

## **Chapter 15A.03**

### **PROJECT PERMIT APPLICATION REVIEW**

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#### **15A.03.010 Complete application defined.**

The definition of a complete project permit application is defined in the relevant section of the zoning code, subdivision code, or, if applicable, development agreement adopted pursuant to this title. (Ord. 2000-07; Ord. 98-10, 1998)

#### **15A.03.020 Preapplication conference.**

A preapplication conference is offered to all interested potential applicants. Applicants are encouraged but not required to request this conference except in the case of a Performance Based Cluster Development, Planned Unit Development, rezone and any preliminary plat over nine (9) lots where a preapplication conference is required.

1. Prior to formal submittal of a project permit application, one or more optional conferences with appropriate county department representatives and other public agency representatives may be requested by the applicant. The date, time and place of such conferences shall be at the mutual agreement of the participants.
2. Such conferences are intended as informal discussion and review of possible applications to assist the possible applicant in discovery of appropriate county regulations, standards, application formats and review processes that would be required of a project.
3. Such conferences are not publicized and the public is not permitted to attend in order that a potential applicant's interests be protected. (Ord. 2007-22, 2007; Ord. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)

#### **15A.03.030 Application and accompanying data.**

1. Written application for the approval of the following project activities: zoning variance; zoning conditional use; short plat, long plat or subdivision; shorelines substantial development/conditional use, master planned resort; and site-specific rezone shall be filed in complete form in the Community Development Services office upon forms prescribed for that purpose by the administrator.
2. The written application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes including all proposed land uses

and structures; points of access, roads and parking areas; septic tank and drainfield and replacement areas; areas to be cut or filled; and natural features such as contours, streams, gullies, cliffs, etc. The administrator may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties.

3. Applications for project permits shall be signed by the owner(s) of the property.
4. ~~The applicant shall furnish a list of the names and addresses of all persons owning real property located within 500 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant.~~
5. Appropriate fee(s) paid in full. (Ord. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)

#### **15A.03.040 Determination of complete application.**

1. Within 28 days after receiving a project permit application, the local permitting agency shall mail or provide in person a written determination to the applicant, stating either:
  - a. That the application is complete; or
  - b. That the application is incomplete and what is necessary to make the application complete. An incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form.
2. To the extent known by the permitting agency, the permitting agency shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
3. A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
4. Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional information is necessary. In determining the number of days that have elapsed after Kittitas County has notified the applicant that the application is complete, the following periods shall be excluded:
  - a.
    - i. Any period during which the applicant has been requested by Kittitas County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date Kittitas County notifies the applicant of the need for the additional information until the earlier of the date Kittitas County determined whether the additional information satisfies the request for information or 14 days after the date the information has been provided to Kittitas County.
    - ii. If Kittitas County determines that the additional information submitted by the applicant is insufficient, it shall notify the applicant of the continued deficiencies and the procedures under subsection (D)(1)(a) of this section shall apply as if a new request for studies has been made.

- b. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if Kittitas County and the applicant in writing agree to a time period for completion of an environmental impact statement.
- c. Any period of administrative appeals of project permits, if an open record hearing or a closed record appeal, or both, are allowed. The time period to consider and decide such appeals shall not exceed:
  - i. Ninety days for an open record appeal hearing;
  - ii. Sixty days for a closed record appeal; and
  - iii. The parties to an appeal may agree to extend these time periods.
- d. Any extension of time mutually agreed upon by the applicant and Kittitas County.
- e. These time limits do not apply to a project permit application, if the project:
  - i. Requires an amendment to the comprehensive plan or a development regulation;
  - ii. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200;
  - iii. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
- f. If Kittitas County is unable to issue its final decision within the time limits provided, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of the notice of final decision.
- g. Applications shall be void if they remain incomplete for more than 180 days.
- h. This section shall apply to project permit applications filed on or after the date of adoption of this title. (Ord. 2000-07; Ord. 9810, 1998)

**15A.03.045 Permit processing time.**

- 1. Community Development Services shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.**
- 2. Failure by the applicant to meet such deadline shall be cause for the application to be void.**
- 3. When granting a request for a deadline extension, Community Development Services shall give consideration to the number of day between receipt of a written request for a deadline extension and the mailing to the applicant the decision regarding that request.**

**15A.03.050 Fee schedule.**

The fees for such application processes related to this title shall be established annually by resolution and may be obtained from the Community Development Services department. Fees shall be payable to Kittitas County and shall not be refundable in any case. (Ord. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)

### **15A.03.060 Notice of application.**

Kittitas County shall provide a notice of application to the public and the departments and agencies with jurisdiction. If Kittitas County has made a SEPA determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this subsection prevents a determination of significance and scoping notice from being issued prior to a notice of application.

1. The notice of application shall be provided within 14 days after the determination of completeness in the following method:
  - a. Publishing notice, including at least the project location in other than a legal description, brief description of project, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by Kittitas County. Additional legal notice may be published for development applications located in the upper county in newspapers published at least weekly, in addition to the legal publishing requirement in the official county paper of record.
  - b. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered.
  - c. Mailing to adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 500 feet of any portion of the boundary of the proposal's tax parcel or lot of record (real property). If the owner of the real property which is proposed for activity owns another parcel or parcels of real property which lie adjacent to the real property proposed for activity, notice shall be given to owners of real property located within 500 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed for activity.
  - d. Notifying the news media.
  - e. Posting notice via the Kittitas County Website.
  - f. Posting the site as outlined in KCC 15A.03.110.
2. The notice of application shall include the following:
  - a. The date of initial application, the date of the notice of completion for the application, and the date of the notice of application.
  - b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any additional studies requested to complete the application.
  - c. The identification of other permits not included in the application to the extent known by Kittitas County.
  - d. The identification of existing environmental documents that evaluate the proposed project.
  - e. The location where the application and any studies can be reviewed.
  - f. A statement of the public comment period, which shall be not less than 14 nor more than 30 days following the date of the notice of application. This comment period shall be pursuant to Table A at the end of this title.
  - g. Statement of the right of any person to comment on the application, receive notice

of and participate in any hearings, request a copy of the decision once made, and any appeal rights.

- h. Kittitas County will accept public comments at any time prior to the closing of the public comment period of the specific application.
  - i. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application.
  - j. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency.
  - k. Identify the designated permit coordinator.
  - l. Any other information determined appropriate by Kittitas County.
3. If the administrator has a reasonable basis for determining significant adverse environmental impacts are unlikely (pursuant to Chapter 15.04 KCC, SEPA Regulations) for a proposal, the notice of application comment period will suffice for purposes of compliance with Chapter 197-11 WAC, and a second comment period after issuance of the SEPA threshold determination will not be required; provided, the notice of application includes the following:
- a. A statement indicating that the county expects to issue a DNS for the proposal; and
  - b. A statement indicating that the optional DNS process is being used, and that this may be the only opportunity to comment on the environmental impacts of the proposal; and
  - c. A statement indicating that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
  - d. A statement indicating that a copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
4. A notice of application shall not be required for project permits that are categorically exempt under Chapter 43.21C RCW (SEPA), unless a public comment period is required or for projects identified in KCC 15A.03.080, Projects exempt from the provisions of notice of application. (Ord. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)
- 5.

#### **15A.03.070 Specific procedures for permit review.**

The specific procedures for individual permit applications and independent administrative actions, including public comment period, public hearing, decision-making body, and appeals, are established pursuant to Table A at the end of this title. (Ord. 2000-07; Ord. 98-10, 1998)

#### **15A.03.080 Projects exempt from the provisions of notice of application.**

The following project proposals and land use actions shall be exempt from the provisions of notification when not associated with a larger, overall project. These projects allow an abbreviated application format and do not involve public review or hearing unless appeal to an administrative determination involving the underlying project is properly filed:

1. An act of subdivision not required to be accomplished by long plat, large lot subdivision or short plat;
2. Land use activity permitted without benefit of conditional use approval (administrative or quasi-judicial), as listed in KCC Title 17, Zoning;

3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or locations of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units, or density, or decrease the quality or amount of open space;
4. Building and associated construction permits, including but not limited to mechanical, plumbing, tank and manufactured home placement, etc.;
5. Sign permit;
6. Flood development permit;
7. Critical areas binding determination;
8. Septic and associated health permits, including vault privy, pool and food handler, etc.;
9. Well and/or community water system permit;
10. Approval to access onto county road;
11. Acts of right-of-way vacation;
12. Miscellaneous county actions related to use of public areas or facilities; and
13. Those actions categorically exempt from SEPA review, pursuant to Chapter 15.04 KCC, except as may be required by KCC 15A.03.060(D). (Ord. 2007-22, 2007; Ord. 2000-07; Ord. 98-10, 1998)
- 14.

**15A.03.090 Review actions on project permit applications.**

Project review shall include the following steps:

1. A notice of determination of completeness to the applicant.
2. A notice of application to the public and agencies with jurisdiction.
3. No more than one consolidated open record hearing and no more than one closed record appeal.
4. Provisions may be allowed by the local jurisdiction for any public meeting or required open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of Chapter 36.70B RCW.
5. A single report by a representative of the administrator, stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued by Kittitas County, the report shall include or append this determination.
6. A notice of decision.
7. Except as otherwise provided for in this title, Kittitas County shall issue its notice of final decision on a project permit application within 120 days after Kittitas County notifies the applicant that the application is complete. (Ord. 2000-07; Ord. 98-10, 1998)
- 8.

**15A.03.100 Criteria for review of all project actions.**

Project review should start from the fundamental land use planning choices made in local comprehensive plans and regulations, include review of consistency and land use impacts.

1. Applicable comprehensive plans and regulations that identify the type of land use for the site, specify density, and identify and provide for funding of public facilities needed to serve the proposed development and site should be the standard for project review. Consistency should be determined in the project review process by considering four

factors found in applicable plans or regulations:

- a. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional uses, if the criteria for their approval have been satisfied;
  - b. The level of development allowed, such as units per acre or other measures of density;
  - c. Infrastructure, such as the adequacy of public facilities and services identified in the comprehensive plan, to serve the proposed project; and
  - d. The character of the proposed development, such as compliance with specific development standards.
2. In determining consistency, the determinations made pursuant to this title shall be controlling.
  3. Project review should not require additional studies or mitigation under Chapter 43.21C RCW (SEPA) where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.
  4. Supplemental authority as specified by Chapter 43.21C RCW should be used to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts.
  5. Nothing in this title limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under Kittitas County comprehensive plan and development regulations and its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details of site plans, curb cuts, drainage swales, transportation demand management, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.
  6. Consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project, involving development regulations under Chapter 36.70A RCW, and environmental process under Chapter 43.21C RCW run concurrently and not separately.
  7. During project review, Kittitas County or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in such Kittitas County comprehensive plan and development regulation standards, except for issues of code interpretation.
  8. When holding a hearing on a project permit application, the hearing body should utilize the following issues outlined as a review guide: earth, air, water (including irrigation water and its conveyances), plants, animals, energy and natural resources, environmental health, land and shoreline use, housing, aesthetics, light and glare, recreation, historic and cultural preservation, transportation, public services, and utilities. (Ord. 2000-07; Ord. 9810, 1998)
  - 9.

**15A.03.110 Posting site.**

1. These provisions shall apply to all development applications, except for development applications processed administratively.
2. The applicant shall post the subject property with signs as required by Community Development Services.

3. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
4. Signs shall be posted and on-site prior to issuance of a Notice of Application.
5. The sign shall be a minimum 2 feet by 3 feet and laminated and posted in a sturdy manner to remain on-site until fifteen days after the expiration of the notice of decision appeal period. It shall be the responsibility of the applicant to properly dispose of the sign.
6. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
7. It shall be the responsibility of the applicant to place the structure in which the sign will be posted on-site. At such time the structure and sign is in place, the applicant shall contact Community Development Services. (Ord. 2007-22, 2007)

## **Amendment to:**

### **16.08.015 Administrative segregation.**

"Administrative segregation" means the division of land within the boundaries of a legal description into fewer than ten lots or tracts where no lot or tract is less than twenty (20) acres; provided that the parent parcel was not created by a division within a five-year period. Land divided by administrative segregation shall not be reduced in size below 20 acres ~~or further subdivided without review under the provisions for short plat, large lot subdivision or plat. The appropriate method of division will be determined based on the size and number of lots being proposed.~~ Administrative segregations must comply with KCC 16.18 and KCC Title 12 Road Standards. (Ord. 2005-31, 2005)

## **Chapter 16.12**

### **PRELIMINARY PLATS**

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#### **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 eight (8) 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. 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.

- A. 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 36" sheets for review. The scale shall be 1" = 100' horizontal and 1" = 10' vertical, sheet one.
- B. Names of proposed subdivision, all sheets.
- C. Location of subdivision by section, township, range, county and state, all sheets.
- D. Legal description of land contained within the subdivision.
- E. Name(s) and address of the owner(s), subdivider(s), surveyor, engineer and date of survey.
- F. Scale (1" = 200', or greater) north arrow and date, sheet one.
- G. 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.
- H. Proposed platted boundary lines, lot and road dimensions, and gross acreage, sheet one.
- I. A statement regarding the contemplated sewage disposal, potable water supply, and drainage improvements for the proposed subdivision.
- ~~J. Names and addresses of all abutting property owners.~~
- K. All access easements.
- L. All irrigation ditch easements or historical ditch locations. (Ord. 2005-31, 2005)

### **16.12.030 Existing conditions.**

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

- A. Contour lines at intervals of five feet for slopes less than thirty percent, and ten feet for slopes over thirty percent 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 at final review.
- B. Location, width and type 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. Except for administrative segregations, 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. 2005-31, 2005)

## II DESIGN STANDARDS

### 16.12.040 Comprehensive plan and zoning regulation conformance.

All proposed subdivisions and administrative segregations 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. (Ord. 2005-31, 2005)

### 16.12.080 Access Requirements.

1. All roads that serve more than 40 lots are required to have two interconnected ingress-egress routes (accesses) that connect to an on-system county road.
2. If a proposed subdivision will result in more than 40 lots being accessed by a single private access, a second access is required.
  - a. A feasible second access must be designed by a licensed engineer and approved by Public Works prior to preliminary plat approval; or
  - b. If a proposed second access route is not approved prior to preliminary plat, no logging, site clearing, or site development shall take place on the project site until the second access is approved by Public Works.

### 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. 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 shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the board. Any hearing may be continued at the discretion of the commission. (Ord. 2005-31, 2005)

**16.12.150 Road, sewer, water and fire system recommendations.**

The director, county public works director, and the county health officer, shall certify to the planning commission, 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 and fire protection facilities within the subdivision. The recommendations of the director, county public works director, and the county health officer, shall be attached to the commission's report for transmittal to the board. (Ord. 2005-31, 2005)

**16.12.160 Facilities - Improvements.**

The commission shall determine whether the proposal includes appropriate provisions for drainage, roads, alleys, and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements. (Ord. 2005-31, 2005)

**16.12.170 Comprehensive plan conformance.**

The commission 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 PLANNING COMMISSION HEARING EXAMINERS ACTION**

**16.12.180 Findings and report.**

Not later than ~~fourteen~~ ten days following conclusion of the open record predecision hearing, the ~~commission~~ Hearing Examiner shall submit its written report and recommendations to the legislative body. The ~~commission~~ Hearing Examiner may recommend that the proposed plat be approved, conditionally approved or disapproved. Conditions of approval shall be precisely recited in the ~~commission's~~ Hearing Examiner's report and shall include recommended protective improvements, if any. (Ord. 2005-31, 2005)

**16.12.190 Records.**

Records of the planning commission hearings on preliminary plats shall be kept by the clerk of the board 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 **five seven** years of the date of preliminary plat approval. 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 within 30 days before 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. 2010-02, 2010; 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](#) Board review - Appeals.

[16.32.080](#) Final approval - Filing.

[16.32.090](#) Expiration

#### **16.32.010 Drawings - General information requirements.**

A. All short plats shall contain information set forth in Sections [16.20.010](#) through

[16.20.050](#).

B. 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](#). (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 director shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision with regard to:

A. Its conformance with all county subdivision, zoning, health and sanitation regulations and with laws adopted by the state of Washington.

B. Its conformance to all standards and improvements required under this title.

C. Potential hazards created by flood potential, landslides, etc.

D. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.

E. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.

F. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.

G. 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](#) (Ord. 2005-31, 2005)

### **16.32.070 Board review - Appeals.**

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

### **16.32.080 Final approval - Filing.**

- A. 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.
- B. 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 be approved within five years of the date of short plat approval. 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 within 30 days before 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**

## **Chapter 17.08**

### **DEFINITIONS\***

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- 17.08.022 Accessory dwelling unit.
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17.08.580 Yard depth.

17.08.590 Yard, front.

17.08.600 Yard, rear.

17.08.610 Yard, side.

17.08.620 Yurt.

\* Prior history: Ords. 82-Z-2, 79-Z-3, 77-12, 77-1Z, 76-3, 75-9, 73-3, 68-17, 2.

**17.08.010 Generally.**

Certain terms and words used in this title are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. (Res. 83-10, 1983)

**17.08.020 Accessory or accessory building.**

"Accessory" or "accessory building" means a subordinate building or use, the use of which is incidental to that of the main building and located on the same tract or lot as the main building. (Res. 83-10, 1983)

**17.08.022 Accessory dwelling unit.**

"Accessory Dwelling Unit" shall mean separate living quarters detached from the primary residence. No mobile home or recreational vehicle shall be an accessory dwelling unit.

Accessory Dwelling units shall be subject to the requirements and conditions as set forth below:  
Accessory Dwelling Unit (ADU) subject to the following requirements:

- A. ADUs shall be allowed as a permitted use within designated UGAs and UGNs
- B. ADU's shall be subject to obtaining a ~~conditional use~~ Administrative Use permit in areas outside of UGAs and UGNs.

- C. Only one ADU shall be allowed per lot
- D. Owner of the property must reside in either the primary residence or the ADU
- E. The ADU shall not exceed the square footage of the habitable area of primary residence.
- F. The ADU shall be designed to maintain the appearance of the primary residence
- G. All setback requirements for the zone in which the ADU is located shall apply
- H. The ADU shall meet the applicable health department standards for potable water and sewage disposal
- I. No mobile homes or recreational vehicles shall be allowed as an ADU.
- J. The ADU shall provide additional off-street parking.
- K. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists. (Ord. O-2006-01, 2006)

**17.08.023 Accessory living quarters.**

"Accessory Living Quarters" shall mean separate living quarters fully contained within a single structure that contains the primary dwelling. Accessory Living Quarters shall be subject to the requirements and conditions as set forth below:

Accessory Living Quarter subject to the following requirements:

- L. Accessory Living Quarters shall be located within an owner occupied primary residence
- M. Accessory Living Quarters are limited in size to no greater than fifty percent of the habitable area of the primary residence
- N. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal
- O. Only one Accessory Living Quarters shall be allowed per lot
- P. Accessory Living Quarters are to provide additional off-street parking.
- Q. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists. (Ord. O-2006-01, 2006)

**17.08.030 Access road.**

"Access road" means any road, public or private, except a county arterial road. (Res. 83-10, 1983)

**17.08.031 Adult family home.**

A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. (Ord. 2007-22, 2007)

**17.08.035 Agriculture Study Overlay Zone.**

Properties containing prime farmland soils, as defined by United States Department of Agriculture Soil Conservation Service in Agriculture Handbook No. 210, and located in the former Thorp Urban Growth Node Boundaries and outside of LAMIRD boundaries. (Ord. 2009-25, 2009)

**17.08.040 Airport.**

"Airport" means any area of land or water designed and set aside for landing and taking off of aircraft. (Res. 83-10, 1983)

**17.08.050 Alteration.**

"Alteration" may be a change in construction or a change of occupancy. Where the term alteration is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. Where the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of a trade or use to another. (Res. 83-10, 1983)

**17.08.060 Amendment.**

"Amendment" means a change in the wording, context, boundaries or maps which are a part of this title by the county commissioners in the manner prescribed by law. (Res. 83-10, 1983)

**17.08.063 Amenity funds.**

"Amenity funds" means cash payments to cities to help offset the costs of taking additional density. (Ord. 2009-25, 2009)

**17.08.067 Animal Boarding Facility.**

A facility where animals are housed, fed, and cared for, excluding a veterinary clinic, for a period greater than twenty-four hours for commercial purposes. Such uses shall include, but are not limited to, kennels, boarding stables and riding academies. (Ord. 2009-25, 2009; Ord. 2007-22, 2007)

**17.08.070 Apartment house.**

"Apartment house" means any building or portion thereof which is designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as a residence of three or more families living independently of each other, suitable to be occupied on a permanent basis as distinguished from a transient occupancy basis. (Res. 83-10, 1983)

**17.08.100 Auto wrecking yard.**

"Auto wrecking yard" means any place in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or which buys or sells integral secondhand parts of component material thereof. (Res. 83-10, 1983)

**17.08.105 Bed and breakfast business.**

"Bed and breakfast business" means a use allowing lodging for let contained within an established single-family dwelling's existing bedrooms, where lodgers typically stay for one to fourteen days. The purpose of bed and breakfast use shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, church camps, and other similar uses. (Ord. 93-21 (part), 1993)

**17.08.110 Board.**

"Board" means board of county commissioners of Kittitas County. (Res. 83-10, 1983)

**17.08.120 Board of adjustment.**

"Board of adjustment" means a group of people similar to the planning commission who act as a separate group charged with the responsibility of interpreting and making certain decisions as specified in this title. (Res. 83-10, 1983)

**17.08.130 Building.**

"Building" means a structure having roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. (Res. 83-10, 1983)

**17.08.135 Building height**

**The vertical distance from grade plane to the average height of the highest roof surface. Grade plain is the reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.**

**17.08.140 Building line.**

"Building line" means a line established at a minimum distance a building may be located from

any property line as determined by the standards of this title. (Res. 83-10, 1983)

**17.08.150 Business or commercial.**

"Business" or "commercial" means the occupation or employment of buying, selling, bartering and exchange of goods, wares and merchandise or other personal property or real property or any interests therein for profit or livelihood and also ownership or management of office buildings, offices and recreational or amusement enterprises. (Res. 83-10, 1983)

**17.08.155 Campground.**

"Campgrounds" means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. Typically the length of stay for a majority of the guests will range from one to fourteen days. The purpose of a campground use shall relate primarily to vacation, recreation and similar pursuits, and is not a place of permanent residence for the campers. A single-family residence may be allowed for the owner or caretaker. Very limited service commercial activities may be allowed which are intended for campers of the campground and must be approved as part of a conditional use permit. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles. (Ord. 2007-22, 2007)

**17.08.156 Camp Site.**

A specific area within an RV park or campground that is set aside for use by a camping unit. (Ord. 2007-22, 2007)

**17.08.157 Camping Unit.**

Camping Unit means any portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RV activities or camping. The basic units are: recreational vehicle, tent, portable camping cabin, teepee, yurt or other portable shelter. (Ord. 2007-22, 2007)

**17.08.160 Clinic.**

"Clinic" means any building or portion of any building containing offices for providing medical, dental or psychiatric services for outpatients only. (Res. 83-10, 1983)

**17.08.165 Commercial Activities Associated with Agriculture.**

"Commercial Activities Associated with Agriculture" means any commercial endeavor as defined in [KCC 17.08.150](#), and including the custom fabrication and construction of products or materials, as well as services which are in support of, or supplemental to agricultural activities. Such use in areas designated as agricultural land of long term commercial significance shall comply with [RCW 36.70A.177](#)(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture. (Ord. 2009-25, 2009)

**17.08.170 Commission.**

"Commission" means the planning commission of Kittitas County. (Res. 83-10, 1983)

**17.08.180 Conditional uses.**

For the definition of "conditional uses" see "uses, conditional." (Res. 83-10, 1983)

**17.08.183 Conservation easement.**

"Conservation easement" means a legal agreement between a landlord and a land trust or government agency that permanently limits uses of the land in order to protect its nondevelopment values. It allows the landowner to continue to own and use the land, to sell it, or to pass it on to heirs. A conservation easement is placed on a sending site at the time development rights are sold from the property. The conservation easement typically prohibits any further development of the property but allows resource uses, such as farming and forestry, to continue. (Ord. 2009-25, 2009)

**17.08.187 Conservation or resource values.**

Conservation or Resource Values means the use and suitability of the land for farm, agricultural, or forest production and the perpetual retention of the land for such purpose. (Ord. 2009-25, 2009)

**17.08.190 County arterial road.**

"County arterial road" means any county road designated by resolution at any time as a county arterial road by the board of county commissioners. (Res. 83-10, 1983)

**17.08.191 Critter Pad.**

Critter pad means livestock flood sanctuary areas. (Ord. 2007-22, 2007)

**17.08.195 Day care facilities.**

"Day care facilities" means any home or building used for the daily care and supervision of children under age 10 in a residential setting. Such facilities shall not include or be interpreted to include regular overnight lodging or centers for the care or treatment of patients, those in rehabilitation or court assigned delinquents, criminals, or other sentencing categories. (Ord. 90-15 § 1, 1990)

**17.08.197 Density.**

Expressed in dwelling units per acre. (Ord. 2007-22, 2007)

**17.08.198 Designated manufactured home.**

"Designated manufactured home" is a manufactured home which is comprised of at least two fully enclosed parallel sections; each section being a minimum of twelve feet wide and thirty-six feet long; and which was originally constructed with and currently has a composition, coated metal, or similar roof of not less than a 3:12 pitch. (Class A roofs coverings are required in many areas of Kittitas County). The unit must have siding similar in appearance to siding materials commonly utilized on conventional site-built International Building Code single family residences and placed on a permanent perimeter foundation comprised of poured concrete or masonry which shall be twenty-four inches below finished grade when backfilled. A designated manufactured home shall have been constructed after January 1996 and to appropriate snow load requirements as determined by the Kittitas County building and fire safety department. Units shall be placed in accordance with [Section 14.04.040\(B\)](#) of this code. Designated manufactured homes shall be considered to be single-family residences. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)

**17.08.199 Development right.**

"Development right" means an interest in and the right under current law to use and subdivide a lot for any and all residential, commercial, and industrial purposes. (Ord. 2009-25, 2009)

**17.08.200 Dwelling.**

"Dwelling" means a building or portion thereof designed exclusively for residential occupancy. (Res. 83-10, 1983)

**17.08.210 Dwelling, multiple-family.**

"Multiple family dwelling" means a dwelling designed or used for occupancy by more than two families. (Res. 83-10, 1983)

**17.08.220 Dwelling, two-family.**

"Two family dwelling" means a building designed exclusively for occupancy by two families living independently of each other. (Res. 83-10, 1983)

**17.08.225 Extremely hazardous waste.**

"Extremely hazardous waste" means those dangerous wastes designated in [WAC 173-303-070](#) through [173-303-103](#) as extremely hazardous. The abbreviation "EHW" may be used in this title

to refer to those dangerous wastes which are extremely hazardous. (Ord. 93-1 (part), 1993)

**17.08.230 Family.**

"Family" means a number of related individuals or not more than five unrelated individuals living together as a single housekeeping unit, and doing their cooking on the premises exclusively as one household. (Res. 83-10, 1983)

**17.08.240 Family dwelling.**

"Family dwelling" means any building designed for and occupied by any person or a family establishing or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied. (Res. 83-10, 1983)

**17.08.250 Farm.**

"Farm" means an area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. (Res. 83-10, 1983)

**17.08.255 Farm labor shelter.**

"Farm labor shelter" means an accessory dwelling unit used exclusively as temporary or seasonal housing of farm laborers who are doing farm labor on the farm on which the shelters are located. This definition shall include all manufactured housing and travel trailers provided all trailers are served by the full range of utilities including water, sewerage and power. (Ord. 2007-22, 2007; Ord. 93-6 (part), 1993)

**17.08.260 Feedlot.**

"Feedlot" means any area used for the continuous feeding of 500 or more head of cattle destined for slaughter, confined at a density of less than 500 square feet per head on a year round basis. This shall not be interpreted to include dairy operations with a Washington State Grade A license. (Ord. 91-4, 1991; Res. 83-10, 1983)

**17.08.261 Firing range.**

Repealed by Ord. 2009-25. (Ord. 2009-25, 2009; Ord. 200-113 (part), 2001)

**17.08.262 Golf Course.**

A recreational facility designed and developed for golf activities. May include as accessory uses a pro shop, snack bar (not including restaurants), and caddy shack/maintenance buildings. (Ord. 2007-22, 2007)

**17.08.263 Group Care Facility.**

Living quarters for children or adults meeting applicable Federal and State standards that function as a single housekeeping unit and provide supporting services, including but not limited to counseling, rehabilitation, and medical supervision, not exceeding more than 20 residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals 1 full-time residing staff member for purposes of determining number of staff. (Ord. 2007-22, 2007)

**17.08.265 Group home.**

"Group home" means a home for at least seven and not more than 15 persons, plus house parents, providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere. (Ord. 87-9 § 1, 1987)

**17.08.266 Guest House.**

Guest House means an accessory building designed, constructed, and used for the purpose of providing temporary sleeping accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities. (Ord. 2007-22, 2007)

**17.08.270 Guest ranch.**

"Guest ranch" means a business or an organization providing overnight lodging, dining and

recreational facilities in a rural setting. The purpose of a guest ranch use shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, churches and church camps, and other similar uses. Events such as auctions, barbecues and similar gatherings which do not provide overnight lodging or which are not conducted on a continuous basis shall not be considered as guest ranches. (Ord. 93-21 (part), 1993; Ord. 83-Z-5, 1983)

**17.08.280 Hazardous waste.**

"Hazardous waste" means those solid wastes designated by 40 CFR Part 261 and regulated as hazardous waste by the United States EPA. (Ord. 93-1 (part), 1993)

**17.08.281 Hazardous waste facility.**

"Hazardous waste facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specific in this chapter, the terms "facility," "treatment," "storage," "disposal facility" or "waste management facility" shall be used interchangeably. (Ord. 93-1 (part), 1993)

**17.08.282 Hazardous waste storage.**

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of [WAC 173-303-200](#) and [173-303-201](#). (Ord. 93-1 (part), 1993)

**17.08.283 Hazardous waste treatment.**

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume. (Ord. 93-1 (part), 1993)

**17.08.290 Home occupation.**

"Home occupation" means any lawful profession, craft or service commonly carried on within a dwelling or accessory building provided such activity is secondary to the use of said dwelling for residential purposes, and provided that there is no outdoor display of merchandise. This definition shall not be interpreted to include the sale of firewood, farm produce, or similar activities which are not regulated by this title. No sign advertising a home occupation shall exceed sixteen square feet in size. (Res. 83-10, 1983)

**17.08.300 Hospital.**

"Hospital" means an institution specializing in and providing facilities and services in surgery, obstetrics, and general medical practice for human beings and licensed by state law for that purpose. (Res. 8310, 1983)

**17.08.310 Hospital, animal or veterinary.**

"Animal or veterinary hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to animals and domestic pets. (Ord. 2007-22, 2007)

**17.08.320 Hotel.**

"Hotel" means a building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite. (Res. 83-10, 1983)

**17.08.321 Infill.**

Infill means the development of new housing or other buildings on scattered vacant sites in a

built-up area. (Ord. 2007-22, 2007)

**17.08.324 Interlocal agreement.**

"Interlocal agreement" means a legal contract between two or more local jurisdictions (cities and counties) that specifies the condition under which TDR credits may be transferred (typically from an unincorporated county into an incorporated city). Interlocal agreements must be endorsed by the legislative bodies of both jurisdictions. (Ord. 2009-25, 2009)

**17.08.327 Intervening Ownership.**

A parcel of land which is physically separated from a main tract by a public road or ownership by utility, including irrigation entities. Identification of intervening ownership shall be processed consistent with Kittitas County Code 17.60B Administrative Uses. (Ord. 2009-25, 2009; Ord. 2007-22, 2007)

**17.08.329 Junk.**

Junk means storage or accumulation of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment. (Ord. 2007-22, 2007)

**17.08.330 Junkyard.**

"Junkyard" means any lot, parcel, building, structure or portion thereof, used for the storage, collection, processing, purchase, sale, exchange, salvage or disposal of scrap materials, unlicensed or inoperable vehicles, vehicle parts, used appliances, machinery or parts thereof. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment. (Ord. 2007-22, 2007; Res. 83-10, 1983)

**17.08.340 Kennel.**

Kennel means a lot or building which four or more dogs or cats at least four months of age are kept commercially for board, propagation, training or sale. (Ord. 2007-22, 2007; Res. 83-10, 1983)

**17.08.360 Lot.**

"Lot" means any area, tract or parcel of land owned by or under the control and in the lawful possession of one distinct ownership. The term means any type of land holding and includes, but is not limited to, lots platted in subdivisions. (Res. 83-10, 1983)

**17.08.370 Lot line, front.**

"Front lot line" means any boundary line separating the lot from a street. (Res. 83-10, 1983)

**17.08.380 Lot line, rear.**

"Rear lot line" means any boundary opposite and most distant from front lot line and not intersecting a front lot line. (Res. 83-10, 1983)

**17.08.390 Lot line, side.**

"Side lot line" means any boundary line not a front or rear lot line. (Res. 83-10, 1983)

**17.08.391 Manufactured home.**

"Manufactured home" is a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indication for such compliance. The unit must be transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body width in length, or when erected on site exceeds four hundred square feet and which is built on a permanent chassis. A manufactured home shall be affixed to a foundation system in accordance with Chapter [296-150M WAC](#) as administered by the Washington State Department of Labor and Industries. The manufacturer's requirements shall

be followed for placement and if there are no manufacturer instructions, the Kittitas County department of building and fire safety requirements shall be imposed. A manufactured home has a red insignia from the Department of Labor and Industries. (Ord. 9822 (part), 1998)

**17.08.395 Mineral exploration.**

"Mineral exploration" means the process of exploring, by various means, for mineral deposits (including geothermal sources). Such activities, not involving the extraction of minerals, shall not be considered or regulated as a land use by this title. (Res. 83-10, 1983)

**17.08.396 Mini Storage Facility.**

A facility including buildings segregated into storage cubicles used exclusively for the storage of excess property and outdoor storage of vehicles and boats. (Ord. 2007-22, 2007)

**17.08.397 Mini warehouse.**

"Mini warehouse" means a single story building or group of single story buildings containing individual compartmentalized access stalls or lockers for the dead storage of customers' goods or wares. (Ord. 83-Z-2 (part), 1983)

**17.08.398 Mobile home.**

"Mobile home" is a structure transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. Beginning September 1, 1998, mobile homes will no longer be allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. (Ord. 98-22 (part), 1998; Res. 83-10, 1983)

**17.08.399 Modular home.**

"Modular home" is a manufactured structure originally designed for initial movement without benefit of an undercarriage frame or its own wheels to a site of permanent placement on a full perimeter foundation, used for residential purposes, and exceeds eight hundred sixty-four square feet of enclosed living area. A modular home shall be considered a "dwelling" or "single-family residence". A "modular home" constructed to International Building Code standards and bearing the gold insignia from the Washington State Department of Labor and Industries shall be considered to be a single-family residence. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998; Ord. 93-21 (part), 1993)

**17.08.400 Motel.**

"Motel" means an individual building or group of attached or detached buildings containing guest rooms, together with conveniently located parking space on the same lot, which are designed, used or intended to be used for the accommodation of automobile transients. The term includes auto courts, motor lodges and tourist courts. (Res. 83-10, 1983)

**17.08.410 Nonconforming use.**

For more information on "nonconforming use" see Section 17.08.550. (Ord. 2007-22, 2007; Res. 83-10, 1983)

**17.08.420 Nursing home.**

"Nursing home" means a home, place or institution which operates or maintains facilities providing convalescence or chronic care or both for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves, and is licensed by the State Department of Health as a nursing home. (Res. 83-10, 1983)

**17.08.424 Off-site hazardous waste facilities.**

"Off-site hazardous waste facilities" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located. (Ord. 93-1 (part), 1993)

**17.08.427 On-site hazardous waste facilities.**

"On-site hazardous waste facilities" means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from contiguous property within Kittitas County. (Ord. 93-1 (part), 1993)

**17.08.430 Outdoor advertising signs and billboards.**

1. "Outdoor advertising signs and billboards" means any card, paper, cloth, metal, wooden or other display or device of any kind or character, including but not limiting the same to any poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, placed for outdoor advertising purposes on or to the ground or any tree, wall, rack, fence, building, structure or thing.
2. "Outdoor advertising signs and billboards" does not include:
  - a. Official notices issued by any court or public body or officer;
  - b. Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;
  - c. Directional, warning or information structures required by or authorized by law or by federal, state, county or city authority. (Res. 83-10, 1983)

**17.08.431 Park model trailer.**

A trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet. (Ord. 2007-22, 2007)

**17.08.440 Parking space.**

"Parking space" means a minimum gross area available for the parking of a standard American automobile. (Res. 83-10, 1983)

**17.08.445 Performance based cluster plat uses.**

Performance based cluster plat uses means those uses identified for use in calculation of points for recreation and open space as provided in Title [16.09.090](#) of the Kittitas County Subdivision Code, Public Benefit Rating System. These are applied to calculation of density bonus for a qualifying Performance Based Cluster Plat application. (Ord. 2005-35, 2005)

**17.08.450 Planned unit development.**

"Planned unit development" means a development of planned community by a landowner to be developed as a single entity in which a mixture of land uses are permitted including residential, commercial, and open space, the plan for which may not correspond in lot size, density, or type of dwellings to other zoning districts. (Ord. 2005-35, 2005, Ord. 90-6 (part), 1990: Ord. 83-Z-2 (part), 1983)

**17.08.455 Planning commission or commission.**

"Planning commission" or "commission" means the Kittitas County planning commission. (Ord. 2005-35, 2005, Res. 83-10, 1983)

**17.08.456 Produce Stands.**

A temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include incidental to fresh produce sale, the sale of limited prepackaged food products and nonfood items. This use is to be seasonal in duration, open for the duration of the local harvest season. (Ord. 2007-22, 2007)

**17.08.460 Public office building.**

"Public office building" means a structure used as the office or for the purpose of conducting official business by an agency of the federal government, state government or a political subdivision of the state of Washington. (Res. 83-10, 1983)

**17.08.462 Receiving site.**

"Receiving site" means those lots where the procurement of TDR credits facilitate a permissible change in the allowed intensity on the property pursuant to the TDR chapter and all other controlling policies and law. (Ord. 2009-25, 2009)

**17.08.465 Recreational vehicle.**

"Recreational vehicle" is a vehicular type unit designated as temporary living quarters for recreation camping, travel or seasonal use which has its own power or is mounted on or towed by another vehicle. The vehicle has a gross floor area of not more than three hundred twenty square feet. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International Building Code standards. A recreational vehicle has a green and silver insignia from the Department of Labor and Industries. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)

**17.08.470 Rezone.**

"Rezone" means an amendment to the zoning ordinance, requiring the same enactment as an original zoning. (Res. 83-10, 1983)

**17.08.475 Sand & gravel extraction.**

**Sand & Gravel Extraction shall mean all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.**

**Operations specifically include:**

- (a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;**
- (b) Blasting, equipment maintenance, sorting, crushing, and loading;**
- (c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;**
- (d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.**

**17.08.480 School, public or parochial.**

"Public or parochial school" means an institution which offers instruction and study required to be taught in the public schools of the state of Washington. Trade schools are specifically excluded from this definition. (Res. 83-10, 1983)

**17.08.485 Shooting range.**

"Shooting range" means an area or facility designated or operated for archery (including crossbows), and/or the discharging and operation of lawfully possessed, lawful firearms, as defined in [RCW Chapter 9.41](#); with the exception of:

1. Any law enforcement or military shooting range; or
2. Incidental target practice areas on private property.

Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be

operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board of Adjustment or Hearings Examiner review of said site plan and the proposal as a whole shall include, but not be limited to the following criteria:

1. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
2. Adherence to the practices and recommendations of the "NRA Range Sourcebook".
3. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges".
4. Proposed shooting ranges in areas designated as agricultural land of long term commercial significance shall comply with [RCW 36.70A.177\(3\)](#) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture. (Ord. 2009-25, 2009)

**17.08.487 Sending site.**

"Sending site" means designated lot or lots from where landowners may sell their development rights in exchange for placing a conservation easement on the property. (Ord. 2009-25, 2009)

**17.08.490 Single-family residence.**

"Single-family residence" means a single-family home or single-family dwelling. (Ord. 98-22 (part), 1998)

**17.08.500 Special care dwelling.**

"Special Care Dwelling" shall mean a Manufactured Home providing separate living quarters for the purpose of providing care to an immediate family member. The Manufactured Home shall be removed from the site at the time the need for care of an immediate family member ends. Special Care Dwellings shall be subject to the requirements and conditions set forth below:

Special Care Dwelling subject to the following requirements.

- R. The Special Care Dwelling must meet all setback requirements for the zone in which it is located.
- S. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal
- T. Placement is subject to obtaining a building permit for the manufactured home.
- U. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.
- V. The Special Care Dwelling unit cannot be used as a rental unit
- W. The Special Care Dwelling unit must be removed when the need for care ceases.
- X. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists. (Ord. 2007-22, 2007; Ord. O-2006-01, 2006)

**17.08.510 Structural alteration.**

"Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or of structures, such as bearing walls, columns, beams or girders. (Res. 83-10, 1983)

**17.08.520 Structure.**

"Structure" means that which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner. (Res. 83-10, 1983)

**17.08.530 Trailer.**

"Trailer" means any vehicle or portable structure mounted on or designed for mounting on wheels, used for or intended for use for dwelling purposes, and having dimensions totaling less than seven hundred twenty square feet. (Res. 83-10, 1983)

**17.08.535 Trailer home.**

"Trailer home" means a structure mounted or designed for mounting on wheels, used for residential purposes and having dimensions less than eight hundred ninety-six square feet but more than seven hundred twenty square feet. (Res. 83-10, 1983)

**17.08.540 Trailer park, trailer camp, trailer court and mobile home park.**

"Trailer park," "trailer camp," "trailer court" and "mobile home park" mean an area or tract of land used or designed to accommodate two or more vehicles propelled either by their own power or by another driven vehicle and used for sleeping or living quarters. (Res. 83-10, 1983)

**17.08.542 Transfer of development rights (TDR).**

"Transfer of Development Rights (TDR)" means the transfer of the right to develop or build from sending sites to receiving sites. (Ord. 2009-25, 2009)

**17.08.543 TDR certificate.**

"TDR certificate" means a form of currency that displays how many TDR credits are available for sale and use. (Ord. 2009-25, 2009)

**17.08.544 TDR certificate letter of intent.**

"TDR certificate letter of intent" means a document issued to a landowner upon an approved TDR sending site application. The letter contains a determination of the number of development rights calculated for the sending site and an agreement by the County to issue a corresponding number of TDR certificates in conversion for a conservation easement. The sending site owner may use the TDR certificate letter of intent to market development rights to potential purchasers, but the document has no value itself and cannot be transferred or used to obtain increased development rights within receiving areas. (Ord. 2009-25, 2009)

**17.08.545 TDR credit.**

"TDR credit" is a term for the TDR commodity used in receiving sites. TDR credits reflect the number of units a seller has a right to build or sell on a sending site based on zoning. TDR credits may also reflect the number of TDR certificates required for a given development project. (Ord. 2009-25, 2009)

**17.08.546 TDR program.**

"TDR program" means a market-based program that provides a public benefit by permanently conserving rural resource lands by establishing a means to transfer development rights from eligible sending sites to eligible receiving sites through a voluntary process that fairly compensates landowners while providing a public benefit for communities. (Ord. 2009-25, 2009)

**17.08.547 TDR sending site application.**

"TDR sending site application" means an application that a sending site landowner must file in order to be eligible for consideration for designation as a TDR sending site. (Ord. 2009-25, 2009)

**17.08.550 Use.**

"Use" means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained.

1. "Conditional use" means a use permitted subject to conditions.
2. "Nonconforming use" means a use to which a structure, building or land was lawfully put at the time this resolution became effective but which is not a permitted use in the area in which it is located.

3. "Prohibited use" means those uses not specifically enumerated as permitted uses. Prohibited uses are listed in this title for purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to the enumerated prohibited uses. (Res. 83-10, 1983)

**17.08.560 Variance.**

"Variance" means a waiver of the strict interpretation of the requirements. It is a special dispensation given to the petitioner to disregard certain stipulations in the zoning code in order to develop his property. (Res. 83-10, 1983)

**17.08.561 Winery.**

A facility where fruit or other products are processed (i.e., crushed, fermented, decanted, stored, bottled and shipped) into wine. This may include the sale of wine and limited ancillary items, tourist facilities, or tasting rooms. (Ord. 2007-22, 2007)

**17.08.570 Yard.**

"Yard" means an open space, other than a court or a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Res. 83-10, 1983)

**17.08.580 Yard depth.**

"Yard depth" means the minimum perpendicular distance between any point on a lot line and the nearest part of any structure or building. (Res. 83-10, 1983)

**17.08.590 Yard, front.**

"Front yard" means any yard abutting a public or private street. (Res. 83-10, 1983)

**17.08.600 Yard, rear.**

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory building) and the rear line of the lot.

For triangular lots the rear yard shall be the area of the lot lying within a circle having a radius equal to the depth of the required rear yard and its center at a point therein defined as the rear property line for such lots. (Res. 83-10, 1983)

**17.08.610 Yard, side.**

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot. (Res. 83-10, 1983)

**17.08.620 Yurt.**

A circular, domed, portable tent for temporary use. (Ord. 2007-22, 2007)

### **17.12.020 Official County Map.**

The above zones or area classifications and the boundaries of such are established as shown ~~on a series of quarter section maps, and other county maps marked "Official Zoning Map" and all of which constitute the Official Zoning Map of Kittitas County, and which official map is by this reference made a part of this title.~~ on the Kittitas County Geographic Information System (GIS) Spatial Data Base Engine (SDE) as a dataset designated as "Zoning". The GIS zoning dataset shall be the County's "Official Zoning Map"; it shall be maintained and edited under the conditions set forth in KCC 17.98 as necessary by qualified personnel within the Community Development Services department. Delineations and alterations shall be recorded in a manner as to preserve the details of their size, configuration, adoption ordinance, adoption date, and any other information deemed necessary by the Planning Director or their designee within the dataset's attribute data for the purpose maintaining the public record. Standard operating procedures shall be developed and monitored to assure that delineations and alterations are recorded properly, and that all appropriate county agencies and departments are notified, and given appropriate supplemental details and information. The zoning dataset shall be integrated into Kittitas County's web based mapping system for viewing by the general public and be made available either digitally or physically by staff at the Community Development Services Department for those without computer/internet access. As part of the annual Comprehensive Plan Amendment process, or at any time deemed desirable or beneficial by the Board of County Commissioners, a physical map or set of maps, shall be produced by Community Development Services reflecting the information contained within the zoning dataset, as well as notations, references, and detailed information regarding changes since the previous map(s); a signature block shall be provided for verification and approval by the Board of County Commissioners. The zones or areas hereby established and shown on said dataset and maps, and boundaries thereof, are hereby defined. Said dataset and maps and all notations, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth by said maps were all fully described herein. ~~The same shall be available for inspection by the public, and as changes of zones and areas are made to any other use, the same shall immediately be shown on such maps.~~ (Ord. 2007-22, 2007; Res. 83-10, 1983)

## **Chapter 17.22**

### **UR-II URBAN RESIDENTIAL ZONE\***

#### **Sections**

[17.22.010](#) Purpose and intent.

[17.22.020](#) Uses permitted.

[17.22.030](#) Lot - Size required.

[17.22.040](#) Maximum lot coverage.

[17.22.050](#) Maximum height permitted.

[17.22.060](#) Yard requirements.

[17.22.065](#) Yard requirements- Zones Adjacent to Commercial Forest Zone.

[17.22.090](#) Grazing.

[17.22.100](#) Conditional uses.

[17.22.110](#) Repealed

[17.22.120](#) Administrative uses.

\* Prior history: Ord. Z77-2.

#### **17.22.010 Purpose and intent.**

The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available. (Ord. 2007-22, 2007; Ord. 83-Z-2 (part), 1983)

#### **17.22.020 Uses permitted.**

Uses permitted in the Urban Residential zone shall be as follows:

1. Single-family homes;
2. Mobile homes;
3. Duplexes;
4. Accessory buildings;
5. All types of agriculture not otherwise restricted;
6. The grazing or raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
7. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions with ten working days pursuant to Title 15A of this code, Project permit application process.
8. (Blank; Ord. O-2006-01)
9. Accessory Dwelling Unit (if in UGA or UGN)
10. Accessory Living Quarters
11. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Res. 83-10, 1983)

#### **17.22.030 Lot - Size required.**

1. Minimum lot sizes in the UR zone are as follows:
  - a. Single family dwelling, seven thousand two hundred square feet;
  - b. Two family dwelling, ten thousand square feet.
2. All lots of record at the time of passage of the ordinance codified in this chapter shall be considered as conforming to lot size requirements. (Ord. 2007-22, 2007; Res. 83-10,

1983)

**17.22.040 Maximum lot coverage.**

The ground area covered by all buildings, including accessory buildings, shall not exceed thirty percent of the lot area. (Res. 83-10, 1983)

**17.22.050 Maximum height permitted.**

No structure shall exceed two and one-half stories or thirty-five feet, whichever is less in height. (Res. 83-10, 1983)

**17.22.060 Yard requirements.**

No structure shall be built or located closer than twenty-five feet to the front and rear property line or within fifteen feet of any side property line. (Res. 83-10, 1983)

**17.22.065 Yard requirements in Zones Adjacent to Commercial Forest Zone**

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. ([KCC 17.57.050](#)(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

**17.22.090 Grazing.**

Grazing of cattle, sheep, goats or horses may include the supplementary feeding of such cattle or horses or both, provided that such grazing is not part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises; provided, further, that no buildings or structures designed or intended to be used for housing or concentrated feeding of such stock be located less than one hundred feet from any public street or highway or less than fifty feet from any property held under different ownership from that upon which such shed or barn is located. (Ord. 88-4 § 2 (part), 1988; Res. 83-10, 1983)

**17.22.100 Conditional uses.\***

The following uses may be permitted in any Urban Residential zone subject to the conditions set forth in Chapter 17.60, providing that they are not in conflict with existing or proposed development in a particular area; it is the intent of this code that such uses are subordinate to the primary residential and agricultural uses of this zone:

1. Commercial activities associated with agriculture;
2. Community clubs;
3. Convalescent homes;
4. Dairying and stock raising except the raising of swine commercially and the establishment of livestock feed lots, provided that no permit shall be issued for animal shed or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
5. Governmental uses essential to residential neighborhoods;
6. Greenhouses, nurseries;
7. Home occupations;
8. Museums;
9. Public utility substations;
10. Riding academies;

11. School, public and private.

**12. Churches**

(Ord. O-2009-25, 2009; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 90-10 (part), 1990; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.22.110 Repealed.**

Repealed by Ord. 2007-22, 2007. (Ord. 88-4 § 2 (part), 1988)

**17.22.120 Administrative uses.**

The following uses may be permitted in any Urban Residential zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

## **Chapter 17.29**

### **A-20 - AGRICULTURAL ZONE\***

#### **Sections**

[17.29.010](#) Purpose and intent.

[17.29.020](#) Uses permitted.

[17.29.030](#) Conditional uses.

[17.29.040](#) Lot size required.

[17.29.050](#) Yard requirements - Front yard.

[17.29.060](#) Yard requirements - Side yard.

[17.29.070](#) Yard requirements - Rear yard.

[17.29.075](#) Yard requirements- Zones adjacent to Commercial Forest Zone.

[17.29.080](#) Yard requirements - Sale or conveyance restrictions.

[17.29.090](#) Dimensional requirements.

[17.29.100](#) Repealed.

[17.29.110](#) Access.

[17.29.120](#) Special setback requirements.

[17.29.130](#) Administrative uses.

\* For provisions on the right to farm for protection of agricultural activities, see Ch. 17.74. For provisions on the commercial agricultural and commercial agricultural overlay zones, see Ch. 17A.55.  
Prior history: Ords. 81-Z-1, 80-Z-2, 68-1.

#### **17.29.010 Purpose and intent.**

The agricultural (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

#### **17.29.020 Uses permitted.**

1. The following uses are permitted:
  - a. One-family or two-family dwellings;
  - b. Parks and playgrounds;
  - c. Public and parochial schools, public libraries;
  - d. Single family homes not including mobile homes or trailer houses;
  - e. Duplexes and residential accessory buildings;
  - f. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
  - g. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
  - h. Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;
  - i. Commercial greenhouses and nurseries;
  - j. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a

- public street or highway;
  - k. Existing cemeteries;
  - l. Airport;
  - m. Processing of products produced on the premises;
  - n. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
  - o. Home occupations that do not involve outdoor work or activities, which do not produce noise.
  - p. Gas and oil exploration and construction;
  - q. Uses customarily incidental to any of the above uses;
  - r. Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the county board of adjustment within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
  - s. Accessory Dwelling Unit (if in UGA or UGN)
  - t. Accessory Living Quarters
  - u. Special Care Dwelling
  - v. Hay processing and container storage.
2. Agriculture Study Overlay Zone: The list of permitted in subsection A shall apply, except that the following uses are not permitted:
- a. Parks and playgrounds;
  - b. Public and parochial schools, public libraries;
  - c. Duplexes and residential accessory buildings;
  - d. Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;
  - e. Airport;
  - f. Gas and oil exploration and construction. (Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 92-1 (part), 1992; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)
  - g.

**17.29.030 Conditional uses.**

It is the intent of this code that all conditional uses permitted in this zone shall be subordinate to primary agricultural uses of this zone. The following are conditional uses:

1. Auction sales of personal property, other than livestock
2. Bed and breakfast business
3. Churches
4. Commercial Activities Associated with Agriculture
5. Convalescent homes
6. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located
7. Day care facilities
8. Farm implement repair and maintenance business of a commercial nature, not to include

- automobiles, trucks or bikes
9. Farm labor shelters, provided that:
    - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
    - b. The shelters must conform with all applicable building and health regulations;
    - c. The number of shelters shall not exceed four per twenty acre parcel;
    - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
    - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
  10. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations
  11. Feed mills, canneries and processing plants for agricultural products
  12. Golf courses
  13. Governmental uses essential to residential neighborhoods
  14. Guest ranches
  15. Home occupations which involve outdoor work or activities, which produce noise
  16. Hospitals
  17. Kennels
  18. Livestock sales yard
  19. Log sorting yard
  20. Museums
  21. Private Campgrounds. In considering proposals for location of such campgrounds, the board of adjustment shall consider at a minimum the following criteria:
    - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;
    - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
    - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
    - d. Adequate and convenient vehicular access, circulation and parking should be provided;
    - e. Economic and environmental feasibility;
    - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)
  22. Public utility substations
  23. Riding academies
  24. Room and board lodging involving no more than four boarders or two bedrooms
  25. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit
  26. Shooting ranges
  27. Stone quarries
  28. Temporary offices and warehouses of a contractor engaged in construction (not to exceed

two years). (Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-1 (part), 1992; Ord. 90-10 (part), 1990; Res. 83-10, 1983)

29.

#### **17.29.040 Lot size required.**

1. Minimum lot (homesite) requirements in the agricultural (A-20) zone are:
  - a. Twenty acres for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; provided such parent lot is at least eight acres in size; and provided, that such divisions are in compliance with all other county regulations (e.g., on-site septic system). Parcels must be located within the Agriculture-20 zone at the date of the adoption of this code. Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision ~~while designated commercial agricultural zone~~. Onetime splits shall be completed via the short plat process. The onetime parcel split provision should be encouraged where it is adjacent to ongoing ~~commercial~~ agricultural practices, especially since the intent of this provision is to encourage the development of homesite acreage rather than removing ~~commercial~~ agricultural lands out of production.
  - b. In no case shall there be more than two dwellings (residences) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-acre) size.
2. Agriculture Study Overlay Zone: Properties containing prime farmland soils with capability grades between 1 and 4 shall be a minimum of 20 acres in size. (Ord. 2009-25; 2009; Ord. 2007-22, 2007; Ord. 96-15 (part), 1996; Ord. 95-13 (part), 1995; Ord. 83Z-2 (part), 1983; Res. 83-10, 1983)
- 3.

#### **17.29.050 Yard requirements - Front yard.**

There shall be a minimum front yard of 25 feet. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

#### **17.29.060 Yard requirements - Side yard.**

Side yard shall be a minimum of five feet; on corner lots the side yard shall be a minimum of 15 feet on the side abutting the street. (Res. 83-10, 1983)

#### **17.29.070 Yard requirements - Rear yard.**

There shall be a rear yard with a minimum depth of twenty-five feet to the main building. (Res. 83-10, 1983)

#### **17.29.075 Yard requirements – Zones Adjacent to Commercial Forest Zone**

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. ([KCC 17.57.050\(1\)](#)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

#### **17.29.080 Yard requirements - Sale or conveyance restrictions.**

No sale or conveyance of any portion of a lot for other than a public purpose shall leave a structure or the remainder of the lot with less than the minimum lot, yard, or setback requirements of this zone. (Res. 83-10, 1983)

**17.29.090 Dimensional requirements.**

The minimum average lot width shall be two hundred feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1. (Res. 83-10, 1983)

**17.29.100 Division of nonconforming lots.**

Repealed by Ord. 95-13. (Res. 83-10, 1983)

**17.29.110 Access.**

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot right-of-way or existing county road. (Res. 83-10, 1983)

**17.29.120 Special setback requirements.**

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted):

1. Within one and one-half miles:
  - a. (Deleted by Ord. 88-5)
  - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
    - i. Provisions made that all other operations (subdivisions 1 and 2 of Section 17.28.110A1) shall be conducted in compliance with all state and county health regulations, and
    - ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. (Deleted by Ord. 87-11)
3. Within one hundred feet:
  - a. Barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.
4. Feed lots containing fifty to one hundred head at a density of less than five hundred square feet per head for a period of six months or more shall be located no closer than three hundred feet to any existing home, school or park. (Ord. 88-5 (part), 1988; Ord. 87-11 (part), 1987; Res. 83-10, 1983)

**17.29.130 Administrative uses.**

The following uses may be permitted in any A-20 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

## **Chapter 17.40**

### **C-G - GENERAL COMMERCIAL ZONE\***

#### **Sections**

[17.40.010](#) Purpose and intent.

[17.40.020](#) Uses permitted.

[17.40.030](#) Lot size required.

[17.40.040](#) Maximum lot coverage.

[17.40.050](#) Maximum floor area.

[17.40.060](#) Yard requirements.

[17.40.070](#) Height restriction.

[17.40.080](#) Off-street parking and loading.

[17.40.090](#) Access requirement.

[17.40.100](#) Half streets.

[17.40.110](#) New residences.

#### **17.40.010 Purpose and intent.**

The purpose and intent of the general commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. (Ord. 83-Z-2 (part), 1983)

#### **17.40.020 Uses permitted.**

Permitted uses are as follows:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
  - a. Antique shop,
  - b. Art gallery or store,
  - c. Bakery goods, retail only,
  - d. Barbershops,
  - e. Beauty parlor,
  - f. Confectionery store,
  - g. Delicatessen store,
  - h. Drugstore,
  - i. Dry cleaning and laundry branch offices or pickup agency, but not including plant and main office,
  - j. Garden supplies shop,
  - k. Gift shop,
  - l. Grocery, fruit or vegetable store,
  - m. Mini warehouse;
  - n. Restaurants,
  - o. Self-service laundry and cleaning,
  - p. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
  - q. Shoe repair shop,
  - r. Accessory buildings when located on the same lot;

5. Any of the following uses:
  - a. Amusement enterprises, including bowling alleys, dance halls, pool halls, and billiard halls and shooting galleries;
  - b. Auto and trailer sales;
  - c. Banks;
  - d. Cabinet shop;
  - e. Custom cannery;
  - f. Department store;
  - g. Frozen food lockers;
  - h. Garage or auto repair, when conducted wholly within a building;
  - i. Hospitals, general and accessory buildings;
  - j. Hotels;
  - k. Lumberyard and building materials, retail only. Any open storage shall be enclosed by a sight-obscuring fence not less than six feet nor more than seven feet high;
  - l. Office, governmental;
  - m. Physical culture and health services including reducing salons, masseurs and public baths;
  - n. Radio or television studio;
  - o. Retail stores of all descriptions where merchandise is displayed and sold within the building;
  - p. School, private or parochial;
  - q. Sign shop;
  - r. Tavern;
  - s. Theater, auditorium or drive-in theater;
  - t. Tire shop;
  - u. Wholesale office and showrooms, merchandise on the premises limited to samples only;
  - v. Auction sales of personal property, other than livestock;
6. The following uses may be permitted if their location is first approved by the board of adjustment:
  - a. Mortuary or funeral home;
  - b. ~~Public camp~~ Private Campgrounds. In considering proposals for location of such campgrounds, the Board of Adjustment shall consider at a minimum the following criteria:
    1. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;
    2. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
    3. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
    4. Adequate and convenient vehicular access, circulation and parking should be provided;
    5. Economic and environmental feasibility;

**6. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation)**

- c. Athletic stadium;
  - d. Animal hospital or boarding kennels;
  - e. Animal sales yard (livestock sales yard);
  - f. Hazardous waste on-site treatment or storage;
  - g. Junk yards;
7. Uses customarily incidental to any of the above uses when located on the same lot may be allowed provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes;
  8. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within 10 working days pursuant to [KCC Title 15A](#), Project Permit Application Process.
  9. Accessory Dwelling Unit (if in UGA or UGN)
  10. Accessory Living Quarters
  11. Special Care Dwelling (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 93-1 (part), 1993; Res. 83-10, 1983)

**17.40.030 Lot size required.**

There shall be no limitation. (Res. 83-10, 1983)

**17.40.040 Maximum lot coverage.**

There shall be no limitation. (Res. 83-10, 1983)

**17.40.050 Maximum floor area.**

There shall be no limitation. (Res. 83-10, 1983)

**17.40.060 Yard requirements.**

1. Front Yard. No front yard is required.
2. Side Yard. No side yard is required.
3. Rear Yard. No rear yard is required; however, if a rear yard is provided, the minimum depth shall be twelve feet. (Res. 83-10, 1983)

**17.40.070 Height restriction.**

There shall be no limitation. (Res. 83-10, 1983)

**17.40.080 Off-street parking and loading.**

Off-street parking and loading shall be provided as required in Chapter 17.64.1 (Res. 83-10, 1983)

**17.40.090 Access requirement.**

All lots in this district shall abut a public street, or shall have such other access as deemed suitable by the commission and board. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.40.100 Half streets.**

In an area adjacent to a half street and opposite or outside the plat including the dedication of said half street, structures shall be set back from said half street a distance sufficient to provide for an additional half street and the yard requirements. (Res. 8310, 1983)

**17.40.110 New residences.**

No new residence shall be permitted in this district except that related to the business or enterprises allowed in this district such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone. (Res. 8310, 1983)

## **Chapter 17.48**

### **I-L LIGHT INDUSTRIAL ZONE\***

#### **Sections**

[17.48.010](#) Purpose and intent.

[17.48.020](#) Permitted uses.

[17.48.030](#) Conditional uses.

[17.48.040](#) Front, side and rear yard requirements.

[17.48.050](#) Setbacks.

[17.48.060](#) Height restrictions.

[17.48.070](#) Lot coverage.

\* Prior legislation: Ord. 2 §§ 13, 13.01, 13.02.01, 13.02.02, 13.02.03, 13.02.04, 13.02.05, Ord. 71-5 and Ord. 76-3.

#### **17.48.010 Purpose and intent.**

The light industrial district is established to preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to protect such districts from encroachment by conflicting land uses. The regulations set out in this chapter shall apply to the light industrial district. (Ord. 83-Z-2 (part), 1983)

#### **17.48.020 Permitted uses.**

No building, structure or land shall be used and no building or structure shall be hereafter erected in this district except for the following uses:

1. Wholesale business, storage buildings and warehouses;
2. Freighting and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;
7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use. (Ord. 96-19 (part), 1996; Ord. 83Z-2 (part), 1983)

#### **9. Airports**

**17.48.030 Conditional uses.**

Conditional uses are as follows:

1. Off-site hazardous waste storage and/or treatment. (Ord. 93-1 (part), 1993)

**17.48.040 Front, side and rear yard requirements.**

There are no yard requirements, unless the property abuts a parcel of land of more restricted nature such as a commercial zone, in which case the requirements on the abutting side shall be those of the abutting property. (Ord. 83-Z-2 (part), 1983)

**17.48.050 Setbacks.**

No building or permanent structure may be constructed closer than fifty-five feet from the centerline of any public right-of-way. If any use in this district abuts or faces any residential district, a setback of fifty feet on the side abutting or facing the residential district shall be provided, with tree planting or other conditions necessary to preserve the character of the residential district. The board of adjustment shall determine what these conditions shall be. (Ord. 83-Z-2 (part), 1983)

**17.48.060 Height restrictions.**

There shall be no limitations. (Ord. 83-Z-2 (part), 1983)

**17.48.070 Lot coverage.**

No structure or combination of structures, including buildings, shall occupy or cover more than fifty percent of the total lot area. (Ord. 93-1 (part), 1993)

## **Chapter 17.56**

### **FOREST AND RANGE ZONE\***

#### **Sections**

[17.56.010](#) Purpose and intent.

[17.56.020](#) Uses permitted.

[17.56.030](#) Conditional uses.

[17.56.040](#) Lot - Minimum size.

[17.56.050](#) Lot - Width.

[17.56.060](#) Yard requirements.

[17.56.065](#) Yard requirements- Zones Adjacent to Commercial Forest Zone.

[17.56.070](#) Structure height.

[17.56.080](#) Setbacks.

[17.56.090](#) Nonconforming uses.

**[17.56.100](#) Administrative uses.**

#### **17.56.010 Purpose and intent.**

The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. (Ord. 92-6 (part), 1992)

#### **17.56.020 Uses permitted.**

The following uses are permitted:

1. Single-family homes, mobile homes, cabins, duplexes;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. (Deleted by Ord. 92-6);
6. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
7. Mining and associated activities;
8. Quarry mining, sand and gravel excavation, and rock crushing operations;
9. (Deleted by Ord. 92-6);
10. Uses customarily incidental to any of the uses set forth in this section;
11. Home occupations which do not produce noise;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to [KCC Title 15A](#), Project Permit Application Process;
13. Cluster subdivisions, when approved as a platted subdivision. (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Ord. 88-4 § 5, 1988; Ord. 87-9 § 4, 1987; Ord. 85-Z-2 (part), 1985; Res. 83-10, 1983)

#### **17.56.030 Conditional uses.**

The following uses are conditional:

1. Campgrounds;
2. Private trail clubs (snowmobiles, motorbikes);
3. Airports;
4. Log sorting yards;
5. Sawmills;

6. Firing ranges;
7. Golf courses;
8. Cemeteries;
9. Asphalt plants (temporary only);
10. Feedlots;
11. Public sanitary landfill;
12. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;
13. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
14. Greenhouses, nurseries;
15. Home occupations;
16. Hospitals;
17. Museums;
18. Public Utility substations and transmission towers;
19. Riding academies;
20. Schools, public and private;
21. Governmental uses essential to residential neighborhoods;
22. Churches;
23. (Deleted by Ord. 83-Z-2)
24. Community clubs;
25. Convalescent homes;
26. Day care facilities;
27. Bed and breakfast business.
28. Room and board lodging involving no more than four boarders or two bedrooms;
29. Feed mills, canneries and processing plants for agricultural products;
30. Kennels;
31. Livestock sales yard;
32. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
33. Golf courses;
34. Auction sales of personal property, other than livestock;
35. Private Campgrounds. In considering proposals for location of such campgrounds, the board of adjustment shall consider the following criteria:
  - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
  - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
  - d. Adequate and convenient vehicular access, circulation and parking should be provided.
  - e. Economic and environmental feasibility;
  - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
36. Log sorting yard;
37. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations;

38. Mini-warehouses; provided, that the following standards shall apply to the approval and construction of mini-warehouses:
  - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
  - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;
  - e. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area;
39. Guest ranches, group homes, retreat centers;
40. Home occupations which involve outdoor work or activities, or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
41. Day care facilities;
42. Bed and breakfast business;
43. Gas and oil exploration and production;
44. Farm labor shelters, provided that:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four per twenty acre parcel;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed;
45. Shooting ranges. (Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-6 (part), 1992; Ord. 90-15 §§ 2 (part), 3 (part), 1990; Ord. 90-10 (part), 1990; Ord. 90-6 (part), 1990; Ord. 88-4 § 6, 1988; Ord. 87-9 § 5, 1987; Ord. 85-Z-2 (part), 1985; Ord. 83-Z-2 (part), 1983; Res. 8310, 1983)

**17.56.040 Lot - Minimum size.**

The minimum lot size in the Forest and Range zone shall be:

1. Twenty acres;
2. One-half acre minimum for any lot within an approved platted cluster subdivision, served by public water and sewer;
3. Six thousand square feet for lots on existing municipal sewer and water systems. (Ord. 2007-22, 2007; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

**17.56.050 Lot - Width.**

1. No parcel created after the adoption of the ordinance codified in this chapter shall have a length-width dimension less than five hundred feet unless the parcel is approved under provisions established in Section 17.56.040 2 and 3.
2. No platted parcel shall have dimensions in excess of a 4:1 length by width ratio. (Ord. 2007-22, 2007; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

**17.56.060 Yard requirements.**

1. Front Yard. There shall be a minimum front yard of twenty-five feet.
2. Side Yard. Side yard shall be ten feet, except on corner lots which shall have a fifteen-foot side yard.
3. Rear Yard. There shall be a rear yard with a minimum depth of ten feet to the main building. (Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

**17.56.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.**

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. ([KCC 17. 57.050\(1\)](#)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

**17.56.070 Structure height.**

No structure shall exceed two and one-half stories or thirty-five feet in height, whichever is greater. This limit does not apply to agricultural buildings. (Ord. 92-6 (part), 1992: Res. 83-10, 1983)

**17.56.080 Setbacks.**

The following setbacks shall be enforced for residential and accessory buildings constructed or placed on shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act:

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting such waterways;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir. (Ord. 92-6 (part), 1992: Res. 83-10, 1983)

**17.56.090 Nonconforming uses.**

No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-6 (part), 1992: Res. 83-10, 1983)

**17.56.100 Administrative uses.**

**The following uses may be permitted subject to the requirements set forth in Chapter 17.60B.**

1. **Accessory Dwelling Unit (if outside UGA or UGN)**

## **Chapter 17.58**

### **AIRPORT ZONE\***

#### **Sections**

[17.58.010](#) Purpose and intent.

[17.58.020](#) Statutory authority.

[17.58.030](#) Definitions.

[17.58.040A](#) Airport overlay zoning district: Kittitas County Airport (Bowers Field).

[17.58.040B](#) Airport overlay zoning district: Easton State, Cle Elum Municipal, DeVere Field.

[17.58.050](#) Uses, development requirements and restrictions.

[17.58.060](#) Permits.

[17.58.070](#) Nonconforming use - Regulations not retroactive.

[17.58.080](#) Violations and enforcement.

[17.58.090](#) Appeals.

[17.58.100](#) Judicial review.

[17.58.110](#) Conflicting regulations.

\*For airport use regulations, see [KCC Title 19](#). Prior history: Ords. 88-4 and 83-Z-2; Res. 83-10; Vol. 5, p. 362, 1979.

#### **17.58.010 Purpose and intent.**

The purpose and intent of this chapter is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field), in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community; and also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zoning district. With regulations set forth in the Adopted 14 CFR Federal Aviation Regulations Part 77. (Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

#### **17.58.020 Statutory authority.**

This chapter is adopted pursuant to [RCW 36.70A.547](#) and [36.70A.200](#) which requires a county, city or town to enact development regulations, to discourage the siting of incompatible land uses adjacent to general aviation airports and public-use airports. (Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

#### **17.58.030 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Airport" means public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field).
2. "Airport elevation" means 1,766 feet above mean sea level.
3. "Airport overlay zoning district" shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map "B" - "Airport Safety Zones"<sup>1</sup> and numbered zones 1 through 6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulations (FAR) Part 77, as amended and depicted on Map "A" - "Part 77".<sup>2</sup>

<sup>1</sup> Map "B", referenced throughout this chapter, is on file with the Kittitas County public works department.

<sup>2</sup> Map "A", referenced throughout this chapter, is on file with the Kittitas County public

works department.

4. "Airport surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in [KCC 17.58.050](#). The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth and defined in [KCC 17.58.040](#).
6. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to one foot outward for a horizontal distance of 4,000 feet.
7. "Flammable and combustible liquids" shall be defined as the type and design of underground and aboveground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52 (5201.3.2(#1) Motor Vehicle Fuel - Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options 7904), Standard of the International Fire Code and all applicable codes.
8. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. "Height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district map "A", the datum shall be mean sea level elevation unless otherwise specified.
10. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation.
11. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
12. "Nonconforming use" means any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
13. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.
14. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in [KCC 17.58.050](#).
15. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. "Person" includes a trustee, a receiver, an assignee, or a similar representative.
16. Precision Instrument Approach. The precision instrument approach is designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.
17. Precision Instrument Runway 29. The precision approach is a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

18. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in [KCC 17.58.040](#). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
20. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
21. Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
22. "Tree" means any object of natural growth.
23. "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.
24. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 2007-22, 2007; Ord. 200110 (part), 2001)

**17.58.040A Airport overlay zoning district: Kittitas County Airport (Bowers Field).**

In order to carry out the provisions of this chapter, there is hereby created an airport overlay zoning district that is composed of the following surface and safety zones for Kittitas County Airport (Bowers Field). The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zoning district Map "A" - "Part 77" and Map "B" - "Airport Safety Zones", which are attached hereto and incorporated by reference, and which shall also be on file and open for inspection in the Kittitas County Community Development Services, Kittitas County Public Works department, and the city of Ellensburg community development department. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

1. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) overlay zoning map "A", as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follow:

- a. Runways 07, 25, and 11, Larger than Utility with a Visibility Minimum Greater than Three-Fourth Mile Nonprecision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on map "A".

Height Restrictions: No object shall penetrate the imaginary line created by a slope 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- b. Runway 29, Larger than Utility with a Visibility Minimum Lower than Three-Fourth Mile Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on map "A".

Height Restrictions: No object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.
- c. Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level.

Height Restrictions: No object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90degree angles to the extended runway centerline.
- d. Horizontal Zone. The zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Height Restrictions: No object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.
- e. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from for a horizontal distance of 4,000 feet as depicted in map "A".

Height Restrictions: No objects shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

2. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:
  - a. Runway Protection Zone 1. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
  - b. Inner Safety Zone 2. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted in map "B" (shaded area #2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
  - c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
  - d. Outer Safety Zone 4. Area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
  - e. Sideline Zone 5. An area adjacent to runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
  - f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60degree sector of the inner turning zone. (Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

### **17.58.040B Airport overlay zoning district: Easton State, Cle Elum Municipal, and DeVere Field.**

In order to carry out the provisions of this chapter, there is hereby created an airport overlay zoning district that is composed of the following surface and safety zones for the Easton State, Cle Elum Municipal and De Vere Field. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. With the exception of those necessary and incidental to airport operations, no uses shall be permitted that allow buildings, structures, vegetation or other development that penetrates the imaginary air surfaces described below. ~~As part of this section, Kittitas County recognizes the current planning effort being undertaken by the City of Cle Elum for the Cle Elum Municipal Airport, and anticipates that at the time of completion of such efforts such plans shall be incorporated and identified in this code.~~

1. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) overlay zoning map "A", as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follow:

Approach Zone. A surface longitudinally centered on the extended runway centerline.

Visual Runways. The 500-foot inner edge coincides with the width of the primary surface and slopes 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a width of 1,250 feet at a horizontal distance of 5,000 feet along the extended runway centerline.

Nonprecision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a width of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on map "A".

Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface and slopes 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone. The zone begins at the end of and at the same elevation as the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on map "A".

Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level. Where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90degree angles to the extended runway centerline.

Horizontal Zone. The zone is established at 150 feet above the airport elevation by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

The established airport elevations for airports in Kittitas County are as follows:

- Kittitas County Airport (Bowers Field) â€ 1,916 feet above mean sea level
- Easton State Airport â€ 2221 feet above mean sea level
- DeVere Field â€ 1838 feet above mean sea level
- Cle Elum Municipal â€ 1945 feet above mean sea level

Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from for a horizontal distance of 4,000 feet as depicted in map "A".

Height Restrictions: No objects shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

2. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:
  - a. Runway Protection Zone 1. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
  - b. Inner Safety Zone 2. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted in map "B" (shaded area #2). This zone begins at the end

- of the runway protection zone 1 and extends out 2,800 feet, The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
- c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
  - d. Outer Safety Zone 4. Area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
  - e. Sideline Zone 5. An area adjacent to runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
  - f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60degree sector of the inner turning zone. (Ord. 2007-22, 2007)

**17.58.050 Uses, development requirements and restrictions.**

1. General Development Requirements and Restrictions Applicable to All Zones.
  - a. Underlying Zoning Requirements. In addition to the airport overlay zoning district development requirements and restrictions set forth in subsections (A)(2) through (9) of this section and in the table in subsection B of this section, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the airport overlay zoning district surface and safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.
  - b. Pre-annexation/Annexation. Once the parcel is annexed into the Ellensburg city limits, the parcel shall adopt by reference the density requirements of the city of Ellensburg.
  - c. Height. All uses shall be subject at all times to the height restrictions set forth in [KCC 17.58.040\(A\)](#).
  - d. Signal and Radio Communication Interference. Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.
  - e. Lighting and Glare. Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport are prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
  - f. Visibility. Activities or uses that create excessive amounts of dust, smoke, or

other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.

- g. Large Bodies of Water. Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with the provisions set forth in the county's State Environmental Policy Act (SEPA) regulations as set forth in Chapter [15.04 KCC](#).
- h. Flammable and Combustible Material. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code and all applicable codes as adopted in [KCC Title 14](#), Buildings and Construction.
- i. Noise Insulation. Noise insulation for new structures shall be in accordance with the International Building Code and the Washington State Energy Code as adopted in [KCC Title 14](#), Buildings and Construction.
- j. Subdivision. When any division of land including short plats, plats, cluster subdivisions, and planned unit developments, occur on any land within the airport overlay zoning district safety zones 1 through 6, a note located on the first page of the plat, shall be recorded with the county auditor as follows:

This property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property.

2. Use Table.

Note: All aviation uses are acceptable only on airport property.

**Airport Overlay Zones    Applicable uses**

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<b>Zone 1</b> (Runway Protection Zone)	<ul style="list-style-type: none"> <li>1. Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.)</li> <li>2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.</li> </ul>
<b>Zone 2</b> (Inner Safety Zone)	<ul style="list-style-type: none"> <li>1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.</li> <li>2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].</li> <li>3. Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].</li> </ul>
<b>Zone 3</b> (Inner Turning Zone)	<ul style="list-style-type: none"> <li>1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.</li> <li>2. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with Articles 52 and 79, the International Fire Code (IFC) standard, and applicable codes.</li> </ul>

3. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
4. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Agricultural - 3 the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
5. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

**Zone 4**  
(Outer Safety Zone)

1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
3. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

**Zone 5**  
(Sideline Zone)

1. All aviation related uses are permitted.
2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.

**Zone 6**  
(Airport Operations Zone)

1. All aviation related uses are permitted within airport property.
2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
3. Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

**17.58.060 Permits.**

1. Future Uses. Except as specifically provided in subsections (A)(1), (2), and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection D of this

section.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
  - d. As a condition for approval of new development within the approach surfaces or safety zones a notice shall be recorded with the county auditor prior to final approval of new subdivisions, short subdivisions, building permits, conditional use permits, special use permit or other similar permits, unless said notice is already recorded on the property. Said notice shall state: "This property is located adjacent to an airport and routinely subject to overflight activity by aircraft using the airport; residents and tenants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aviation activities."
2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
  3. Nonconforming Uses Abandoned or Destroyed. Whenever the airport manager, or his or her designee, determines that a nonconforming or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
  4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County airport manager by the Kittitas County Community Development Services department consistent with the notification procedures under [KCC Title 15A](#).

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.
6. Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace". (Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

**17.58.070 Nonconforming use - Regulations not retroactive.**

The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the ordinance codified in this chapter, nor shall such be construed to require any change in the construction or alteration of any structure or tree which was begun prior to the effective date of the ordinance codified in this chapter, and which is diligently being prosecuted. (Ord. 2001-10 (part), 2001)

**17.58.080 Violations and enforcement.**

It shall be the duty of the code enforcement official of the Kittitas County building department to administer and enforce the regulations prescribed in this chapter. (Ord. 2001-10 (part), 2001)

**17.58.090 Appeals.**

Any person aggrieved, by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this chapter or in the actual decision made as required by this chapter may appeal to the board of adjustment as provided in [RCW 14.12.190](#). (Ord. 2001-10 (part), 2001)

**17.58.100 Judicial review.**

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the circuit court as provided in Section III of Chapter 12 of the Public Laws of the State. (Ord. 2001-10 (part), 2001)

**17.58.110 Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 2001-10 (part), 2001)