

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
15-06	KCC Chapter 13.35	Allow subdivision without requiring mitigation when a conservation easement is placed on the property which can be removed by subdivision amendment.	Commissioner Jewell	Health	Approve amendments to KCC Chapter 16.08 and do not make any amendments to KCC Chapter 13.35

Summary

This amendment would allow landowners the opportunity to create a conservation easement on a specified area of their property if there is no domestic water use. The intent is to provide a subdivision mechanism that allows landowners the flexibility to divide their property with conditions that conserve the area for open space or agriculture without having to provide a water source to the area.

The proposed amendment was originally proposed as a revision to Kittitas County Code Chapter 13.35; upon further research staff believes the proposal is a better fit for Kittitas County Code Chapter 16. Chapter 13.35 of Kittitas County Code specifically addresses adequate water supply determinations for building permits and this amendment would be for subdivided property with no domestic water use. Chapter 16 of Kittitas County Code addresses subdivisions and already includes provisions that reference Chapter 13.35 when an adequate water supply determination is needed. It is logical to have the conservation easement alternative in Chapter 16 which includes all the other regulations that would be required for a subdivision.

Draft of Amended Text

Chapter 16.08 DEFINITIONS

- 16.08.010 Word construction.
- 16.08.015 Repealed.
- 16.08.020 Alley.
- 16.08.022 Agricultural activities.
- 16.08.024 Agricultural products.
- 16.08.026 Agricultural equipment and agricultural facilities.
- 16.08.028 Agricultural land.
- 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.
- 16.08.061 Conservation easement.
- 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.

16.08.061 Conservation Easement.

"Conservation easement" is a specified land area with no domestic water consumption that is used for open space or agriculture only and shall be established during a platting process. The easement areas shall be created from an existing parcel and shall have a different legal description than the original parcel. The conservation easement shall be voluntarily agreed upon by the landowner and reviewed and authorized by the County. The signed document must be recorded with the County auditor's office prior to submission for final approval. The landowner will continue to privately own and manage the land. Upon accepting the conservation easement agreement, the easement holder has a responsibility to ensure compliance with the terms of the agreement. The landowner may discontinue the conservation easement through a platting process subject to compliance with Kittitas County Code Title 13 and Title 16.

Chapter 16.05 BINDING SITE PLAN

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 or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.
- 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.
 - 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. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2011-013, 2011; Ord. 2005-31, 2005)

Chapter 16.12 PRELIMINARY PLATS

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 or authorized conservation easement as defined in section 16.08.061; 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. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2011-013, 2011; Ord. 2005-31, 2005)

Chapter 16.32
SHORT PLAT REQUIREMENTS

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.
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
8. Its compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.

(Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2011-013, 2011; Ord. 2005-31, 2005)

Chapter 16.36
LARGE LOT SUBDIVISION

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.
8. All large lot subdivisions shall meet requirements of Kittitas County Code Chapter 13.35, Adequate Water Supply Determination or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.

(Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2005-31, 2005)