

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

ORDINANCE

NO. 2022 - 005

**REVISIONS OF KITTITAS COUNTY CODE
AS PART OF THE 2022 NON-DOCKET AMENDMENT PROCESS.**

Whereas, this ordinance, revising Kittitas County Code contains four sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures
- Exhibits A-R - Changes to Kittitas County Code

**SECTION I
PROCEDURAL FINDINGS**

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.04.020 allows for amendments to development regulations at the discretion of the Planning Director through a public process pursuant to Table B of the Title; and
- Whereas,** Kittitas County Community Development Services initiated an out-of-docket cycle process to suggest changes to the Kittitas County Code and made these proposals readily available for review by the public in Community Development Services and within the County's official website; and
- Whereas,** Kittitas County submitted its proposed non-docket items on March 10, 2022 to the Department of Commerce as required by statute and received a letter of receipt on March 10, 2022 that the docket proposal had been received and was sent to other agencies for comment; and
- Whereas,** Comments were received from state agencies and members of the public; and
- Whereas,** Kittitas County filed its non-docket cycle SEPA checklist on March 10, 2022 and issued a Determination of Non-significance (DNS) for the non-docket items on March 10, 2022 through authority of WAC 197-11-340; and
- Whereas,** There were no agency or public appeals or reviews filed on the Determinations of Non-significance; and
- Whereas,** Due public notice was placed upon the County official website and in the Northern Kittitas County Tribune on March 31, 2022 and April 7, 2022, and in the Daily Record on March 31, 2022 and April 7, 2022 regarding the Planning Commission public hearing; and
- Whereas,** the Planning Commission conducted a public hearing on April 12, 2022 to hear testimony and take public comment on the items considered for amendment and after deliberation made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and
- Whereas,** After due notice and publication on official website and Daily Record on the Northern Kittitas County Tribune on April 21, 2022 and April 28, 2022 and in the Daily Record on April 21, 2022 and April 28, 2022, the Kittitas County Board of County Commissioners held an open public hearing on May 24, 2022; and

Whereas, After deliberation, the Board of County Commissioners made decisions on each docket item presented; and

Whereas, Following the decisions on the docket items the Kittitas County Board of Commissioners instructed County staff to prepare an ordinance for their signature to adopt changes to the Kittitas County Code and Comprehensive Plan; and

Whereas, The Kittitas County Board of County Commissioners considered enabling documents before the public on June 7, 2022.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on May 24, 2022, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record.

The docketed items discussed during the Board of County Commissioners public hearing included:

2022 Proposed NON-DOCKET AMENDMENTS to Kittitas County Code				
<i>Number</i>	<i>Applicant Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>	<i>Staff Recommendation to BOCC</i>
22-01	Kittitas County CDS Staff and Public Works	Amend KCC 16 including multiple housekeeping amendments and the addition of a lot line encroachment option for building placement which will also update several Title 17, yard requirements sections.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
22-02	Kittitas County CDS Staff and Public Works	Amend KCC 12.01.130 and 12.01.135 to dissolve the Road Variance Committee and replace it with an administrative process.	The Planning Commission unanimously recommended remanding this item back to staff.	Staff recommends approval of the amendment as proposed.
22-03	Kittitas County CDS Staff and Public Works	Amend KCC 15A, establishing the KC Hearings Examiner as the appeal body	The Planning Commission unanimously	Staff recommends approval of the amendment as

		for road variance decisions.	recommended approval of the amendment as proposed.	proposed.
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22-01 Kittitas County Proposal:

Amend KCC 16 to update standards, clarify processes and add a lot line encroachment option for building placement. Amend Title 17- Yard Requirements to reflect the new lot line encroachment option.

The proposed amendment to KCC 16 will amend section standards, processes, and add a lot line encroachment option for building placement. This item will also include updates to Title 17, yard requirements to accommodate the lot line encroachment option.

The Board of County Commissioners held a public hearing on May 24, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval as presented by staff to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-02 Kittitas County Proposal:

Amend KCC 12 to remove the Road Variance Committee. Following the Planning Commission recommendation of remanding this item back to staff for revisions, Kittitas County Public Works proposed modification to the proposed amendment. This revision includes maintaining a Road Variance Committee, but decreasing its members to the County Engineer, the fire district of jurisdiction and one member of the public appointed by the BOCC.

The revised amendments to KCC 12.01.130 will reorganize the existing road variance committee to be composed of the County Engineer, fire district of jurisdiction and one member of the public. No changes were approved to the proposed amendments to KCC 12.01.135.

The Board of County Commissioners held a public hearing on May 24, 2022, and **approved the request as amended** by a 3-0 vote, finding that:

- I. The Planning Commission recommended remanding this item back to staff as presented by staff to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-03 Kittitas County Proposal:

Amend KCC 15A to establish the Kittitas County Hearings Examiner as the appeal body for road variance decisions.

The proposed amendment to KCC 15A.01.040(4) will add road variance appeals to the list of applications in which the Hearings Examiner will issue decisions.

The Board of County Commissioners held a public hearing on May 24, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the County's Comprehensive Plan.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC Title 16 and 17, as shown in **Exhibit A**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 12.01.130 and KCC 12.01.135, as shown in **Exhibit B**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 15A.01.040(4), as shown in **Exhibit C**.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2022 Non-Docket Amendments to the Kittitas County Code as shown in Exhibits A through C attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the regulations on the County website. The Community Development Services Director and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

Adopted this 7th day of June 2022, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

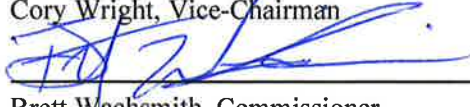


Laura Osiadacz, Chairman

ABSENT



Cory Wright, Vice-Chairman



Brett Wachsmith, Commissioner

ATTEST:

- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz



APPROVED AS TO FORM:

Neil Caulkins, Deputy Prosecuting Attorney
signing for Gregory L. Zempel Prosecuting Attorney



Exhibit A: Docket Item 22-01
Amendment to Title's 16 and 17

Kittitas County Code

Title 16 | SUBDIVISIONS*

Chapters

[16.04 General Provisions](#)

[16.05 Binding Site Plans](#)

[16.06 Repealed](#)

[16.08 Definitions](#)

[16.09 Cluster Platting, Conservation and Agricultural Platting](#)

[16.10 Boundary Line Adjustments and Parcel Combinations](#)

[16.12 Preliminary Plats](#)

~~[16.16 Hazardous Lands 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.

16.04.010 Applicability.

1. Every division and boundary line adjustment within the unincorporated area of Kittitas County shall proceed in compliance with this title and Kittitas County Code.

2. Every division and boundary line adjustment within the unincorporated area of Kittitas County shall proceed in compliance with KCC [Title 12](#) Road Standards, KCC [Title 20.10](#) Wildland Urban Interface Code as published by the International Code Council; with the adopted appendices and amendments as listed in KCC [Title 20.10](#), and the International Fire Code. ([Ord. 2013-013](#), 2013; [Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

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](#).~~

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1. An alteration made for the purposes of adjusting boundary lines as defined in KCC [16.08.055](#). All boundary line adjustments require consistency with the standards outlined in KCC [16.10](#).
2. Divisions made by testamentary provisions or the laws of descent;
3. Cemeteries and other burial plots while used for that purpose;
4. Divisions for industrial or commercial use, provided the division is in accordance with KCC Chapter [16.05](#);
5. Divisions for the purpose of lease to permit travel trailers to be placed upon the land, provided the division is in accordance with KCC Chapter [16.05](#);
6. Divisions for residential condominiums, provided the division is in accordance with KCC Chapter [16.05](#);
7. Divisions for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and
8. Divisions into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter [58.09](#) RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed. ([Ord. 2013-001](#), 2013; [Ord. 2012-006](#), 2012; [Ord. 2011-013](#), 2011; Ord. 2005-31, 2005)

16.04.025 Prohibition of split-zone 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. ([Ord. 2014-015](#), 2014;)

16.04.030 Administration.

The Director is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the County, and may prepare and require the use of such forms as are essential to their administration. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.04.040 Procedure - Application.

Any person desiring to subdivide the land in an unincorporated area of the County shall submit a preliminary plat (see KCC Chapter [16.12](#)) to the Director. ([Ord. 2017-001](#), 2017; [Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

Chapter 16.05 BINDING SITE PLAN

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.

16.05.010 Binding Site Plan Alternative to Platting.

Any person desiring to subdivide land (1) for sale or lease of commercially or industrially zoned property or (2) for purposes of lease when no residential structure other than travel trailers are permitted to be placed upon the land when the county has approved a binding site plan for the use of the land in accordance with local regulations or (3) for divisions of land into tracts or lots for condominiums as provided for in chapter [64.32](#) or [64.34 RCW](#), may use this process in lieu of the subdivision process pursuant to chapter [58.17 RCW](#) or (4) for divisions of land for special utilities as defined in [KCC 17.61](#) and public facilities as defined in [KCC 17.62](#).

1. For sale or lease of commercially or industrially zoned property through an administratively approved binding site plan, which upon approval, allows improvements and final development approval to be done administratively.
2. This process may be used to divide land by the owner of any legal lot for lease for residential use by travel trailers, in accordance with local land use regulations, through an administratively approved binding site plan.
3. This process may be used to divide land by the owner of any legal lot, which is to be developed for residential condominiums pursuant to chapter [64.32 RCW](#).
4. This process may be used to divide land by the owner of any legal lot, which is to be developed for special utilities or public facilities in accordance with local land use regulations, through an administratively approved binding site plan. (Ord. 2005-31, 2005)

16.05.020 Requirements.

1. 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):
 1. Maximum number of dwelling units permitted.
 2. Approximate size and location of all proposed buildings.
 3. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
 4. Approximate location of proposed open space, including required landscaped areas, if any.
 5. Approximate location of parking areas.
 6. Location and size of utility trunk lines serving the site.
 7. Topography detailed to ~~ten~~five-foot intervals.
 8. Location of water storage and fire hydrant location.
 9. 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](#)
 2. 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.
 3. Additional documents shall be submitted as necessary for review and approval and may include a plat certificate, boundary survey, agreements, easements, covenants.
 4. 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.

5. Open Space. All plats which include open space shall contain appropriate plat notes 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. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW [90.58.065\(2\)\(a\)](#) or the lots are designated as timber and forestlands according to RCW [84.33](#). Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
6. This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.
7. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

[\(Ord. 2019-013, 2019; Ord. 2016-023, 2016; Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2011-013, 2011; Ord. 2005-31, 2005\)](#)

16.05.030 Appeal.

Any decision by the director shall be final unless appealed to the Board of County Commissioners as provided for in [KCC 15A.07](#). (Ord. 2005-31, 2005)

16.05.040 Recording.

The proposed binding site plan approved by the County shall be recorded with the Kittitas County Auditor within 30 days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site. Divisions shall only be permitted upon the filing of a declaration under the Horizontal Regimes Act, Chapter 64.32 R.C.W, provided the structure or structures, road and parking systems, and related facilities substantially conform to the recorded building plan. (Ord. 2005-31, 2005)

16.05.060 Amendments and Rescindment.

1. Amendment of a recorded binding site plan shall be accompanied by following the same process as required for a new application as set forth in this Chapter.
2. Upon request of the owner or owners of a legal lot or lots subject to a recorded site plan, the director shall rescind all or a portion of the binding site plan, provided that any

portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short subdivision.

3. Signatures of owners of portions of a binding site plan which are not altered by an amendment or rescission plan, which are not altered by an amendment or rescission, are not required on the amended binding site plan or application for rescission. (Ord. 2005-31, 2005)



Chapter 16.06
ADMINISTRATIVE SEGREGATIONS*

(Repealed by Ordinance [2014-015](#), 2014)



Chapter 16.08
DEFINITIONS

Sections

- [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.

16.08.010 Word construction.

Whenever the words and phrases appear in this title they shall be given the meaning attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Ord. 2005-31, 2005)

16.08.015 Repealed.

([Ord. 2012-006](#), 2012; [Ord. 2011-013](#), 2011; [Ord. 2010-014](#), 2010; Ord. 2005-31, 2005)

16.08.020 Alley.

"Alley" means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road. (Ord. 2005-31, 2005)

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". ([Ord. 2014-015](#), 2014)

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." ([Ord. 2014-015](#), 2014)

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](#)." ([Ord. 2014-015](#), 2014)

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." ([Ord. 2014-015](#), 2014)

16.08.040 Block.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries. ([Ord. 2013-001](#), 2013; [Ord. 2005-31](#), 2005)

16.08.050 Board.

"Board" means the Board of Kittitas County Commissioners. ([Ord. 2005-31](#), 2005)

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 in a manner which does not create any additional lot, tract, or parcel. ([Ord. 2014-015](#), 2014; [Ord. 2013-001](#), 2013; [Ord. 2005-31](#), 2005)

16.08.056 Cluster.

"Cluster" consists of a grouping of buildable contiguous lots or building envelopes within the cluster plat or conservation plat boundary. Individual clusters need not be contiguous but must be within the project boundary. ([Ord. 2013-001](#), 2013)

16.08.057 Cluster Plat.

"Cluster Plat" means a land division where the applicable zoning requirements are modified to provide an alternative land division method for the development layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure in order to preserve natural, resource, and scenic qualities of open lands. ([Ord. 2013-001](#), 2013)

16.08.060 Comprehensive plan.

"Comprehensive plan" means the current comprehensive plan of the County, adopted by the Board pursuant to State law. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

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. ([Ord. 2015-010](#), 2015)

16.08.070 Conservation plat.

"Conservation plat" means a land division where the applicable zoning requirements are modified to provide an alternative land division method characterized by compact lots and common open space or natural resource lands, where the natural features of the land, resource potential, and rural character are maintained to the greatest extent possible while accommodating development. ([Ord. 2013-001](#), 2013)

16.08.080 Dedication.

"Dedication" means the deliberate conveyance of land by an owner or corporation for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the Board. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.08.086 Director.

"Director" is the director of Kittitas County Community Development Services department or designee. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.08.087 Division.

"Division" means the creation of a lot through short or long subdivision, large lot subdivision, etc., but not including a boundary line adjustment. ([Ord. 2013-001](#), 2013; [Ord. 2012-006](#), 2012; Ord. 2005-31, 2005)

16.08.090 Easement.

"Easement" means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. (Ord. 2005-31, 2005)

16.08.100 Large lot subdivision.

"Large lot subdivision" means any subdivision of land into two (2) or more lots or parcels the smallest of which is twenty (20) acres or greater. (See [KCC 16.36](#) for standards and requirements) ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.08.110 Lot.

"Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. (Ord. 2005-31, 2005)

16.08.115 Minimum lot size.

Minimum Lot sizes for the respective zones can be found in [Title 17](#) of this code. (Ord. 2005-31, 2005)

16.08.117 Open space.

"Open space" means any land area. the preservation of which in its present use would conserve and enhance natural or scenic resources; or protect streams or water supplies; or promote conservation of soils, wetlands, rural and resource lands; or enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries or other open space; or enhance recreation opportunities; or preserve historic sites. Public open space is publicly owned land that has been or will be set aside for open space and recreational use. Private open space is privately owned land that has been or will be set aside as provided in Title 16 of this code, by voluntary conservation, or by land reserve easements. Open space does not include utility easements, road easements, or areas used for stormwater ponds or septic facilities. ([Ord. 2013-001](#), 2013;)

16.08.118 Parcel creation.

"Parcel creation" means the creation of a lot through short or long subdivision, large lot subdivision, etc. and including boundary line adjustments. ([Ord. 2013-001](#), 2013; [Ord. 2012-006](#), 2012; Ord. 2005-31, 2005)

16.08.120 Planning commission.

"Planning commission" means the Kittitas County planning commission. (Ord. 2005-31, 2005)

16.08.130 Plat.

"Plat" means a map or representation of a short or long subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, roads and alleys or other divisions and dedications. (Ord. 2005-31, 2005)

16.08.135 Plat certificate.

"Plat certificate" means a certificate showing ownership of land proposed for short or long subdivision, including all encumbrances thereon. (Ord. 2005-31, 2005)

16.08.140 Plat, final.

"Final plat" means the final drawing/map and dedication prepared for administrative or Board

approval and filing for record with the county auditor, all in accordance with county subdivision procedures and minimum requirements. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.08.160 Public works director.

"Public works director" means the public works director or his or her designee. (Ord. 2005-31, 2005)

16.08.165 Road, public and private.

"Road, public and private" for definition see [Title 12](#) of this code for definition. (Ord. 2005-31, 2005)

16.08.185 Short plat.

"Short plat" is the map or representation of a short subdivision. (Ord. 2005-31, 2005)

16.08.186 Short Subdivision.

"Short subdivision" means the division or re-division of land outside any urban growth area into four (4) or fewer lots, tracts, parcels, sites or divisions, for the purpose of sale, lease, or transfer of ownership. Short subdivision means the division or re-division of land inside any urban growth area into nine (9) or fewer lots, tracts, parcels, sites or divisions, for the purpose of sale, lease, or transfer of ownership. ([Ord. 2018-001](#), 2018; [Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)

16.08.190 Subdivider.

"Subdivider" means a person, including a corporate person, who undertakes to create a subdivision. (Ord. 2005-31, 2005)

16.08.200 Subdivision.

"Subdivision" means the division or re-division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership any one of which is less than twenty (20) acres. ([Ord. 2013-001](#), 2013; Ord. 2005-31, 2005)



Chapter 16.09

CLUSTER PLATTING, 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, 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. 2014-015](#), 2014; [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:
 1. All zones in the Urban land use designation;
 2. All zones in the Rural Residential land use designation;
 3. All zones in the Rural Recreation land use designation; and
 4. All zones in Rural LAMIRDS.
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:
 1. 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;
2. Forest and Range, with a minimum land area of forty (40) acres; and
 3. 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. 2014-015](#), 2014; [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, Conservation and Agricultural plats are subject to the following provisions:
 1. 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."
 2. 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](#)).
 3. 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.

4. 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.
5. 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, 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.
6. 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.
7. 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. Open Space. All plats which include open space shall contain appropriate plat notes 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. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW 90.58.065(2)(a) or the lots are designated as timber and forestlands according to RCW 84.33. Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
3. This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.
4. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.
5. Cluster plats are subject to the following provisions:
 1. The cluster development does not exceed the density permitted by the zone in which the development is located;
 2. 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;

3. The cluster development does not exceed six (6) residences per cluster;
 4. No residential dwelling within the cluster is further than one hundred (100) feet from another residential dwelling; and
 5. 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.
6. Conservation plats are subject to the following provisions:
1. The conservation development does not exceed the density permitted by the zone in which the development is located;
 2. 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;
 3. 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.
 4. 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.
7. Agricultural plats are subject to the following provisions:
1. 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;
 2. The agriculture development does not exceed the density permitted by the zone in which the agricultural land is located.
 3. 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), local farmer's market suppliers to exist in Ag and other zones while acres in excess of those purchased remain with original owner but carry nondevelopment status to meet the density of the underlying zone.
 4. 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.

5. 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.

([Ord. 2016-023](#), 2016; [Ord. 2014-015](#), 2014; [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:
 1. The existing farmstead lot can be up to ten (10) acres in size; and
 2. 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.
 3. Agricultural plats.

([Ord. 2014-015](#), 2014; [Ord. 2013-001](#), 2013; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.080 Process for Approval.


1. 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.
2. 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.
3. Final Cluster Plat or Conservation Plat approval must be in conformance with [KCC Chapter 16.20](#) Final Plats.
4. Process for Approval of Agricultural Plats
 1. Agricultural Plats
 1. The Agricultural Plat shall be processed as a short plat or long plat as defined in [Title 16](#).
5. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of KCC Chapter [16.09](#).

([Ord. 2018-001](#), 2018; [Ord. 2014-015](#), 2014; [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) 

Chapter 16.10

Boundary Line Adjustments [and Parcel Combinations](#)

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, except that existing lots within an existing planned unit development (PUD) may be adjusted through the PUD review and approval process contained in [KCC 17.36](#), provided that the overall density of the PUD shall not be exceeded; and
3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity, except that existing lots within an existing planned unit development (PUD) may be adjusted through the PUD review and approval process contained in [KCC 17.36](#), provided that the overall density of the PUD shall not be exceeded.
4. No parcels with split zoning are created as a part of the transfer per KCC Chapter [16.04.025](#).

([Ord. 2021-015](#), 2021; [Ord. 2014-015](#), 2014;)

16.10.020 Application requirements.

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

1. A brief narrative description of the proposed boundary line adjustment or parcel combination;
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.

(Ord. 2014-015, 2014;)

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

(Ord. 2014-015, 2014;)

16.10.040 Review procedures.

The Director, County Engineer and County Surveyor shall review the boundary line adjustment or parcel combination 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.

(Ord. 2014-015, 2014;)

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, KCC 16.24.16.24.010, KCC 16.24.020, and WAC 332-130. Additionally, as a minimum, all corners of the new division lines shall be set, weather dependent, and positions noted on face of survey. Boundary line adjustments do not become effective until recorded with the Kittitas County Auditor. Parcel Combinations do not require a final survey.

(Ord. 2014-015, 2014;)

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.

(Ord. 2014-015, 2014;)

16.10.065 Lot Line Encroachment

Where the owner of two (2) or more lots with a common lot line desires to have the lots regarded as a single lot for purposes of building placement, the owner shall record a notice of lot line encroachment with the Kittitas County Auditor. The form for said notice shall be provided by Kittitas County Community Development Services and shall state the following:

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1. For Platted Lots:

"Lots (lot numbers) of block (block number) in (subdivision name), recorded in the book of plats (book number) at page (number), of Kittitas County records, are hereby considered one lot for the purposes of building placement pursuant to the provisions herein."

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2. For Unplatted Lots:

"Lots described as (Insert Legal Descriptions) are hereby considered one lot for the purposes of building placement pursuant to the provisions herein."

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The notice shall include an agreement and affirmation from the property owner that the lots will remain under single ownership unless the building and property are brought into compliance with all building, zoning, subdivision, and other applicable codes. The notice shall bear the notarized signature of the property owner and a copy of the recorded notice shall be provided to Kittitas County Community Development Services. The recording of a notice of lot line encroachment shall only have the effect of modifying the minimum side or rear yard requirements for the common lot line and all other requirements of this title, including density requirements, shall remain in full force and effect.

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16.10.070 Expiration.

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

(Ord. 2014-015, 2014;)

Chapter 16.12
PRELIMINARY PLATS

Sections

I DRAWING REQUIREMENTS

[16.12.010](#) Generally.

[16.12.020](#) Preliminary plat general information.

[16.12.030](#) Existing conditions.

II DESIGN STANDARDS

[16.12.040](#) Comprehensive plan and zoning regulation conformance.

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[16.12.110](#) Required easements.

III FILING

[16.12.120](#) Receiving - Filing procedure.

IV HEARING

[16.12.130](#) Date, notice - Procedure.

[16.12.140](#) Scope.

[16.12.150](#) Road, sewer, water and fire system recommendations.

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V HEARING EXAMINER'S ACTION

[16.12.180](#) Findings and report.

[16.12.190](#) Records.

VI BOARD ACTION

[16.12.200](#) Date and records.

[16.12.210](#) Acceptance or rejection.

[16.12.230](#) Records.

VII PRELIMINARY APPROVAL

[16.12.240](#) Development authorization.

[16.12.250](#) Expiration.

I DRAWING REQUIREMENTS

16.12.010 Generally.

Any person desiring to subdivide land shall prepare and submit to the county community development services department at least two (2) copies of a preliminary plat of the proposed

land subdivision which shall meet the requirements in Sections [16.12.020](#) through [16.12.030](#). ([Ord. 2018-021](#), 2018; Ord. 2005-31, 2005)

16.12.020 Preliminary plat general information.

Unless otherwise specified, information required below may be placed on either sheet one or subsequent sheets or on all sheets as necessary.

1. All preliminary plat drawings shall be submitted on eighteen by twenty-four inch sheets. When required by the county public works director, proposed road plans and profiles prepared by a licensed civil engineer shall be submitted on standard 22" x 34⁶" sheets for review. The scale shall be 1" = 100' horizontal and 1" = 10' vertical, sheet one.
2. Names of proposed subdivision, all sheets.
3. Location of subdivision by section, township, range, county and state, all sheets.
4. Legal description of land contained within the subdivision coincident with the certificate of title.
5. Name(s) and address of the owner(s), subdivider(s), surveyor, engineer and date of survey.
6. Scale (1" = 200', or greater) north arrow and date, sheet one.
7. Vicinity map showing the boundary lines of all adjacent subdivisions, roads, streets, rivers, streams, canals, or any other information that will assist the planning commission in considering the plat, sheet one.
8. Proposed platted boundary lines, lot and road dimensions, and gross acreage, sheet one.
9. A statement regarding the contemplated sewage disposal, potable water supply, and drainage improvements for the proposed subdivision.
10. All access easements.
11. All irrigation ditch easements or historical ditch locations. ([Ord. 2010-014](#), 2010; Ord. 2005-31, 2005)

16.12.030 Existing conditions.

Unless otherwise indicated, the following shall be shown on the preliminary and final review drawings.

- A. Contour lines at intervals of ~~five feet for slopes less than thirty percent, and ten feet for slopes over thirty percent~~ ten feet at preliminary review only, or the use of USGS maps to represent elevations and slopes at preliminary review may be used and where such maps are utilized at preliminary review they must be verified by Contour lines of ~~five feet for slopes less than thirty percent and ten feet for slopes over thirty percent~~ ten feet at final review.
- B. Location, width and type surfacing material, width, ownership, and type of ownership of all roads, streets, alleys, easements, and rights-of-way on and adjacent to the proposed subdivision.
- C. Location of all existing ditches apparent or of record, marshes, areas subject to flooding, and the direction of flow of all water courses, as required by [KCC 17A.05.015](#).
- D. Existing uses of the property, including the location and nature of all acreage, fences and/or other structures.
- E. Any additional information deemed necessary by Kittitas County.

- F. The total acreage and number of lots included within the subdivision shall be indicated on sheet one of the plat.
- G. One soil log shall be performed and information recorded for each lot within the proposed subdivision. Soil logs shall be in accordance with chapter [246-272A WAC](#).

([Ord. 2016-023](#), 2016; [Ord. 2010-014](#), 2010; Ord. 2005-31, 2005)

II DESIGN STANDARDS

16.12.040 Comprehensive plan and zoning regulation conformance.

All proposed subdivisions shall conform to the county comprehensive plan and all applicable zoning regulations in effect at the time they are submitted for approval. Lots shall be of sufficient area, width and length to satisfy zoning requirements, or, where zoning controls do not apply, to satisfy the minimum health and sanitation requirements of the county health department.

If, as of July 26, 1996, an existing lot was lawfully occupied by two (2) single family dwellings, such lot may be granted short plat approval under [KCC Chapter 16.32](#) in order to permit the segregated sale or refinance of such dwellings, even though one or both of the resulting new lots will have dimensions less than required for the zoning district in which the property is located; provided, however, that the degree of density nonconformity shall not be increased. ([Ord. 2021-015](#), 2021; [Ord. 2016-023](#), 2016; Ord. 2005-31, 2005). [Site triangles shall be consistent with KCC 12.04.030.](#)

16.12.060 Open space and non-buildable lots.

1. Open Space. All plats which include open space shall contain appropriate plats notes 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. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by [RCW 90.58.065\(2\)\(a\)](#) or the lots are designated as timber and forestlands according to [RCW 84.33](#). Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
2. This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.
3. Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation.

[\(Ord. 2016-023, 2016\)](#)

16.12.090 Lot size.

Lot sizes shall comply with minimum zoning, health, and sanitation codes where applicable.
(Ord. 2005-31, 2005)

16.12.110 Required easements.

All lots will have utility easements shown on the face of the plat or in the plat restrictions. Said easements shall be of a width adequate to allow for future utility installations.

1. Drainage and Storm Water Easements. Easement for drainage channels and ways shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm water shall be provided and shall be 10 feet in width and properly located to permit future installations. No storm water discharge to irrigation entity facilities shall be authorized without a permit from the irrigation entity or ditch owner.
2. Utility Installations. Utility lines, including, but not limited to electricity, water, natural gas, sewer, telephone and television cable, serving and located within the subdivision, shall be placed underground. Where topography, soil, or other conditions make underground installations impracticable, and the board, upon recommendation from the county engineer, so finds upon written evidence presented by the supplier of such utilities, may waive this requirement for underground utilities. Utility installations shall be in conformance with requirements of [KCC Title 12](#) (Utilities within the right of way).
3. Public Utilities. Where alleys are not provided, easements for public utilities shall be provided along lot lines where necessary, including any necessary access easements. There shall be a minimum of ten (10) feet in width. Where possible, the width of rear and side lot line easements shall be equally shared by abutting lots and easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.
4. Irrigation Easements. Any plat which includes a lot or lots consisting, in whole or in part, of irrigated land, or un-irrigated land classified by an irrigation district as irrigable to which there is a water right, shall provide adequate irrigation easements to each such lot. Any plat proposed for land through which irrigation water flows to downstream users shall provide easements for existing ditches, channels, conveyances and structures through which such water flows and such shall be shown on the plats, maps and polyester originals.

All easements and rights of way required pursuant to this subsection shall be of sufficient width for maintenance, and the plat shall contain on its face a note of access to downstream water users for the purpose of maintenance. Easements shall be labeled as "existing," herein dedicated," or "created via separate document." In the event that the first or third options are used the recording number shall be shown on the map. All easements shall also include width and purpose of easement on the face of the map. Preliminary applications for the division of land shall conform to [KCC Title 12](#) stormwater regulations and stormwater easements shall be shown prior to final approval of the document.

Any new easement necessary for Irrigation and delivery of water shall be reviewed by the Irrigation district or entity serving the site to make recommendations as to the final location and placement of new easements. It is recognized that the preference is to place new easements outside any existing right of way and the County road. Additional easement width may be required to accommodate the delivery or tail water. Existing irrigation conveyances within the County road right of way shall continue to exist under the Right to Farm Ordinance within this code. (Ord. 2005-31, 2005)

III FILING

16.12.120 Receiving - Filing procedure.

If the director determines that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, and the plans are adequate to allow the public works director to approve or disapprove the construction of future improvements, the director shall affix a file number and date of receipt to the application and promptly forward all copies of the plans of roads, utilities, and other proposed improvements to the county engineer.

The director shall forward copies of the preliminary plat to other departments, municipalities, utility companies or public agencies determined to have an interest in the subdivision. All reviewing agencies and/or entities shall forward their comments to the director pursuant to [Title 15A](#) of this code, Project permit application process. Failure to report within appropriate comment time shall be interpreted to indicate that the proposed subdivision will not adversely affect the agency or utility involved. (Ord. 2005-31, 2005)

IV HEARING

16.12.130 Date, notice - Procedure.

~~Upon receipt of a preliminary plat, the director shall set a date for open record predecision public hearing before the planning commission.~~ The director shall give notice of the public hearing pursuant to [Title 15A](#) of this code, Project permit application process. (Ord. 2005-31, 2005)

16.12.140 Scope.

At the open record ~~predecision~~ public hearing the ~~planning commission~~ ~~director~~ ~~Hearings Examiner~~ shall consider all relevant evidence to determine whether to ~~recommend that~~ ~~approve~~ the preliminary plat ~~be approved or disapproved by the Hearings Examiner board.~~ Any hearing may be continued at the discretion of the ~~commission~~ ~~Hearings Examiner~~. (Ord. 2005-31, 2005)

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, [including but not limited to 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

~~and decision. -for transmittal to the board.~~ (Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2011-013, 2011; Ord. 2005-31, 2005)

16.12.160 Facilities - Improvements.

The Hearing Examiner shall determine whether the proposal includes appropriate provisions for drainage, roads, alleys, and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire and life safety protection facilities, school sites and grounds and other public and private facilities and improvements as required by the Kittitas County Code. (Ord. 2011-013, 2011; Ord. 2005-31, 2005)

16.12.170 Comprehensive plan conformance.

The ~~commission~~ ~~Hearings Examiner~~ shall determine if the proposed subdivision conforms to the general purposes of the comprehensive plan; and if the public use and interest will apparently be served by the proposal. (Ord. 2005-31, 2005)

V HEARING EXAMINER'S ACTION

16.12.180 Findings and report.

Not later than ten days following conclusion of the open record hearing, the Hearing Examiner shall provide a written report including a decision. The Hearing Examiner may decide that the proposed plat be approved, conditionally approved or disapproved. Conditions of approval shall be precisely recited in the Hearing Examiner's report and shall include recommended protective improvements, if any. (Ord. 2021-015, 2021; Ord. 2010-014, 2010; Ord. 2005-31, 2005)

16.12.190 Records.

Records of the ~~planning commission~~ ~~Hearings Examiner~~ hearings on preliminary plats shall be kept by ~~the clerk of the board~~ ~~CDS~~ and shall be open to public inspection. (Ord. 2005-31, 2005)

~~VI BOARD ACTION~~

~~16.12.200 Date and records.~~

~~Upon receipt of the planning commission's recommendation, the board shall, at its next regularly scheduled public meeting, set the date for the public closed record hearing at which the board shall consider the recommendation. (Ord. 2005-31, 2005)~~

~~16.12.210 Acceptance or rejection.~~

~~At the closed record hearing scheduled for considering the preliminary plat, the board shall, after reviewing the recommendations of the planning commission, the director, the county engineer, the health officer, including any other relevant evidence presented to it, either concur in or reject the planning commission's recommendations. (Ord. 2005-31, 2005)~~

~~16.12.230 Records.~~

~~Records of the board's proceedings concerning a preliminary plat shall be kept by the clerk of the board and shall be open to public inspection. (Ord. 2005-31, 2005)~~

VII PRELIMINARY APPROVAL

16.12.240 Development authorization.

Approval of the preliminary plat shall constitute authorization for the subdivider to develop the subdivision's facilities and proceed with design of improvements in strict accordance with standards established by this title and any conditions imposed by the board. Design approval by the county public works director shall be obtained prior to commencement of construction of subdivision improvements. (Ord. 2005-31, 2005)

16.12.250 Expiration.

A final plat meeting all requirements of this chapter shall be submitted to the board for approval within the timeframe specified by [RCW 58.17.140](#). Failure to do so will result in the preliminary plat being expired and no longer valid. No further action is necessary regarding an application once the preliminary plat has expired pursuant to this chapter. Any applicant who files a written request with the administrator at least 30 days prior to the expiration date, showing that the applicant has attempted in good faith to submit the final plat within the time period and that the associated fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted five times. ([Ord. 2018-021](#), 2018; [Ord. 2010-014](#), 2010; Ord. 2010-02, 2010; Ord. 2005-31, 2005)



Chapter 16.16

~~HAZARDOUS LANDS ROAD CONSTRUCTION STANDARDS AND OTHER REQUIRED IMPROVEMENTS~~

Sections

[16.16.080](#) Protective improvements for topographically hazardous lands. (Ord. 2005-31, 2005)

16.16.080 Protective improvements for topographically hazardous lands.

Land on which exists any topographical conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved for uses as will not expose persons or property to the hazard. Protective improvements shall be constructed prior to final plat approval. Protective improvements and restrictions on use shall be clearly noted on the final plat. (Ord. 2005-31, 2005)



Chapter 16.18

IRRIGATION AND SPRINKLING

Sections

[16.18.010](#) Purpose.

I IRRIGATION

[16.18.020](#) Irrigation entity defined.

[16.18.030](#) Parcel creation- Irrigation water delivery system requirements.

[16.18.035](#) Certificate of Irrigation Entity.

[16.18.040](#) Irrigation representative - Selection.

[16.18.050](#) Irrigation representative - Duties generally.

II SPRINKLER SYSTEMS

[16.18.060](#) Purpose.

[16.18.070](#) Definitions.

16.18.010 Purpose.

1. The purpose of this article is to provide for an orderly system of providing irrigation water to property which is undergoing parcel creation in accordance with [KCC Title 16](#) for such lands as are entitled to irrigation water from irrigation entities, and to require the installation of an irrigation water delivery system.
2. This ordinance neither grants nor changes water rights. (Ord. 2005-31, 2005)

I IRRIGATION

16.18.020 Irrigation company defined.

The following definition shall apply in this article:

"Irrigation entity" means any one of the following irrigation companies, or the successor in interest thereto: the Kittitas Reclamation District, the Taneum Ditch Company, the Cascade Irrigation District, the Ellensburg Water Company, the West Side Irrigation Company, the Thorp Mill Ditch, the Bull Ditch, the Packwood Ditch, the Fogarty Ditch, the Farrel Ditch, the Tjossem Ditch, the Younger Ditch, the Ellensburg Mill and Feed Ditch and all other organized irrigation districts and/or companies or any privately held individual water right of record, including holders of pre – 1917 ancient water rights. (Ord. 2005-31, 2005)

16.18.030 Parcel creation- Irrigation water delivery system requirements.

Any parcel creation proposed for land served by or crossed by an irrigation entity shall provide a water delivery system together with rights-of-way to each lot created by the parcel creation with an irrigation right. The parcel creation shall also provide for easements or rights-of-way from the water source to the water delivery system. A drawing shall be submitted showing elevations, the location of lots and the location of the proposed water delivery system. Such systems shall not impair the rights or uses of downgradient water owners or users. The downgradient irrigation water users shall be considered and consulted in preparing the design of the proposed water delivery system. The Director shall refer such proposed parcel creation to the irrigation entity or entities which will furnish water to the parcel creation, and the Director shall take into consideration any comments made by the irrigation entity concerning the proposed water delivery system.

The applicant/land owner shall certify whether an apparent or recorded right-of-way or easement is located on the property proposed for parcel creation. If there is an apparent or recorded right-of-way or easement located on the subject property, the applicant/land owner shall provide the County with the name and address of the right-of-way or easement owner. (Ord. 2005-31, 2005)

16.18.035 Certificate of Irrigation Entity.

A certificate of the irrigation entity representative stating that the proposed parcel creation meets the irrigation entity requirements for continued irrigation of the lands within the entities boundaries may be submitted as proof of compliance in substantially the following form:

(copy as follows)

I hereby certify that the irrigation plan for (name of parcel creation) conforms to the requirements of (irrigation entity).

Dated this day of A.D., 20

(irrigation entity) Representative

(Ord. 2005-31, 2005)

16.18.040 Irrigation representative - Selection.

The owners of any platted property hereafter platted who may be entitled to irrigation water from an irrigation entity shall, prior to receiving irrigation water, select a person as an irrigation representative. (Ord. 2005-31, 2005)

16.18.050 Irrigation representative - Duties generally.

The irrigation representative shall be the representative of the plat to the irrigation entity in all matters concerning the delivery of water from the irrigation entity to the platted property including, but not limited to, making arrangements for delivery of water, coordinating water use between lot owners, and generally attending to all matters having to do with the water delivery. (Ord. 2005-31, 2005)

II SPRINKLER SYSTEMS

16.18.060 Purpose.

The purpose of this article is to provide for water conservation and to improve surface and ground water quality by diminishing the amount of surface water interfering with the operation of on site sewage systems and wells on residential property. Platted lots where the size of the lots in any plat is three acres or less shall be irrigated by either a sprinkler irrigation system or drip irrigation system that meets the requirements of the irrigation entity that supplies the water. (Ord. 2005-31, 2005)

16.18.070 Definitions.

The following definitions shall apply in this article:

1. "Drip irrigation system" means a system for the delivery of water to land by permitting water to fall in drops by the use of pipes which have very small perforations or specially designed outlets to permit a very small amount of water to drip from the pipe.
2. "Sprinkler irrigation system" means a closed system for delivery of water to the land whereby irrigation is ultimately achieved by the piping of all water through a sprinkling device that has the effect of distributing the water to the land surface in small scattered droplets in a rain-like manner. (Ord. 2005-31, 2005)



Chapter 16.20
FINAL PLATS

Sections

- [16.20.010](#) Requirements.
- [16.20.020](#) Final plat general information.
- [16.20.030](#) Certificate of title - Computer sheets.
- [16.20.040](#) Plat drawing.
- [16.20.050](#) Dedications, easements, alleys.
- [16.20.060](#) Receipt of final plat.
- [16.20.070](#) Submission to board.
- [16.20.080](#) Approval or disapproval.

16.20.010 Requirements.

The final plat shall conform substantially to the preliminary plat, as approved by the board of county commissioners, and shall meet the requirements in Sections [16.20.020](#) through [16.20.050](#) of this chapter. (Ord. 2005-31, 2005)

16.20.020 Final plat general information.

1. The final plat shall be drawn on polyester film in a neat and legible manner.
2. The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A ~~marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch on the sides, two inch margin on the left edge, and a one-half inch margin on the other edges of the map shall be provided.~~ The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.
3. All lettering shall be printed with permanent ink.
4. Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.
5. It shall show all courses and distances necessary to re-stake any portion of said plat.

6. Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

16.20.030 Certificate of title - Computer sheets.

The following items are to be submitted together with the final plat sheets:

1. Certificate of Title. A certificate of title, no older than 90 days at time of submittal, of the property proposed to be platted shall be submitted with the plat for examination by the county engineer, said abstract to show fee simple title in the proponents of the plat unencumbered.
2. Computer Sheets. Computer generated lot closure sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any other area ~~with no more error than one foot in five thousand feet~~, together with the acreage of each lot. (Ord. 2018-021, 2018; Ord. 2005-31, 2005)

16.20.040 Plat drawing.

The plat drawing shall contain all the following requirements:

1. Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;
2. Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;
3. Plat Monuments. The location of all permanent control monuments found or established within the subdivision;
4. Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;
5. Bearing and Distances. The length and bearings of all straight lines; and curve data showing the controlling elements, the radii, arcs, and central angles of all curves;
6. Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
7. Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;
8. Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;
9. Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;
10. Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;
11. Surrounding Area. All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated;
12. Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;
13. Contours. Contour lines are not shown on a final plat as required on the preliminary plat;

14. Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;

~~15. Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.~~

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~~16.15.~~ Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.

~~17.16.~~ Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)

16.20.050 Dedications, easements, alleys.

No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, and other general purposes as may be required to protect the public health, safety, and welfare.

1. Dedications - Shown on Plat. All dedications of land shall be clearly and precisely indicated on the face of the plat in the order listed in Sections [16.24.070](#) through [16.24.140](#).
2. Protective Improvements. Protective improvements and easements to maintain such improvements shall be dedicated.
3. Open Space. All plats which include open space shall contain appropriate plats notes 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. The identified open space tracts shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. Open space lots shall not be required to be transferred to the other lot owners to be held in common ownership so long as the lots are used for the purposes of agricultural activities as that term is defined by RCW 90.58.065(2)(a) or the lots are designated as timber and forestlands according to RCW 84.33. Open space lots created as a result of an Agricultural Plat shall not be required to be transferred to the other lots owners to be held in common ownership.
4. This requirement shall not apply to lots retained by the original landowner or subsequent landowner(s) for the purpose of providing improved recreational facilities serving the benefited parcels. For the purposes of this condition, improved recreational facilities shall be those which exceed \$100,000 in value.
- ~~5.~~ Non-buildable Lots. Any lots created specifically for, or dominated by, easements, roadways, storm water retention facilities, septic facilities or other purposes and as a result are non-buildable shall be proportionately owned by tenants in the common, and retained by each home owner, and will be assessed, taxed, and foreclosed upon each building lot not fulfilling their obligation. (Ord. [2016-023](#), 2016; Ord. 2005-31, 2005)
- ~~5-6.~~ [Site triangles shall be consistent with KCC 12.04.030.](#)

16.20.060 Receipt of final plat.

The director shall be satisfied:

1. That the final plat meets all standards established by state law and this title relating to final plats;
2. That the proposed final plat bears the certificates and statements of approval required by their title;
3. That a certificate of title report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate;
4. That the facilities and improvements required to be provided by the subdivider have been completed, or, alternatively, that the subdivider will provide a bond in an amount and with sureties equal to the cost of improvements remaining to be completed securing to the county the construction and installation of the improvements within a fixed time set by the board, or, that the subdivider will provide evidence of financial stability and responsibility (financial statement) prepared by a certified public accountant together with a developer-buyer agreement placing responsibility for said improvements on the subdivider;
5. That protective covenants or other documents sufficiently inform the buyer as to proposed potable water supply, sewage disposal requirements, building requirements and irrigation water rights (if any part of the subdivision is within an irrigation district). (Ord. 2005-31, 2005)

16.20.070 Submission to board.

The director shall acknowledge receipt of a proposed final plat which meets the requirements of Section [16.20.060](#) and shall forward the original to the clerk of the board. (Ord. 2005-31, 2005)

16.20.080 Approval or disapproval.

1. The board, shall, at its next public meeting or any continued meeting, determine:
 1. Whether conditions imposed when the preliminary plat was approved have been met;
 2. Whether the bond, if there be one, by its essential terms assures completion of improvements;
 3. Whether the requirements of state law and this title have been satisfied by the subdivider.
2. The board shall thereupon approve or disapprove the proposed final plat. If the board approves the plat the clerk shall forward one copy thereof to the county public works director and one print to the county assessor, and shall transmit two polyester originals to the county auditor for filing and submit a minimum of one digital CAD file to the county community development services department. (Ord. 2005-31, 2005)



Sections

- [16.24.010](#) Survey data requirements.
- [16.24.020](#) Orientation of the subdivision.
- [16.24.030](#) Survey - Permanent control monuments establishment.
- [16.24.040](#) Survey - Permanent control monuments setting.
- [16.24.050](#) Lot corner marking.
- [16.24.060](#) Survey - Property contiguous to natural bodies of water.
- [16.24.070](#) Dedications required.
- [16.24.080](#) Property description.
- [16.24.090](#) Dedications - Required.
- [16.24.110](#) Private road dedication.
- [16.24.120](#) Sewage disposal, potable water supply, drainage improvements.
- [16.24.130](#) Dedications - Exemption, conveyance to corporation.
- [16.24.140](#) Corporate membership and responsibilities, conditions.
- [16.24.150](#) Certifications required.
- [16.24.160](#) Certificate from platter's land surveyor.
- [16.24.170](#) Certificate of county public works director.
- [16.24.180](#) Certificate of director.
- [16.24.200](#) Certificate from Kittitas County Treasurer.
- [16.24.210](#) Certificate of county health officer.
- [16.24.215](#) Assessor's certificate.
- [16.24.220](#) Certificate of State Department of Transportation (if adjacent to state highway).
- [16.24.230](#) Certificate of city council (if adjacent to city).
- [16.24.240](#) Certificate of further restrictions.
- [16.24.250](#) Certificate of board of county commissioners.
- [16.24.260](#) Filing certificate for county recording.

16.24.010 Survey data requirements.

1. The survey of every proposed subdivision, boundary line adjustments, record of survey and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.
2. The surveyor shall furnish the county engineer with a full set of survey notes upon request, which notes shall clearly show:
 1. The ties to each permanent monument;
 2. At least three durable, distinctive reference points or monuments;
 3. Sufficient data to determine readily the bearing and length of each line;
 4. The base-meridian basis of bearing location by section, township and range with respect to the Willamette Meridian, referred to. (Ord. 2005-31, 2005)

16.24.020 Orientation of the subdivision.

Primary survey control points shall be referenced to physical section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown. (Ord. 2005-31, 2005)

16.24.030 Survey - Permanent control monuments establishment.

1. Permanent control monuments shall be established at:
 1. All controlling corners on the boundaries of the subdivision;
 2. The intersections of centerlines of roads within the subdivision;
 3. The beginning and ends of curves on road centerlines;
 4. The beginning and ends of road centerlines.
2. Permanent control monuments may be placed on offset lines or may be set as witness points. The position and type of every permanent monument shall be noted on all plats of the subdivision. Permanent control monuments shall be set in two inch pipe, twenty-four inches long, filled with concrete or shall be constructed of an approved equivalent durable, magnetic, marked with the license number of the land surveyor, and sufficient in number so that together with existing monuments, are suitable for the perpetuation of boundary lines. ~~(Ord. 2005-31, 2005)~~

16.24.040 Survey - Permanent control monuments setting.

Permanent control monuments within the roads shall be set after the roads are graded. In the event a final plat is approved before roads are graded, the surety deposited to secure grading shall be sufficient to pay the costs estimated by the county public works director of setting such monuments. (Ord. 2005-31, 2005)

Permanent Control monuments shall be set at all road intersections, horizontal points of curvature, horizontal points of tangency, centers of cul-de-sacs, and as needed for intervisibility and any other appropriate locations deemed necessary by the county. Points of Tangency and curvature may be substituted by monumenting the point of intersection if the intersection falls within the road.

16.24.050 Lot corner marking.

Every lot corner shall be marked by a three-fourths inch galvanized iron pipe or approved equivalent driven into the ground. ~~(Ord. 2005-31, 2005)~~ Any monument set by a land surveyor to mark or reference a point on a property or land line shall be permanent, magnetic, and marked or tagged with the certificate number of the land surveyor setting it. Monuments set by a land surveyor shall be sufficient in number and durability and shall be efficiently placed so as not to be readily disturbed in order to assure, together with monuments already existing, the perpetuation or reestablishment of any point or line of a survey.

16.24.060 Survey - Property contiguous to natural bodies of water.

1. If any land in a subdivision is contiguous to a natural body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high-water mark. Property lying beyond the meander line shall be defined by distances along the side property lines extended from the meander line.
2. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey. (Ord. 2005-31, 2005)

16.24.070 Dedications required.

The dedication sheet shall contain a full legal description of land as stated in the title report, notarized dedication of legal owners and interested parties of property, signed approvals and statements as required and all as described as follows in Sections 16.24.080 through 16.24.140. (Ord. 2005-31, 2005)

16.24.080 Property description.

1. The completed plat must show description of property platted which shall be the same as that recorded in previous transfer of said property, or that portion of said transfer covered by the plat.
2. Should this description be cumbersome and not technically correct, a true and exact description shall be shown upon the plat together with original description. The corrected description shall read as follows: "The intent of above description is to embrace all the following described property": (Description). (Ord. 2005-31, 2005)

16.24.090 Dedications - Required.

1. There are five types of dedications and acknowledgments. The applicable dedication (below) must be followed verbatim. The following list distinguishes the individual dedications:
 1. Corporations platting proposed private roads;
 2. Corporations platting proposed public roads;
 3. Individuals platting proposed private roads;
 4. Individuals platting proposed public roads;
 5. Proposed private roads on private property; and
 6. Proposed public roads on private property.
2. Dedications for dedications (2),(4) and (6) above:
(copy as follows)

KNOW ALL MEN BY THESE PRESENTS that do hereby declare this plat and dedicate to the public forever all roads and ways hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon. Following original reasonable grading of roads and ways hereon no drainage water on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner.

(If a non-profit corporation is selected above add these paragraphs)

The costs of construction, maintaining and snow removal of all roads, streets, and alleys within this plat and all access roads to this plat shall be the obligation of a nonprofit corporation composed of all the owners of the lots of the plat and of any additional plats that may be served by these roads, streets and alleys.

In the event that the owners of any of the lots of this plat or any additional plats shall petition the County Commissioners to include the roads in the county road system, it is understood that the roads shall first be built up to minimum county standards by said non-profit corporation.

IN WITNESS WHEREOF, We have hereunto set our hands and seal this day of _____, A.D., 20 ____.
(Print name of Corporation)

(Signature of President)
President

(Signature of Secretary)
Secretary

(Use this if individual owner(s))
(Print signer's name under line)

(As many of the following acknowledgments are to be used as required to acknowledge all signatures.)

ACKNOWLEDGEMENT
STATE OF WASHINGTON) SS
COUNTY OF KITTITAS)

THIS IS TO CERTIFY That on this day of A.D., 20, before me, the undersigned, a Notary Public, personally appeared to me known to the person(s) who executed the foregoing dedication and acknowledged to me that signed and sealed the same as free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS My hand and official seal the day and year first written.
Notary Public in and for the State of Wash., residing at _____

(Alternate when plattor is a corporation)
STATE OF WASHINGTON) SS
COUNTY OF)

On this day of A.D., 20, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the president and secretary, respective, of the Corporation, and acknowledged the said instrument to be the free and voluntary act and deed of said Corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said Corporation.

WITNESS My hand and official seal the day and year first written.
Notary Public in and for the State of Washington, residing at _____

In addition to owners of platted property signing the dedication, all interested parties (mortgagee, easement grantee, etc.) shall sign and acknowledge before a notary public a dedication of all land shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision.

(copy as follows)

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS That (name of person or persons or corporation having interests) the undersigned (mortgagee, easements grantee or others) of the herein described real "property", does hereby declare, subdivide and plat as herein described, and dedicate to the use of the public forever all roads, streets, avenues, alleys, places, easements or whatever public property shown thereon which shall be maintained by (county road system or private non-profit corporation) and do hereby waive all claims for damages whatsoever against any government agency arising from the construction and maintenance of public facilities and public property within the subdivision so platted.

IN WITNESS WHEREOF, We have hereunto set our hands and seal this day of A.D., 20 .

(Applicable signatures as hereinbefore described)

ACKNOWLEDGEMENT: (copy as hereinbefore shown verbatim)

(Ord. 2005-31, 2005)

16.24.110 Private street dedication.

(copy as follows)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, owner(s) in fee simple of the described real property, does hereby declare this plat and description and in lieu of dedication of roads hereby grants forever unto all owners of lots in this plat and all future plats in (name of plat) common ownership of all roads shown as private roads.

(If applicable add these paragraphs)

The costs of construction, maintenance and snow removal of all roads, streets, and alleys within this plat and all access roads to this plat shall be the obligation of a nonprofit corporation composed of all the owners of the lots of the plat and of any additional plats that may be served by these roads, streets and alleys.

In the event that the owners of any of the lots of this plat or any additional plats shall petition the County Commissioners to include the roads in the County Road System, it is understood that the roads shall first be built up to minimum county standards by said non-profit corporation.

WITNESS my (our) hand(s) and seal(s) this day of A.D., 20 .

(Applicable signatures as hereinbefore described)

ACKNOWLEDGEMENT: (copy as hereinbefore shown verbatim)

(Ord. 2005-31, 2005)

16.24.120 Sewage disposal, Potable water supply, Drainage improvements.
A statement is required describing the contemplated sewage system and potable water supply.
Mitigation for water use is required per Kittitas County Code Chapter 13.

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

16.24.130 Dedications - Exemption, conveyance to corporation.
If the board concludes that the public interest will be served thereby, the board may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, roads, alleys, recreational, community or other general purposes, allow the said land to be conveyed to a homeowner's association or similar non-profit corporation. (Ord. 2005-31, 2005)

16.24.140 Corporate membership and responsibilities, conditions.
A subdivider who wishes to make a conveyance as permitted by Section 16.24.130, shall, at or prior to the time of filing a final plat for approval, supply the board with copies of the grantee organization's articles of incorporation and bylaws with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall be appurtenant to ownership to land in the subdivision; that the corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property owned by the corporation; and that such assessments shall be a lien upon the land. The board may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained. (Ord. 2005-31, 2005)

16.24.150 Certifications required.
The certification in Sections 16.24.160 through 16.24.260 shall appear on the dedication sheet unless not applicable. (Ord. 2005-31, 2005)

16.24.160 Certificate from platter's land surveyor.
A certificate of the registered land surveyor who made, or under whose supervision was made, the survey of the subdivision in substantially the following language:

(copy as follows)

~~Hereby certify that the plat of is based on actual survey and subdivision of Section , Township Range-W.M.; that the distances and courses and angles are shown thereon correctly; that the monuments have been set and lot and block corners staked on the ground. This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act as the request of _____ in _____, 20_____.~~

~~Dated this day of _____, A.D., 20_____.~~

~~Name of Person.~~

~~(signed and sealed)~~

Certificate Number

(seal)

~~Licensed Land Surveyor~~

~~(Ord. 2005-31, 2005)~~

16.24.170 Certificate of county ~~Engineer~~ public works director.

No plat shall be approved by the board of county commissioners until the county ~~public works director~~ ~~Engineer~~ shall have affixed his or her signature thereto and forwarded same to the board of county commissioners with a letter stating that requirements will be met, or suitable deposit made or bond filed to cover estimated cost of work, prior to the issuance of the first building permit.

(copy as follows)

EXAMINED

AND APPROVED This day of , A.D., 20 .

(seal)

Kittitas County Engineer

(Ord. 2005-31, 2005)

16.24.180 Certificate of county planning director.

A statement of the director that the subdivision conforms to the comprehensive plan.

(copy as follows)

I hereby certify that the plat of has been examined by me and find that it conforms to the comprehensive plan of the Kittitas County Planning Commission.

Dated this day of , A.D., 20 .

Kittitas County Community Development Services Director

(Ord. 2005-31, 2005)

16.24.200 Certificate from Kittitas County Treasurer.

Certified statement from the county Treasurer showing taxes are paid for preceding year; also taxes for the year in which the plat is filed, the latter being in an amount equal to last year's taxes, plus twenty-five percent.

(copy as follows)

I hereby certify that the taxes and assessments are paid for the preceding years and are current as of the date of my signature below.

Dated this day of , A.D., 20 .

Kittitas County Treasurer

(Ord. 2005-31, 2005)

16.24.210 Certificate of county health officer.

A note on any approved plat shall contain the following note: I hereby certify that the plat has been examined and conforms with current Kittitas County Code [Chapter 13](#).

Dated this day of , A.D., 20 .
Kittitas County Health Officer

[\(Ord. 2014-015](#), 2014; Ord. 2005-31, 2005)

16.24.215 Assessor's certificate.

Certified statement from the county assessor that no conditions exist which would encumber or obstruct the proposed subdivision.

(copy as follows)

I hereby certify that the plat of has been examined by me and I find the property to be in an acceptable condition for platting.

Dated this day of , A.D., 20 .
Kittitas County Assessor

(Ord. 2005-31, 2005)

16.24.220 Certificate of State Department of Transportation (if adjacent to state highway).

In the event that the property described in such plat or any part thereof shall be adjacent to a state highway, the district administrator of the Department of Transportation shall approve such plat before the approval of the board of county commissioners. The following form of certificate shall be filled out on said plat and signed by the district administrator.

EXAMINED AND APPROVED This day of , A.D., 20 .
Washington State Department of Transportation
Administrator, District No. 5

(Ord. 2005-31, 2005)

16.24.230 Certificate of city council (if adjacent to city).

In the event that the property described in such plat, or any part thereof, shall be adjacent to the corporate limits of any city or town, the council of such city or town shall approve such plat before its approval by the board of county commissioners. The following form of certificate shall be filled out on said plat and signed by the mayor of such city or town.

EXAMINED AND APPROVED This day of , A.D., 20 , pursuant to Ordinance No. , of the (city/town) of , Washington, passed, 20 , and approved by the Mayor thereof , 20 .
COUNCIL OF city/town, Washington

By
Mayor

(Ord. 2005-31, 2005)

16.24.240 Certificate of further restrictions.

In the event that there are further restrictions or covenants which are to be made a part of the plat, the following certificate shall be filled out on said plat and signed by the platters and the county auditor.

(copy as follows)

KNOW ALL MEN BY THESE PRESENTS: That this plat of Kittitas County, Washington is subject to additional restrictions entitled, which are filed with the Kittitas County Auditor and which are hereby made a part of this plat. This is to certify that the above mentioned restrictions have been filed this day of , 20 , at minutes past o'clock M., in Volume of Deeds , Page , Records of Kittitas County, Washington.

Kittitas County Auditor

(Ord. 2005-31, 2005)

16.24.250 Certificate of board of county commissioners.

(copy as follows)

EXAMINED AND APPROVED This day of , A.D., 20 .

Board of County Commissioners
Kittitas County, Washington

By
Chairman

ATTEST:

Clerk of the Board

(Ord. 2005-31, 2005)

16.24.260 Filing certificate for county recording.

(copy as follows)

Filed for record at the request of the Kittitas County Board of Commissioners, this day of , A.D., 20 , at minutes past o'clock M., and recorded in Volume of Plats , on page , Records of Kittitas County, Washington.

Kittitas County Auditor

Receiving No.

By

Deputy County Auditor

NOTE: "Receiving No." to be shown in the upper right hand corner on each page of the plat (if more than one page). (Ord. 2005-31, 2005)



Chapter 16.28
DEVELOPMENT OF ILLEGALLY DIVIDED LAND

Sections

[16.28.010](#) Application approval.

[16.28.020](#) Innocent purchaser for value.

16.28.010 Application approval.

No application for a building permit, septic tank permit or other development permit for any lot, tract or parcel of land divided in violation of state law or this title shall be granted without prior approval of the board. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the board that:

1. The county sanitarian has certified that the proposed means of sewage disposal and water supply on and to the lot, tract, or parcel are adequate;
2. The county engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public highway and drainage facilities in the vicinity;
3. The planning commission has certified that the proposed development conforms to the comprehensive plan and all zoning regulations;
4. The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property. (Ord. 2005-31, 2005)

16.28.020 Innocent purchaser for value.

An application for a building permit, on site sewage permit or other development permit for any lot, tract or parcel of land divided in violation of state law or this title shall not be granted without prior approval of the board, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the board that:

1. The applicant purchased the lot, tract, or parcel for value;
2. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract, or parcel divided in violation of state law or this title. (Ord. 2005-31, 2005)



Chapter 16.32
SHORT PLAT REQUIREMENTS

Sections

- [16.32.010](#) Drawings - General information requirements.
- [16.32.020](#) Short plat design standards.
- [16.32.030](#) Required improvements, road standards and irrigation easements.
- [16.32.050](#) Short plat review.
- [16.32.070](#) Appeals.
- [16.32.080](#) Final approval - Filing.
- [16.32.090](#) Expiration.
- [16.32.100](#) Alterations.

16.32.010 Drawings - General information requirements.

1. All short plats shall contain information set forth in Sections [16.20.010](#) through [16.20.050](#).
2. Short plats shall be prepared according to standard formats which are to be available in the Kittitas County community development services department. (Ord. 2005-31, 2005)

16.32.020 Short plat design standards.

Design standards for short plats are the same as those provided for in Chapter [16.12.040 through 16.12.110](#). (Ord. 2005-31, 2005)

16.32.030 Required improvements, road standards and irrigation easements.

Road standards and irrigation easement standards for short plats shall be the same as those outlined in [Chapter 16.18](#) and [Title 12](#) of this code. Exceptions to minimum road standards shall be made only by the board of county commissioners. Other improvements (drainage, etc.) may be established during short plat review by the director who shall base such determination on the written recommendation of those officials responsible for such matters. (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.
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](#).

~~8-9. Consistency with sight triangle requirements pursuant to [KCC 12.04.030](#).~~

([Ord. 2015-010](#), 2015; [Ord. 2014-015](#), 2014; [Ord. 2014-005](#), 2014; [Ord. 2011-013](#), 2011; Ord. 2005-31, 2005)

16.32.070 Appeals.

Any person(s) aggrieved by any decision of the director may request a review of that decision by the hearing examiner. Such request must be made pursuant to [Title 15A](#) of this code, Project permit application process. ([Ord. 2019-013](#), 2019; Ord. 2005-31, 2005)

16.32.080 Final approval - Filing.

1. If improvements are required, final approval and filing may be withheld until:
 1. Roads within the subdivision are constructed to meet minimum platting requirements.
 2. All required irrigation delivery systems are completed.
 3. There is compliance with the recommendations of the Kittitas County health department regarding improvements or additional information.
 4. It has been determined as evidenced by letters from affected agency and department heads that satisfactory conditions exist for the subdivision of the subject property. Where any department or agency has failed to respond to a proposed short plat within two (2) weeks, it shall be assumed no recommendation is intended.
 5. A certificate signed by all persons having any interest in the property is filed with the short plat indicating the subdivision is their free act and deed.
2. If all improvements and plat requirements are fulfilled, the director shall affix his (her) name to the face of the original plat document and present it to the county auditor for official filing. (Ord. 2005-31, 2005)

16.32.090 Expiration.

A final short plat meeting all requirements of this chapter shall be submitted and approved within the timeframe specified by [RCW 58.17.140](#). Failure to do so will result in the short plat being expired and no longer valid. No further action is necessary regarding an application once the short plat has expired pursuant to this chapter. Any applicant who files a written request with the administrator at least 30 days prior to the expiration date, showing that the applicant has attempted in good faith to submit the final short plat within the time period and that the associated fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted five times. ([Ord. 2018-001](#), 2018; [Ord. 2010-014](#), 2010)

16.32.100 Alterations.

Once a short plat has been recorded with the county auditor it can be altered in a manner not involving a re-subdivision into no more than four lots from the original short plat. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed in accordance with [RCW Chapter 58.17](#) . If the proposed alteration or vacation does not involve a public dedication, the short plat alteration shall be processed in accordance with the following provisions:

1. The short plat alteration shall be processed administratively. A new survey shall not be required except for new lines created by the amended short plat.
2. Revisions that result in any substantial changes shall be treated as a new application for purposes of vesting.
3. The short plat alteration shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites or divisions within the original short plat as shown by a current title certificate.
4. The short plat alteration shall not increase the number of lots, tracts, parcels, sites or divisions into more than four from the original short plat for a period of five years from the date of recording of the original short plat, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this title.

~~5. Minor errors not involving a change in lines may be corrected by the surveyor upon approval of the administrator by recording an affidavit with the county auditor specifically referencing the short plat by number and the correction. (Ord. 2011-013, 2011)~~



Chapter 16.36 LARGE LOT SUBDIVISION

Sections

- [16.36.010](#) Large lot subdivision review.
- [16.36.015](#) Criteria for eligibility as a large lot subdivision.
- [16.36.040](#) Survey requirements.
- [16.36.050](#) Plat review and approval process.

16.36.010 Large lot subdivision review.

The Director shall be vested with the responsibility of processing Large Lot Subdivision applications. The director shall review and consider the proposed subdivision as follows:

1. All large lot subdivisions shall contain information set forth in Sections [16.12.010](#) through [16.12.030](#) except that the required scale may be negotiated. (Ord. 2005-31, 2005)

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. 2015-010](#), 2015; [Ord. 2014-015](#), 2014; [Ord. 2014-005](#), 2014; Ord. 2005-31, 2005)

16.36.040 Survey requirements.

All survey maps shall be prepared in accordance with KCC 16.24 and relevant State laws.

(Reserved). (Ord. 2005-31, 2005)

16.36.050 Plat review and approval process.

(Reserved). (Ord. 2005-31, 2005)



Sections

16.40.010 Penalty a misdemeanor.

16.40.010 Penalty a misdemeanor.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this act or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense. (Ord. 2005-31, 2005)

17.16.070 Yard requirements - Side.

There shall be a side yard of not less than five (5) feet in width on each side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) [Side yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Res. 83-10, 1983)

17.16.080 Yard requirements - Rear.

- a. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building.
- b. The rear yard setback depth shall be fifteen (15) feet to the main building for parcels within the Snoqualmie Pass LAMIRD.
- b.c. [Rear yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Res. 83-10, 1983)

17.18.070 Yard requirements - Side.

There shall be a side yard of not less than ten (10) feet on one side, and five (5) feet on the opposite side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) [Side yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 89-10 (part), 1989)

17.18.080 Yard requirements - Rear.

- a. There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. However one accessory structure may be constructed within five (5) feet of the rear lot line.
- b. The rear yard setback depth shall be fifteen (15) feet to the main building for parcels within the Snoqualmie Pass LAMIRD.
- b.c. [Rear yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 8910 (part), 1989)

17.19.050 Yard requirements.

There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. [Side and rear yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2013-001, 2013; Ord. 92-4 (part), 1992)

17.22.060 Yard requirements.

No structure shall be built or located closer than twenty-five (25) feet to the front and rear property line or within fifteen (15) feet of any side property line. [Side and rear yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2013-001, 2013; Res. 83-10, 1983)

17.28.050 Yard requirements - Side.

Side yard shall be a minimum of five (5) feet. [Side yard setbacks may be modified in accordance with KCC 16.10.065.](#) (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Res. 83-10, 1983)

17.28.060 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. [Rear](#)

yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013; Res. 83-10, 1983)

17.28A.050 Yard requirements - Side.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 2005-05, 2005)

17.28A.060 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. Rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013; Ord. 2005-05, 2005)

17.29.060 Yard requirements - Side yard.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Res. 83-10, 1983)

17.29.070 Yard requirements - Rear yard.

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. Rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013; Res. 83-10, 1983)

17.30.050 Yard requirements.

There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. Side and rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013)

17.31.060 Yard requirements - Side yard.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2019-013, 2019; Ord. 2013-001, 2013; Ord. 96-15 (part), 1996)

17.31.070 Yard requirements - Rear yard.

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. Rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013; Ord. 96-15 (part), 1996)

17.44.050 Setback requirements.

1. Front Setback. There shall be a minimum front yard depth of fifteen (15) feet. Off-street parking and maneuvering area shall not be considered as front yard;

2. Side Setback. Ten (10) feet;

3. Rear Setback. Ten (10) feet.

3.4. Side and rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2013-001, 2013; Ord. 2007-22, 2007; Ord. 83-Z-2 (part), 1983)

17.59.050 Yard requirements.

Yard requirements are as follows:

1. Front yard: twenty (20) feet;
2. Side yard: five (5) feet;
3. Rear yard: twenty-five (25) feet;
- ~~3.4.~~ Side and rear yard setbacks may be modified in accordance with KCC 16.10.065.
- 4.5. Setback from USFS boundary: fifty (50) feet. (Ord. 2013-001, 2013)

17.56.060 Yard requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25) feet.
2. Side Yard. Side yard shall be ten (10) feet.
3. Rear Yard. There shall be a rear yard with a minimum depth of ten (10) feet to the main building.
- ~~3.4.~~ Side and rear yard setbacks may be modified in accordance with KCC 16.10.065. (Ord. 2021-015, 2021; Ord. 2013-001, 2013; Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

Exhibit B: Docket Item 22-02

Title 12 Amendments

12.01.130 Variances (Departures from the Standards) and Appeals.

Variances from these Standards may be granted by the Road Variance Committee, comprised of the Public Works Director, Fire Marshal, or designees, and one citizen appointed by the BOCC.

If the proposed road variance is located within a fire district, notice of the proposed variance shall be provided to the applicable fire district at the same time as the Road Variance is submitted to the County Engineer. The Fire District shall have a minimum of 14 days to submit comments from the application submittal date to the variance hearing date.

~~Variances from these Standards may be granted by the Road Variance Committee, comprised of the Public Works Director, Community Development Services representative, Fire Marshal, or designees, and three citizens appointed by the BOCC.~~

~~If the proposed road variance is located within a fire district, notice of the proposed variance shall be provided to the applicable fire district a minimum of 14 days prior to the Road Variance Committee meeting scheduled for consideration of the variance request. The fire district may submit comments on the road variance request up until the committee has made a decision on the request.~~

The granting of a variance shall be in the public interest. When the need for a variance can be identified in advance, the variance should be proposed at preliminary plat stage and be included for consideration during plan review and public hearing. Variances from the standards in this title will be considered on a case-by-case basis. Variances will be granted only upon evidence that the variance demonstrates the following:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district; and
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the developer possessed by the owners of other properties in the same vicinity or district; and
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located; and
4. Special conditions and circumstances do not result from the actions of the developer; and
5. The granting of such variance will not adversely affect the realization of the Kittitas County Comprehensive Plan, Long-Range Transportation Plan or this title.

The variance request(s) shall consist of:

1. Variance fee.
2. Variance application.
3. Identification of the standard provision to be waived or varied.
4. Identification of the alternative design or construction standards to be adhered to.
5. A thorough justification of the variance request.

Requests may be prepared by the developer, professional civil engineer licensed to practice in Washington, or professional land surveyor licensed to practice in Washington. To appeal the denial or imposition of conditions of a variance decision, an appeal shall be filed per [KCC 15A.07](#) or [KCC 15A.08](#), based on the underlying land use decision in accordance with [Ch. 36.70B RCW](#). ([Ord. 2018-001](#), 2018; [Ord. 2015-010](#), 2015)

~~12.01.135 Variance Fairness Standard.~~

~~1.—Disqualification~~

- ~~1.— A Road Variance Committee member shall disqualify himself or herself from a proceeding in which the committee member's impartiality might reasonably be questioned. The fact that a committee member has considered the same or a similar proposal in another hearing, has made a ruling adverse to the interests of a party in this or another hearing, or has previously considered and ruled upon the same or a similar issue, is not a basis for disqualification.~~
- ~~2.— A request for disqualification shall be granted whenever the committee member:~~
 - ~~1.— Has a personal bias or prejudice concerning the party;~~
 - ~~2.— Has served in a professional or business relationship with respect to the matter in issue, or is currently associated with a person who is or was so engaged; or~~
 - ~~3.— Has directly, or through a family member or fiduciary relationship, a financial or personal interest in the outcome of the matter or issue.~~

~~2.—Ex Parte Contacts~~

- ~~1.— All Road Variance Committee quasi-judicial proceedings are subject to the appearance of fairness doctrine. No person shall contact a Road Variance Committee member off the record for the purpose of influencing the committee member's decision. Ex parte contacts limited strictly to the clarification of procedural matters (and not to the merits of a dispute) are permitted. A deliberate ex parte contact in violation of this section may be deemed an attempt to interfere with Road Variance Committee duties. If a substantive ex parte communication is made to or by the committee member, the committee member shall publicly disclose it. ([Ord. 2018-001](#), 2018)~~

Exhibit C: Docket Item 22-03

Title 15A Amendments

15A.01.040 Roles and responsibilities.

The regulation of land development is a cooperative activity including many different elected and appointed bodies and county staff. The specific responsibilities of these bodies is set forth below and outlined in [Table A](#) at the end of this title.

1. **Applicant.** An applicant is expected to read and understand the county comprehensive plan and code and be prepared to fulfill the obligations placed on the applicant. Pre-application conferences are available to anyone who wishes to discuss such obligations prior to submittal.
2. **Community Development Services Director.**
 - a. The Community Development Services Director (CDS Director) is responsible for the administration of portions of [KCC Title 15](#), Environmental Policy, Title 15A, Project Permit Application Process, [Title 16](#), Subdivisions, [Title 17](#), Zoning, [Title 17A](#), Critical Areas, and the shoreline master program.
 - b. Upon request or as determined necessary, the CDS Director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.
 - c. Administrative land use decisions on certain zoning conditional uses, and variances from the standards and dimensional regulations of the zoning code, [KCC Title 17](#), such as setback and yard restrictions.
 - d. The CDS Director or his/her designee shall have the authority to review and approve, deny, or approve with conditions, applications for the following:
 - i. Letters of exemption from a shoreline substantial development permit;
 - ii. Shoreline substantial development permits;
 - iii. Revisions to shoreline substantial development permits; and
 - iv. Requests for timing extensions for i through iii above.
3. **Board of County Commissioners.** In addition to its legislative responsibilities under [KCC Title 15B](#), the board shall review and act on the following subjects pursuant to this title:
 - a. Recommendations of the Planning Commission. Decision-making process by the board shall consist of a public meeting or meetings wherein the board reviews the written record transmitted from the Planning Commission for Legislative matters and issues a written decision in resolution or ordinance form. During such meeting(s), appropriate county staff will present the record to the board, providing information as necessary to ensure county code compliance. No new comment or information will be allowed by the board during the decision-making process.
 - b. Appeals of site-specific rezones.
 - c. Development Agreements.
4. **Hearing Examiner - Decision.** The Hearing Examiner shall review and make a final decision for the purposes of appeal under KCC section 15A.07 on the following applications and subjects pursuant to this title:
 - a. Initial local County decision on Shoreline Conditional Use Permits subject to the Shoreline Master Program;
 - b. Initial local County decision on Shoreline Variances pursuant to the Shoreline Master Program;

- c. Shoreline substantial development permits that are included in consolidated permit applications that are subject to Hearing Examiner review and action;
- d. Conditional use permits pursuant to the zoning code, KCC Title 17;
- e. Application for preliminary plats;
- f. Site-Specific Rezone applications;
- g. Appeals of administrative SEPA actions regarding an action without an underlying permit;
- h. Open record appeal of administrative SEPA actions;
- i. Appeal of administrative determinations such as short plats, variances, and code interpretations; and
- j. Other actions requested or remanded by the Board of County Commissioners.
- j-k. Appeal of administrative determinations regarding road standard variance decisions.

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5. **Washington State Department of Ecology.** The Washington State Department of Ecology shall be responsible for the final approval, denial, or approval with conditions for the following:
- a. Shoreline conditional use permits and revisions to same; and
 - b. Shoreline variances and revisions to same.

([Ord. 2018-021](#), 2018; [Ord. 2016-006](#), 2016; [Ord. 2014-008](#), 2014;)

15A.01.050 Severability.

If any chapter, section, subsection, sentence, clause, phrase, part or portion of this title is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title or the application of the provisions to other persons or circumstances. (Ord. 2000-07; Ord. 98-10, 1998)