

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**Special MEETING DATE:** November 17, 1998

**TO:** Building Services Division Staff

Lynn Baugh  
Chris Ricketts  
Pam Dhanapal  
Ken Dinsmore  
Priscilla Kaufmann

Land Use Services Division Staff

Mark Carey  
Lisa Pringle  
Greg Borba  
Lanny Henoeh  
Gordon Thomson

Greg Kipp, Deputy Director  
Kevin Wright, Prosecuting Attorney's Office

**FM:** Sophia Byrd, Code Development Coordinator

**The Department received a request for a code interpretation request prompting the need for discussion of the following:**

**General question:** What are the requirements for subdivision of reserve tracts created under SC (Suburban Cluster) classification. (See K.C.C. 21.19.050A and K.C.C. 21.21.060B.)

**Background:** K.C.C. 21.19.050A requires SC parcels of five or more acres to set aside 50 percent of the site either as open space, or as "reserve tract" pursuant to 21.21.060.

K.C.C. 21.21.060 defines "reserve tract" as that portion of a proposed subdivision designated for potential future subdivision subject to restrictions of this section. It further describes restrictions associated with development of the future subdivision.

**Issue 1:** K.C.C. 21.21.060.C states that "All restrictions on a reserve tract, and the purpose of the reserve tract ..., shall be shown on the face of the plat ... and shall be communicated clearly and in writing to all purchasers and prospective purchasers of the building lots or reserve tracts... ." **Are the restrictions and purpose of the reserve tract shown on the face of the plat? Were these communicated to prospective purchasers?**

Yes. The plat in question contains a note that states "tracts B, C, D & E shall be held as reserve tracts ..." Additional restrictions and permitted uses are defined in K.C.C. 21.21.060. The reference to 21.21.060 indicates the purpose (future subdivision) and the additional restrictions. Future purchasers likely would have notice (constructive or actual) by title and plat.

**Issue 2:** K.C.C. 21.21.060.D (part of the restrictions applicable to future subdivision of a reserve tract) states that "Any proposed new subdivision ... of a reserve tract after its reclassification ... shall comply with all applicable policies and regulations in effect at the time the proposed new subdivision ... is reviewed. The building lots created by the original subdivision ... in which said reserve tract is located shall be included in computing all then-current technical requirements, including but not limited to open space, street improvements and drainage, unless the original subdivision ... made adequate provision for meeting such requirements as provided in 21.21.050.G."

K.C.C. 21.21.050.G provides that in any subdivision "...open space and right-of-way dedications, easements, drainage control facilities, and site improvement requirements may be set by the county to serve only that portion of the site containing building lots, or any improvements allowed in a reserve tract."

**Do these sections apply to development of future reserve tracts?**

**Conclusion:**

The Committee agreed that K.C.C. 21.21.060.D established certain standards to be met in the event of development of reserve tracts. Although K.C.C. Title 21 has been repealed, the above-referenced provisions could be applicable to a current application if specifically directed on the face of the original plat. Such "direction" would need to be a "shall" statement and not a mere reference to code provisions which does not direct compliance and is not binding.

SB:sm