credit.~~

~~16.06.050 Repealed.~~

~~16.06.060 Repealed.~~

~~16.06.010 Repealed.~~

~~(Ord. 2012-006, 2012; Ord. 2011-013, 2011)~~

~~16.06.020 Repealed.~~

~~(Ord. 2012-006, 2012; Ord. 2011-013, 2011)~~

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16.06.030 Repealed.

(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

16.06.030 Repealed.

(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

16.06.040 Expiration and Credit.

All administrative segregation applications that have not received a letter of official denial and have received preliminary approval, shall, within 3 months of the adoption of this Ordinance, either (1) be submitted for final approval pursuant to the administrative segregation regulation in effect when the applications received preliminary approval, (an extension of up to three months may be requested by applicants who have submitted everything necessary for final review except the survey so long as the applicant demonstrates that they have financially obligated themselves, by payment of a deposit for example, to have the survey done within the extension period), or (2) convert to either a short plat, long plat, or large lot subdivision by notifying Kittitas County of the desire to convert and by paying any additional fees necessary for the review of the application to which the matter is being converted. Such converting applicant shall be eligible to credit application fees paid towards an appropriate subdivision in accord with this code section. As an example, if the prior administrative segregation application was creating three lots, it would be appropriate for the applicant to credit the fee towards a short plat application and provide all necessary additional materials to make up a complete short plat application. Similarly, if the administrative segregation application had been to create 20 lots, the new application should be for a long plat and the applicant would need to submit all needed additional fees and materials, including SEPA review, to make a complete long plat application. Prior to one year from the passage of this ordinance the converting applicant must submit the remaining necessary materials (potentially including all SEPA documentation and including proof of preliminary approval and fees paid) to create a complete short plat, long plat, or large lot subdivision application. Upon payment of the additional fee and submission of the additional necessary materials the converting applicant shall receive a vesting date establishing the land use regulations that will govern the review of the converted application. Applications that neither finish nor complete the conversion process by the deadlines herein shall be expired and void. The County shall endeavor to send all undenied administrative segregation applications individual notice of this regulation, but actual receipt of such notice is not necessary for the applicant to be bound by this regulation and the time limits contained herein. All applications by applicants who fail to request final administrative segregation approval or, for conversions to subdivision applications, fail to provide proof of amounts paid (including acceptance the subdivision fee credit) and preliminary acceptance, and provide additional materials within the time limits provided in this ordinance, are expired and void. Kittitas County shall provide notice to the Yakama Nation of all applications submitted for final approval no less than 14 days before such approval and shall consider comment from the Yakama Nation in each instance of final review. Nothing in this section exempts applicants for administrative segregations from any applicable laws including, but not limited to, the Washington Department of Ecology's Upper Kittitas Ground Water Rule, Chapter 173-539A WAC, the Kittitas County Zoning Ordinance, Title 17 KCC, the Kittitas County Critical Areas Ordinance, Title 15 KCC, Title 17A KCC, or the Kittitas County Shoreline Master Program. Nothing in this section shall be construed to expand or diminish the rights or obligations of persons receiving final approval of an administrative segregation application before September 18, 2012. (Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

**Chapter 16.08
DEFINITIONS**

Sections

16.08.010 Word construction.

16.08.015 Repealed.

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- 16.08.020 Alley.
- 16.08.040 Block.
- 16.08.050 Board.
- 16.08.055 Boundary line adjustment.
- 16.08.056 Cluster.
- 16.08.057 Cluster plat.
- 16.08.060 Comprehensive plan.
- 16.08.070 Conservation plat.
- 16.08.080 Dedication.
- 16.08.086 Director.
- 16.08.087 Division.
- 16.08.090 Easement.
- 16.08.100 Large lot subdivision.
- 16.08.110 Lot.
- 16.08.115 Minimum lot size.
- 16.08.117 Open space.
- 16.08.118 Parcel creation.
- 16.08.120 Planning commission.
- 16.08.130 Plat.
- 16.08.135 Plat certificate.
- 16.08.140 Plat, final.
- 16.08.160 Public works director.
- 16.08.165 Road, public and private.
- 16.08.185 Short plat.
- 16.08.186 Short Subdivision.
- 16.08.190 Subdivider.
- 16.08.200 Subdivision.

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16.08.055 Boundary line adjustment.

"Boundary line adjustment" means making alterations to existing lots, tracts or parcels through adjusting one (1) or more property lines. ~~A boundary line adjustment is an alteration made for the purposes of adjusting boundary lines, in a manner~~ which does not create any additional lot, tract, or parcel, ~~which contains insufficient area and/or dimensions to meet minimum requirements for a building site. No lot or parcel resulting from a boundary line adjustment may be smaller than the minimum size allowed in that zone; provided, however, if the lot or parcel was already a nonconforming lot size that did not meet the minimum lot size for that zone, a boundary line adjustment may adjust boundaries so that nonconforming lot is larger even if it still continues to be less than the minimum lot size for that zone.~~

~~Boundary line adjustments are not intended to make changes that result in increased development or density otherwise regulated by applicable land use codes. The resulting legal descriptions shall incorporate the original legal descriptions and the resulting change to those descriptions.~~

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~~Boundary line adjustments must comply with KCC 16.18 and KCC Title 12 Road Standards. (Ord. 2013-001, 2013; Ord. 2005-31, 2005)~~

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Chapter 16.10
BOUNDARY LINE ADJUSTMENTS

Sections

- 16.10.010 Applicability
- 16.10.020 Application requirements
- 16.10.030 Review criteria
- 16.10.040 Review procedures
- 16.10.050 Recording
- 16.10.060 Transfer of title
- 16.10.070 Expiration

16.10.010 Applicability.

A boundary line adjustment is an acceptable means of transferring land between abutting legally created parcels, provided:

1. No additional lots, parcels or tracts are created as part of the transfer;
2. No lot that currently conforms to minimum area and dimension regulations shall be adjusted so as to become nonconforming; and
3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity.
4. No parcels with split zoning are created as a part of the transfer per KCC Chapter 16.04.025.

16.10.020 Application requirements.

Applicants for a boundary line adjustment shall submit the following for review and approval:

1. A brief narrative description of the proposed boundary line adjustment;
2. Existing and proposed legal descriptions of the affected lots;
3. Scaled drawings of both existing and proposed site plans as described in KCC Title 15A.03.030;
4. A certificate of title issued within the preceding one hundred twenty (120) days.

16.10.030 Review criteria.

In addition to the requirements in KCC 16.10.010 above, the Director shall consider, and base his/her decision to approve or deny a boundary line adjustment on the following:

1. Compliance with KCC Title 17 Zoning;
2. Compliance with KCC Title 12 Roads and Bridges;
3. Compliance with KCC Title 13 Water and Sewers;;
4. Compliance with KCC Title 14 Buildings and Construction;
5. Compliance with KCC Chapter 16.18 Irrigation and Sprinkling and RCW 58.17.310 and;
6. Compliance with KCC Title 20 Fire and Life Safety.

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16.10.040 Review procedures.

The Director shall review the boundary line adjustment for compliance with this chapter and all other land use regulations in effect at the time the application was deemed complete. If all requirements for approval are met, the Director shall provide written findings of fact supporting the approval of the boundary line adjustment.

16.10.050 Recording.

Prior to recording, a final Preliminary Survey along with legal descriptions and final acreages for all lots involved -shall be submitted to Community Development Services for review and approval. The Director shall verify that the final survey and any attachments are accurate and complete and that they comply with all of the requirements in KCC 16.10.030. Boundary line adjustments do not become effective until recorded with the Kittitas County Auditor.

16.10.060 Transfer of title.

The recording of a boundary line adjustment does not constitute a transfer of title. Separate deeds to this effect must be recorded with the Kittitas County Auditor and are not subject to the provisions of this Chapter.

16.10.070 Expiration.

If the boundary line adjustment is not recorded with the Kittitas County Auditor within two (2) years of the date of approval, the boundary line adjustment shall be null and void.

16.12.150 Road, sewer, water and fire system recommendations.

The planning official, county public works director, county health officer, and the county Fire Marshal, shall certify to the Hearing Examiner, prior to the hearing, their respective recommendations as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply systems; compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination; and fire and life safety protection facilities within the subdivision. The recommendations of the planning official, county public works director, county health officer, and the county Fire Marshal, shall be attached to the Hearing Examiner's report for transmittal to the board. (Ord. 2014-005, 2014; Ord. 2011-013 , 2011; Ord. 2005-31, 2005)

16.32.050 Short plat review.

The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision with regard to:

1. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
2. Its conformance to all standards and improvements required under this title.
3. Potential hazards created by flood potential, landslides, etc.
4. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
5. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.

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6. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
7. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060 (Ord. 2011-013 , 2011; Ord. 2005-31, 2005)
- 7.8. Its compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination. (Ord. 2014-005, 2014)

16.36.015 Criteria for eligibility as a large lot subdivision.

1. All large lot subdivisions shall conform to the county comprehensive plan and all zoning regulations in effect at the time the large lot subdivision is submitted.
2. Consistent with parcel creation by long and short subdivision provisions of this code, preliminary approval of large lot subdivisions shall mean that road and access requirements are identified and conformance with section 16.04 of this code has been met.
3. Proof that all lots or tracts created by large lot subdivision are approved for irrigation delivery by the appropriate irrigation entity or entities shall be provided.
4. Requirements for easements as set forth in Section 16.12.110 shall be met.
5. The appropriate dedication as provided for in 16.24.090 and 16.24.110, A dedication shall appear on the face of the large lot subdivision survey with the following statement:

KNOWN ALL MEN BY THESE PRESENT: that the undersigned, owner(s) in fee simple of the described real property, does hereby grant forever unto all owners of lots in this survey and all future plats in this survey a common ownership interest in all private roads shown.

6. A note shall appear on the subdivision survey with the following statement:

"NOTE: The lots in this survey are created through the large lot subdivision review process. As such there has been review for conformance with suitability for on-site sewage disposal and availability of potable water."

7. All large lot subdivisions shall contain information set forth in Sections 16.12.010 through 16.12.030. (Ord. 2005-31, 2005)
- 7.8. All large lot subdivisions shall meet requirements of Kittitas County Code Chapter 13.35, Adequate Water Supply Determination. (Ord. 2014-005, 2014)

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