



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

TRANSFER OF DEVELOPMENT RIGHTS AND SENDING SITE CERTIFICATION

Updated May 1, 2019

To Whom It May Concern:

Please find attached the application form for "Transfer of Development Rights (TDR) and Sending Site Certification."

1. PURPOSE:

The intent of the TDR program as defined by KCC 17.13.010 is to provide public benefits by permanently conserving rural farm and forest land through acquisition and transfer of the development rights on those lands designated as "sending sites." All other rights of ownership, including the right to continue operation of such businesses as farming, timber harvesting, sports and recreation, and other uses permitted within the zone remain with the owner of the underlying fee provided the resource values of the property are not degraded.

2. APPLICABILITY:

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 at least one of the following criteria (**check one box**):

- ☐ *Farm and Agricultural Land*
 - a. *Is in 20-acre agricultural zoning (Commercial Agriculture, Ag-20, Forest & Range);*
 - b. *Is a minimum of 20 acres in size;*
 - c. *Is located within the boundary of the Agricultural Production District shown on the Kittitas County Agricultural Sending Site Overlay Map;*
 - d. *Qualifies for Open Space ("current use") taxation under RCW 84.34; and*
 - e. *Has value above that associated with resource value ("higher and better use").*
- ☐ *Forest Land*
 - a. *Is in 80-acre Commercial Forest zoning or 20-acre Forest & Range zoning;*
 - b. *Is a minimum of 20 acres in size;*
 - c. *Is not publicly owned;*
 - d. *Qualifies for Designated Forest Land ("current use") taxation under RCW 84.33; and*
 - e. *Has value above that associated with resource value ("higher and better use").*
- ☐ *Frequently Flooded Area as defined in KCC 17A.02.140.*
- ☐ *Lands designated as eligible sending sites in a TDR agreement with a city.*

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3. PROCESS TO CERTIFY A SENDING SITE:

Kittitas County CDS

STEP 1: PRE-APPLICATION MEETING (Optional):

An applicant may request to meet informally with CDS staff to discuss general aspects of the proposed TDR sending site certification process and gather information related to the project and site, including zoning, critical areas and other development rules and regulations. Pre-application meetings are strongly encouraged, but must be initiated at the request of the applicant.

STEP 2: SUBMITTAL OF COMPLETE APPLICATION:

The Community Development Services (CDS) shall be responsible for determining whether properties are eligible to be considered a sending site. CDS shall base its decision on the materials provided by the landowner in a TDR sending site application and a satisfaction of the sending site requirements outlined in KCC 17.13.020.

STEP 3: TDR CERTIFICATE LETTER OF INTENT:

The County shall issue a TDR Certificate Letter of Intent containing a determination of the number of development rights calculated for the sending site and an agreement by the County to issue a corresponding number of TDR Certificates in conversion for a sending site conservation easement.

4. APPLICATION REQUIREMENTS

The review for a Transfer of Development Rights Sending Site Certification application is governed by Kittitas County Code Chapter 17.13 – Transfer of Development Rights and the minimum submittal requirements are identified on the first page of the attached application.

5. ESTIMATED DENSITY CALCULATION

Please complete this worksheet to assist yourself and CDS with evaluating the property. This is not a binding determination of the number of development rights a particular parcel may qualify to transfer, but allows the applicant to become familiar with the process to determine the number of “development rights” available on their property.

1. **To estimate the number of development rights that can be transferred from a Sending Site, the total area available for transfer must first be determined.** 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 a.i., as stated above.

The area available for transfer is the total sending site divided by the base density of the underlying zoning as established in KCC Title 17 Zoning. Any fractions of development rights that result from the following calculations shall not be included in the determination of total development rights available.

Step 1. Total Acreage: 11.44 — just flooded acreage

✓ Step 2. Underlying zoning base density (minimum lot size in acres): 5

✓ Step 3. Divide total acreage (Step 1) by minimum lot size (Step 2): 2.288

✓ Step 4. Deduct any retained development rights or existing residential structures: _____

Total Development Rights Available (estimate only): 10

Example One:

Owner A owns 180 acres zoned Forest and Range (F/R). The base density or minimum lot size of the F/R zone is twenty (20) acres. $180 / 20 = 9$ or 9 TDR credits.

Example Two:

Owner B owns 210 acres zoned Agriculture-20 (Ag-20). The base density or minimum lot size of the AG-20 zone is twenty (20) acres. $210 / 20 = 10.5$ or 10 TDR credits. Because fractions are not permitted, there are only 10 TDR credits available.

Example Three:

Owner C owns 400 acres zoned Commercial Forest (CF). The base density or minimum lot size of the CF zone is eighty (80) acres and Owner C wishes to retain development rights for his existing residence plus one future residence. $400 / 80 = 5$ or 5 TDR credits. Because Owner C wishes to retain two TDR credits, only three TDR credits would be available for transfer.

Please contact our office if you have any questions at (509)962-7506.

Sincerely,

Kittitas County Community Development Services