

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2012- 006

**AMENDMENT AND REPEAL OF KITTITAS COUNTY'S PROCESS FOR
ADMINISTRATIVE SEGREGATION**

WHEREAS, Kittitas County plans under Ch. 36.70A RCW, the Growth Management Act and Ch 43.21C RCW, the State Environmental Policy Act; and

WHEREAS, Kittitas County is seriously concerned with protecting its rural character and the environment; and

WHEREAS, Kittitas County's administrative segregation process does not provide for the level of review required legally and fails to protect rural character and the environment; and

WHEREAS, Kittitas County's administrative segregation process does not qualify for vested rights under Washington State law; and

WHEREAS, A public hearing to consider amending Kittitas County's process for administrative segregations was held on August 21, 2012 at 2:00 pm; and

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such change procedure; and,

WHEREAS, that meeting was continued until August 28, 2012, and then until September 11, 2012, and then until September 18, 2012; and

WHEREAS, The Kittitas County Board of County Commissioners voted to approve the proposed changes to the administrative segregation process and directed the Prosecutor's Office to prepare the enabling documents.

BE IT HEREBY ORDAINED: by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve amendment to Kittitas County Code to amend its administrative segregation process. Kittitas County Code Chapter 16.06, as well as sections 16.04.020, 16.08.015, 16.08.087, and 16.08.118 of the Kittitas County Code shall be amended to read as follows and Information Services is hereby directed to make the necessary changes to the County Code appearing upon the County's website:

Chapter 16.06
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16.06.010 Repealed.

16.06.020 Repealed.

16.06.030 Repealed.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16.06.050 Repealed.

16.06.060 Repealed.

16.06.010 Repealed.

16.06.020 Repealed.

16.06.030 Repealed.

16.06.030 Repealed.

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 previously 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.

16.04.020 Exemptions.

The provisions of this title shall not apply to:

1. An alteration made for the purpose of adjusting boundary lines as defined in KCC 16.08.055.
2. Divisions made by testamentary provisions or the laws of descent;
3. Cemeteries and other burial plots while used for that purpose;
4. Any division of land for the purposes of installing or maintaining publicly owned facilities, utilities, emergency services, structures and uses, including but not limited to utility substations, pump stations, wells, watershed intake facilities, fire stations, or other utility and emergency services facilities of the same or similar nature, provided that such parcel shall not be required to meet the minimum lot size of the subject zoning district (KCC Title 17). The remaining parcel may be less in total area than the minimum lot size for the zone but if used for a building site must comply with all other county regulations (e.g. on site sewage systems, setbacks, etc.).

16.08.015 Repealed.

16.08.087 Division.

"Division" means the creation of a lot through short or long subdivision, large lot subdivision, use of intervening ownership, etc., but not including a boundary line adjustment.

16.08.118 Parcel creation.

"Parcel creation" means the creation of a lot through short or long subdivision, large lot subdivision, use of intervening ownership, etc. and including boundary line adjustments.

BE IT HEREBY FURTHER ORDAINED that any scrivener's errors later detected may be remedied by Information Services at the direction of the Prosecutor's Office without the need to bring such before the Board of County Commissioners for board action.

BE IT HEREBY FURTHER ORDAINED that this regulation shall take effect immediately upon signature by the Board of County Commissioners and shall apply equally to all pending applications for administrative segregation, regardless of date such applications were submitted to the County.

ADOPTED this 18th day of September 2012.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON


Alan A. Crankovich, Chairman


Obie O'Brien, Vice-Chairman


Paul Jewell, Commissioner

APPROVED AS TO FORM:





Julie A. Kjorsvik

Greg Zempel, Prosecuting Attorney
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