BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE

NO. 2014- 015

REVISIONS OF KITTITAS COUNTY CODE
AS PART OF THE 2014 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.

Whereas, this ordinance, revising the Kittitas County Comprehensive Plan, contains four sections of findings, as follows:

Section I -	Procedural Findings
Section II -	Board of County Commissioners Findings
Section III -	Final Decision and Signatures
Exhibits A-Q	Minutes from Public Hearings and Changes to Comprehensive Plan and Regulations

SECTION I
PROCEDURAL FINDINGS

Whereas, Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and

Whereas, The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and

Whereas, Kittitas County Code 15B.03.030 indicates that any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments for annual consideration by the Kittitas County Planning Commission and Board of County Commissioners; and

Whereas, Kittitas County Code 15B.03.030 requires amendments to the comprehensive plan that are docketed by June 30th must be approved or denied by the Board of County Commissioners on or before December 31st of that same calendar year; and

Whereas, Kittitas County Community Development Services docketed a list of suggested changes to the Comprehensive Plan and development regulation amendments and made that readily available for review by the public in the Planning Department, Community Development Services and within the County's official website; and

Whereas, Kittitas County submitted its proposed docketed items on August 26, 2014 to the Department of Commerce as required by statute; and

Whereas, Kittitas County filed its SEPA checklist on September 18, 2014, and issued a Final Determination of Non-significance (DNS) for the annual docket on September 29, 2014 through authority of WAC 197-11-355; and

Whereas, The review period for the SEPA ended on October 6, 2014 at 5:00 p.m.; and

Whereas, There were no agency or public appeals or reviews filed on the Determination of Non-significance; and

Whereas, Due public notice was placed upon the County official website and in the Northern Kittitas County Tribune on September 25, 2014 and in the Daily Record, the official County legal paper on September 23, 2014 and on September 30, 2014; and

Whereas, After due notice and publication, the Planning Commission met on October 7, 2014 to hear testimony and take public comment on the annual docketing process and items within the docket; the Planning Commission closed hearing to public testimony, and continued the public hearing until October 9, 2014; and

Whereas, At the October 9, 2014 continuation of the public hearing, the Planning Commission deliberated the docket items and public testimony; and after such deliberation made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and

Whereas, Kittitas County Board of County Commissioners held an open public hearing on November 4, 2014 during which public testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard regarding the fifteen (15) docket items being considered; and

Whereas, At the closing of public testimony the Board of County Commissioner's extended acceptance of public comment to November 7, 2014, and continued the hearing to November 12, 2014 for deliberation on the docket items made decision on fourteen (14) amendments; and

Whereas, At the close of the November 12, 2014 public hearing the Kittitas County Board of Commissioners continued the public hearing to November 18, 2014 for further deliberation on one (1) docket item; and

Whereas, At the November 18, 2014 continuation of public hearing the Kittitas County Board of Commissioners deliberated and made decision on one (1) docket item; and

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

Whereas, The Kittitas County Board of County Commissioners held a public hearing to consider enabling documents on December 2, 2014.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on November 4, 2014 to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record. Written comment was extended to November 7, 2014 for the items heard on November 4, 2014. The Board of County Commissioners continued the public hearing to November 12, 2014 to hear testimony and accept written comments on the remaining proposed amendments.

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

2014 Proposed AMENDMENTS to Kittitas County Code			
Number	***Applicants Name***	***Project Description***	***Planning Commission Recommendation***
14-01 Title 3.46	Kittitas County CDS/ Assessor staff	Amendment to KCC Title 3 to establish a Public Benefit Rating System for current use taxation.	Recommendation for Approval Vote 4-0
14-02 Title 14	Kittitas County Public Works staff	Amendment to KCC Title 14, establishing a Grade and Fill Ordinance.	Recommendation for Approval Vote 4-0
14-03 KCC 13.35 and relevant sections in KCC 16 and 17A	Kittitas County Health staff	Revise Chapter 13.35 for clarification, and revise Chapter 16 and 17A to reference relevant sections of Chapter 13 regarding water requirements.	Recommendation for Approval Vote 4-0
14-04 KCC 14.04.055	Kittitas County CDS staff	Amendment to portions of KCC 14.04 to require building permit standards for residential structures less than 200 square feet.	Recommendation for Approval Vote 4-0
14-05 KCC 14.08, Flood Damage Prevention	Kittitas County Public Works staff	Amendment to KCC Title 14.08 clarifying roles of administration, to correct grammatical errors, and to provide additional flood damage prevention standards.	Recommendation for Approval Vote 4-0
14-06 KCC 15.04, SEPA	Kittitas County CDS staff	Provide consistency and clarity, and conform with updated State 2014 SEPA amendments	Recommendation for Approval Vote 4-0
14-07 KCC 15A	Kittitas County CDS staff	Change in language to clarify and provide processing efficiency	Recommendation for Approval Vote 4-0
14-08 KCC Title 16	Kittitas County CDS staff	Amendment to subdivision section of the Code to prohibit split zones, codifying the BLA process, and adding language referencing future subdivisions and land use actions to Title 13.35 as amended	Recommendation for Approval Vote 4-0
14-09 KCC Title 16	Kittitas County Farm Bureau	Amendment to Title 16 of KCC allowing the creation of new lots less than minimum size without increasing the density	Recommendation for Approval Vote 4-0

		of the underlying zone.	
14-10A KCC 17.12.020	Kittitas County CDS staff	Amendments to Kittitas County Zoning Maps to Update information and Comprehensive Plan Land Use acreage tables 2-1 & 8.2.4-1	Recommendation for Approval Vote 4-0
14-10B KCC 17.13 & 17.98	Kittitas County CDS staff	Amendment to Kittitas County Code, Chapter 17.13, Transfer of Development Rights for clarification; and clarification to KCC 17.98	Recommendation for Approval Vote 4-0
14-10C KCC 17.08 & 17.15	Kittitas County	Amendment to Kittitas County Code, Chapter 17.08 Definitions and Chapter 17.15 Land Use Matrix	No recommendation with Vote 2-2 on motion to accept proposal regarding marijuana. Recommendation of denial for changes regarding rock crushing and asphalt/concrete plants; Vote 4-0. Recommendation for Approval of amendments for other changes in matrix; Vote 4-0
14-10D KCC 17.70	Kittitas County CDS staff	Repealing KCC 17.72, existing sign code, and establishment of KCC 17.70, sign code.	Recommendation for Approval Vote 4-0
14-11	Anderson Hay and Grain	Amendment to Zoning Map from Urban Residential to General Industrial	Recommendation for Approval Vote 3-1
14-12	City of Roslyn	To expand UGA to include two lots adjacent its City boundary	Withdrawn to 2017 Update

14-01 Kittitas County Proposal:
Amend KCC Title 3, to Establish a Public Benefit Rating System, Kittitas County Code Chapter 3.46, for Current Use Open Space Taxation, Exhibit C.

The criteria in declaring land in open space has been broad and subjective in interpretation on whether a particular property qualifies as "current use open space" as defined in RCW 84.34, and in determining the value of the resulting public benefit. The "Public Benefit Rating System" (PBRS) is a permitted, voluntary taxing option in Washington State as outlined in RCW 84.34.055. It is a procedure for evaluating the benefit of having land designated and taxed as open space while reducing the subjectivity

of value assessment by providing a measuring technique to value the public benefit of the space proposed for reservation.

A public benefit rating system for the current open space classification was proposed for Kittitas County after the staff reviewed a number of systems developed in other jurisdictions. This proposed system was presented before the Planning Commission for recommendation, and was provided to the Board of County Commissioners for consideration to adopt.

The Board of County Commissioners held a public hearing on November 4, 2014, extended public comment until 5:00 pm, November 7, 2014 and continued public hearing for testimony and deliberation to November 12, 2014 at 6:00 pm. On November 12, 2012 the Board of County Commissioners **approved the proposed system as presented with a request to modify language within the proposed 3.46.100(c) and (d) section** finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was received with a question before the Board of County Commissioners.
III. The creation of the Public Benefit Rating System will decrease the subjectivity of current evaluation practices in identifying current use open space requested by land owners.
IV. The creation of the Public Benefit Rating System will objectively identify the public benefits to Kittitas County citizens of lands placed with current use open space.
V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-02 Kittitas County Proposal:
Amend KCC Title 14 to Add Section 14.05 Establishing a Clearing and Grading Ordinance, Exhibit D.

Excavation of ground over the past few decades as a result of increased development has resulted in a number of jurisdictions adopting "Grade and Fill" ordinances which allow the continued development of private lands while avoiding the environmental impacts of such activity. Such ordinances are designed to limit erosion, protect ground and surface water resources, protect wildlife areas, and ensure proper restoration and replanting of graded areas, while allowing for development within the jurisdictions.

Kittitas County staff drafted language which will require those excavating or filling more than one hundred cubic yards to obtain a grade and fill permit for review of environmental impact. Concrete or cement materials will be considered fill material. The permit will require provision of site plans and plans for providing erosion control methods during any grading and/or filling activity upon a site. Any grade or fill activity involving more than five hundred (500) cubic yards of material would require an accompanying engineering plan for the grading operation. Grade and fill activity would also be subject to County SEPA regulations under the proposed Code amendment, and the County Engineer or Public Works designee will have the authority to review and approve the grade and fill permit.

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners continued the hearing to November 18, 2014 at 2:00 p.m. for further suggested amendments to the proposal and **approved the request as amended** with a 2-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was received from two individual land owners.
III. The addition of Chapter 14.05, Clearing and Grading, to the Kittitas County Code will limit erosion from graded areas, improve protection of ground and surface water resources, and increase protection of wildlife areas.
IV. The addition of Chapter 14.05 to the Code, with amendment, will not interfere with agriculture activity.
V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-03 Kittitas County Proposal:
Amend Kittitas County Code Chapters 13, 16 and 17A to Make Corrections and Provide Adequate References with Regard to Water Availability, Exhibit E.

Kittitas County Community Development Services proposed amending portions of KCC 13.35, KCC Chapter 16, and Chapter 17A to make corrections to the Code and provide adequate reference within Code sections with regard to potable water.

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The additions and amendment to KCC Chapter 13.35 is necessary to correct a criterion for water measurement, amendment to Chapter 16 to add notes required for each future subdivision regarding water requirements by referencing Chapter 13.35 is necessary for adequate referencing within the Code to protect potable water, and amendment to Chapter 17A to reference to KCC Chapter 13.08 for septic and sewage criteria and to KCC 13.20 for well head protection is necessary for protection of potable water.
IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-04 Kittitas County Proposal:
Amend Kittitas County Code Chapter 14.04 to Provide Standards for Residential Structures less than 200 Square Feet in Size, Exhibit F

Kittitas County Community Development Services proposed to amend portions of the Kittitas County Code, Chapter 14.04 to provide criteria for residential structures less than 200 square feet since they are becoming popular within the rural areas of the County.

The Board of County Commissioners held a public hearing on November 4, 2014, extended public comment until 5:00 pm, November 7, 2014 and continued deliberation to November 12, 2014 for deliberation of the matter. On November 12, 2014 the Board of County Commissioners **approved the request as amended by staff** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The additions of, and amendment to KCC Chapter 14.04 will provide additional safety and protection of public welfare by requiring all structures for residential occupancy to meet adopted building codes.
IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-05 Kittitas County Proposal:
Amend Kittitas County Code Chapter 14.08 to Expand Standards and Transfer Authority for Administration of the Flood Damage Prevention Regulation, Exhibit G

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to Kittitas County Code Chapter 14.08 will improve protection of public safety and property by requiring building utilities (air conditioners, furnaces, hot water heaters, etc) to be elevated one foot above base flood elevation, instead of elevated only to base flood elevation.
IV. The amendment to Kittitas County Code Chapter 14.08 is necessary to codify the Department of Public Works as the administrator of the regulation.
V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-06 Kittitas County Proposal:
Amend Kittitas County Code Chapter 15 to Clarify Standards and incorporate State amendments for Administration of the Local SEPA Regulation, Exhibit H.

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to Chapter 15 of the Kittitas County Code is necessary in order to transfer relevant SEPA regulations from Chapter 15A to Kittitas County Code Chapter 15.
IV. The amendment to Chapter 15 of the Kittitas County Code is necessary to provide procedure to appeal SEPA decisions and to update the Code to meet State amendments to SEPA.
V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-07 Kittitas County Proposal:
Amend Kittitas County Code Chapter 15A to Expand Standards and Transfer Authority for Administration of the Local SEPA Regulation to KCC Title 15, Exhibit I

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to Chapter 15A of the Kittitas County Code is necessary in order to transfer relevant SEPA regulations to Kittitas County Code Chapter 15.
IV. The amendment to Chapter 15A of the Kittitas County Code changing the public comment period of Shoreline Conditional Use Permit and Variances from 15 days to 30 days is necessary in order to meet State requirements.
V. The amendment to Chapter 15A of the Kittitas County Code is necessary to illustrate the process for clearing and grading permits.
VI. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-08 Kittitas County Proposal:

Amend Title 16 of the Kittitas County Code to address split zoned parcels, adequate water supply, boundary line adjustments, and administrative segregations with regard to any future subdivisions in the County, Exhibit J

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to Kittitas County Code Chapter 16.04 is necessary to prohibit split zones from being created as a result of boundary line adjustments.
IV. The amendment to Kittitas County Code Chapter 16.05.020 is necessary to eliminate the requirement for public agency notification of the approval of binding site plans.
V. The amendment to Kittitas County Code Chapter 16.06 is necessary to repeal standards for administrative segregations, which are no longer permitted by Kittitas County.
VI. The amendment to Kittitas County Code Chapter 16.08.055 is necessary to clarify the definition of a Boundary line adjustment.
VII. The amendment to Kittitas County Code Chapter 16.10 is necessary to provide standards for boundary line adjustments.
VIII. The amendments to Kittitas County Code 16.12.150, 16.32.050, and 16.36.015 are necessary to clarify compliance with Kittitas County Code 13.35.

IX. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-09 Kittitas County Proposal:

Amend Kittitas County Code Chapters 16.09 and 16.08 to allow platting in the Agriculture 20 and Commercial Agriculture zones providing for larger lots for benefit to owners involved in agriculture pursuits while maintaining required underlying densities, **Exhibit K**

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as amended by the applicant** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was presented by the applicant and supporters of the amendment outlining the benefit of such amendment for preservation of agricultural activities.
III. The amendment to Kittitas County Code Chapter 16.08 is necessary to clarify agricultural definitions.
IV. The amendment to Kittitas County Code Chapter 16.09 is necessary to allow the creation of lots greater than those allowed by conservation plats.
V. The amendment to Kittitas County Code Chapter 16.09 provides standards to approve subdivisions determined to be for agricultural preservation.
VI. The amendment of Kittitas County Code Chapter 16.09 will not increase the density of the underlying zone.
VII. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-10A Kittitas County Proposal:

Updates to the Official County Zoning Map and Land Use Tables in Chapters 2 and 8 of the Comprehensive Plan, Exhibit L.

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to the official Kittitas County Zoning Map will update underlying zones within PUDs, indicate total units approved within each PUD, and update other map changes.
IV. The amendment to the Comprehensive Plan Land Use tables in Chapters 2 and 8 will reflect the map changes in numerical format by zone.

V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-10B Kittitas County Proposal:
Amend portions of KCC Chapter 17.13, Transfer of Development Rights (TDR), for consistency to other portions of the Kittitas County Code, and to clarify portions of the Chapter, Exhibit M

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
II. Public testimony for this proposal was not received.
III. The amendment to Kittitas County Code is necessary to reference Agriculture 3 zones as sending sites and reference to "one-time splits" since they no longer exist.
IV. The amendment is necessary to clarify the TDR exchange rate.
V. The amendment to Chapter 17.98 of the Kittitas County Code is necessary to clarify that TDRs can be used upon lands within the County to permit more than one unit per twenty acres.
VI. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-10C Kittitas County Proposal:

Amend Kittitas County Code, Chapter 17.08 Definitions and Chapter 17.15 to Add Uses within the Matrix and to Change Standards for Some Uses, Exhibit N.

Chapter 17.15 of the Kittitas County Code was recommended for additions and revisions for a number of uses within the County. Among the proposals included:

- New uses allowing farm visits, enhanced agricultural sales, and u-pick/u-cut operations
- Updated and new definitions correlating to the proposed new uses.
- Public Facilities being permitted administratively in all zones.
- Rock Crushing allowed in mining areas of long-term significance.
- Asphalt/concrete plants allowed with approval of a conditional use permit in Commercial Forests, temporary plants allowed with approval of an administrative conditional use permit in Commercial Forest and Forest & Range zoned lands.
- Parks and playgrounds permitted in Urban Residential and Rural -3 zoned lands.
- Addition of Impound/Towing Yards permitted in the industrial zones and with approval of an Administrative Conditional Use permit in General Commercial and Highway Commercial zoned lands.
- Requiring all marijuana production and processing to be conducted within a fully enclosed structure after approval of a conditional use permit in the Agriculture 20, Commercial Agriculture and Forest and Range zoned lands.

The Board of County Commissioners held a public hearing on November 4, 2014, continued written testimony until November 7, 2014 and extended the public hearing until 6:00 pm on

November 12, 2014. On November 12, 2014 the Board of County Commissioners **amended the proposal and approved the amended proposal** finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners:
   a. Addition of new definitions and allowance of farm-visits, enhanced agricultural sales, u-pick/u-cut operations, public facilities permitted administratively, parks and playgrounds permitted within Urban Residential and Rural 3 zoned lands, and Impound Yards as presented.
   b. Denial of allowing rock crushing or asphalt/concrete plants in proposed zones and without conditional use permits.
   c. Making no recommendation on the proposed change to marijuana standards.

II. Public testimony for changes was received regarding marijuana standards and rock crushing standards.

III. The addition of rural activities such as farm-visits, enhanced agricultural sales and u-pick/u-cut operations will improve the rural character of the County and should be allowed as presented.

IV. Parks and playgrounds in urban areas will provide appropriate service while meeting general character of the area and should be allowed as presented.

V. Addition of impound yards within industrial and commercial areas are appropriate and should be allowed.

VI. Asphalt/concrete plants, and rock crushing operations are not necessarily appropriate for all zones and should not be permitted without approval of a conditional use permit as currently stated within the existing Code.

VII. Marijuana production and processing, whether conducted indoors or outdoors is not a rural activity, and should only be permitted within Industrial zoned lands and only upon approval of an Administrative Conditional Use permit.

VIII. The amendments proposed meet the Growth Management Act and the objectives of the Comprehensive Plan.

14-10D Kittitas County Proposal:
Amend Kittitas County Code in Adding Chapter 17.70, Sign Regulations and Repealing Chapter 17.72, thereby Creating a New Sign Ordinance, Exhibit O.

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as amended** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.

II. Public testimony for this proposal was not received.

III. The amendment to the Kittitas County Code is necessary to provide new standards for development of signs proposed within the County.

IV. The repeal of Chapter 17.72 of the Kittitas County Code is necessary for clarification of standards for signs permitted within the County.

V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-11 Kittitas County Proposal:

Amend the official Kittitas County Code Zoning Map Changing the Zones of Parcels on Assessor Map Numbers 17-18-11020-0006, -0010, -0017, -0024, -0025, & -0026 and Parcels on Map Numbers 17-18-11055-0001, -0002, -0003, 17-18-11020-0020, and the parcel directly adjacent to the north of 17-18-11020-0025 that has been determined by the City of Ellensburg that it is part of the County jurisdiction and not within City Limits of Ellensburg From "Urban Residential" to "General Industrial." Exhibit P

The Board of County Commissioners held a public hearing on November 4, 2014, and extended the public hearing until 6:00 pm, November 12, 2014. On November 12, 2014 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 3-1.
II. Public testimony for this proposal was received by the applicant.
III. The land requested for rezone is characteristic of the surrounding land use and industrial land use.
IV. The amendment is consistent with provisions of applicable Titles within the Kittitas County Code.
V. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

14-12 Kittitas County Proposal:

Amend the Kittitas County Comprehensive Plan to Expand the City of Roslyn Urban Growth Area.

After review of the application, Kittitas County notified the City of Roslyn indicating that an examination of the level of services (LOS) needed to be conducted per the Growth Management Act. The City agreed to postpone the request until the 2017 update in the County's Comprehensive Plan.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the addition of a Public Benefit Rating for the assessment of land for current use System in Kittitas County Code Chapter 3.46 as shown in **Exhibit C**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves as amended the creation of a Clearing and Grading ordinance in Kittitas County Code 14.05, as shown in **Exhibit D**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC Chapter 13.20 and 13.35, Chapter 16.24, and Chapter 17A.08 as presented and as shown in **Exhibit E**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 14.04 to provide standards for small residential structures as shown in **Exhibit F**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 14.08, Flood Damage Prevention as shown in **Exhibit G**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC Chapter 15.04 to update the local SEPA code as shown in **Exhibit H**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending KCC Title 15A to transfer SEPA administrative activities to Chapter 15.04 and amend the administrative process as shown in **Exhibit I**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending KCC Chapter 16.04, 16.05, 16.06, 16.08 and 16.10 repealing existence of administrative segregations and codifying Boundary Line Adjustments as shown in **Exhibit J**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending KCC Chapter 16.08 and 16.09 defining and allowing "agricultural plats" separate from conservation plats as shown in **Exhibit K**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending official County zoning maps and Land Use designation tables in Chapters 2 and 8 of the Comprehensive Plan as shown in **Exhibit L**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending KCC Chapter 17.13 and 17.98 clarifying the use of Transfer Development Rights in the County as shown in **Exhibit M**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amending KCC Chapter 17.15 and 17.08 to define new land uses allowed within the County, and to modify the zone classification where land uses may occur within the County as shown in **Exhibit N**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves establishing a sign ordinance by creating KCC 17.70 and by repealing KCC 17.72, the existing sign ordinance, and as shown in **Exhibit O**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the rezone request by Anderson Hay and Grain and addition by staff to reclassify land within the Ellensburg Urban Growth Area from "Urban Residential" to "General Industrial" as shown in **Exhibit P**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby agree the request by City of Roslyn to postpone their UGA Expansion Request until 2017 as shown in **Exhibit Q**.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2014 Amendments to the Kittitas County Code as shown in Exhibits C through Q attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the development regulation on the County website. The Planning Official and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

Adopted this ___2nd_____ day of _____December_____, 2014, at Ellensburg, Washington.

ATTEST:
CLERK OF THE BOARD

_____
Julie A. Kjorsvik

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

_____
Chairman, Paul Jewell

APPROVED AS TO FORM:

_____
Vice-Chairman, Gary Berndt

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

_____
Commissioner Obie O'Brien

EXHIBIT A: Planning Commission Minutes from October 7 & 9, 2014 Planning Commission Hearings

KITTITAS COUNTY PLANNING COMMISSION MEETING MINUTES
October 7th, 2014

Kittitas County Armory

I. **Chairman Grant Clark** called the meeting to order at 6:02 p.m.
Those present: Chairman Grant Clark, Vice Chairman Rob Fraser, Bob Hickey, Leslie Walker, and Margie Sullivan
Those absent: Brandon Huber and Gary Starkovich
Also present: Planning Official- Doc Hansen, Staff Planner Jeff Watson, Staff Planner Lindsey Ozbolt, Staff Planner Kaycee Hathaway, Staff member Christina Wollman, Staff Member, Erin Moore, Staff member Holly Myers, Staff member Robin Read, Public Health Officer Dr. Mark Larsen, CDS permit technician/clerk- Rose Shriner and approximately 100 members of the public

I. Correspondence: None

II. Minutes

a. Vice Chairman Rob Fraser stated that 8-12-14 minutes he requested to add to his original motion from August 12th, 2014, that the Shoreline Master Program draft from July 2014 with the minimum jurisdiction, Exhibit B, from the Shoreline Program Act be approved. Margie Sullivan seconded the motion. **The motion passed with 5-0 vote.**

III. New Business: Comprehensive Plan and Regulation Amendments

a. Docket Item 14-09

Planning Official, Doc Hansen, presented Docket Item 14-09 and read it into the record. The Kittitas County Farm Bureau requests an amendment to Kittitas County Code 16.09 to permit platting providing larger lots for cluster platting in the Agriculture 20 and Commercial Agriculture zones. The amendment was submitted prior to the June 30, 2014 deadline for consideration and has been placed upon the docket. Staff has no recommendation.

Chairman Clark opened the public hearing to comment.

Jeff Slothower, representing the Kittitas County Farm Bureau, comments were made to the 2014 compliance and how they impacted agriculture, that prompted meetings with Futurewise and Kittitas County Coalition (KCC), and worked out compromises, which were accepted by the growth board. The conservation and cluster plat, has very little flexibility and many in the ag communities at some point they need to create lots, and they need flexibility to create those lots. This is a third tool if you will. They provided changes, after they provided to the county, a series of discussions with Futurewise and KCC and modifications to the original proposal, Exhibit B and C. I reserve to come back with some written comments. 16.09.040 defined when ag plats can occur, reasons to come forward with the idea to do the plat, and some restrictions, where dwellings go, lot size and greater flexibility where you can put the lots. The goal is to create portions of the farm that are less productive, and if the reasons are specifically laid out. There are some safe guard built in to farm from from interference from the lots that may be sold.

Discussion was made between staff and planning commission members regarding Agricultural Platting.

Lila Hansen,1302 Swauk Prairie Rd, 98922, read her written comment that was submitted to the Planning Commission Clerk prior to testifying, into the record. I hope you approve this amendment.

Chairman Clark closed public testimony for Docket item 14-09

b. Docket Item 14-11

Staff Planner, Lindsey Ozbolt, presented Docket Item 14-11 and read it into the record. Anderson Hay & Grain Rezone RZ-14-00002 and CP-14-00001 was submitted to Community Development Services on June 19th, 2014. It is a non-project rezone request on 6 parcels, assessor map numbers: 17-18-11020-0006,-0010,-0017,-0024,-0025,&,-0026, to change the County's zoning map from Urbain Residential (U-R) to General Industrial (I-G). These parcels are within the Ellensburg UGA, located off Anderson Road and Umptanum Road. The proposed amendments were docketed with CDS prior to the June 30th docketing deadline. Based upon staff review, staff also recommends that the following five parcels also be rezoned the General Industrial: 17-18-11055-001, 17-18-11055-0002, 17-18-11055-0003, 17-18-11020-0020 and the parcel directly adjacent to the north of 17-18-11020-0025 that has been determined by the City of Ellensburg that it is part of the County jurisdiction and not within the City Limits of Ellensburg. Staff recommends approval.

Chairman Grant Clark opened public testimony for Docket Item 14-11

Cassandra Moore, Grette Associates, planner representing Anderson Hay & Gray, requests the zoning made to be consistent with the use of this property.

Chairman Grant Clark closed public testimony for Docket Item 14-11

Discussion was made between staff and planning commission regarding Docket item 14-11

c. Docket Item 14-12

Planning Official, Doc Hansen, requested that Docket Item 14-12 be postponed until Docket 2017 and wish this be withheld.

d. Docket Item 14-04

Planning Official, Doc Hansen, presented Docket Item 14-04, and read it into the record. The small house movement is a return to houses less than 1,000 square feet, some as small as 80 square feet. Small houses may emphasize design over size, utilize dual purpose features and multi-functional furniture, an d incorporate technological advances of space saving equipment and appliances. Vertical space optimization is also a common feature of small houses and apartments. Small houses have become attractive as second homes. Regulations are needed to insure safety of construction since current building codes are applicable only to structures of square footage sizes well above the size of small homes. A number of such structures have been built in Kittitas County without permits and staff recommends that these structures be required to have permits when used as secondary or primary living units. Staff recommends approval of Docket item 14-04. Discussion was made between planning commission members and staff regarding Docket item 14-04.

Chairman Grant Clark opened public testimony for Docket Item 14-04
Chairman Grant Clark closed public testimony for Docket Item 14-04.

e. Docket Item 14-03

Staff member, Erin Moore, presented Docket item 14-03 and read it into the record. Kittitas County Public Health Department (KCPHD) is proposing an amendment to KCC Section 13.20.040, Well Location and Access. KCPHD proposes to amend existing language in KCC Sections 17A.08.020 and that KCC Chapter 13.20 for the language existing in 17A.08.025. KCPHD proposes to correction KCC Section 13.35.050(3), Individual Water System from "two gallons per minute (2GPM)." KC Ordinance 14-0005 and other pertinent sections of Chapter 13.35 were previously amended in 2014 to reflect this correction, but Section 13.35.050(3) was not updated. Staff recommends to approve Docket item 14-03.

Chairman Grant Clark opened public testimony for Docket Item 14-03

Mary Burke, 1351 Smithson Rd, representing family and herself, recognize these items that deal with water. Ordinance 14-0005 does not limit or regulate stock water and stock water is exempt from this. Be aware of this when reviewing this water ordinance in conjunction with the other matters in front of you.
Jack Field, Executive Vice President of Washington Cattleman's Association in Ellensburg, and echo comments of the previous speaker, and stock water is not incorporated into this or regards to be permitted or volumetric limitations. I have grave concerns about mitigation on stock water.
Chairman Grant Clark closed public testimony for Docket Item 14-03.
Discussion was made between planning commission members and staff regarding Docket item 14-03

f. Docket Item 14-10D

Staff planner, Kaycee Hathaway, presented Docket Item 14-10D, and read it into the record. Kittitas County Community Development Services proposes replacing the existing sign ordinance is to accommodate and promote signs by providing minimum standards to safeguard life, health and visual quality. The existing sign code does not present sign standards in a user-friendly way that can easily be understood by the public and staff. Proposed revisions would add definitions of various sign types. Present clear direction on allowable sign height, size, and number, and provide a list of exempt or prohibited signs. The revised sign ordinance does not change how sign permits are processed. All the same procedures in Title 15A.03 Project Permit Application Review still apply. Staff recommends approval of Docket item 14-10D. Discussion was made between planning commission members and staff regarding Docket item 14-10D.
Chairman Grant Clark opened public testimony for Docket Item 14-10D.
Chairman Grant Clark closed public testimony for Docket Item 14-10D.

g. Docket Item 14-05

Staff member, Christina Wollman, presented Docket item 14-05, and read it into the record. The changes proposed in KCC 14.08 are primarily to correct minor grammatical errors, clarify requirements and update the administrator of the regulations. Staff recommends approval of Docket item 14-05.
Chairman Grant Clark opened public testimony for Docket Item 14-05
Chairman Grant Clark closed public testimony for Docket Item 14-05

h. Docket Item 14-06

Staff Planner, Lindsey Ozbolt, presented Docket item 14-06, and read it into the record. Kittitas County Community Development Services proposes amending portions of KCC Title 15.04 to allow for consistency, clarity and compliance with the updated WAC Rule amendments (WAC 197-11) effective 5/10/2014. Additionally, staff proposes integrating language from KCC 15A.04.020 and KCC 15A.04.030 into KCC 15.04.160 and KCC 15.04.210 as it is more appropriate in this title.
Chairman Grant Clark opened public testimony for Docket Item 14-06
Chairman Grant Clark closed public testimony for Docket Item 14-06

i. Docket Item 14-07

Staff Planner, Lindsey Ozbolt, presented Docket item 14-07 and read it into the record. Kittitas County Community Development Services proposes amending portions of KCC Title 15A to allow for consistency and clarity for permit review efficiency. Staff is recommending language changes to the project review section (KCC 15A.04) to allow for processing efficiency and clarification. One of the changes includes requiring binding site plans to allow for the same type of noticing schedule as short plats. As part of this change Section 16.05.020.2 in Docket Item 14-8 was deleted for consistency with this proposal. Additionally staff has proposed to add timeframe language to Table 15A for the Shoreline Master Program to be consistent with WAC 173-27-110(e) making the public comment period 30 days.

Additionall, KCC 15A.04.020 and KCC 15A.04.030 are proposed to be repealed from this title and added to KCC 15.04.160 and KCC 15.04.210. Staff recommends Docket item 14-07 for approval.
Chairman Grant Clark opened public testimony for Docket Item 14-07
Chairman Grant Clark closed public testimony for Docket Item 14-07

j. Docket Item 14-10B

Planning official, Doc Hansen, presented docket item 14-10B and read it into the record. Kittitas County Community Development Services proposes amending portions of KCC Chapter 17.13 for consistency with Title 17 amendments adopted as part of the GMA compliance amendments in 2013 and other clarity amendments. Staff recommends Docket item 14-10B for approval.
Chairman Grant Clark opened public testimony for Docket Item 14-10B
Chairman Grant Clark closed public testimony for Docket Item 14-10B

k. Docket item 14-08

Planning Official, Doc Hansen, presented Docket item 14-08 and read it into the record. The proposed amendments to Title 16 of the Kittitas County Code are designed to address four specific elements of the subdivision code; Split Zoned Parcels, Adequate Water Supply Determinations, Boundary Line Adjustments, and Administrative Segregations. KCC Section 16.04.025 addresses the prohibition of split-zoned parcels in any subdivision process and KCC Section 16.10.010(4) prohibits them specific to boundary line adjustments (BLAs). Adequate water supply determination requirement language was added to all forms of subdivision (Binding Site Plan, Plat, Short Plat, and Large Lot). In addition to outlining and explaining the BLA process in a manner that is consistent with other elements of the subdivision code, KCC Chapter 16.10 was created to require a title report and recorded survey for review as well as language to sunset an approved BLA if it is not recorded within a two year time frame. Finally the entire section related to Administrative Segregations was repealed. Staff recommends Docket item 14-08 for approval

Chairman Grant Clark opened public testimony for Docket Item 14-08
Chairman Grant Clark closed public testimony for Docket Item 14-08

l. Docket Item 14-10A

Staff planner, Jeff Watson, presented Docket Item 14-10A and read it into the record. Discussion was made between planning commission members and staff regarding Docket item 14-10A.
Chairman Grant Clark opened public testimony for Docket Item 14-10A
Chairman Grant Clark closed public testimony for Docket Item 14-10A

m. Docket Item 14-01

Staff Planner, Jeff Watson, presented Docket Item 14-01 and read it into the record. The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm and agricultural, and timber lands valued at their current use rather than at their highest and best use. The Act states that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The criteria in declaring land in open space has been broad and subjective in interpretation on whether a particular property qualifies as “open space” and in the assessed value of property for taxing purposes as a result of placing land in “Open Space.” The Public Benefit Rating System” (PBRS) was approved as procedure for evaluating the benefit of having land designated in open space to reduce the subjectivity and provide a measuring technique to evaluate the value of the public benefit of that open space being reserved. Every county within the State has legislative authority to

establish a public benefit rating system for the open space classification, the criteria contained within the rating system governs the eligibility and valuation of the land subject to the application. When a county creates or amends a PBRS, all classified open space land will be rated under the new PBRS. Land that no longer qualifies for open space classification will not be removed from classification, but will be rated according to the PBRS. Within 30 days of receiving notification of the new assessed value established by the PBRS, the owner may request removal of classification of the land without imposition of additional tax, interest, and penalty. The following language is proposed to be added into the Kittitas County Code to establish a PBRS for the County and require current use properties in open space to be valued through this system. Discussion was made between planning commission members and staff regarding Docket item 14-01.

Chairman Grant Clark opened public testimony for Docket Item 14-01
Del Knudson, 771 Watt Canyon Rd, made discussion with staff regarding 14-01. People have bought property based on open space tax, and recommend people who bought property under open space be able to continue that. Any sales from here on should be reevaluated.
Mary Morgan, Ellensburg, WA, has concerns about this and the 30 days' notice to the land owner. No categories support or protect the shrub steppe and made discussion with staff regarding 14-01. There needs to be a longer notice to landowners than thirty days and there should be some better considerations prohibit development of property and the shrub steppe and needs to be protected.
Jack Fields, appreciate the clarification between ag and timber lands. Work on messaging would be a great value, and if you look at the Ag then work with the Farm Bureau. Appreciate the clarification.
Pam Fields, No 6 Rd, it is a great idea to be more specific and less nebulous. The public should be involved in the priorities, particularly people that it affects, and it is important people who have purchased property and zoned that way should not have to jump another hoop. For the people that already have it, it would be unfair.
Ryan Williams, made discussion between staff regarding conservation easements and process. A discussion with a Daily Record reporter would have cleared a hundred people out of this room.
Chairman Grant Clark closed public testimony for Docket Item 14-01

n. Docket item 14-02

Staff member, Christina Wollman, presented Docket item 14-02 and read it into the record. Excavation of ground over the past few decades as a result of increased development has resulted in a number of jurisdictions adopting "Grade and Fill" ordinances which allow the continued development of private lands while avoiding the environmental impacts of such activity. Such ordinances are designed to limit erosion, protect ground and surface water resources, protect wildlife areas, and ensure proper restoration and replanting of graded areas, while allowing for development within the jurisdictions. Kittitas County staff has drafted language similar to State and other jurisdictional grade and fill ordinances. The regulations proposed below will require this excavating or more filing more than one hundred cubic yards to obtain a grade and fill permit. Concrete or Cement materials will be considered fill material. The permit will require provision of site plans and plans for providing erosion control methods during any grading and/or filling activity upon a site. Any grade or fill activity involving more than five hundred (500) cubic yards of material or when conducted within a designated Critical Area would require and accompanying engineering plan for grading operation. Grade and fill activity would also be subject to County SEPA regulations under proposed Code amendment. The County Engineer or Public Works designee will have the authority to review the grade and fill plan, the erosion control design and grant a "grade and fill" permit. Staff recommended Docket item 14-02 for approval. Discussion was made between planning commission members and staff regarding Docket item 14-02.
Chairman Grant Clark opened public testimony for Docket Item 14-02

Del Knudson, 771 Watt Canyon Rd, I understand what you are trying to do, but where do you draw the line between the bureaucratic bs. The only way to claim an exemption is if you are immune to it. You have to draw a line somewhere and total bureaucracy. Private people need to do what they need to do on their own property.

Chairman Grant Clark closed public testimony for Docket Item 14-02

o. **Docket Item 14-10C**

Planning Official, Doc Hansen stated that they would be addressing 14-08 and matric 17.15 which outlines permitted uses in the zones. Doc Hansen stated that he will be proposing certain types of Recreational- Tourism that is not addressed in code. Staff Planner Lindsey Ozbolt will be addressing the items of 14-10C matrix, and Staff Planner, Jeff Watson, will be addressing Marijuana related items. Planning Official, Doc Hansen stated Kittitas County Community Development Services proposes amending portions of KCC Title 17 to allow agriculture and recreational tourism uses in Resource and Rural Working zones. Changes will be made to the allowed uses table (KCC 17.15) and to Definitions (KCC 17.08). The following new uses are proposed: Farm Visit, Agricultural sales-enhanced and U-Pick/U-Cut operation. Additionally, "Guest Ranch" will be expanded to "Guest Ranch and Guest Farm" and "Produce Stand" will be renamed "Farm Stand." The intent of the proposed revisions is to promote interest in the County's agricultural products and recreation industry by expanding the zones in which tourism-oriented uses are allowed. The new "enhanced agricultural sales" use will enable local goods such as wine, cheese, and prepared foods to be sold at approved ag-related uses in most rural zones, whether permitted outright or with an administrative conditional use. Likewise, the sale of fresh agricultural products at a Farm Stand would be possible in all Rural Non-LAMIRD zones, in some cases requiring an administrative conditional or condition use permit. The proposed Farm Visit and U-Pick/U-Cut uses will provide opportunities for agricultural education and learning facilities, and seasonal recreational harvesting activities such as picking fruit and berries or cutting Christmas trees.

Staff Planner, Lindsey Ozbolt, read further changes of the allowed use tables (KCC.15) into the record, including public facilities, rock crushing, asphalt/concrete plants, parks and playgrounds and impound/towing yards. Staff recommends approval of Docket item 14-10C with regard to public facilities, rock crushing, and asphalt/concrete plants, parks and playgrounds and impound/towing yards.

Staff Planner, Jeff Watson, read Docket item 14-10C, with regard to Marijuana Production and Processing into the record. Staff made no recommendation for Docket item 14-10C with regards to Marijuana Production and Processing.

Chairman Grant Clark opened public testimony for Docket Item 14-10C

Greg McElroy, 6900 E Green Lake Way N., #123, Seattle WA 98115, representing Ellensburg Cement Products, Hutchinson Properties LLC, and JH Properties LLC stated that I am not talking about marijuana and would be speaking about rock crushing. The opposition to rock crushing, is a classical conditional use, in that its nuisance prone, dust, vibration and noise. The way its been solved is that extraction locations in Ag-20 or Commercial Ag zones we don't know what is driving the proposed changes. In Ag-20 zones conditional use permits are required, but a crusher can be placed without a permit. They are objecting to the expansion of crushing outside of the historical zones, there isn't a need to expand it. The other objecting is the idea of a crusher in a Ag-20 zone should be a permitted outright use when it's been outright prohibited use. A conditional use permit is the only way to regulate this and mitigate. If they are permitted outright there is no mitigation. Temporary Batch plant, an administrative CUP means you have no hearing, and you shouldn't have one unless there is clear criteria that the administer is

going to apply. There is no definition of temporary. These changes have not been thought out. No members or industries participants supporting it.

Jade Stefano, 500 Rocky River Rd, stated that they have used local contractors and businesses and plan on both indoor and outdoor. We took some time meeting with the BOCC which would ban soft sided green houses and believe this is not the intent and there is some misunderstanding. These are the industry standard and for the harsh climate. Review of the language, of what Jeff mentioned earlier, of what greenhouses are allowed. Banning outdoor growing basically limit mom and pop businesses, farmers whereas indoor greenhouses or very expensive. Most local citizens would have a harder time with that investment. I also wanted to mention that the plant will not impact the hay crop. Each plant is monitored to a high degree. I urge you to not base it on hypothetical and base it off science. Urge you to give current zoning a chance, and the right to farm mentality here in the county and the basic use of soft sided greenhouses and outdoor growing.

Carla Igower, Ellensburg Washington, stated personally that it shouldn't be allowed anywhere in the county. I think it should be within 2 miles of a proposed facility to notify property owners. Five hundred feet is nothing. I feel that the five hundred feet is inadequate and should be much larger area, so that the neighbors are notified not adjacent property owners and property owners of Kittitas County should have two votes for every Marijuana persons' one vote.

Heather Hjorth, member of Kittitas County Alliance, stated to encourage you to keep marijuana regulations as they are and not change the rules at this point in the game. Legal Marijuana entrepreneurs have made significant investments and real estate in Kittitas County. Specifically, we ask you to allow outdoor grow, with the minimum twenty acres, and allow soft sided greenhouses. We are trying to address concerns of farmers here in the valley, and respect the concerns. I spoke with the Specialist in Amsterdam, to find the science behind the concerns. We are here an open with a sense of transparency, and establish ourselves of family farmers. We will do our best to be good neighbors. We appreciate the opportunity and jobs that it can bring to Kittitas County will bring opportunities. We are doing our best to be good neighbors, and hopefully be a valuable part of Kittitas County.

John Ufkes, 361 Boston Rd, I submitted yesterday of 594 persons that are requesting the marijuana growing factory be taken out of the agricultural areas. Essentially, you'll note the current zone is allowed use in light industrial, and no applications have been in the liquor control board for property to be utilized in light industrial for these purposes. Primarily LI is more expensive. And in my opinion that is exactly where it belongs. The current zoning code is horribly inadequate and there is no notice to any neighboring properties where it is outright permitted. The ACUP process is dismissive of the public input, all you have to do is look at NMF. All public comments of NMF were ignored. Under the proposal, the standard before the HE and granted CUP would be the same as the ACUP. There needs to be additional criteria when it's a marijuana facility for ACUP. And at my opinion it's at the very least, what is used by the LAMIRD CUP under footnote 18 of 17.15.070.02, there is a required finding of compatibility with neighboring uses that is a bare minimum essentially. But again, I don't believe that marijuana production and processing should be allowed anywhere but the industrial zone. Today we are very appropriately considering and Planning Commission is empowered to do something more significantly rigid because under the DR article July 5th 2014 it was made clear that the county may tighten pot growing regulations and all options are on the table. They are not agriculture. The three page water resource rules and laws publication is attached to material. In addition from my experience of agriculture, this isn't close to agriculture, there is a black market that has been in place for decades, that allows for any illegal produce to be made, and cash be made outside of the LCB and the facilities and this is an obvious temptation in this industry. And from my personal experience of interacting with LCB and not impressed with their enthusiasm in regards to this industry. The value of marijuana would have to be drastically reduced to be compared to any type of agriculture. The highest net per acre of an agricultural product, in California, which is where I moved eight years ago is strawberries. In addition the

history and documentation in regards to marijuana facilities very much increase of criminal activities, especially robberies and burglaries, because of the value of this product. For instance, Ive attached Exhibit D, from NBC news, since the legalization of MJ in Denver, annual rob and burg rate increase of 50%. Crimes that characterize MJ are not limited to CO. Exhibit D, was an armed robbery in EBurg in July, Oct 1st armed confrontation in Selah. Exhibit E, in Toleri County, high security fence as providing so much security, was pushed over by a car, and attempted to rob a grove of 50 MJ plants and suspect was shot dead, and another 16 year old injured. Like the one on Carroll Rd, is far from law enforcement, and a security fence is similar to required in Washington. And it is gang type gun battle that is brought, and that is why it can't be allowed in ag or rural areas of this county at all. Included Example of complaint against Centralia, that I502 protects access to retail MJ facilities that production or processing. The I502 is not clearly banning that is why you have all this litigation. Anything that we are doing to facilitate production in those type of areas, endangers the neighbors and gives them a cheap way to make millions of dollars of produce and product, and they don't deserve it and don't need it.

Julie Ufkes, 361 Boston Rd, SOARS, presented a power point presentation and it was played into the record.

Kathy Lindsey, 1021 4th Parellel Rd, addressing my comments to PC members. As the spokesman CKC request attach comments and petitions be made part of Public Record. The petition reads as follows asks for the ban of production and processing of Marijuana in Kittitas County and concerned the export of timothy hay will, property values will go down and criminal activity will be up. The 51 pages of signatures, one long weekend with people eager to sign and seeking us out so they too could sign. Three counties in WA State have ban have been placed and it has been upheld. In Colorado, 87% of the counties and most cities have prohibited Marijuana production and processing and increased criminal activity. The Daily Record article July 5th, 2014 article the commissioners, Paul Jewell and Obie O'Brien, stated that the entire May ordinance growing ops have been reopened and all options are open for consideration. The ban should be considered a viable option.

Rich Wilkins, 3800 Carroll Rd, representing himself, submitted three pictures for the record, first one a hay operation in progress taken in September 2005. That said that hay field looked pretty good and the reason that this is in here that is where the 50 acre proposed pot facility. What is going on with that I don't know. Page 2 is a State of Washington Department of Revenue, sales exemption, MJ cannot use this certificate. MJ is not a MJ not an Ag product. This revision was made May 29, 2014 that is after a lot of this started. 3rd page is just what it looks like that indicates gross sales and employment by each county within the state, it's all agriculture. Don't let these production facilities make them an agricultural commodity.

TJ Mcdonald, 1006 Emerson Rd, representing Old McDonald Farm, stated reference chapter KC 17.14.010 is a right to farm. I live on a 15 acre farm. I want to preserve that. It is important to the county. 17.08.033 defines an agricultural product, marijuana is a plant, marijuana is a crop. USDA regulates the pesticides, just like other crops. The fact that our agricultural product is greater value than most is because no one can produce it at scale legally. As soon as I502 gets going, the points of I502 is to meet and beat the black market, which can be done if it is in an outdoor or greenhouse setting. If we do get in zoning and outdoor banning, that is zoned with farming and ranching as a priority. Hard walled structures will not require 8' fence, however, a hard walled greenhouse is still required by Washington State Law. Last point, the county has changed rules many times; I want transparency and open as I can be, and the county to be the same.

Mike Graham, 5810 Naneum Rd, representing NMF Enterprises, I am a fully state licensed and county permitted and have been in operation and doing farming. I don't understand the farming I do isn't agricultural. All the practices of that are identical of a farmer of tomatoes or organic vegetables. All this talk is contrite and ridiculous. A couple points I wanted to make I am a legal producer in this county, there are several others, now I spoke here six months ago as an applicant, the sky is not falling here in

Kittitas county. Lots of anti-marijuana rhetoric and doomsday scenarios is proved to be false. A common misconception of people that are pro 502 that means you are pro marijuana, and that's absolutely not the case. We want more intelligent solution to thirty years of failed policy. Do you have a better policy than pursuit over these years, probably not, but so being pro 502 is not pro marijuana. Arguments with hay production, ban 502 because of hay production this argument has been repeated again and again, and repeated in the same thing over, without facts does not make it true. Marijuana is an annual plant with very controlled pollination there is almost zero chance that marijuana can cross pollinate with hay.
Mark Jones, 6300 Robbins Rd, representing himself, we all have a fear of marijuana. We have a choice to take the tax revenue, or you can sit back and lose it. I watched the corn farmers turn to hay farmers, the hay farmers turn to sudan. This is a new life generation. This is a medical marijuana industry too. We have cancer, we have leukemia, seizures, and the medical is different the recreation. You are gonna sit here and program yourselves that its bad. Get your fact. I am here as a cancer survivor, I have lived here all my life. I watched Boise Cascade collapse, I watched Twin Cities Foods, the biggest growers are Ward Rugh and Anderson, a couple others and that's it. We can wrap it and grab it with our hands and go. And I thank you for having this meeting, and I urge you to get your facts straight because it's all about the money. Open your hearts, and souls and minds, don't be so closed.
Stephanie McKendrick, Sorenson Rd, I just have a couple of facts. One fact is a grow operation in production in Badger Pocket, in a three week period I have copies of sheriff's reports of the alarms going off 5 times. That is five times at night that our 2-4 deputies were out in badger pocket taking care of alarms for marijuana. Not only we are losing law enforcements those alarms are darn loud and its not pleasant. Listen to the residents, because if go online, that have now applied for marijuana are Seattle, are Vancouver. Who are you here to serve? The people from the west side or the people who live here. I moved here and I wake up every morning to the green and the hay. I took my life savings to move here because I love this community. Listen to the residents not the owners. The same property owner has not paid their property taxes from April. This same building as has an agricultural building has not had any permitting. Another building has no permits, no permitted well, or septic and hasn't paid their taxes. IS that who you want to have operating a cash business? I urge you to listen to the residents of Kittitas County.
Rollie Bernth, 650 N Willow St, representing Kittitas County Timothy Hay Growers Association and others, I have lived in Ellensburg most of my life and difficult time even discussion this topic. What's the benefit of all this? I just don't see this. Our friend their doesn't think there isn't risk involve, and right now we are trying to ship hay to China their hay that was shipped over there wasn't even close to a GMO alfalfa field. The potential for contamination is there. If it happens this country will be in real financial trouble and the farmers will be out of business because our markets won't accept that. I don't understand why the County Commissioners didn't place a moratorium. Why are we letting three people decide our future? We should have a say in this. Again, what's the benefit? I don't know but this could turn out like Obama care cause we won't find out till it happens.
Sandy Linder, 4961 Nanuem Rd, I too agree that marijuana is not a normal agricultural crop. If you watched the news from the tri-cities you would see people climbing over fences and stealing the crop. Other growers are sleeping in tents to protect their product; I haven't seen a timothy hay farmer sleep in a tent to protect his hay bales. Why would you want to put that in our neighborhood? I don't think law enforcement is strong enough to handle this. When you call someone and you live in a rural community it takes a while to get there. I urge you to ban it outright, but if you are not going to do that move it to an area where our law enforcement can take care of it.
Kaz Murata, 7180 Sorenson Rd, one thing that puzzles me the most is the definition of agricultural. But if you apply the same principle heroin and opium is a poppy and a plant, and cocoa is a plant that produces cocaine, but it's an agricultural plant. Marijuana seems to me comes at a price, sold by gram, and goes to the straight to the brain. It does not provide any nourishment to the body. Marijuana only

reason to pay outrageous price is to alter the mind therefore, it is a pharmaceutical product it is not agricultural product. The first time in history that the zoning code does not say anything about this and must redefine it. Another thing the people who came up here in support of Marijuana industry dress different than us look like Miami vice, type, and we don't appreciate that kind of culture. We are rural farmers. We have to think about these things not just the zoning code, not just our culture. I propose moratorium at least for here.

Bob Burke, Lower Green Canyon Rd, there is a moral component to this that has been overlooked. We need to give a lot of consideration to our children and grandchildren. I would like to see Kittitas County ban the growing and processing of the drug and if there is a medical component that makes sense then we have had a lot of drugs that have been handled by pharmacists and doctors and they seem to be just fine.

Edwin Doern, 235 Big Sky Vista Dr, Cle ELum, we have CCRs in our community and I think they are fairly common that are rural twenty acre parcels that are in these forest communities. We have specific clauses or cov4eneatns that restrict commercial activities on these lots. I think it's in there, and I appreciate if the county looks at CCRs when they vet those applications that are related to that kind of activities.

Alex Cooley, 2125 Dexter Ave, Seattle, WA, the reason I am in front of you, and honestly surprising because its been adopted. When this conservation began a year ago, was keeping it out of residential areas. We are now back at the table considering changing this after persons have applied, granted licenses and life savings in these establishments and facilities. As an industrial grower myself, this is not where the plant belongs. I do agree that this could be potentially a bad thing, but not allowing it is impatient and reactionary. You can call it agriculture or can choose not to, but at the end of the day it is a plant. There are many pharmaceuticals that are plants it is grown under the sun. The point of I-502 taking out of the hands of the black market, out of the hands of the children, and removing entire the criminal element by removing the costs to municipalities by incarceration and prosecution. Cannabis is here, and in this state, and this county and you can have a conversation about cannabis and have a reasonable conversation about facts. The people that have put the money in these facilities are here to stay, it has begun. This is what democracy is. I have a right just as you have a right. I encourage you to have conversation. I encourage you not to change the rules at this time at minimum go one year, so we can place policy that is not reactionary.

Phil Kenison, Carroll Rd, I live out on Carroll Rd where they want to build the monstrosity of a building. It will have quite an effect on me, and there will be a lot of employees. We have enough trouble with gravel trucks. Property value will go down, because you tell somebody that there is a marijuana growere up there. I am a farmer. I am in it for the rural lifestyle. The people who clap agree to keep the conunty how it's been. And you can talk about all these changes, one of the commissioners last spring there were only twelve people. Nobody knew about it. A public meeting where we are lal here and expressing our opinions, keep it out of our county. The people who buy our hay, commented that any marijuana in the hay they will drop it, they may not be perception for it to be a safe facility that is an excuse to drop the hay prices.

Susan Watelay, 908 E Tacoma, I am concerned about the environmental impact that these grows will have on this county and what our county can abstain in terms of law enforcement and water. I wish I understood more about indoor grows, I wonder if there could be another type of zone, and couldn't there be a creation that defines industrial agricultural? Why couldn't the grows be contained outdoors and manageable? I support the law but I am concerned about a county moving forward cautiously and putting something in effect and changing in a couple years and learning from it. The taxes collected don't go to our county as much as they go to the state.

Keith McGowan, 10 Larsen Rd, I appreciate all the consideration given to this issue and applaud that you have moved, or proposed for considering from a permitted use to something more restrictive. You are going in the right direction, but they aren't just restrictive enough. Most people say that it is an industrial use. The idea that it is a conditional use it does not fit the criteria under a conditional use permit. The proposed use is desirable and not detrimental to peace, healthy or safe to the public. Its hard to imagine, where you can get passed the first criteria. The state's SEPA identify will increase to increase homicides and crime of all types and specifically identifies homicide. It's not good planning practice. It will better serve growers in an industrial area. I have been a planner for over thirty years. If you do continue with the Conditional Use to add a requirement that follow federal law with employee safety, public safety, public health, water and wetlands. I encourage you to add this If you don't.

Del Knutson, 771 Watt Canyon Rd, stated that he was born and raised here. He watched what the county has done. On the other hand, changes are coming to make something happen with this county. The facts speak for themselves; I tried to make myself aware. This county has had marijuana in this county for a long time. Some of the people growing marijuana now are already vested. The restrictions are in good order and will make a tax benefit to this county. Any properties in open space will have to be removed if growing from marijuana. I will benefit from this, I am a real estate. The jobs that will come in will be substantial, the security will be substantial I am not saying I like, I don't use it. Look at Yakima County, maybe they should ban hops? Maybe marijuana can be good for us. Illegal grows are more susceptible to contaminating the hay fields. CCR's can be put on property, and it can be put on any property stating that they cannot grow marijuana.

Jerry Sandelo, 1510 Hamilton Rd, I am surrounded. I have lived here for 16 years, I moved here because I grew up in a farming community. Most people if they had a chance to voice their opinion they would vote not to have it here and the way I was raised its not always about the money. Yakima County didn't authorize it, and this meeting tonight is the first time, I didn't realize what is going on. I am one of those people that is upset that felt there is a lack of wisdom on the planning process, and thru the process and hadn't really exposed the issue to the community. I think if it was exposed as all this was coming to light Kittitas County would not be hosting marijuana production and it is advisable to bring a moratorium.

Chairman Grant Clark opened public testimony for Docket Item 14-02

Chairman Grant Clark stated that they will not deliberate tonight. Grant Clarke made a motion to deliberate Thursday, October 9th, 2014 at 6:00 PM at the Kittitas County Armory. Bob Hickey seconded the motion. **The motion passed 4-0.**

Rob Fraser made a motion to continue the meeting for deliberation until October 9, 2014 at 6:00 p.m. at the same location in the Armory. Bob Hickey seconded the motion. The meeting was approved to continue at 10:16 PM.

KITTITAS COUNTY PLANNING COMMISSION MEETING MINUTES

October 9th, 2014

Kittitas County Armory

II. **Chairman Grant Clark** called the meeting to order at 6:00 p.m.

Those present: Chairman Grant Clark, Vice Chairman Rob Fraser, Bob Hickey and Leslie Walker

Those absent: Brandon Huber, Margie Sullivan and Gary Starkovich

Also present: Planning Official- Doc Hansen, Staff Planner Jeff Watson, Staff Planner Kaycee Hathaway, Staff Prosecuting Attorney Neil Caulkins , Staff member Christina Wollman, CDS permit technician/clerk- Rose Shriner and approximately 8 members of the public

IV. Correspondence: None

V. Minutes

a. None.

VI. Old Business

a. Planning Commission Deliberation from October 7th, 2014 Public Hearing to consider amendments to the Comprehensive Plan

i. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-09 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

ii. Docketed item 14-11 was discussed between staff and planning commission members. Rob Fraser made a motion to move forward to the Board of County Commissioners docketed item 14-11 for approval. Leslie Walker seconded the motion. **The motion passed with a 3-1 vote.**

iii. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-04 for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

iv. Rob Fraser made a motion to move forward to the Board of County Commissioners docketed item 14-03 for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

v. Bob Hickey made a motion to move forward to the Board of County Commissioners docketed item 14-10D for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

vi. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-05 for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

vii. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-06 for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

viii. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-07 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

ix. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-10B for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

x. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-06 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xi. Rob Fraser made a motion to move forward to the Board of County Commissioners docketed item 14-08 for approval. Leslie Walker seconded the motion. **The motion passed with a 4-0 vote.**

xii. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-06 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xiii. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-10A PUD and Zoning for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

xiv. Bob Hickey made a motion to move forward to the Board of County Commissioners docketed item 14-01 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xv. Docketed item 14-02 was discussed between staff and planning commission members. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-02 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xvi. Bob Hickey made a motion to move forward to the Board of County Commissioners Docket item 14-10C Resource and Recreation related tourism uses- revise section so of Title 17 to allow agriculture-recreation related uses such as wineries, tasting rooms, corn mazes, agricultural education & learning Facility/Business etc. in resource and rural working zones for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xvii. Docketed item 14-10C Impound yard was discussed between staff and planning commission members. Bob Hickey made a motion to move forward to the Board

of County Commissioners docketed item 14-10C related to impound yards for approval. Leslie Walker seconded the motion. **The motion passed with a 4-0 vote.**

xviii. Docketed item 14-10C retail sales was discussed between staff and planning commission members. Bob Hickey made a motion to move forward to the Board of County Commissioners docketed item 14-10C related to retail sales for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xix. Leslie Walker made a motion to move forward to the Board of County Commissioners docketed item 14-10C related to Public Facilities permitted in all zones for approval. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

xx. Docketed item 14-10C rock crushing was discussed between staff and planning commission members. Grant Clark made a motion to not move forward to the Board of County Commissioners docketed item 14-10C related to rock crushing-allow in more Rural/Resource zones when conducted in designated mineral lands of long term significance for denial. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

xxi. Docketed item 14-10C Title 17 Asphalt/ Concrete Batch plants were discussed between staff and planning commission members. Rob Fraser made a motion to not move forward to the Board of County Commissioners docketed item 14-10C Title 17 Asphalt and Concrete Plants, Conditional Use in Commercial Forest; temporary batch plants Administrative Conditional Use in Commercial Forest and Forest and Range for denial. Bob Hickey seconded the motion. **The motion passed with a 4-0 vote.**

xxii. Bob Hickey made a motion to move forward to the Board of County Commissioners docketed item 14-10C Title 17 Parks and Playgrounds permitted in UR and R3 for approval. Rob Fraser seconded the motion. **The motion passed with a 4-0 vote.**

xxiii. Docketed item 14-10C Marijuana Production and Processing were discussed between staff and planning commission members. Grant Clark made a motion move forward to the Board of County Commissioners docketed item 14-10C Marijuana Production and Processing for approval. Leslie Walker seconded the motion. **The motion did not pass or fail with a 2-2 vote.**

b. New Business- None

c. Grant Clark made a motion to adjourn the meeting. Leslie Walker seconded the motion. The motion passed 4-0.

EXHIBIT B: BOCC Minutes from November 4, 2014 to November 18, 2014 Public Hearing

***Once minutes are approved, they will be included in this document and uploaded to the Board of County Commissioners webpage.**

EXHIBIT C: Docket Item 14-01

14-01 Kittitas County Proposal:
Amendment to KCC Title 3, to Establish a Public Benefit Rating System for Current Use Open Space Taxation within KCC 3.46.

Kittitas County Code Title 3 is amended as follows:

Chapter 3.46
CURRENT USE OPEN SPACE LAND PROGRAM
AND PUBLIC BENEFIT RATING SYSTEM

Sections

3.46.010 Purpose
3.46.020 Administration
3.46.030 Authority and compliance
3.46.040 Scope
3.46.050 Definitions
3.46.060 Eligibility
3.46.070 Application
3.46.080 Application review
3.46.090 Natural resource category priorities and point system
3.46.095 Agriculture preservation
3.46.100 Calculation of value reduction
3.46.110 Assessed valuation schedule
3.46.120 Improvements on open space properties
3.46.130 Signs
3.46.140 Agreements
3.46.140 Participation period
3.46.160 Enforcement

Section 3.46.010. Purpose.

The purpose of this Ordinance is to encourage the maintenance, preservation, conservation, and otherwise continue in existence adequate open space lands for the production of food and fiber and to assure the use and enjoyment of natural resource and scenic beauty for the economic and social well-being of the citizens of Kittitas County. Further, the Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify.

Section 3.46.020. Administration.

The County Assessor and the Kittitas County Legislative Authority or designee is vested with the duty of administering, implementing, and interpreting the provisions of this Ordinance. They may prepare and/or require the use of such forms and information as deemed necessary to administer the provisions of this Ordinance.

Section3.46.030. Authority and Compliance.

Kittitas County adopts this Ordinance under the authority and requirements of Chapter 84.34 RCW. All lands proposed for acceptance into the current use open space land program shall be in full compliance with all applicable Kittitas County codes.

Section 3.46.040. Scope.

This Ordinance shall apply to all public and private lands situated within Kittitas County over which Kittitas County has jurisdiction under the constitutions and laws of the State of Washington and of

the United States and shall set forth minimum standards in addition to such other standards that may be applicable.

Section 3.46.050. Definitions.

Those definitions set forth in RCW 84.34.020 and WAC 458-30-200, as adopted and hereafter amended, are hereby incorporated by reference and shall govern and control the application and interpretation of this Ordinance. In the case of reference to a specific Kittitas County Code regulation, the definitions within the referenced regulation (for example, the shoreline master program) shall prevail. The following definitions also apply:

1. "Assessor" means the Kittitas County Assessor.
2. "Board" means the Kittitas County Board of County Commissioners
3. "Department" means the Kittitas County Community Development Services.
4. "Designee" means the personnel directed by the Board to act in their behalf.
5. "Development" means structural or land use action
6. "Program" means the Current Use Open Space Land Program and Public Benefit Rating System.

Section 3.46.060. Eligibility.

1. All lands within Kittitas County are subject to RCW 84.34.037(1)(7) and may be eligible to be reviewed for enrollment in this program, provided:
   a. The property proposed for enrollment contains at least one priority resource described in KCC 3.46.090; and
   b. The property meets the minimum enrollment requirements of the public benefit rating system found in KCC 3.46.100 (a); and
   c. All fees, assessments, and taxes are paid in full; and
   d. The property shall be in full compliance with all provisions of this Ordinance, all applicable Kittitas County codes, and RCW 84.34.
2. The following lands or portions thereof, are not eligible for enrollment under this Ordinance:
   a. Designated open space areas or buffers required as part of an approval for zoning, land use or subdivision requirements other than a cluster or conservation plat;
   b. Lands or portions thereof which require a membership, are commercial endeavors, or charge rental for such use, including, but not limited to public or private golf courses, country clubs, campgrounds, ski/biking areas and rental parking, and Recreational Vehicle parks.

Section 3.46.070. Application.

Applications for enrollment under this Ordinance, together with the specified fee, shall be filed with the Assessor. The accuracy and completeness of the applications shall be the responsibility of the applicant. The applications shall, at a minimum, contain the following:

1. The applicant shall submit a non-refundable application fee as required by Kittitas County.
2. Completed and signed Open Space application provided by the Washington State Department of Revenue; and
3. A Site Plan Packet of the property including but not limited to;
   a. A scaled drawing on an 11" by 17" sheet of paper showing the property boundaries and any existing or proposed buildings upon the site, and the location of any gates, fences, or other access obstructions;
   b. A legal description of the property, parcel or map number, and total number of acres considered for enrollment;

c. A narrative statement describing the resources present, with verification as required by Section 3.46.080
d. A detailed narrative description of the method and proposed rules for public access,;
e. A certification of payment for property taxes from the county treasurer prior to recording of the open space agreement that all taxes, assessments, fees, fines, penalties, and/or judgments, outstanding against a parcel of land have been satisfied.
f. Multiple parcels adjacent to one another may be consolidated and reviewed under a single application upon approval of a lot combination per KCC 16.08.055.

Section 3.46.080. Application Review.

The following time line shall be used for the processing of all applications for enrollment:

1. The processing schedule that follows intends to (1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and (2) allow sufficient time for County staff to evaluate the applications.
2. Applications will be accepted during either of two (2) submittal periods as follows:
   a. Applications received during the period January through April shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.
   b. Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.
   c. Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.
3. An application shall be effective for six (6) months. The continuance of an application beyond six (6) months shall constitute a new application and new application fees apply. The Department may waive the additional application fee or extend the application six (6) months if it is determined that administrative review is responsible for the application delay.
4. Public Hearing:
   a. Upon determining the application complete and following a review by staff of the application, a date and time for a public hearing will be set before the Board of County Commissioners for public hearing. Staff will provide a report and recommendation regarding each case.
   b. A notice of the application shall follow Kittitas County Code 15A.03.060.
   c. The notice of the application and public hearing will be sent to all applicable County, State, and federal agencies with interest, for a thirty (30)-day comment and review period.
   d. Decision-making by the Board shall occur after a public hearing is held obtaining written record from the public, oral testimony, staff presentation of the application on the proposed action. The Department shall notify the Assessor and the landowner of the approval of an application for enrollment under this Ordinance. All denials of an application shall be in writing to the land owner and shall include the reasons for denial.
5. In determining whether an application for open space land classification or reclassification should be approved all or in part as stipulated in RCW 84.34.037, the Board of

Commissioners will take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider at a minimum the following:

a) The resulting revenue loss or tax shift;

b) Whether granting the application will:

i. Conserve or enhance natural, cultural, or scenic resources;

ii. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;

iii. Protect geologically hazardous, landslide, or seismic areas;

iv. Protect soil resources and unique or critical wildlife and native plant habitat;

v. Promote conservation principles by example or by offering educational opportunities;

vi. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;

vii. Preserve historic and archaeological sites;

viii. Preserve visual quality along highway, road, and street corridors or scenic vistas; and

ix. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.

6. Any appeal of the action for denial or approval of the decision will be filed before Superior Court.

7. In the event a parcel is conveyed while approval of a timely application is pending, the purchaser or transferee shall, upon written request to the department within thirty (30) days from recording of sale, be given the same consideration as the original applicant. The purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. The purchaser or transferee shall be required to satisfy all requirements that otherwise would have been required.

3.46.090. Natural Resource Category Priorities and Point System.

The intent of the public benefit rating system is to evaluate the retention of "resources and public access" that may be contained on parcels of land in Kittitas County. Several categories of resources are identified for scoring in this system. A maximum of fifty-five percent (55%) reduction in assessed value for all or a portion of a parcel may result from enrollment in this program, and can qualify for as much as seventy-five percent (75%) reduction with enrollment and bonus evaluation per KCC 3.46.100. The parcel, or portion thereof, is assigned a rating and given a percentage of reduction in assessed value for that portion of land that qualifies. The rating and percentage of reduction is dependent upon the type of resource(s) found on the parcel and will be based upon the importance of the resource to the entire Kittitas County environmental system. The application for value reduction will be considered when:

1. Development, other than a single family home, is allowed but not exercised by the landowner for purposes of retention of the resource; or
2. Development allowed by Code cannot occur as a result of resource restriction such as large wetlands, large floodways, historic grounds or similar limitations.

Each environmental characteristic related to “open space” will be rated by the following system.

1. High Priority Resources. High priority resources may receive as many as three (3) points for each resource involved in the application, depending upon circumstances of the property. Resources shall be verified pursuant to KCC 3.46.100(2).

a. Archaeological Site. (3 points)
   i. Definition. All known sites and locations of pre-historical or archaeological interest, including but not limited to burial sites, camp sites, rock shelters, caves and the artifacts and implements of the culture.
   ii. Source. Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.
   iii. Eligibility. Eligible sites are those which are on file at the Washington State Office of Archaeology and Historic Preservation, or verified by an expert in the field as containing the same features and acceptable by the Office of Archaeology and Historic Preservation for addition to their inventory. If a site is considered as an archaeological site, it will not receive points as a historic site.
b. Historical Site (3 points).
   I. Definition. A building, structure or site which is of significance to the county's cultural heritage including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges or the sites thereof together with interpretive facilities, and which are identified in the Washington Heritage Register or the National Heritage Register.
   II. Source. No comprehensive inventory has been done by the County to date. Refer to state or national registers and inventories at the State Office of Archaeology and Historic Preservation and/or the Kittitas County Historical Society.
   III. Eligibility. Eligible sites must be listed in the Washington Heritage Register or the National Heritage Register. If a site is considered as a historic site, it will not receive points as an archaeological site.
c. Shoreline Environment. (Up to 3 points)
   I. Definition. A lake or stream shoreline and its "associated wetlands" designated by the Kittitas County Shorelines Master Program.
   II. Source. Official shoreline master program map or associated documents.
   III. Eligibility. Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Kittitas County shorelines master program and will be granted a proportion of total points based upon the amount of circumference of property boundary adjacent to an Ordinary High Water Mark (OHWM). Those properties with less than fifteen percent (15%) of the property boundary circumference subject to Shoreline regulations will receive one (1) point. Those properties having up to twenty-five percent (25%) of the property boundary circumference subject to Shoreline regulations will receive two (2) points. Those properties with over twenty-five percent (25%) of the property boundary circumference subject to Shorelines regulations will receive three (3) points.
d. Special Animal Sites. (Up to 3 points)
   i. Definition. Habitat for those animal species defined by Washington State Department of Fish and Wildlife (WDFW) as being either an endangered, threatened or sensitive species or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.
   ii. Source. Washington State Department of Fish and Wildlife (WDFW), Kittitas County Planning and Building Department's Critical Area maps.

iii. Eligibility. Eligible sites are those with a documented occurrence of an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) Maps. Those properties with less than fifty percent (50%) of the property within identified special animal sites will receive two (2) points and those with fifty percent (50%) or more will receive (3) points.

e. Special Plant Sites
   i. Definition. Those areas where plant species listed by the Washington State Department of Natural Resources (WSDNR) Natural Heritage Program as being either an endangered, threatened or sensitive plant species are located in areas greater than ten (10) acres in size.
   ii. Source. Location and details of known sites are on file in the WSDNR – Natural Heritage Database.
   iii. Eligibility. Eligible sites are those in the WSDNR – Natural Heritage Database. Individual sites must be verified. Those properties with less than fifty percent (50%) of its area in identified special plant sites will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points.
f. Category I and II Wetlands. (Up to 3 points)
   i. Definition. All Category I wetlands and Category II wetlands over 2,500 square feet.
   ii. Source. National Wetlands Inventory maps, Critical Area Maps, certified wetland biologist.
   iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category I and II wetlands, and the required buffers and setbacks not regulated by SMP, will receive two (2) points, and those properties with fifty percent (50%) or more of the area in identified Category I and II wetlands will receive three (3) points. These points can be added to any points for other category wetlands upon the site.
g. Major Lakes, Ponds and Streams.
   i. Definition. Lakes and ponds, over one acre in size, and creeks and streams classified as Type 2 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of andromonous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described “shoreline environment.”
   ii. Source. Washington State of Department of Fish and Wildlife (WDFW), and Washington State Department of Natural Resources (DNR).
   iii. Eligibility. Eligible lands are those meeting the definition above and are not waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area ponds and streams not regulated by SMP will receive two (2) points, and those properties with fifty percent (50%) or more of the area with identified ponds and will receive three (3) points. Properties with a stream transmitting to two (2) property boundaries will receive two (2) points.
h. Floodplains or Floodways

i. Definition. Properties which contain floodways or 100-year floodplains as designated by the Kittitas County critical areas maps or by the Federal Emergency Management Agency flood maps.

ii. Source. Federal Emergency Management Agency flood maps or the Kittitas County critical area maps.

iii. Eligibility. Eligible lands are those that meet the definition above. Not eligible under this are waters and lands designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Floodways and Floodplains will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive three (3) points. Those parcels on buildable lands entirely located within 100-year floodplains may be eligible for bonus points.

i. Geologically Hazardous Areas.

i. Definition. Properties which contain areas that poses potential threats to life or property because of unstable soil, geologic or hydrologic conditions or steep slopes. This includes all landslide and seismic hazard areas.

ii. Source: Federal Emergency Management Agency, Washington State Department of Ecology, Washington State Department of Natural Resources (Division of Geology and Earth Resources), and/or geologic or geo-technical experts.

iii. Eligibility. Eligible lands are those that meet the definition above. Those properties with less than fifty percent (50%) of its area in this category will receive two (2) points and those properties with fifty percent (50%) or more of the area in identified as geologically hazardous will receive three (3) points.

2. Medium Priority Resources. Medium priority resources shall receive up to two (2) points. Resources shall be verified pursuant to KCC 3.46.100(2)

a. Public Lands Buffer.

i. Definition. Lands lying adjacent to public-owned parks, forests, wildlife preserve, natural reservations or sanctuaries.

ii. Source. Any city or county comprehensive plan, parks and recreation plan, or map showing ownership.

iii. Eligibility. Lands being buffered shall be in public ownership as shown on the Kittitas County Assessor's tax records. Two (2) points will be awarded lands with fifty percent (50%) or more of any one property line must border the public lands. This does not include airports, well sites, or other infrastructure sites for cities, towns, and county, nor does this include lands under KCC 3.46.060(2).

b. Minor Lakes, Ponds and Streams.

i. Definition. Lakes and ponds, under one (1) acre in size, and creeks and streams classified as Type 3, 4, and 5 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of an anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."

ii. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources,

iii. Eligibility. Eligible lands are those meeting the definition above. Not eligible under this category are waters designated within the Shorelines Management Program (SMP) this category are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified minor lakes and streams not regulated by SMP will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified minor lakes and streams will receive two (2) points.

c. Scenic Vistas.

i. Definition. An area of natural features which is visually significant to the aesthetic character of the county and is visible from a historically significant or scenic public right-of-way.

ii. Source. No inventory available.

iii. Eligibility. Lands under this resource category must be visible from historically significant or designated scenic highways and recognized by a public agency or non-profit scenic preservation organization. Such lands with more than 40 acres devoted to preserving such views will receive two (2) points.

d. Category III Wetlands.

i. Definition. All Category III wetlands over 2,500 square feet

ii. Source. National Wetlands Inventory maps, Kittitas County Planning and Building Department, wetlands expert.

iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for points relating to the wetland are waters designated within the Shorelines Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category III wetlands not regulated by SMP will receive one (1) point and those properties with fifty percent (50%) or more of the area in identified special plant sites will receive two (2) points. These points can be added to any points for other category wetlands upon the site.

3. Low Priority Resources. Low priority resources shall receive one point. Resources shall be verified pursuant to KCC 3.46.100(2).

a. Fee Recreation and Public Access Parking.

i. Definition. An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under Internal Revenue Code Section 501 (c)(3).

ii. Source. None.

iii. Eligibility. Eligible sites are those in which the recreational activity is present, and parking is provided. The site shall not have been developed to its maximum potential under its current zoning classification to receive one (1) point.

b. Category IV Wetlands.

i. Definition. All Category IV wetlands over 10,000 square feet.

ii. Source. National Wetlands Inventory maps, Kittitas County Planning and Building Department, wetlands expert.

iii. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetlands are waters designated within the Shorelines

Management Program (SMP). Those properties with less than fifty percent (50%) of its area in identified Category IV wetlands will receive no points and those with fifty percent (50%) or more of the area in identified Category IV wetlands will receive one (1) point. This point can be added to any points for other category wetlands upon the site.

c. Urban Growth Area Open Space.
   i. Definition. Lands located within one-half mile of the corporate boundary of a town or city and designated by city or town comprehensive plan as a conservancy, park, or open space and are not required to exist as a result of conditions for approval of land use actions (such as rezones and subdivisions.
   ii. Source. Local city or town comprehensive plan.
   iii. Eligibility. Lands meeting the definition above will receive one (1) point.

3.46.095. Agriculture Preservation.

Applications for designation as farm and agricultural conservation land under RCW 84.34.020(1)(c) shall be accompanied by a farm management plan, prepared by a qualified agronomist, that demonstrates how the property will be returned to a level of production within six (6) years after designation as farm and agricultural conservation land that results in the land being reclassified as farm and agricultural land under RCW 84.34.020(2). The County Assessor is authorized to remove land from designation as farm and agricultural conservation land six (6) years after designation by the Board of County Commissioners, regardless of whether it is transferred to another designation. Land classified by the Board of Commissioners as farm and agricultural conservation land shall be eligible for an assessed fair market value reduction of fifty (50) percent.

3.46.100. Calculation of Value Reduction.

1. Determination of Resource Applicability. The County staff in its review of the application, shall indicate within report or letter, its determination of applicability for all resources based upon the points permitted for each resource as shown on the Table below in KCC 3.46.100.
2. Verification of Eligible Resources. The County may request potentially eligible resources to be verified by specialist or a qualified agency. This may include, but not be limited to, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources -Natural Heritage Program, Washington State Department of Archaeology and Historic Preservation, or Washington State Department of Ecology. When no resource data exists for a particular parcel, but the property owner believes that the specific resource is present, the owner may provide to the County a report prepared by a qualified professional specializing in that area of expertise including, but not limited to botanist, wildlife manager, wetland biologist or geologist. The County shall utilize the written report and any comments from the agency in determining whether the parcel is eligible for specific resource points for public benefit.
3. Additional open space value reduction can be obtained for each enhanced resource as listed below.
   a. Conservation Easement**.** A bonus for value reduction will be provided when offering conservation that permanently preserves the resource on the property. A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting the land's particular attributes. The easement is conveyed, through recorded documents, to a qualifying conservation

organization or public agency, but the land remains in private ownership and the owner retains full control over public access. A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or 64.04.130. Historic easements apply to historically important land areas and to historic structures that are listed on the National Register of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting. If a bonus is awarded for a conservation easement, a bonus shall not be awarded for restoration/enhancement.

b. Restoration/Enhancement. A bonus will be provided for restored and/or enhanced resources including, but not limited to, Native American lands restoration, wildlife habitat preservation, and/or endangered species protection. At least one (l) resource must be present in order to qualify for the bonus. Restoration and enhancement plans are required and must be completed and inspected by a qualified professional. If a bonus is awarded for a restoration/enhancement, a bonus shall not be rewarded for a conservation easement.

c. A bonus will be provided for provision of public access to natural resource lands such as public forests, trails, streams or lakes. Except as outlined below, public access to the enrolled property and the features and resources contained therein is required. The applicant may determine the method and rules for public access, subject to approval by the Board. Applications for the public access program may include proposed rules for public access, which may include, but is not limited to, not allowing motor vehicle usage, not permitting hunting or fishing, and/or not allowing firearms on the property. If access to the enrolled property involves the crossing of adjacent properties or using a private easement not owned by the applicant, the applicant must supply documentation that the public may cross such adjacent properties to access the enrolled property. Such documentation shall be recorded with the Kittitas County Auditor and shall extend through the life of the open space agreement.

The bonus will not be awarded if public access is determined to be detrimental to:

1. endangered, threatened, or sensitive plant or animal species verified in the field by qualified personnel from the appropriate agency; or
2. known archaeological, historical, or tribal cultural sites verified in the field by qualified personnel from the appropriate agency.

d. Any entity, organization, or person placing whole parcels of land in conservation in perpetuity shall receive an eighty-five percent (85%) reduction in assessed market value.

3.46.110. Assessed Valuation Schedule.

The reduction in market value of the qualifying land enrolled in this program is determined by reducing the market value of the qualifying land by a percentage, up to a maximum fifty-five percent (55%) unless a bonus is awarded per KCC 3.46.100(b). The relationship of public benefit points to percentage of assessed value reduction is presented in the following table:

Total Eligibility Points	Percent Reduction in Assessed Market Value
0 to 3 points	0% reduction in value
4 to 6 points	10% reduction in value
7 to 10 points	30% reduction in value
11 to13 points	50% reduction in value
14 to15 points	55% reduction in value
With One Bonus	10% additional reduction in value
With Two Bonuses	20% additional reduction in value
Conservation in Perpetuity	85% reduction in value

3.46.120. Improvements on Open Space Properties.

When determining eligibility of a parcel for enrollment under this ordinance that includes structural improvements, a one-acre minimum improvement area or home-site will be excluded and not enrolled under this Ordinance. Covenants, conditions and restrictions (CC&Rs) or conservation easements may increase the improvement area to more than one acre depending on the language in the CC&Rs or the conservation easement. This also applies to potential building areas listed in the CC&Rs and the conservation easement. This improved area or potentially improved area will be assessed at market value as determined by the County Assessor. Any property with re-assessed value who wishes to have designations removed shall be subject to RCW 84.34.

3.46.130. Signs.

1. Signs are required only when public access is required under the provisions of this Ordinance, the cost of which shall be the responsibility of the landowner. All signs shall:
   a. Be posted within ninety (90) days following enrollment in the program;
   b. Be purchased from Kittitas County as official current use open space public access signage;
   c. Be posted on the subject property's road frontage or nearest public road as deemed appropriate by the Board
   d. Be maintained at the landowner's expense in good condition for as long as the property is enrolled in the program. Failure to maintain or replace removed, missing, or damaged signs by the property owner may jeopardize enrollment in the program.
   e. Be approved at the time of enrollment in the program.
2. Signs not approved at time of enrollment which appears to discourage or prohibit public access to the enrolled property and which has received valuation bonus within this program shall be removed immediately, or the property shall be subject to property value assessment without the bonus.

3.46.140. Agreements.

1. Hold Harmless. All owners of property enrolled in the program who are required to grant public access to the subject property shall execute and record a hold harmless agreement, releasing Kittitas County of any liability which may arise as a result of enrollment in the program. Such forms shall be provided by the department.
2. Upon approval by the board, an open space agreement between the county and landowner shall be signed and recorded with the auditor and may contain the conditions of continued enrollment under this Code. The agreement to tax land according to its current use is not a

contract between the owners and the county. This agreement can be abrogated, annulled, or cancelled at any time by the state legislature in which event no additional tax, interest, and/or penalty shall be imposed, as specified by WAC 458-30-355. The open space agreement shall be processed as follows:

a. Within five (5) calendar days after the approval of the application for enrollment under this Code, the department shall deliver by certified mail, return receipt requested, the agreement to the owner for signature.
b. The owner may accept or reject the agreement.
c. If accepted, the agreement shall be signed and returned to the Assessor within thirty (30) days after receipt. If the agreement is not returned to the department within thirty (30) days after receipt, the county shall presume the agreement has been rejected.

3.46.150. Participation Period.

1. When land has been enrolled in the program, it shall remain under such classification and shall not be applied to another use except as provided by RCW 84.34.070(2), for at least ten 10 years from the date of the recording of the open space agreement and shall continue under such classification until and unless withdrawn from the classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial 10-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the County Assessor. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this program. The County Assessor shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax and applicable interest due under RCW 84.34.108.
2. When land which has been classified under this Ordinance is applied to some other use, such landowner shall notify the assessor within sixty (60) days of such change and shall be subject to the provisions of RCW 84.34.080.
3. The County Assessor and/or department may require an owner of land enrolled under this Ordinance to submit data relevant to the use of the land or other information pertinent to the continued classification of the land, as specified by WAC 458-30-270.
4. Property enrolled under this Ordinance may be sold or transferred to new owners subject to the provisions of WAC 458-30-275.

3.46.160. Enforcement.

Property which has been approved under this Code, but which is found to be in violation of any terms of the open space agreement or condition of enrollment may be removed from the program and all applicable fees, penalties, and interest shall become due pursuant to Chapter 84.34 RCW.

EXHIBIT D: Docket 14-02

14-02 Kittitas County Proposal:
Amend KCC Title 14 to Add Section 14.05 Establishing a Clearing and Grading Ordinance

Kittitas County Code New Chapter 14.05 Clearing and Grading, is added as follows:

Title 14 | BUILDINGS AND CONSTRUCTION

Chapters
14.04 Building Code
14.05 Clearing and Grading
14.08 Flood Damage Prevention
14.12 Fire Resistant/Retardant Standards for Roof Coverings

Chapter 14.05
CLEARING AND GRADING
Sections
14.05.010 Title
14.05.020 Purpose
14.05.030 Authority and administration
14.05.040 Definitions
14.05.050 Permits required
14.05.060 Exemptions
14.05.070 Application requirements
14.05.080 Grading plan
14.05.090 Permit application and submittal
14.05.100 Special inspections
14.05.110 Excavations
14.05.120 Fill
14.05.130 Compaction
14.05.140 Air Quality
14.05.150 Appeals
14.05.150 Conflicts with other regulations
14.05.170 Fees

14.05.010 Title.
This chapter shall be known and may be cited as the Kittitas County Grading Ordinance.

14.05.020 Purpose.
This chapter is intended to provide uniform procedures authorizing and regulating grading within the unincorporated area of Kittitas County. While not intended to duplicate other regulations, these regulations are designed to aid in controlling erosion incident to grading activity, and to protect public health, safety and welfare through the adoption and enforcement of provisions designed to:

1. Minimize adverse impacts associated with the excavation and grading of land;
2. Protect water quality from the adverse impacts associated with erosion and sedimentation;
3. Ensure prompt development, restoration, replanting, and effective erosion and sedimentation control of property during and after grading activities;
4. Establish administrative procedures for the issuance of permits, approval of plans, and inspection of grading operations; and
5. Allow for the reasonable development of land in Kittitas County.

14.05.030 Authority and administration.

The County Engineer or Public Works designee shall administer, interpret, and enforce this chapter. The County Engineer or Public Works designee shall have the authority to issue permits and to perform, or cause to be performed, inspections and take such actions as may be required to enforce the provisions of this chapter.

14.05.040 Definitions.

For the purpose of this chapter, the following definitions shall apply:

1. "Agricultural activities" means those activities conducted on lands defined in RCW 84.34.020(2) as agricultural lands and those activities involved in the production of crops or livestock, including but not limited to operation and maintenance of existing fields, farm and stock ponds or drainage systems, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that would significantly impact a previously undisturbed area are not part of an ongoing activity. An activity ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use.
2. "Applicant" means a property owner or any person or entity authorized or named in writing by the property owner to be the applicant, in an application for a development proposal permit.
3. "Approval" means that the proposed work or completed work conforms to this chapter in the opinion of the County Engineer or Public Works designee.
4. "Bench" means a cut into a deep soil or rock face to provide stability or control surface drainage.
5. "Berm" means a mound or raised area usually used for the purpose of screening a site or operation, or for containing or directing runoff.
6. "County Engineer or Public Works designee" is the officer, other designated authority or duly authorized representative charged with the administration of this code.
7. "Compaction" means the densification of a fill by mechanical means or approved by an engineering geologist or civil engineer.
8. "Critical areas" as used in this chapter means fish and wildlife habitat conservation areas, wetlands, flood hazard areas, geologically hazardous areas, and their buffers, as defined in Chapter 17A of the Kittitas County Critical Areas Protection Ordinance.
9. "Department" means the Kittitas County Public Works Department.
10. "Director" means the Director of Public Works or authorized representative.
11. "Engineer" or "Civil Engineer" is an individual licensed in the State of Washington to practice engineering in the civil engineering branch.
12. "Engineered" or "engineering" means work conducted or prepared by an engineer as defined in this section.
13. "Engineered Grading" is any grading not exempt by this chapter.
14. "Engineering geologist" means an engineering geologist licensed by the State of Washington.
15. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water, and/or ice.
17. "Erosion and sedimentation control" means any measure taken to reduce erosion, control siltation and sedimentation, and ensure that sediment laden water does not leave the site.
18. "Excavation" means the removal of earth material.
19. "Existing grade" is the grade prior to grading.
20. "Fill" means a deposit of clean earth material or concrete pieces less than one cubic foot in volume.
21. "Finished grade" is the final grade of the site that conforms to an approved plan.
22. "Geotechnical engineer" means an engineer as defined within this section with knowledge of the theory of geology, soils testing, and geotechnical engineering.
23. "Grade" means the elevation of the ground surface.
24. "Grading" is any excavation or filling activity or combination thereof.
25. "Grading permit" means the permit required by this chapter for grading activities.

26. "Horticulture activities" means the growing of fruits, vegetables, flowers, or ornamental plants for commercial purposes.
27. "Permit area boundary" means the defined boundary surrounding grading activity. The permit area boundary will usually be the property lines for the parcel; however, alternate boundaries may be defined on larger parcels with a limited grading area.
28. "Permittee" is the person, corporation or duly authorized agent of the property applying for the grade and fill permit.
29. "Rough grade" is the stage at which the grade approximately conforms to an approved plan.
30. "Shorelines" are those water bodies, adjacent lands, and associated wetlands defined as such by the Shoreline Management Act (RCW 90.58.030).
31. "Site" means any lot or parcel of land or contiguous combination thereof where activities regulated by this chapter are performed.
32. "Slope" is an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
33. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

14.05.050 Permits required.

Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee. The following activities are not exempt and shall require a grading permit:

1. Private road(s), as defined by Kittitas County Code Title 12, Road and Bridge Standards serving more than two (2) dwelling units;
2. Public road construction prior to acceptance into the County road system;
3. Work within critical areas, shorelines, or sensitive areas as defined by local, state and federal law.
4. Work upon ground that has received preliminary plat approval and is being prepared for structural development and final plat approval.

14.05.060 Exemptions.

A grading permit shall not be required for the following:

1. Excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation resulting in soil or rock having an exposed, unsupported height greater than five feet after the completion of such structure;
2. Cemetery graves;
3. Refuse disposal sites controlled by other regulations;
4. Excavations for wells, or trenches of utilities;
5. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other state regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in soil on adjoining or contiguous properties;
6. Exploratory excavations performed under the direction of a registered design professional, County Engineer or Public Works designee.
7. An excavation that (a) is less than two (2) feet in depth, or (b) does not create a cut slope greater than 5 feet in height and steeper than one (1) unit vertical in two (2) units horizontal;
8. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one

(1) unit vertical in five (5) units horizontal;

9. Soil test holes and on-site sewage system installation done under the provisions of an on-site sewage disposal permit application;
10. Grading of County roads with Kittitas County Public Works oversight, including roads, bridges and municipal construction, which is designed to County, WSDOT, APWA or FHWA standards and specification where such grading is subject to review and approval of a local government agency or a State or Federal agency;
11. Highway construction and maintenance administered by the Washington State Department of Transportation;
12. Routine road maintenance within the established footprint of an existing road.
13. Agricultural or horticultural activities where such activities are those activities conducted on lands defined in RCW 84.34.020(2) as agricultural lands and those activities involved in the production of crops or livestock, including but not limited to operation and maintenance of fields, farm and stock ponds or drainage systems, irrigation systems, changes between agricultural activities, maintenance or repair of existing serviceable structures and facilities and plowing. An activity ceases to be agricultural or horticultural when the area on which it was conducted has been converted to a nonagricultural use. Farm access roads will be required to upgrade to private or public road standards prior to utilization within a land development. At that time, review under the conformance with this Chapter will be required;

Exception from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

14.05.070 Application requirements.

Unless exempted under KCC 14.05.060 Exemptions, all persons proposing to conduct grading activity within the jurisdictional boundaries of Kittitas County shall first apply for a grading permit. The applicant shall obtain a grading permit in conformance with this chapter prior to any grading activity.

1. The permit application shall at a minimum include the following:
    a. A completed master application, signed by the applicant, a vicinity map, environmental checklist, and any relevant supplemental information required by the County Engineer or Public Works designee.
    b. A site plan drawn to a reasonable scale (e.g., one inch equals 20 feet). The site plan should clearly show the following:
        i. North arrow.
        ii. Property lines and dimensions.
        iii. Location and dimensions of all existing and proposed development, including structures, roads, sewer and water lines, wells, utilities, easements, water bodies, floodplains, critical areas, drainage facilities, and on-site sewage disposal and drainfield areas, within the permit area boundary.
    c. Grading plans when required in KCC 14.05.080.
    d. A full identification and description of the work to be covered by the permit for which the application is made.
2. Granting of Permits.
    a. After an application has been filed and reviewed, the County Engineer or Public Works designee shall ascertain whether such proposed grading work complies with the provisions of this chapter. If the application and plans so comply, or if they are

corrected or amended so as to comply, and the proposal is consistent with all other relevant county codes, the County Engineer or Public Works designee shall issue a grading permit.

b. The applicant/property owner shall maintain the approved grading plans and permit available on the site, and provide an individual copy to any grading contractor who will be working at the site.

c. A grading permit shall be valid for a period of two (2) years from the date of permit issuance. The County Engineer or Public Works designee is authorized to grant one or more extensions not exceeding three hundred sixty-five (365) days each. The extension shall be requested in writing prior to permit expiration. Justifiable cause shall be demonstrated prior to issuance of such extensions. Renewal of permits may be accomplished with existing plans and reports, if no changes are being made to the proposal, and no new significant issues are raised during the review.

14.05.080 Grading plan.

An application for grading in excess of five hundred (500) cubic yards or in a critical area shall be accompanied by an engineered grading plan. Applications for projects involving engineered grading, as defined in KCC 14.05.040, shall be accompanied by an engineered grading plan based on an engineering report or an engineering geology report. Engineered grading plans shall be prepared and stamped by an engineering geologist, geotechnical engineer and/or civil engineer licensed to work in the State of Washington. Grading within a geological hazard critical area may require a geotechnical assessment in compliance with the KCC 17A, the Critical Areas Ordinance. Materials excavated for building foundations and basements need not be considered in the above quantities. A grading plan, or an engineered grading plan, shall include:

1. An easily reproducible scale on the plan of appropriate size depicting location and details of all cuts and all fills including depth and finished slopes of all cuts and all fills.
2. A general vicinity map of the area.
3. North arrow.
4. Subject property boundary lines, existing and proposed roads or driveways, easements, natural or manmade bodies of water and drainages, critical areas, shorelines, floodplains, and any existing or proposed structures, wells or septic systems on the site, and the distance between such features.
5. Bodies of water, critical areas, structures, wells and septic systems on adjacent property and lying within 50 feet of the subject grading activity boundary that could be affected by the proposed grading operations.
6. Maps drawn with contour intervals that adequately depict existing and proposed slopes for the proposal.
7. Total quantities, in cubic yards, and type of cut and fill material, including on-site grading material, and imported material.
8. Cross section drawings that include:

a. Maximum depth of fill and maximum height of cuts.
b. Existing and proposed buildings and their setbacks from cut or fill slopes.
c. Existing grades extending a minimum of twenty (20) feet beyond the scope of work.
d. Finished grades of cuts and fills extending a minimum of twenty (20) feet beyond the scope of work.
e. Retaining walls and the adjacent grade at least twenty (20) feet on either side of the wall(s).
f. Grades of all existing cut and fill areas expressed as a ratio of horizontal to vertical slope.

9. The disposal site for excavated material. Offsite disposal may require a separate grading permit.
10. The location of proposed erosion and sedimentation control measures showing compliance with the requirements of WDOE Stormwater Management Manual for Eastern Washington.

11. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, or other water or erosion control devices to be utilized as a part of the proposed work.
12. Any recommendations included in an engineering geology or geotechnical assessment or report for grading or developing the property. If required, assessment and reports shall be completed in compliance with KCC 17A Critical Areas.

14.05.090 Permit Application and submittal.

1. In addition to KCC 14.05.070 and 14.05.080 (application requirements and grading plans) provisions, the applicant shall state the estimated quantities of excavation and compact fill. Roadway surfacing and aggregate shall be included in this estimate. Grading in excess of five hundred (500) cubic yards total per site, road, subdivision or other project shall be performed in accordance with the approved grading plan prepared by a civil engineer or engineering geologist licensed to practice in the State of Washington which shall be designated as "engineered grading." Contiguous projects owned by the same person(s), corporation(s) or other legal entity shall be considered one project. Grading involving less than five hundred (500) cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the County Engineer or Public Works designee determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading. Special conditions or unusual hazards include, but are not limited to, work performed in areas with known drainage issues or work performed in sensitive areas not shown on the county maps. The County Engineer or Public Works designee must justify in writing the circumstances under which engineered grading is required.
2. The County Engineer or Public Works designee may require surety bonds in such form and amount as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the County Engineer or Public Works designee in an amount equal to that which would be required in the surety bond. The surety bond(s) shall be valued at one hundred and thirty five (135%) percent of the total cost of the proposed work and a cash bond or instrument of credit shall be valued at one hundred and fifteen (115%) percent of the total cost of the proposed work..

14.05.100 Special inspections.

Grading projects for which a permit is required shall be subject to inspection. A licensed engineer shall provide professional inspections of grading operations if engineering is required elsewhere in this chapter. An inspection schedule shall be established for each project prior to permit issuance based on the following:

1. A civil engineer, geotechnical engineer, or engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. These inspections shall also include observation and review as to the establishment of line, grade and surface drainage of the development area Soil testing shall comply with Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition. The engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. The engineer or engineering geologist shall also provide professional inspection of any excavation to determine if conditions encountered are in conformance with the approved report or plan. If revised plans are required during the course

of the work, they shall be prepared by the civil engineer. Revised recommendations relating to conditions differing from the approved engineering geology or geotechnical reports shall be submitted to the permittee, Public Works and the civil engineer.

2. The permittee shall be responsible for the work being performed in accordance with the approved plans and specifications and in conformance with the provisions of this chapter. When approved by the County Engineer or Public Works designee, the permittee may engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and Public Works. In the event of changing conditions, the permittee shall be responsible for informing Public Works of such change and shall provide revised plans for approval.
3. Public Works may inspect the project in various stages of work.
4. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, geotechnical engineer, or engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported in writing within three working days to the permittee and to Kittitas County Public Works.
5. If the civil engineer, geotechnical engineer, or engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept the responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify Public Works in writing of such change prior to recommencing of such grading.

14.05.110 Excavations.

Unless otherwise recommended in an approved soils engineering or engineering geology report, grading shall conform to the following standards:

Erosion control measures shall be installed as outlined in the WDOE Stormwater Management Manual for Eastern Washington.

1. Appropriate erosion control structures shall be installed prior to any grading activity. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control. No sediment from grading operations shall be permitted to leave the site or enter any surface waters or wetlands.
2. Sites shall have a finished grade that drains away from structural foundations for a minimum of ten (10) feet.
3. All sites shall be cleaned upon project completion, including installation of permanent organic erosion control measures such as grass seeding, landscaping, or other organic means of erosion control.
4. Cuts of five feet in depth or greater shall be set back from property lines by a minimum of twenty-five (25) feet. This can be decreased with appropriate engineering. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
5. The top of cut slopes shall not be made nearer to a permit area boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback needs to be increased for any required interceptor drains.
6. The County Engineer or Public Works designee may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the County Engineer or Public Works designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
7. The slope of cut surfaces shall be no steeper than two (2) units horizontal in one unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the County Engineer or Public Works designee may approve the use of alternate grading standards. These approvals shall be based on

sound engineering practices and require the submittal of additional documentation, reports, and testing.

8. Excavations shall not constrict or alter the existing flow of storm water, streams or other historical flow.

14.05.120 Fill.

Unless otherwise recommended in an approved soils engineering or engineering geology report, grading shall conform to the following standards:

Erosion control measures shall be installed as outlined in the WDOE Stormwater Management Manual for Eastern Washington.

1. Appropriate erosion control structures shall be installed prior to any grading activity. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control. No sediment from grading operations shall be permitted to leave the site or enter any surface waters or wetlands.
2. Sites shall have a finished grade that drains away from structural foundations for a minimum of ten (10) feet.
3. All sites shall be cleaned upon project completion, including installation of permanent organic erosion control measures such as grass seeding, landscaping, or other organic means of erosion control.
4. The County Engineer or Public Works designee may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the County Engineer or Public Works designee may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.
5. Any proposed finished slope that is steeper than two horizontal to one vertical shall be engineered.
6. The ground surface shall be prepared to receive fill by removing all organic material, non-complying fill, and scarifying topsoil.
7. Solid waste as defined by Washington State law and amounts of organic material shall not be used as fill material.
8. Fill slopes shall not be constructed on natural or cut slopes steeper than two (2) units horizontal in one unit vertical (50 percent slope) unless engineered. The ground surface shall be prepared to receive fill by scarifying to provide a bond with the new fill and, where slopes are steeper than five (5) units horizontal in one unit vertical (20 percent slope) and the height is greater than five (5) feet, by benching into sound bedrock or other competent material as determined by the engineer.
9. The slope of fill surfaces shall be no steeper than two (2) units horizontal in one (1) unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. At the request of the applicant, the County Engineer or Public Works designee may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and require the submittal of additional documentation, reports, and testing.
10. Fill shall not constrict or alter the existing flow of storm water, streams or other historical flow.

14.05.130 Compaction.

Minimum compaction requirements shall comply with those standards specified by the Washington State Department of Transportation, Standard Specifications for Road, Bridge and Municipal Construction, current edition.

14.05.140 Air quality.

Dust shall be prevented from becoming airborne. The finished exposed surfaces shall be treated with vegetation or other means to control dust.

14.05.150 Appeals.

Any decision by the County Engineer or Public Works designee shall be final unless appealed to the Board of County Commissioners as provided in KCC 15A.07.

14.05.160 Conflicts with other regulations.

Where other Kittitas County ordinances, resolutions, or regulations, or other state or local regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive.

14.05.170 Fees.

Fees shall be adopted by separate resolution.

14.05.180 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected.

14.05.190 Liability for damages.

This chapter shall not be construed to hold Kittitas County, its officers, employees or agents responsible for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of Kittitas County, its officers, employees or agents.

EXHIBIT E: Docket Item 14-03

14-03 Kittitas County Proposal:
Amendment to KCC Chapter 13.20 and 13.35, Chapter 16.24, and Chapter 17A.08 to Correct Standards and to Reference Appropriate Code Sections.

Kittitas County Code Title 13.20.040 is amended as follows:

13.20.040 Well Location and Access.

1. All wells shall be located in accordance with the following rules:
   a. Minimum Standards for Construction and Maintenance of Wells (Chapter 173-160 WAC);
   b. Developments, Subdivisions and Minimum Land Area Requirement rules for Positioning of On-Site Sewage Systems (Chapter 246-272A WAC);
   c. The Joint Plan of Responsibility;
   d. The site's unique physical features and structures so that the well is protected from contamination; and
   e. Any other applicable federal, state or local law.
2. A well for a Group A Water System shall also be located:
   a. In accordance with Source Water Protection rules for Group A Water Systems (Section 246-290-135 WAC);
3. A well for a Shared or Group B Water System shall also be located:
   a. In accordance with Ground Water Source Approval and Protection Rules for Group B Water Systems (Chapter 246-291 WAC), including but not limited to a minimum one hundred foot sanitary control area and a duly recorded restrictive covenant;
   b. So that all properties within the well's sanitary control area are being served by the well; and
   c. So that no road is within the sanitary control area. The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter.
4. A well for a Shared or Group B Water System shall have a recorded easement granting access to the well, pump house and pipeline to the future owners of the water system.
5. A well for an individual water system shall also be located:
   a. ~~In accordance with Well Head Protection regulation (Section 17A.08.025 KCC);~~ All noncommunity wells must be placed a minimum of fifty feet from all roads and property lines. ~~and~~ The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter. (Ord. 2011-006, 2011)
   b. ~~So that no road is within fifty (50) feet of the well.~~ Setbacks not meeting Kittitas County Code may be allowed at the discretion of the health officer.

Kittitas County Code Title 13.35 is amended as follows:

13.35.050 Individual Water System.
Applicants for an Adequate Water Supply Determination with an individual water system shall meet the following requirements:

1. Application. Submit a completed application with any applicable fees to KCPHD.

2. Groundwater Well as Water Source. The water quality and quantity of the groundwater well shall be evaluated for an Adequate Water Supply Determination by KCPHD.
    a. Water Quality. The water produced by the water source shall either:
        i. Pass a water quality test with results submitted to KCPHD; or
        ii. If the water fails the water quality test, then applicant shall
            1. Add a treatment system to raise the water quality to potable standards. The treatment system shall comply with all applicable federal , state and local regulations and shall protect the health and safety of the users of the system; and
            2. File a notice with the County Auditor describing the treatment system.
    b. Water Quantity.
        i. All wells to be used in an individual water system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
        ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of two (2) gallons per minute (GPM) for at least a two (2) hour period shall be submitted to KCPHD.
            1. If a well log is not available or the well log indicates a flow of less than two (2) GPM for a two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.
            2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.
        iii. The minimum acceptable production level where the water source is a well is three hundred fifty (350) gallons per day for an individual water system.
3. Water Distribution System. When the water source is a well and produces less than ~~five gallons per minute (5 GPM)~~ two gallons per minute (2 GPM) according to the well log or four-hour draw down test, adequate flow equalization is required for periods of higher use within the dwelling unit. The water distribution system design shall meet the following requirements:
    a. Flow equalization tank requirements shall be determined by the following: (150)(2-X gpm) = gallons of tank capacity needed (where X = gallons per minute produced as determined by the four-hour draw down test). The required tank capacity could be as much as 263 gallons depending on the flow of the well.
    b. A booster pump and pressure tank shall be included in the water distribution system.
4. Cistern as Water Source. When the proposed water source is a cistern, the applicant for a Water Supply Determination shall comply with Chapter 13.25 KCC. (Ord. 2014-005, 2014; Ord. 2011-006, 2011)

Kittitas County Code Title 16.24 is amended as follows:

16.24.120 Sewage disposal, Potable water supply, Drainage improvements.
A statement ~~is required describing~~ ~~regarding~~ the contemplated sewage disposal system and~~,~~ potable water supply~~., and drainage improvements for the proposed subdivision. Be aware that if more than 5,000 gallons per development is withdrawn, a water right must be obtained through the Department of Ecology. No discharges from drainage improvements to irrigation entity facilities can be authorized without a permit from the entity. (Ord. 2005-31, 2005)~~ Mitigation for water use is required per Kittitas County Code Chapter 13.

16.24.210 Certificate of county health officer.
~~A statement as to the suitability of soils for proposed on site sewage systems and public water supplies installed in the subdivision signed by the health officer.~~

~~(copy as follows)~~
~~Preliminary inspection indicated soil conditions may allow the use of on site sewage systems as a temporary means of sewage disposal for some but not necessarily all building sites within this short plat. Prospective purchasers are urged to make inquiries at the County Health Department about issuance of on site sewage disposal permits for lots. Well information consisting of a well log, satisfactory bacteriological test and a four hour draw down has been submitted and reviewed.~~

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

Kittitas County Code Title 17A.08 is amended as follows:

17A.08.020 On-site sewage disposal regulations.
~~On-site sewage disposal regulations. The Kittitas County on-site sewage disposal regulations (December 1978) are hereby adopted by reference as the development regulations for all uses defined in this chapter. (Ord. 94-22 (part), 1994).~~ Please refer to KCC chapter 13.04 "Location Section"

17A.08.025 Wellhead protection areas.
~~Wellhead protection areas. All noncommunity wells must be placed a minimum of fifty feet from property lines. (Ord. 9422 (part), 1994).~~ Refer to KCC chapter 13.20.040 (5)

EXHIBIT F: Docket Item 14-04

14-04 Kittitas County Proposal:
Amendment to KCC Chapter 14.04 to provide standards for Small Residential Structures

Kittitas County Code Section 14.04.is amended as follows:

Chapter 14.04
BUILDING CODE

Sections

14.04.010 Adoption of referenced codes.
14.04.020 Design requirements.
14.04.030 Building relocation - Applicant.
14.04.040 Mobile, manufactured, designated manufactured and modular homes.
14.04.045 Recreational Vehicles and Park Model Trailers.
14.04.046 Other factory built dwellings.
14.04.050 Dry cabins.
14.04.055 Small Residential Structures
14.04.060 Fees.
14.04.070 Permits.

Section 14.05.055. Small Residential Structures

1. Every structure built for habitable purposes with access to water or electricity, and which is less than two hundred (200) square feet, shall be considered a "small residential structure" and will require a building permit per standards of IBC and KCC Title 13 and 14. All other provisions of the structural, fire and life-safety codes regulated by the IRC or HUD and Washington State shall also be met. Minimum room sizes, dimensions and fixtures shall be per the current adopted building Code.

EXHIBIT G: Docket Item 14-05

14-05 Kittitas County Proposal:
Amend Kittitas County Code Chapter 14.08 to Expand Standards and Transfer Authority for Administration of the Flood Damage Prevention Regulation

Kittitas County Code Chapter 14.08, Flood Damage Prevention, is proposed as follows:

Chapter 14.08
FLOOD DAMAGE PREVENTION*

Sections

Article I. Purpose and Definitions
14.08.010 Purpose.
14.08.015 Methods of reducing flood losses.
14.08.020 Definitions.

Article II. General Provisions
14.08.030 Lands to which this chapter applies.
14.08.040 Basis for establishing the areas of special flood hazard.
14.08.050 Compliance.
14.08.060 Abrogation and greater restrictions.
14.08.070 Interpretation.
14.08.080 Warning and disclaimer of liability.

Article III. Administration
14.08.090 Development permit required.
14.08.100 Designation of the administrator.
14.08.110 Application for development permit.
14.08.115 Elevation Certificates
14.08.120 Use of other base flood data.
14.08.130 Information to be obtained and maintained.
14.08.140 Alteration of watercourses.
14.08.150 Interpretation of FIRM boundaries.

Article IV. Variance Procedure
14.08.160 Appeal board.
14.08.170 Conditions for variances.

Article V. Provisions for Flood Hazard Reduction
14.08.180 General standards.
14.08.190 Anchoring.
14.08.195 (Deleted)
14.08.200 Construction materials and methods.
14.08.210 Utilities.
14.08.220 Subdivision proposals.
14.08.230 Review of building permits.
14.08.240 Specific standards.
14.08.250 Residential construction.
14.08.260 Detached accessory buildings (garages).
14.08.270 Nonresidential construction.
14.08.280 Critical facility.
14.08.290 Manufactured homes.

14.08.295 Recreational vehicles.
14.08.300 Floodways.
14.08.305 Wetlands management.
14.08.310 Standards for shallow flooding areas (AO Zones).
14.08.315 Standards for filling, grading in floodplain.

* *Prior legislation: Ords. 79-4, 81-3, 81-2, 82-4, 89-4.

Article I. Purpose and Definitions

14.08.010 Purpose.
It is the purpose of this chapter:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control and flood relief projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard;

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

9. To administer the Washington State Floodplain Management Act (Chapter 86.16 RCW) and maintain Kittitas County's eligibility to participate in the National Flood Insurance Program. (Ord. 2001-03; Ord. 93-18 § 1, 1993).

14.08.015 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 2001-03).

14.08.020 Definitions.
Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

Appeal

A request for review of the county floodplain administrator's interpretation or application of any provision of this chapter or a request for a variance.

Area of shallow flooding

A designated AO, or AH Zone on the ~~F~~flood ~~I~~insurance ~~R~~rate ~~M~~map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A. Also referred to as "100-year floodplain" and "special flood hazard area."

Agriculture

"Agriculture" is the grazing, feeding, and watering of livestock; plowing, seeding, cultivation, and harvesting for the production of crops and pasture; soil and water conservation practices; the maintenance of farm or stock ponds, irrigation ditches, irrigation structures, drainage ditches, underground drainage systems, fences and farm roads, the control of noxious weeds or other generally accepted agriculture practices, and for purposes of this chapter does not include associated structures and/or appurtenances.

Base flood

The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letter A.

Base flood elevation

The computed elevation to which flood water is anticipated to rise during the base flood period. Base Flood Elevations (also referred to as BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. Relationship between the BFE and a structure's elevation determines the flood insurance premium.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Best available information

In the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

Breakaway wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical facility

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste, and certain service facilities for utilities and special utilities (as defined under Chapter 17.61 KCC) as determined by the administrator.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas of special flood hazard.

Elevated building

For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation Certificate

The official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

Existing manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansion to an existing manufactured home park or subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood (or "flooding")

A general and temporary condition of partial or complete inundation of ~~nonnally~~normally dry land areas from the unusual and rapid accumulation of runoff or surface waters from any source or overflow of inland waters.

Flood insurance rate map (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway

The channel of a river or other watercourse and the adjacent land areas (a portion of the 100-year floodplain) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for building access in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in KCC 14.08.250(2).

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction

Structures for which the "start of construction" commenced on or after the effective date of this ordinance codified in this chapter.

New manufactured home park or subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Recreational vehicle

A ~~a~~ vehicle which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;.

~~Article I.~~5. Or as defined by KCC 14.04.045.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Start of construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including ~~a~~ gas or liquid storage tanks, that are~~is~~ principally above ground.

Substantial damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

3. The term does not include either (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living

conditions, or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance

A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Water dependent

A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 2.0, 1993).

Article II. General Provisions

14.08.030 Lands to which this chapter applies.
This chapter shall apply to all areas of special flood hazards within the jurisdiction of Kittitas County. (Ord. 2001-03; Ord. 93-18 § 3.1, 1993).

14.08.040 Basis for establishing the areas of special flood hazard.
The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Kittitas County," dated November 5, 1980, and any revisions thereto, with an accompanying Fflood Iinsurance Rrate Mmap (FIRM) and Flood Boundary and Floodway Map, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the ~~Community Development Services Department~~Kittitas County Public Works Department. The best available information for flood hazard area identification as outlined in KCC 14.08.120 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under KCC 14.08.120. (Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 3.2, 1993).

14.08.050 Compliance.
No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 2001-03; Ord. 93-18 § 3.3, 1993).

14.08.060 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2001-03; Ord. 93-18 § 3.4, 1993).

14.08.070 Interpretation.
In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2001-03; Ord. 93-18 § 3.5, 1993).

14.08.080 Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Kittitas County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 2001-03; Ord. 9318 § 3.6, 1993).

Article III. Administration

14.08.090 Development permit required.
A development permit shall be obtained before construction or development begins within any area of special flood hazard established in KCC 14.08.040. The permit shall be for all structures including manufactured homes, as set forth in definitions (KCC 14.08.020), and for all development including fill and other activities, also as set forth in definitions (KCC 14.08.020). (Ord. 2001-03; Ord. 93-18 § 4.1, 1993).

14.08.100 Designation of the administrator.

1. ~~The Community Development Services~~Kittitas County Public Works director is appointed to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. The ~~Community Development Services~~Public Works director shall also be responsible for interpretations of the flood insurance rate maps (FIRM), and floodplain and floodway field designations. The ~~Kittitas County Community Development Services~~Public Works Department shall maintain and keep all files and related information regarding the county's National Flood Insurance Program eligibility.

2. ~~The director of Community Development Services~~Public Works shall be responsible for field verification of first floor elevations at the time of framing inspection, and all other special construction requirements contained in this chapter. ~~Community Development Services~~Public Works shall also be responsible for ascertaining whether all building permits issued in areas within the 100-year floodplain comply with all of the special construction requirements of this chapter.

3. The Kittitas County ~~Community Development Services Planning~~Public Works Department and Building divisions shall review all development permits to determine that the permit requirements of this chapter have been satisfied; review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

4. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions of KCC 14.08.300 are met. (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.2, 1993).

14.08.110 Application for development permit.
Applications for a building or floodplain development permit shall be made on forms furnished by Kittitas County and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of

materials, drainage facilities, and the location of the following. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been flood-proofed;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in KCC 14.08.270; and

4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development. (Ord. 2001-03; Ord. 93-18 § 4.3, 1993).

14.08.115 Elevation certificates.

Flood elevation certificates will be required to be submitted to and be permanently maintained by the ~~Community Development Services~~Public Works Department:

1. For construction drawings prior to ~~issuance~~ review of a building permit

2. For a building under construction prior to scheduling of a framing inspection

3. For finished construction prior to issuance of a Certificate of Occupancy (Ord. 2007-22, 2007)

14.08.120 Use of other base flood data.

When base flood elevation data has not been provided (A ~~and V~~ Zones) in accordance with KCC 14.08.040, B~~b~~asis for establishing the areas of special flood hazard, the ~~Community Development Services~~Public Works director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer KCC 14.08.240 through 14.08.290, S~~s~~pecific standards, and KCC 14.08.300, Floodways. The applicant for proposed developments where no base flood elevation exists shall conduct a site specific engineering analysis to determine a base flood elevation for the project site. (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.4, 1993).

14.08.130 Information to be obtained and maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in KCC 14.08.120, obtain and record the actual (as built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in KCC 14.08.120:

    1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed; and

    2. Maintain the flood-proofing certifications required in KCC 14.08.110(3).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Professional land surveyors shall be authorized to prepare elevation certificates for compliance with this chapter and the National Flood Insurance Program. Engineers and architects shall be authorized

to prepare floodproofing certificates for compliance with this chapter and the National Flood Insurance Program. (Ord. 2012-009, 2012; Ord. 2007-34, 2007; Ord. 2001-03; Ord. 93-18 § 4.5, 1993).

14.08.140 Alteration of watercourses.

The director of ~~Community Development Services~~Public Works shall:

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.6, 1993).

14.08.150 Interpretation of FIRM boundaries.

The director of Public Works shall ~~M~~make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in KCC 14.08.160. (Ord. 2001-03; Ord. 93-18 § 4.7, 1993).

Article IV. Variance Procedure

14.08.160 Appeal board.

1. The Kittitas County building appeals board as established by the county shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The appeals board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the county in the enforcement or administration of this chapter.

3. Those aggrieved by the decision of the appeals board or any taxpayer may appeal such decision to the Kittitas County superior court as provided by law.

4. In passing upon such applications, the appeals board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following:

    1. The danger that materials may be swept onto other lands to the injury of others;

    2. The danger to life and property due to flooding or erosion damage;

    3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

    4. The importance of the services provided by the proposed facility to the community;

    5. The necessity to the facility of a waterfront location, where applicable;

    6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation provided subsections (4)(a) through (k) of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

6. Upon consideration of the factors of subsection (4) of this section and the purposes of this chapter, the appeals board may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this chapter.

7. ~~Community Development Services~~Public Works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

8. After the county has rendered an order either granting or denying a flood control zone permit, said order may be appealed to the Pollution Control Hearings Board pursuant to state law. (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 4.8, 1993).

14.08.170 Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section if they will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variance requests in the designated floodway shall be accompanied by a professional engineering analysis of the resultant base flood discharge.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and upon:

    1. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

    2. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, and create a nuisance.

4. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevation requirements should be quite rare.

5. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, and comply with all other variance criteria.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 2012-009, 2012; Ord. 2001-03; Ord. 93-18 § 4.9, 1993).

Article V. Provisions for Flood Hazard Reduction

14.08.180 General standards.
In all areas of special flood hazards, the following standards (set forth in KCC 14.08.190 through 14.08.230) are required. (Ord. 200103; Ord. 93-18 § 5.1, 1993).

14.08.190 Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). (Ord. 2001-03; Ord. 93-18 § 5.1.1, 1993).

14.08.195 (Deleted).
(Ord. 2007-34, 2007; Ord. 2001-03).

14.08.200 Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 2001-03; Ord. 93-18 § 5.1.2, 1993).

14.08.210 Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. New water wells shall be constructed in compliance with WAC 173-160-171.

5. Fuel storage tanks shall either be elevated or anchored using methods and practices that minimize flood damage. (consistent with FEMA's "Protecting Building Utilities From Flood Damage" guidebook for techniques). (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.1.3, 1993).

14.08.220 Subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments and shall be noted on the final mylar.

5. All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway. (Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.1.4, 1993).

14.08.230 Review of building permits.
Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (KCC 14.08.120), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. (Ord. 2001-03; Ord. 93-18 § 5.1.5, 1993).

14.08.240 Specific standards.
In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in KCC 14.08.040, Basis for establishing the areas of special flood hazard, or KCC 14.08.120, Use of other base flood data, the following provisions are required. (Ord. 200103; Ord. 93-18 § 5.2, 1993).

14.08.250 Residential construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

    1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

    2. The bottom of all openings shall be no higher than one foot above grade.

    3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

    ~~1.~~4. Because of hydrodynamic loads, below grade crawlspace construction is not permitted in areas with flood velocities greater than 5 feet per second unless the design is approved by a registered architect or licensed engineer.

3. Any interior or exterior building utility systems ~~within the crawlspace~~ must be elevated one-foot or more above the Base Flood Elevation (BFE) or be designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular must be located above the BFE or sealed to prevent the entry of floodwaters.

4. Portions of buildings below the BFE must be constructed using methods and practices that minimize flood damages, and with materials resistant to flood damage. This includes any joists, pony walls, beams, posts, insulation, wall coverings, wall sheathing or other materials that extend below the BFE.

5. The elevation of the interior crawlspace grade (inside of the foundation walls in crawlspace construction) must be at or above the lowest elevation of the exterior grade. Below-grade crawlspace foundations will be allowed only if all of the following conditions are met, in addition to the minimum criteria set forth above in this subsection: (*buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the lowest adjacent exterior grade*).

    1. The interior grade of the crawlspace (below the BFE) must not be more than 2 feet below the lowest adjacent exterior grade.

    2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point.

    3. There must be an adequate drainage system that removes floodwaters from the interior of the crawlspace. Possible options include natural drainage through porous, well drained soils and drainage systems such as perforated pipes, drainage tiles, gravel or crushed stone drainage by gravity, or mechanical means.

6. Garages attached to a residential structure must have the floor elevated above the BFE or be constructed according to the following conditions:

1. The walls must have openings designed to automatically equalize hydrostatic and hydrodynamic flood forces by allowing for the entry and exit of floodwaters. (See the requirements listed above for the residential structure per 14.08.250).

2. All portions of the garage below the BFE must be constructed with materials resistant to flood damage. This includes any studs, walls, beams, posts, insulation, wall coverings, wall sheathing or other materials that extend below the BFE. (Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.1, 1993)

3. Any utility systems within the garage must be elevated one foot or more above the Base Flood Elevation (BFE) or be designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

~~a.~~

14.08.260 Detached accessory buildings (garages and small storage sheds).
The following special provisions apply only to detached accessory structures used as garages or small storage sheds to single-family residences. ~~When an accessory structure represents a minimal investment, the elevation or dry flood-proofing standards need not be met. However, all other requirements applicable to structures will be applicable. A minimum investment shall be determined by the applicable guiding authority, or by appeal under the variance procedure and shall be determined, if necessary, on a case-to-case basis. However, as a general application, an expenditure for the accessory structure of not more than 10 percent of the value of the main structure shall be considered a minimal investment.~~

1. Detached accessory structures shall have the lowest floor elevated above the base flood elevation. When an accessory structure represents a minimal investment, the structure need not be elevated. However, the structure must have openings to allow floodwater in and out as required by KCC 14.08.250(2) and be constructed using flood resistant materials below the BFE. A minimal investment shall be determined by the applicable guiding authority, or by appeal under the variance procedure and shall be determined, if necessary, on a case-to-case basis. As a general application, an expenditure for the accessory structure of not more than 10 percent of the value of the main structure shall be considered a minimal investment.

~~1.~~2. Accessory structures shall not be used for human habitation and must be limited to parking and storage.

~~2.~~3. Accessory structures shall comply with the foundation opening requirements in KCC 14.08.250(2).

~~3.~~4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

~~4.~~5. Accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure which may result in damage to other structures.

~~5.~~6. Accessory structures must comply with ~~floodplain~~floodway encroachment provisions in KCC 14.08.300 ~~of this chapter and the National Flood Insurance Program~~.

~~6.~~7. Service facilities such as electrical and heating equipment shall be elevated one foot or more above the base flood elevation.

~~7.~~8. Applicants that elect not to elevate the lowest floor of accessory structures under the provisions of this section shall be notified that flood insurance premium rates may be increased as a result of this practice. The applicant shall be aware that flood insurance rates may be increased as a result of this practice, and a note stating such shall be included in the issuance of related permits. (Ord. 2012-009, 2012; Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.2, 1993)

14.08.270 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structures, except detached accessory structures, shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in KCC 14.08.130(2).

4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in KCC 14.08.250(2).

5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level. (Ord. 2001-03; Ord. 93-18 § 5.2.3, 1993).

14.08.280 Critical facility.

Construction of new, critical facilities shall be located outside the limits of the special flood hazard area. However, new construction and substantial improvement of both new and existing critical facilities shall be permissible within the 100-year floodplain, provided no feasible alternative site is available, and provided the facility's nature is related to or necessitates a riverine location (such as municipal water and sewer pump stations and related treatment facilities).

1. Critical facilities shall have the lowest floor elevated three feet or more above the base flood elevation or the height of the 500-year flood, whichever is higher; and

2. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters; and

3. Access routes to critical facilities shall be elevated to or above the base flood elevation to the extent possible. (Ord. 2012-009, 2012; Ord. 2001-03; Ord. 93-18 § 5.2.4, 1993).

14.08.290 Manufactured homes.

1. All manufactured homes to be placed or substantially improved on sites:

    1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with KCC 14.08.190(2).

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:

    1. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or

    2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (Ord. 2012-009, 2012; 2007-34, 2007; Ord. 2001-03; Ord. 93-18 § 5.2.5, 1993).

14.08.295 Recreational vehicles.

1. Recreational vehicles ~~as defined in KCC 14.04.045~~ shall not be ~~parked~~ placed in a special ~~F~~flood ~~H~~hazard ~~A~~area from January 1st until the Wednesday before Memorial Day and again from November 15th through December 31st. The prohibition shall be inclusive of the end date of each period. An RV placed before the prohibited period shall not remain after November 14th; and

    - **Exception**: This regulation shall not be interpreted to prevent recreational use of property, but shall prohibit the unattended storage of all recreational vehicles and equipment during the flood season as outlined in 14.08.295 (1). If a notice of correction is placed upon the Recreational Vehicle and such notice is observed upon such Recreational Vehicle over 72 hours later, such observation shall create a rebuttable presumption of unattended storage. Such notice must reference that failure to remove it will create the before stated presumption.

    - **Exception**: Lawfully established, conditionally permitted uses (CUPs) such as campgrounds and recreational parks in existence prior to the adoption of this ordinance shall be allowed to continue their approved operations provided such uses are not dangerous to life and property and have and continue to comply with the laws and regulation as they existed at the time the CUP was issued. Such uses shall not be expanded and must comply with all rules and regulations regarding nonconforming uses.

2. Recreational~~s~~ vehicles ~~as defined in KCC 14.04.045~~ shall be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

3. Park Model Trailers as defined in KCC 14.04.045 shall not be placed in a special ~~F~~flood ~~H~~hazard ~~A~~area.

Exception: to 1, 2, and 3 above. A recreational vehicle or Park Model Trailer being used as a primary residence and located in manufactured/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008 is exempted from the restrictions found in subsections 1, 2, and 3 above. The placement of such recreational vehicle or Park Model Trailer requires both a permit under KCC 17.92.020 and engineering to address the flood hazard. Additionally, such placement shall be conditioned upon meeting all the requirements placed upon a mobile and/or manufacture home in the same location.

(Ord. 2009-25, 2009; Ord. 200103)

14.08.300 Floodways.
Located within areas of special flood hazard established in KCC 14.08.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and~~,~~ potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

    1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

    2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

3. If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of KCC 14.08.180 through 14.08.310, provisions for flood hazard reduction, except for construction and reconstruction of residential structures that is prohibited by subsection (2) of this section.

4. Filling in the floodway is prohibited except for residential maintenance. Residential maintenance is considered the importing of bark or top soil for flower beds and gardens. The quantity of material must be able to be hauled in a pick up truck and not require the use of a commercial dump truck. The total amount of material shall not exceed one load per calendar year.

5. Traditional agricultural practices are exempt. (Ord. 2012-009, 2012; Ord. 2007-34, 2007; Ord. 2007-22, 2007; Ord. 2001-03; Ord. 93-18 § 5.3, 1993).

14.08.305 Wetlands management.
See KCC Title 17A. (Ord. 2001-03; Ord. 93-18 § 5.4, 1993. Formerly 14.08.310).

14.08.310 Standards for shallow flooding areas (AO Zones).
Shallow flooding areas appear on FIRMs as AO Zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basements) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified in feet on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:

    1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

    2. Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in KCC 14.08.270(3).

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

~~4. Recreational vehicles placed on sites within AO Zones on the community's FIRM:~~

~~1. Shall not be parked in a Flood Hazard Area from January 1st until the Wednesday before Memorial Day and again from November 15th through December 31st. The prohibition shall be inclusive of the end dates of each period. An RV placed before the prohibited period shall not remain after November 14th; and~~

~~2. Shall be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.~~

~~5. Park Model Trailers as defined in KCC 14.04.045 shall not be placed in an AO Zone.~~

~~**Exception**: to 4 and 5 above. A recreational vehicle or Park Model Trailer being used as a primary residence and located in manufactured/mobile home community as defined in RCW 50.20.030 that was in existence before June 8, 2008 is exempted from the restrictions found in subsections 4 and 5 above. However, the placement of such recreational vehicle or Park Model Trailer requires both a permit under KCC 17.92.020 and engineering to address the flood hazard. Additionally, such placement shall be conditioned upon meeting all the requirements placed upon a mobile and/or manufactured home in the same location.~~ (Ord. 2009-25, 2009; Ord. 2001-03; Ord. 93-18 § 5.5, 1993. Formerly 14.08.320)

14.08.315 Standards for filling, grading in floodplain.
Filling, grading or other activity that would reduce the effective storage volume shall be mitigated by creating compensatory storage on-site, or off-site if legal arrangements can be made, to assure that the effective compensatory storage volume will be preserved over time; provided, however, that no increased upstream or downstream flood hazard shall be created by any fill authorized in the floodplain by this chapter or other applicable chapters. (Ord. 2011-013, 2011)

14.08.320 Standards for AE and A1-30 Zones with Base Flood Elevations but No Floodways.
In areas with base flood elevations (but a regulatory flood way has not been designated), no new construction, substantial improvements. or other development (including fill) shall be permitted within Zones A1-30 and AE on the county's FIRM. unless it is demonstrated that the cumulative effect of the proposed development. when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. (Ord. 2012-009, 2012)

EXHIBIT H: Docket Item 14-06

14-06 Kittitas County Proposal:
Amend portions of KCC Title 15.04 to allow for consistency, clarity and compliance with the updated WAC Rule amendments (WAC 197-11) effective 5/10/14.

Kittitas County Code Chapter 15.04, State Environmental Policy Act, is amended as follows:

Chapter 15.04
STATE ENVIRONMENTAL POLICY ACT*

Article II. General Requirements

15.04.020 Purpose of this part and adoption by reference.
This article contains the basic requirements that apply to the SEPA process. The county adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference, except as modified by additional definitions under KCC 15.04.030.

WAC
197-11-040 Definitions
197-11-050 Lead agency.
197-11-060 Content of environmental review.
197-11-070 Limitations on actions during SEPA process.
197-11-080 Incomplete or unavailable information.
197-11-090 Supporting documents.
197-11-100 Information required of applicants.
197-11-158 SEPA/GMA project review - Reliance on existing plans, laws, and regulations.
197-11-164 Planned actions - Definitions and criteria.
197-11-168 Ordinances or resolutions designating planned actions - Procedures for adoption.
197-11-172 Planned actions - Project review
197-11-210 SEPA/GMA integration.
197-11-220 SEPA/GMA definitions.
197-11-228 Overall SEPA/GMA integration procedures.
197-11-230 Timing of an integrated GMA/SEPA process.
197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235 SEPA/GMA integration ~~D~~documents.
197-11-238 SEPA/GMA integration ~~M~~monitoring.
197-11-250 SEPA/Model Toxics Control Act integration.
197-11-253 SEPA lead agency for MTCA actions.
197-11-256 Preliminary evaluation.
197-11-259 Determination of nonsignificance for MTCA remedial actions.
197-11-262 Determination of significance and EIS for MTCA remedial actions.
197-11-265 Early scoping of MTCA remedial actions.
197-11-268 MTCA interim actions. (Ord. 2011-013, 2011)

Article V. Commenting

15.04.160 Public notice.

1. Whenever possible, the county shall integrate the public notice required under this section with existing notice procedures for the county's nonexempt permit(s) or approval(s) required for the proposal.
2. Whenever the county issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the county shall give public notice as follows:
    a. If public notice is required for the nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
    b. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).
    c. If no public notice is otherwise required for the permit or approval, the county shall give notice of the DNS or DS by:
        ~~i. Posting the property, for site-specific proposals;~~
        ~~ii.~~i. Publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of ~~general circulation~~ record in the county~~, city or general area where the proposal is located~~; and
        ii. Whenever the county issues a DS under WAC 197-11-360(3), the county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
        iii. Mailing or emailing notice to all parties on the notice of application listing, as described in KCC Chapter 15A.03.
3. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).
4. Whenever the county issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
    a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
    b. Posting the property, for site-specific proposals;
    c. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located; and
    d. Mailing a copy of the notice to property owners within five hundred feet of the proposal.
5. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).
6. The county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 2011-013, 2011)

Article VII. SEPA and Agency Decisions

15.04.200 Substantive authority.

1. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the county.
2. The county may attach conditions to a permit or approval for a proposal so long as:

a. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents pursuant to this chapter;
b. Such conditions are in writing;
c. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
d. The county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
e. Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

3. The county may deny a permit or approval for a proposal on the basis of SEPA so long as:
   a. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS pursuant to this chapter and
   b. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
   c. The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.
4. The county designates and adopts by reference the following policies as the basis for the county's exercise of authority pursuant to this section:
   a. The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
      i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
      ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
      iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
      iv. Preserve important historical, cultural, and natural aspects of our national heritage;
      v. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
      vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
      vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
   b. The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
   c. The county adopts by reference the policies in the following county ordinances, resolutions, plans, rules, and regulations by reference:
      i. The Kittitas County Comprehensive Floodplain Hazard Management Plan; adopted December 1996, as may hereby be amended;
      ii. The Kittitas County Shoreline Management Master Program, as may hereafter be amended;

iii. The Kittitas County Comprehensive Plan adopted December 2010, as may hereafter be amended;
iv. Kittitas County Noise Ordinance, Chapter 9.45 of this code;
v. Kittitas County Zoning Code, Title 17 of this code, as may hereafter be amended;
~~vi. The Kittitas County Building Code, Chapter 14.04 of this code, as may hereafter be amended;~~
~~vii.~~vi. The Kittitas County Flood Damage Prevention Ordinance, ~~Title 14 of this code, as may hereafter be amended;~~
~~viii.~~vii. The Kittitas County Recreation Plan/Outdoor Recreation Inventory, as may hereafter be amended
~~ix.~~viii. The Kittitas County Building and Construction Code, Title 14 of this code, as may hereafter be amended;
~~x.~~ix. The Kittitas County Board of Health regulations, Title 8 of this code;
~~xi.~~x. Kittitas County Subdivision Code, Title 16 of this code, as may hereafter be amended;
~~xii.~~xi. The Kittitas County Roads and Bridges Code, Title 12 of this code, as may hereafter be amended;
~~xiii. The Kittitas County Storm Water Management Ordinance, Title 12 of this code, as may hereafter be amended;~~
~~xiv.~~xii. The Kittitas County Critical Areas Ordinance, Title 17A of this code, as may hereafter be amended;
~~xv.~~xiii. Kittitas County-wide planning policies, adopted July 26, 2010, as may hereafter be amended. (Ord. 2011-013, 2011)

15.04.210 Appeals.*

1. The county establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
   a. An administrative appeal relating to a FEIS or DNS for a nonexempt action that does not require a public hearing shall be heard by the board of county commissioners.
   b. An administrative appeal relating to a FEIS or DNS for a nonexempt action that requires a public hearing shall be combined with and heard by the recommending body for the underlying action.
   c. Administrative appeals relating to a DS shall be heard by the hearing examiner.
   d. For any appeal under this subsection, the county shall provide for a record in compliance with KCC 15A.07.
2. The county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.
3. Subsequent appeals of SEPA determinations, after the Open Record appeal to either the Hearing Examiner or board of county commissioners, shall be made to Superior Court, or hearings board, as appropriate, as part of an appeal of the associated decision, and shall be ~~timely if~~ made to the appropriate appellate body within ten (10) working days to the Kittitas County Board of Commissioners ~~the time limits for the appeal of the associated decision~~. Such appeals shall be filed pursuant to Chapter 15A.07 KCC. The agency shall give official notice stating the date and place for commencing an appeal. If there is no time

period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

4. Appeals shall be of the governmental action together with its accompanying environmental determinations. Kittitas County shall consolidate an appeal of procedural issues made under Chapter 43.21C RCW and Chapter 15.04 KCC (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing body to consider the agency decision decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.
5. Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action. Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.

~~3.~~6. Kittitas County shall provide for only one appeal of a threshold determination or of the adequacy of an EIS. Successive appeals on these issues shall be to Superior Court of Hearing Board, as appropriate. (Ord. 2014-008, 2014; Ord. 2011-013, 2011)

* Publisher's note: This section was mistakenly referred to as 15A.04.210 in Ordinance 2014-008.

EXHIBIT I: Docket Item 14-07

14-07 Kittitas County Proposal:
Amend portions of KCC Title 15A to allow for consistency and clarity for permit review efficiency.

Kittitas County Code Title 15A,Project Permit Application Process, is amended as follows:

Title 15A

Project Permit Application Process

Chapters

15A.01 Administration, Purpose and Objective
15A.02 Definitions
15A.03 Project Permit Application Review
15A.04 Integration of SEPA ~~and Appeals of SEPA Actions~~
15A.05 Hearings
15A.06 Notice of Decision
15A.07 Administrative Decisions Appeals
15A.08 Judicial Appeal
15A.09 Planned Actions
15A.10 Amendments
15A.11 Development Agreements
15A.12 Coordination with State Permitting
15A.13 ~~Site Plan Review~~ (Repealed)

Chapter 15A.03
PROJECT PERMIT APPLICATION REVIEW

Sections

15A.03.010 Complete application defined.
15A.03.020 Pre-application conference.
15A.03.030 Application and accompanying data.
15A.03.040 Determination of complete application.
15A.03.045 Permit processing time.
15A.03.050 Fee schedule.
15A.03.060 Notice of application.
15A.03.070 Specific procedures for permit review.
15A.03.080 Projects exempt from the provisions of notice of application.
15A.03.090 Review actions on project permit applications.
15A.03.100 Criteria for review of all project actions.
15A.03.110 Posting sites.

15A.03.030 Application and accompanying data.

1. Written application for the approval of ~~the following~~proposed project activities such as: zoning variance; zoning conditional use; short plat, long plat or subdivision; binding site plans; shorelines substantial development/conditional use/variance~~,~~ ; 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~~wetlands, ~~cliffs~~hazardous slopes, 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. Appropriate fee(s) paid in full. (Ord. 2010-014 , 2010; 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:
    ~~1.~~
    ~~1.~~a. 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.
        i. 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~~4)(~~1~~a)~~(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.03.080 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, or binding site plan;
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)

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 return the signed affidavit of posting form to~~contact~~ Community Development Services. (Ord. 2007-22, 2007)

Chapter 15A.04
INTEGRATION OF SEPA ~~AND APPEALS OF SEPA ACTIONS~~

Sections

15A.04.010 SEPA integration.
15A.04.020 ~~Appeal of SEPA actions.~~(Repealed)
15A.04.030 ~~Notice of SEPA actions.~~ (Repealed)

15A.04.020 ~~Appeal of SEPA actions.~~ (Repealed)

1. ~~Appeals shall be of the governmental action together with its accompanying environmental determinations. Kittitas County shall consolidate an appeal of procedural issues made under Chapter 43.21C RCW and Chapter 15.04 KCC (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing body to consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.~~

2. Appeals of environmental determinations made or lacking under Chapter 43.21C RCW or Chapter 15.04 KCC shall be commenced within 10 working days to the Kittitas County board of commissioners, with appropriate administrative fee. Such appeals shall be filed pursuant to Chapter 15A.07 KCC. The agency shall give official notice stating the date and place for commencing an appeal. If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.
3. Appeals on SEPA procedures shall be limited to review of a final threshold determination and final EIS. These appeals may occur prior to an agency's final decision on a proposed action. Appeal of the intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed.
4. Kittitas County shall provide for only one appeal of a threshold determination or of the adequacy of an EIS. Successive appeals on these issues shall be to Superior Court of Hearing Board, as appropriate. (Ord. 2014-008, 2014; Ord. 2000-07; Ord. 9810, 1998)

15A.04.030 Notice of SEPA actions. (Repealed)

1. Notice of any SEPA action taken by a governmental agency may be publicized by the acting governmental agency in substantially the form as set forth in rules adopted under RCW 43.21C.110:
    a. By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of record;
    b. By filing notice with the Department of Ecology at its main office in Olympia prior to the date of the last newspaper publication; and
    c. Mailing notice to all parties on the notice of application listing, as defined in Chapter 15A.03 KCC.
2. Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection A of this section on grounds of noncompliance with the provisions of this title and other laws shall be commenced within 21 days from the date of last newspaper publication of the notice pursuant to subsection A of this section, or be barred. (Ord. 2000-07; Ord. 98-10, 1998)

Chapter 15A.13

SITE PLAN REVIEW (Repealed)

Sections

15A.13.010 Purpose.
15A.13.020 Applicability.
15A.13.030 Procedures.
15A.13.040 Criteria for approval.
15A.13.050 Amendments to approved site plans.
15A.13.060 Appeals of site plan determinations.

15A.13.010 Purpose.

Site plan review is an evaluation of development plans to identify compliance with applicable regulations, requirements and standards; to ensure that the proposal is coordinated with known and

planned development on adjacent sites and within the subarea; to determine whether roads, access, capital facilities and utilities are adequate to serve the proposed development; and to ensure that development will protect the health, safety and general welfare of County residents. (Ord. 2009-25, 2009)

15A.13.020 Applicability.

Site plan review and approval is required prior to the development, occupancy or use of any site within the area. Site plan review shall apply to all new development, redevelopment, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site. (Ord. 2010-011 ; Ord. 2009-25, 2009)

15A.13.030 Procedures.

1. The process for review of a site plan shall be as follows:
    a. Review of proposals that are consistent with the applicable land use designation in the Comprehensive Plan and Subarea Plan, and with the applicable zoning designation shall be processed as an administrative decision and shall be determined by the Director of Community Development Services pursuant to KCC 15A.07.
    b. Review for proposals that also require preliminary subdivision approval or zoning reclassification shall be heard and decided by the Hearing Examiner, consistent with the procedures rezones specified in KCC 15A.03.
2. Site plan review may be conducted independently or concurrently with any other development approval or permit required by this title.
3. Preapplication conference. A preapplication conference between the applicant and County staff is optional but is recommended. Refer to KCC 15A.03.020.
4. Application Requirements. An application for site plan review shall include the following:
    a. Narrative description of the proposal including: (a) site size, building size, and impervious surface coverage, and amount of area devoted to open space and recreation, landscaping and parking; calculations of gross and net density (b) designations of the property in the Comprehensive Plan, Snoqualmie Subarea Plan and zoning; (c) elevations and perspective drawings of proposed structures and other proposed improvements; (d) any agreements, covenants or other provisions that affect the proposal; and (e) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.
    b. Vicinity map, showing site boundaries and existing roads and accesses within and bounding the site;
    c. Site plans, drawn to a scale no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements and utilities;
    d. Topographic map, based on a site survey, delineating existing contours at no less that 5-foot intervals, and which locates existing streams, wetlands and other natural features;
    e. Conceptual landscape plan;
    f. Parking and circulation plan;

g. Preliminary stormwater management plan;
h. Preliminary utilities plan;
i. Other reports or studies as determined applicable by the Director, including but not limited to geotechnical, critical areas, and/or traffic;
j. SEPA environmental checklist unless the proposal is categorically exempt per KCC 15.04, Environmental Policy, or the applicant has agreed to prepare an environmental impact statement;
k. A list of the names and addresses of property owners of record within 500 feet of the project boundaries. The Director of Community Development Services may modify these requirements based on the size, scope and complexity of the proposal.

5. Review and processing of applications for site plan review shall follow the procedures for review of other project permits as specified in KCC 15A.03. (Ord. 2010-011 ; Ord. 2009-25, 2009)

15A.13.040 Criteria for approval.

To be approved, or approved with conditions, a site plan must be consistent with the County's Comprehensive Plan and the Subarea Plan, and with all applicable development regulations, codes and other County requirements. A proposed site plan shall also satisfy the criteria of KCC 17.60B.050. (Ord. 2010-011 ; Ord. 2009-25, 2009)

15A.13.050 Amendments to approved site plans.

Proposed alterations to an approved site plan shall be processed consistent with KCC 17.36.070. (Ord. 2009-25, 2009)

15A.13.060 Appeals of site plan determinations.

Appeals of decisions on site plans shall follow the procedures of KCC 15A.07. (Ord. 2009-25, 2009)

Table A

	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Binding Site Plan:Site Plan Review:	15 days	None	Staff	BCC	Sup. Court
Zoning Variance:	15 days	None	Staff	BCC	Sup. Court
Permitted Administrative Uses[5]:	15 days	None	Staff	BCC	Sup. Court
Short Plats:	15 days	None	Staff	BCC	Sup. Court
Boundary Lot Line Adjustments:	None	None	Staff	BCC	Sup. Court

Grade and Fill Permit:	None	None	Staff	BCC	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	HE	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS[1]:	15 days	None	Staff	HE/BCC[2]	Sup. Court
Independent administrative rulings:	None	None	Staff	BCC[3]	Sup. Court
Zoning Conditional Uses (Administrative):	15 days	None	Staff	BCC	Sup. Court
Zoning Conditional Uses (Hearing):	15 days	HE	BCC	None	Sup. Court
Long Plats:	15 days	HE	BCC	None	Sup. Court
Shorelines Substantial Development/Cnd. Use:	~~15~~ 30 days	HE	BCC	None	Shorelines Board
Shorelines Setback Variance:	~~15~~ 30 days	HE	BCC	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD)[4]:	30 days	HE	BCC	None	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court

(Ord. 2013-001, 2013; (Ord. 2012-009, 2012; Ord. 2010-011 ; Ord. 2009-25, 2009; Ord. 2000-07; Ord. 98-10, 1998)

1 See KCC 15A.01.040 for clarification of roles and responsibilities.

2 Open record appeals of SEPA actions are heard by the hearing body making the decision on, or hearing the appeal of, the underlying application.

3 Hearing Examiner for all actions associated with a project before him/her, all independent actions regarding KCC Title 17, Zoning; BCC for all actions associated with a project before them, and for independent actions regarding all county policies, codes, and standards not associated with KCC Title 17, Zoning.

4 Unless the rezone requires a comprehensive plan amendment which would then follow the comprehensive plan amendment process as outlined in KCC Title 15B.

5 In the event that a procedural appeal is filed pursuant to Chapter 15A.04 KCC, the HE shall consider and issue a final decision on both the administrative appeal and the underlying project permit application under a single consolidated open record hearing. In such an event, the HE's decision on the underlying application shall be quasi-judicial.

Legend:
BCC - Board of County Commissioners
HE - Hearing Examiner
Staff - County administration

NOTE: In the case of application requiring combined legislative and quasi-judicial actions, a development agreement may provide for appropriate review and hearing body.

* Please review state revised and administrative code for appropriate judicial reviewing bodies.

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EXHIBIT J: Docket Item 14-08

14-08 Kittitas County Proposal:

Amend Title 16 of the Kittitas County Code to address split zoned parcels, adequate water supply, boundary line adjustments, and administrative segregations with regard to any future subdivisions in the County.

Kittitas County Code Title 16, Subdivisions, is proposed as follows:

Title 16

Subdivisions

Title 16 | SUBDIVISIONS*

Chapters

16.04 General Provisions
16.05 Binding Site Plans
16.06 Repealed ~~Administrative Segregations~~ Administrative Segregations
16.08 Definitions
16.09 Cluster Platting and Conservation Platting
16.10 Boundary Line Adjustments
16.12 Preliminary Plats
16.16 Road Construction Standards and Other Required Improvements
16.18 Irrigation and Sprinkling
16.20 Final Plats
16.24 Survey Data - Dedications
16.28 Development of Illegally Divided Land
16.32 Short Plat Requirements
16.36 Large Lot Subdivision
16.40 Penalties

* For provisions regarding private sewage disposal systems in plats, see Ch. 13.08 of this code.
Prior ordinance history: Ords. 70-13, 71-8, 73-2, 73-8, 73-10, 74-1, 75-3, 75-4, 75-13, 75-12, 76-3, 76-5, 77-2, 773, 77-4, 79-2, 79-3, 80-1, 81-4, 82-3, 84-6, 87-5, 89-3, 90-5, 92-3, 92-11, 96-19, Res. 80-25, and DPW-1-82.

Chapter 16.04
GENERAL PROVISIONS

Sections

16.04.010 Applicability.
16.04.020 Exemptions.
16.04.025 Prohibition of split-zone parcels
16.04.030 Administration.
16.04.040 Procedure - Application and fees.

. . . . . .

16.04.025 Prohibition of split-zoned parcels

No lot created through the provisions of this Title or adjusted through the boundary line adjustment process shall contain more than one land use zone classification.

Chapter 16.05
BINDING SITE PLAN

Sections

16.05.010 Binding Site Plan Alternative to Platting.
16.05.020 Requirements.
16.05.030 Appeal.
16.05.040 Recording.
16.05.060 Amendments and Rescindment.

. . . . . .

16.05.020 Requirements.

A. Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:
   1. A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
      a. Maximum number of dwelling units permitted.
      b. Approximate size and location of all proposed buildings.
      c. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
      d. Approximate location of proposed open space, including required landscaped areas, if any.
      e. Approximate location of parking areas.
      f. Location and size of utility trunk lines serving the site.
      g. Topography detailed to five-foot intervals.
      h. Location of water storage and fire hydrant location.
      i. Demonstrate that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.
   2. ~~Upon application, the director shall distribute copies to public agencies having pertinent expertise or jurisdiction and all persons owning real property within 300 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant for review and comment.Upon application, the director shall distribute copies to public agencies having pertinent expertise or jurisdiction and all persons owning real property within 300 feet from and parallel to the boundaries of the proposed activities and such contiguous area under the legal control of the applicant for review and comment.~~

B. The director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:
   1. Conformance of the proposed site plan with any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances, of the State of Washington and Kittitas County. The director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, potable water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.

2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.
3. Proof that all lots or tracts created by binding site plan are approved for irrigation delivery by the appropriate irrigation entity or entities.
4. The director may require dedication of additional road right-of-way pursuant to criteria contained in Kittitas County Code.

C. Additional documents shall be submitted as necessary for review and approval and may include a plat certificate, boundary survey, agreements, easements, covenants.

D. The plan must be approved and signed in the same manner as a short plat. Prior to recording, the director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a binding site plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property. ((Ord. 2014-005, 2014); Ord. 2011-013 , 2011; Ord. 2005-31, 2005)

Chapter 16.06

REPEALED ~~ADMINISTRATIVE SEGREGATIONS*~~

~~Sections~~
~~16.06.010 Repealed.~~
~~16.06.020 Repealed.~~
~~16.06.030 Repealed.~~
~~16.06.040 Expiration and Credit.~~
~~16.06.050 Repealed.~~
~~16.06.060 Repealed.~~

~~**16.06.010 Repealed.**~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.020 Repealed**.~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.030 Repealed.**~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.030 Repealed.**~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.040 Expiration and Credit.**~~
~~All administrative segregation applications that have not received a letter of official denial and have received preliminary approval, shall, within 3 months of the adoption of this Ordinance, either (1) be submitted for final approval pursuant to the administrative segregation regulation in effect when the applications received preliminary approval, (an extension of up to three months may be requested by applicants who have submitted everything necessary for final review~~

except the survey so long as the applicant demonstrates that they have financially obligated themselves, by payment of a deposit for example, to have the survey done within the extension period), or (2) convert to either a short plat, long plat, or large lot subdivision by notifying Kittitas County of the desire to convert and by paying any additional fees necessary for the review of the application to which the matter is being converted. Such converting applicant shall be eligible to credit application fees paid towards an appropriate subdivision in accord with this code section. As an example, if the prior administrative segregation application was creating three lots, it would be appropriate for the applicant to credit the fee towards a short plat application and provide all necessary additional materials to make up a complete short plat application. Similarly, if the administrative segregation application had been to create 20 lots, the new application should be for a long plat and the applicant would need to submit all needed additional fees and materials, including SEPA review, to make a compete long plat application. Prior to one year from the passage of this ordinance the converting applicant must submit the remaining necessary materials (potentially including all SEPA documentation and including proof of preliminary approval and fees paid) to create a complete short plat, long plat, or large lot subdivision application. Upon payment of the additional fee and submission of the additional necessary materials the converting applicant shall receive a vesting date establishing the land use regulations that will govern the review of the converted application. Applications that neither finish nor complete the conversion process by the deadlines herein shall be expired and void. The County shall endeavor to send all undenied administrative segregation applications individual notice of this regulation, but actual receipt of such notice is not necessary for the applicant to be bound by this regulation and the time limits contained herein. All applications by applicants who fail to request final administrative segregation approval or, for conversions to subdivision applications, fail to provide proof of amounts paid (including acceptance the subdivision fee credit) and preliminary acceptance, and provide additional materials within the time limits provided in this ordinance, are expired and void. Kittitas County shall provide notice to the Yakama Nation of all applications submitted for final approval no less than 14 days before such approval and shall consider comment from the Yakama Nation in each instance of final review. Nothing in this section exempts applicants for administrative segregations from any applicable laws including, but not limited to, the Washington Department of Ecology's Upper Kittitas Ground Water Rule, Chapter 173-539A WAC, the Kittitas County Zoning Ordinance, Title 17 KCC, the Kittitas County Critical Areas Ordinance, Title 15 KCC, Title 17A KCC, or the Kittitas County Shoreline Master Program. Nothing in this section shall be construed to expand or diminish the rights or obligations of persons receiving final approval of an administrative segregation application before September 18, 2012. (Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

Sections

16.06.010 Repealed.
16.06.020 Repealed.
16.06.030 Repealed.
16.06.040 Expiration and Credit.
16.06.050 Repealed.
16.06.060 Repealed.

16.06.010 Repealed.

(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

16.06.020 Repealed.

(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)

~~**16.06.030 Repealed.**~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.030 Repealed.**~~
~~(Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

~~**16.06.040 Expiration and Credit.**~~
~~All administrative segregation applications that have not received a letter of official denial and have received preliminary approval, shall, within 3 months of the adoption of this Ordinance, either (1) be submitted for final approval pursuant to the administrative segregation regulation in effect when the applications received preliminary approval, (an extension of up to three months may be requested by applicants who have submitted everything necessary for final review except the survey so long as the applicant demonstrates that they have financially obligated themselves, by payment of a deposit for example, to have the survey done within the extension period), or (2) convert to either a short plat, long plat, or large lot subdivision by notifying Kittitas County of the desire to convert and by paying any additional fees necessary for the review of the application to which the matter is being converted. Such converting applicant shall be eligible to credit application fees paid towards an appropriate subdivision in accord with this code section. As an example, if the prior administrative segregation application was creating three lots, it would be appropriate for the applicant to credit the fee towards a short plat application and provide all necessary additional materials to make up a complete short plat application. Similarly, if the administrative segregation application had been to create 20 lots, the new application should be for a long plat and the applicant would need to submit all needed additional fees and materials, including SEPA review, to make a compete long plat application. Prior to one year from the passage of this ordinance the converting applicant must submit the remaining necessary materials (potentially including all SEPA documentation and including proof of preliminary approval and fees paid) to create a complete short plat, long plat, or large lot subdivision application. Upon payment of the additional fee and submission of the additional necessary materials the converting applicant shall receive a vesting date establishing the land use regulations that will govern the review of the converted application. Applications that neither finish nor complete the conversion process by the deadlines herein shall be expired and void. The County shall endeavor to send all undenied administrative segregation applications individual notice of this regulation, but actual receipt of such notice is not necessary for the applicant to be bound by this regulation and the time limits contained herein. All applications by applicants who fail to request final administrative segregation approval or, for conversions to subdivision applications, fail to provide proof of amounts paid (including acceptance the subdivision fee credit) and preliminary acceptance, and provide additional materials within the time limits provided in this ordinance, are expired and void. Kittitas County shall provide notice to the Yakama Nation of all applications submitted for final approval no less than 14 days before such approval and shall consider comment from the Yakama Nation in each instance of final review. Nothing in this section exempts applicants for administrative segregations from any applicable laws including, but not limited to, the Washington Department of Ecology's Upper Kittitas Ground Water Rule, Chapter 173-539A WAC, the Kittitas County Zoning Ordinance, Title 17 KCC, the Kittitas County Critical Areas Ordinance, Title 15 KCC, Title 17A KCC, or the Kittitas County Shoreline Master Program. Nothing in this section shall be construed to expand or diminish the rights or obligations of persons receiving final approval of an administrative segregation application before September 18, 2012. (Ord. 2012-006 , 2012; Ord. 2011-013 , 2011)~~

Chapter 16.08
DEFINITIONS

Sections
16.08.010 Word construction.
16.08.015 Repealed.

16.08.020 Alley.
16.08.040 Block.
16.08.050 Board.
16.08.055 Boundary line adjustment.
16.08.056 Cluster.
16.08.057 Cluster plat.
16.08.060 Comprehensive plan.
16.08.070 Conservation plat.
16.08.080 Dedication.
16.08.086 Director.
16.08.087 Division.
16.08.090 Easement.
16.08.100 Large lot subdivision.
16.08.110 Lot.
16.08.115 Minimum lot size.
16.08.117 Open space.
16.08.118 Parcel creation.
16.08.120 Planning commission.
16.08.130 Plat.
16.08.135 Plat certificate.
16.08.140 Plat, final.
16.08.160 Public works director.
16.08.165 Road, public and private.
16.08.185 Short plat.
16.08.186 Short Subdivision.
16.08.190 Subdivider.
16.08.200 Subdivision.

. . . . . .

16.08.055 Boundary line adjustment.

"Boundary line adjustment" means making alterations to existing lots, tracts or parcels through adjusting one (1) or more property lines. ~~A boundary line adjustment is an alteration made for the purposes of adjusting boundary lines,~~ in a manner which does not create any additional lot, tract, or parcel~~, which contains insufficient area and/or dimensions to meet minimum requirements for a building site. No lot or parcel resulting from a boundary line adjustment may be smaller than the minimum size allowed in that zone; provided, however, if the lot or parcel was already a nonconforming lot size that did not meet the minimum lot size for that zone, a boundary line adjustment may adjust boundaries so that nonconforming lot is larger even if it still continues to be less than the minimum lot size for that zone.~~

~~Boundary line adjustments are not intended to make changes that result in increased development or density otherwise regulated by applicable land use codes. The resulting legal descriptions shall incorporate the original legal descriptions and the resulting change to those descriptions~~.

~~Boundary line adjustments are not intended to make changes that result in increased development or density otherwise regulated by applicable land use codes. The resulting legal descriptions shall incorporate the original legal descriptions and the resulting change to those descriptions.~~

~~Boundary line adjustments must comply with KCC 16.18 and KCC Title 12 Road Standards. (Ord. 2013-001, 2013; Ord. 2005-31, 2005)~~

Chapter 16.10
BOUNDARY LINE ADJUSTMENTS

Sections

16.10.010 Applicability
16.10.020 Application requirements
16.10.030 Review criteria
16.10.040 Review procedures
16.10.050 Recording
16.10.060 Transfer of title
16.10.070 Expiration

16.10.010 Applicability.

A boundary line adjustment is an acceptable means of transferring land between abutting legally created parcels, provided:

1. No additional lots, parcels or tracts are created as part of the transfer;
2. No lot that currently conforms to minimum area and dimension regulations shall be adjusted so as to become nonconforming; and
3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity.
4. No parcels with split zoning are created as a part of the transfer per KCC Chapter 16.04.025.

16.10.020 Application requirements.

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

1. A brief narrative description of the proposed boundary line adjustment;
2. Existing and proposed legal descriptions of the affected lots;
3. Scaled drawings of both existing and proposed site plans as described in KCC Title 15A.03.030;
4. A certificate of title issued within the preceding one hundred twenty (120) days.

16.10.030 Review criteria.

In addition to the requirements in KCC 16.10.010 above, the Director shall consider, and base his/her decision to approve or deny a boundary line adjustment on the following:

1. Compliance with KCC Title 17 Zoning;
2. Compliance with KCC Title 12 Roads and Bridges;
3. Compliance with KCC Title 13 Water and Sewers;;
4. Compliance with KCC Title 14 Buildings and Construction;
5. Compliance with KCC Chapter 16.18 Irrigation and Sprinkling and RCW 58.17.310 and;
6. Compliance with KCC Title 20 Fire and Life Safety.

16.10.040 Review procedures.

The Director shall review the boundary line adjustment for compliance with this chapter and all other land use regulations in effect at the time the application was deemed complete. If all requirements for approval are met, the Director shall provide written findings of fact supporting the approval of the boundary line adjustment.

16.10.050 Recording.

Prior to recording, a final Preliminary Survey along with legal descriptions and final acreages for all lots involved -shall be submitted to Community Development Services for review and approval. The Director shall verify that the final survey and any attachments are accurate and complete and that they comply with all of the requirements in KCC 16.10.030. Boundary line adjustments do not become effective until recorded with the Kittitas County Auditor.

16.10.060 Transfer of title.

The recording of a boundary line adjustment does not constitute a transfer of title. Separate deeds to this effect must be recorded with the Kittitas County Auditor and are not subject to the provisions of this Chapter.

16.10.070 Expiration.

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

16.12.150 Road, sewer, water and fire system recommendations.
The planning official, county public works director, county health officer, and the county Fire Marshal, shall certify to the Hearing Examiner, prior to the hearing, their respective recommendations as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply systems; compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination; and fire and life safety protection facilities within the subdivision. The recommendations of the planning official, county public works director, county health officer, and the county Fire Marshal, shall be attached to the Hearing Examiner's report for transmittal to the board. (Ord. 2014-005, 2014; Ord. 2011-013 , 2011; Ord. 2005-31, 2005)

16.32.050 Short plat review.
The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision with regard to:

1. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
2. Its conformance to all standards and improvements required under this title.
3. Potential hazards created by flood potential, landslides, etc.
4. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
5. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.

6. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
7. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060 (Ord. 2011-013 , 2011; Ord. 2005-31, 2005)
~~7.~~8. Its compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination. (Ord. 2014-005, 2014)

16.36.015 Criteria for eligibility as a large lot subdivision.

1. All large lot subdivisions shall conform to the county comprehensive plan and all zoning regulations in effect at the time the large lot subdivision is submitted.
2. Consistent with parcel creation by long and short subdivision provisions of this code, preliminary approval of large lot subdivisions shall mean that road and access requirements are identified and conformance with section 16.04 of this code has been met.
3. Proof that all lots or tracts created by large lot subdivision are approved for irrigation delivery by the appropriate irrigation entity or entities shall be provided.
4. Requirements for easements as set forth in Section 16.12.110 shall be met.
5. The appropriate dedication as provided for in 16.24.090 and 16.24.110, A dedication shall appear on the face of the large lot subdivision survey with the following statement:

   KNOWN ALL MEN BY THESE PRESENT: that the undersigned, owner(s) in fee simple of the described real property, does hereby grant forever unto all owners of lots in this survey and all future plats in this survey a common ownership interest in all private roads shown.
6. A note shall appear on the subdivision survey with the following statement:

   "NOTE: The lots in this survey are created through the large lot subdivision review process. As such there has been review for conformance with suitability for on-site sewage disposal and availability of potable water."
7. All large lot subdivisions shall contain information set forth in Sections 16.12.010 through 16.12.030. (Ord. 2005-31, 2005)
~~7.~~8. All large lot subdivisions shall meet requirements of Kittitas County Code Chapter 13.35, Adequate Water Supply Determination. (Ord. 2014-005, 2014)

EXHIBIT K: Docket Item 14-09

14-09 Kittitas County Proposal:
Amend Kittitas County Code Chapters 16.08 and 16.09 to allow platting in the Agriculture 20 and Commercial Agriculture zones providing for larger lots for benefit to owners involved in agriculture pursuits while maintaining required underlying densities.

Kittitas County Code Title 16, Subdivisions, is amended as follows:

16.08.022 Agricultural activities.

"Agricultural activities" has the same definition as RCW 90.58.065(2)(a), which is “agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation”;.

16.08.024 Agricultural products.

"Agricultural products" has the same definition as RCW 90.58.065(2)(b), which “includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.”

16.08.026 Agricultural equipment and agricultural facilities.

"Agricultural equipment" and "agricultural facilities" have the same definition as RCW 90.58.065(2)(c), which “includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) all other agricultural activities or allowed uses per Kittitas County Code 17.15.”

16.08.028 Agricultural land.

"Agricultural land" has the same definition as RCW 90.58.065(2)(d), which is “those specific land areas on which agriculture activities are conducted.”

Chapter 16.09
CLUSTER PLATTING ~~and~~ , CONSERVATION and AGRICULTURAL PLATTING

Sections

16.09.010 Purpose and Intent.
16.09.020 Repealed.
16.09.025 Applicability.
16.09.030 Repealed.
16.09.040 Development Regulations.
16.09.060 Lot Size.
16.09.080 Process for Approval.
16.09.090 Repealed.
16.09.100 Repealed.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and with recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), this chapter provides innovative land division techniques that will accommodate appropriate resource, rural and urban densities and uses at levels that are consistent with the conservation of resource lands and preservation of rural character.

In order to provide tools to foster appropriate densities, while making development economically feasible, to recognize benefits to the greater community through an effort to conserve natural resource lands, ensure the continued existence of open space, conserve water resources, protect public health by reducing the number of septic drain fields, concentrate urban densities in urban growth areas and minimize the impact of "Rural Sprawl" in rural lands as designated in the Kittitas County Comprehensive Plan, Cluster Platting, ~~and~~ Conservation and Agricultural Platting techniques will foster the development of urban, rural and resource designated lands at appropriate densities while conserving resource lands, protecting rural character, protecting the environment and maintaining a high quality of life in Kittitas County. (Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Repealed

(Ord. 2013-001, 2013; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.025 Applicability.

Cluster Platting and Conservation Platting are an alternative method for the division of land.

1. Cluster platting is permitted in the following zone Plan designations:
    a. All zones in the Urban land use designation;
    b. All zones in the Rural Residential land use designation;
    c. All zones in the Rural Recreation land use designation; and
    d. All zones in Rural LAMIRDs.

2. Conservation and Agricultural platting is permitted in the following zone classifications, provided the parcel or combination of contiguous parcels meets the following required minimum land area:
    a. Agriculture 20, with a minimum land area of forty (40) acres which 40 acres may be in one (1) or more tax parcels, provided, however, if the applicant relies on more than one tax parcel all tax parcels relied on must be; i) used for agricultural activities as that term is defined in RCW 90.58.065(2)(a); and ii) be designated as open space under Chapter 84.34 RCW; and iii) be owned by the same individual or entity for a minimum of 5 years; and iv) all parcels relied on shall be contiguous with the other parcels, but, parcels separated by county roads, streams and irrigation canals shall be deemed contiguous;
    b. Forest and Range, with a minimum land area of forty (40) acres; and
    c. Commercial Agriculture, with a minimum land area of eighty (80) acres which 80 acres may be in one (1) or more tax parcels, provided, however, if the applicant relies on more than one tax parcel all tax parcels relied on must be; i) used for agricultural activities as that term is defined in RCW 90.58.065(2)(a); and ii) be designated as open space under Chapter 84.34 RCW; and iii) be owned by the same individual or entity for a minimum of 5 years; and iv) all parcels relied on shall be contiguous with the other parcels, but, parcels separated by county roads, streams and irrigation canals shall be deemed contiguous.

(Ord. 2013-008, 2013; Ord. 2013-001, 2013; Ord. 2010-014 , 2010)

16.09.030 Repealed.

(Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.040 Development Regulations.

1. Cluster plats, ~~and~~ ~~conservation~~ Conservation and ~~a~~Agricultural plats are subject to the following provisions:
    a. Notification Requirement. If appropriate, the final plat and all conveyance instruments shall contain the following notice: "The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in the Section 17.74 of the Kittitas County Zoning Code."
    b. Compliance with County Development Regulations. Unless otherwise specified by this chapter, all development activities authorized through this chapter shall comply with all existing, applicable county development regulations, including but not limited to: subdivision ordinance, zoning code, shoreline master program, road standards, fire and life safety, critical areas, and floodplain development ordinance. In addition, Cluster Platting and Conservation Platting shall not be used prospectively in conjunction with the Kittitas County planned unit development zone (KCC Chapter 17.36).
    c. Applications. Applications shall be evaluated for the possible impacts to adjacent agricultural uses. Residential parcel densities allowed in rural and resource areas can have

a significant impact on agricultural, forestry and mineral resource uses. Conditions may be placed on development proposals through the normal Kittitas County permitting authority, which protect agricultural lands from possible impacts related to incompatible land uses.

d. Farmstead. The farmstead, including the pre-existing residential and associated out buildings within the project boundary, will not be required to become part of a cluster of residences.

e. Location. Clustered lots and Agricultural Lots shall be located within the project boundary in a manner that best recognizes the purpose and intent of cluster plats, ~~or~~ conservation plats or Agricultural plats, including but not limited to, the location of the natural resource lands, critical areas as identified in KCC 17.A , purpose of open space, natural or topographical features serving as a functional division, etc.

f. Access to Public Lands. Applications that included parcels which share property line boundaries with public lands which allow public use must maintain or enhance existing public access points. Maintained or enhanced public access points to public lands shall be in conformance with requirements as identified by federal, state, and local agencies having jurisdiction over said public lands. Documentation demonstrating such shall be submitted as part of the project application.

g. Open Space. All open space shall contain appropriate covenants and restrictions to ensure the area will not be further subdivided in the future, the use of the open space for the purpose specified will continue in perpetuity, and the open space will be appropriately maintained to control noxious weeds and fire hazards.

2. Cluster plats are subject to the following provisions:
   a. The cluster development does not exceed the density permitted by the zone in which the development is located;
   b. The proposed cluster is not within one thousand three hundred twenty (1,320) feet between the lot lines of any other cluster or existing residential structure unless the residential structure(s) is part of the proposed development;
   c. The cluster development does not exceed six (6) residences per cluster;
   d. No residential dwelling within the cluster is further than one hundred (100) feet from another residential dwelling; and
   e. Sixty percent (60%) of the land outside of the cluster remains in contiguous open space in perpetuity. Open space in cluster plats shall be held in common ownership or maintained at existing land use or agricultural use.
3. Conservation plats are subject to the following provisions:
   a. The conservation development does not exceed the density permitted by the zone in which the development is located;
   b. No conservation plat is adjacent to another cluster or conservation plat so that the total conservation development exceeds six (6) units unless the proposed developments are separated by an existing County road;

~~Any new residential dwelling must be within one hundred (100) feet of an existing residential dwelling, unless the existing residential dwelling is part of the farmstead; and~~

c. In a residential development in a conservation plat, lots must be located adjacent to one another upon no more than fifty percent (50%) of the total property being divided.

d. Seventy percent (70%) of the land outside of the conservation cluster remains in open space for resource use in perpetuity. Open space in conservation plats may either be held in common ownership, owned by a conservation entity, or remain in the ownership of the farmstead or resource parcel.

4. Agricultural plats are subject to the following provisions:

a. No Agricultural plat shall be adjacent to another cluster, conservation or agricultural plat so that the total development on the parcels within the adjacent plats exceeds 10 units;

b. The agriculture development does not exceed the density permitted by the zone in which the agricultural land is located.

c. The agricultural plat is necessitated or pursued for one or more of the following reasons:

1. to accommodate housing for farm labor or farm family members; or
2. to implement an irrigation improvement; or
3. to create parcels of real property for financing purposes; or
4. to improve or increase agricultural efficiencies or dispose of property no longer useful to the agricultural activities; or
5. to allow gradual or sequential platting as needed to ensure the economic viability of the farm's future; or
6. to facilitate residential dwellings on acreages with varying sizes to allow "small" farms such as Community Support Agriculture (CSA)~~, subsistence and~~ local farmer's market suppliers to exist~~ing~~ in Ag and other zones while acres in excess of those purchased remain with original owner but carry non-development status to meet the density of the underlying zone. ~~required by zone in which development is located. (For example, a 4-acre sale in a 20-acre lot size zone requires non-development status on 16 acres to be located and identified by seller.)~~

d. Dwellings shall be located with the plat in a manner which secures the necessity of the plat as defined in 4(c) above and in a manner which does not adversely impact productive farmland or on- or off-site agricultural activities. The possibility that lots and dwellings may be located where they are impacted by dust, irrigation water, or agricultural treatments or chemicals, or will encourage trespass, or will interfere with the movement of agricultural vehicles or livestock, or may be adversely impacted by noise or odor, should be minimized. All lots shall have a notation on the face of the plat or a deed restriction that runs with the title that provides notice that the lot is located in an area where agricultural activities occur and may impact lot owners' use and enjoyment of their property.

~~e.~~ Lots smaller than two acres and, for all lots, home sites and facilities that support the residential development, such as onsite waste disposal systems, residential units shall be located on lands with poor soils or otherwise not suitable for agricultural purposes.~~In an agricultural plat there is no restriction on the location of dwellings. Instead, dwellings shall be located with the plat in a manner which~~

~~secures the necessity of the plat as defined in 4(c) above and in a manner which minimizes impact on productive farmland.~~

(Ord. 2013-001, 2013; Ord. 2011-013 , 2011; Ord. 2010-014 , 2010; Ord. 2006-36, 2006; Ord. 96-6 (part), 1996)

16.09.060 Lot Size.

1. Generally: The size of the lots to be developed shall be no larger than necessary to meet the minimum Washington State Department of Health requirements and the Kittitas County Code.
2. Exceptions:
   a. The existing farmstead lot can be up to ten (10) acres in size; and
   b. New lots may be as large as five (5) acres if building envelopes are established on the plat that ensure the same development pattern that would occur with smaller lots created consistent with subsection 16.09.060.1 above.
   ~~b.~~c. Agricultural plats.

(Ord. 2013-001, 2013; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.080 Process for Approval.

1. Prior to submitting an application the applicant shall submit a request for a Pre-application Conference with the staff of Community Development Services. (CDS). CDS will schedule the pre-application conference and invite other county departments and outside agencies as appropriate to review and offer comments regarding the application and to assist the applicant in the appropriate process.
2. Submit preliminary Cluster Plat or Conservation Plat map in conformance with requirements in KCC Chapter 15A Project Permit Application Review, KCC Chapter 16.12 Preliminary Plats or KCC Chapter 16.32 Short Plat Requirements, as applicable, and Title 12 Road Standards.
3. Cluster Plats and Conservation Plats are to be processed as a short subdivision or subdivision, depending on the number of lots proposed, and are subject to the review process as provided for in KCC Title 15A Project Permit Application Process.
4. Final Cluster Plat or Conservation Plat approval must be in conformance with KCC Chapter 16.20 Final Plats.
5. Process for Approval of Agricultural Plats
   1. Agricultural Plats
      A. Prior to submitting an application the applicant and the County shall hold a pre-application meeting.
      B. After the pre-application meeting the applicant shall submit an agricultural plat based on information and input from the County at the pre-application meeting.~~.~~
      C. The Agricultural Plat shall be processed as a short plat or long plat as defined in Title 16.

~~4.~~6. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of KCC Chapter16.09. (Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.090 Repealed.

(Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.100 Repealed.

(Ord. 2013-001, 2013; Ord. 2010-014 , 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

Top

EXHIBIT L: Docket Item 14-10A

14-10A Kittitas County Proposal:

Updates to the Official County Zoning Map and Land Use Tables in Chapters 2 and 8 of the Comprehensive Plan.

Airport Overlay Zone
Urban Growth Area
Planned Unit Development Zoning
Urban Residential Zoning
N Airport Rd
E Kyllo Rd
Incorporated City Zoning
2014 Comprehensive Plan Update
Ordinance 2014-015
Docket Item 14-10A-1
The Grove

Exhibit L

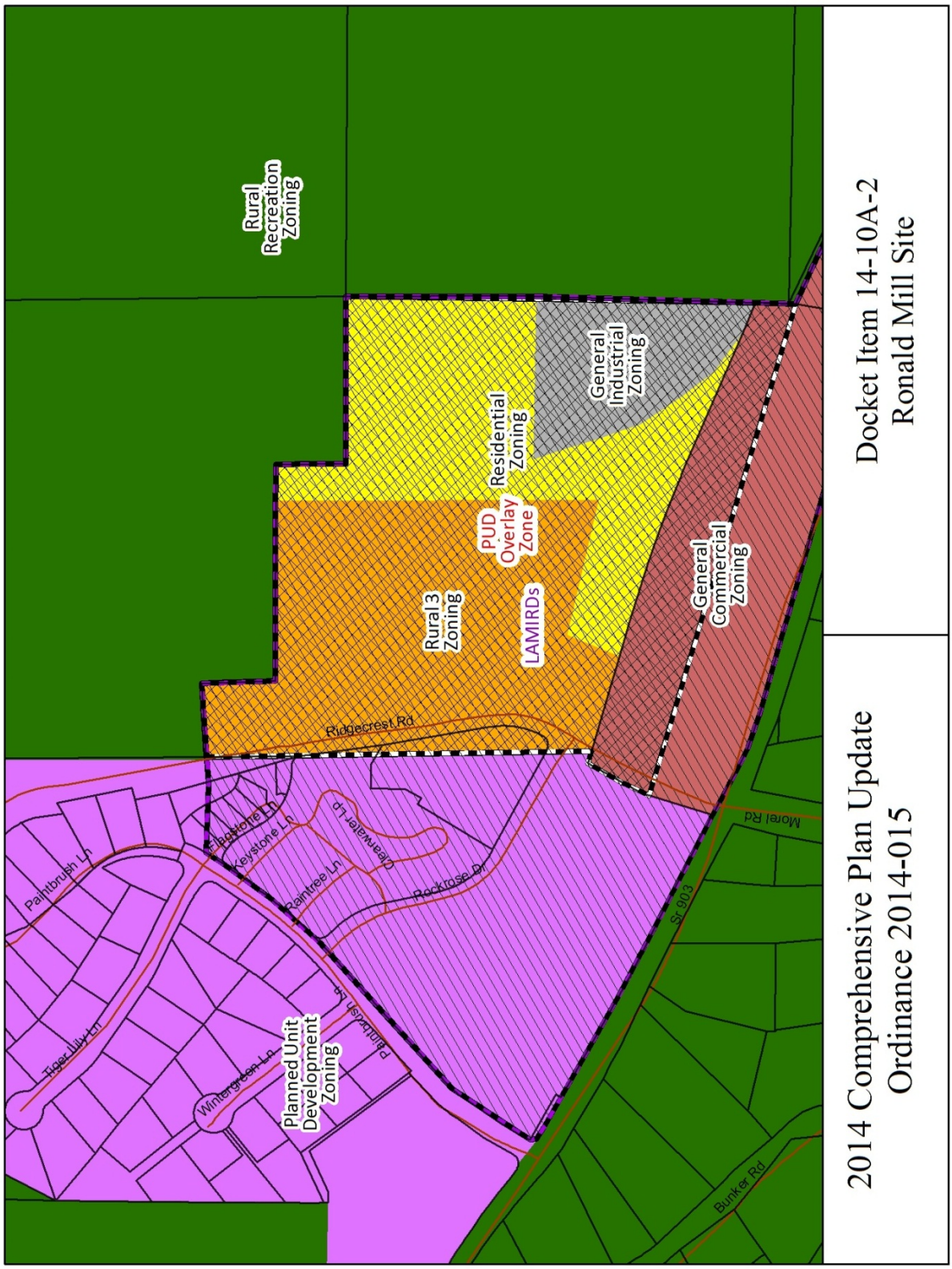

Docket Item 14-10A-2
Ronald Mill Site
2014 Comprehensive Plan Update
Ordinance 2014-015
Rural Recreation Zoning
General Industrial Zoning
Residential Zoning
PUD Overlay Zone
LAMIRDs
Rural 3 Zoning
General Commercial Zoning
Planned Unit Development Zoning
Ridgecrest Rd
Morel Rd
SR 903
Bunker Rd
Rocktree Dr
Raintree Ln
Keystone Ln
Paintbrush Ln
Tiger Lily Ln
Wintergreen Ln

Exhibit L

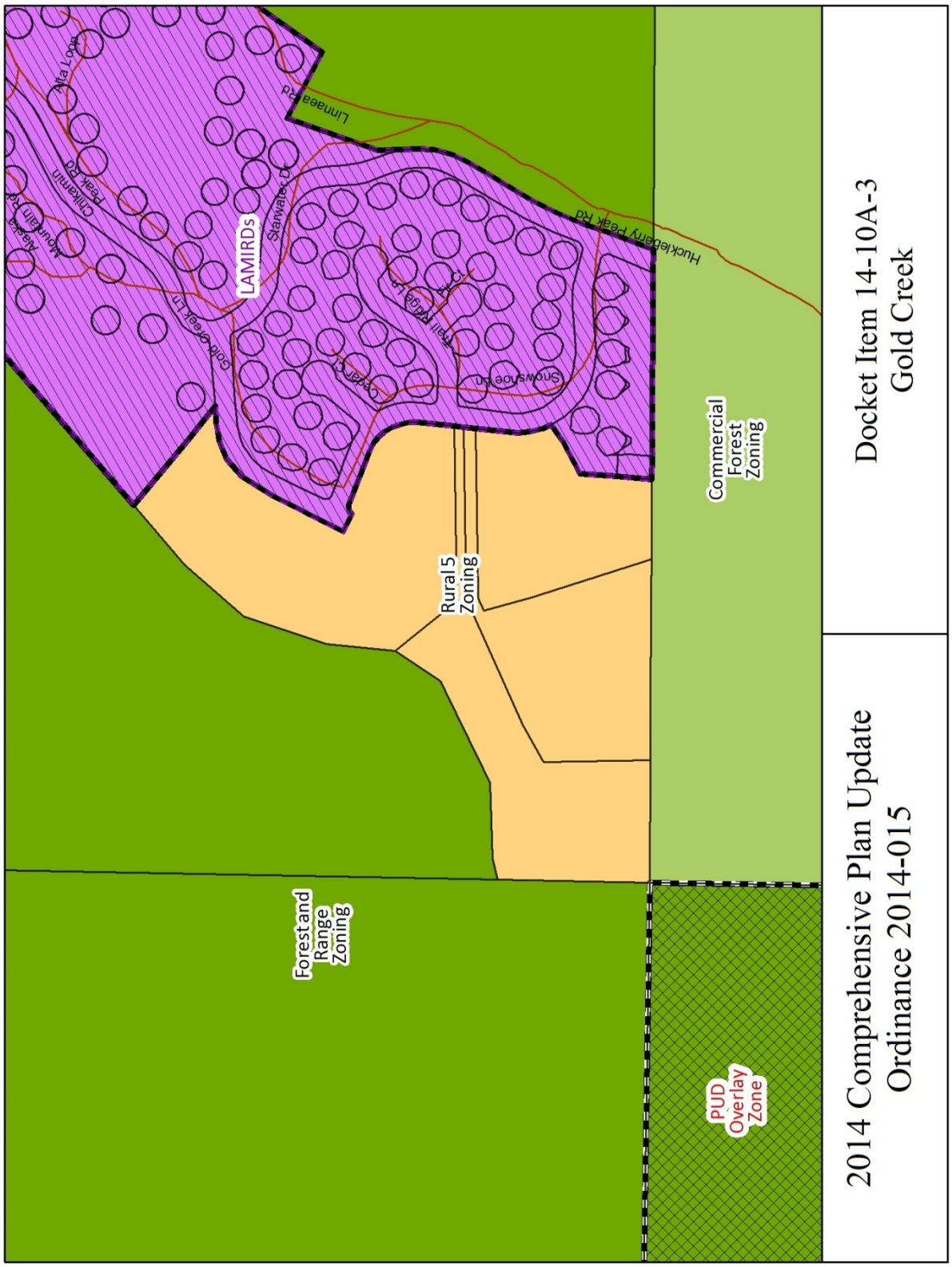
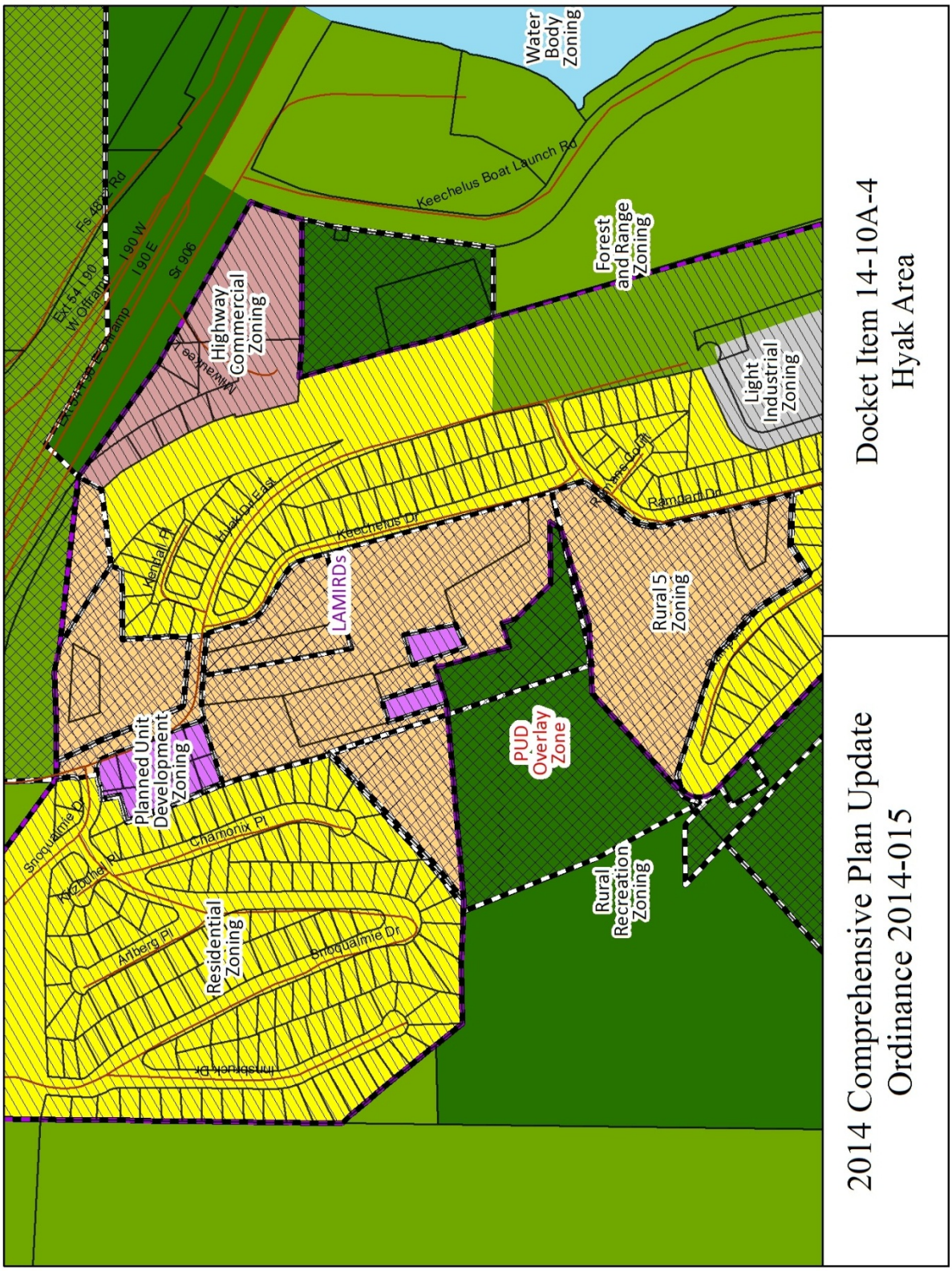

Docket Item 14-10A-3
Gold Creek
2014 Comprehensive Plan Update
Ordinance 2014-015
Commercial Forest Zoning
Rural 5 Zoning
Forest and Range Zoning
PUD Overlay Zone
LAMIRDs
Huckleberry Peak Rd
Llinnaea Rd
Starwater Dr
Cedar Ct
Trail Ridge Ln
Snowshoe Ln
Goldcreek Ln
Peak Rd
Mountain Trl

Exhibit L


Water Body Zoning
Keechelus Boat Launch Rd
Forest and Range Zoning
Light Industrial Zoning
Highway Commercial Zoning
Ramgam Dr
Keechelus Dr
LAMIRDs
Rural 5 Zoning
PUD Overlay Zone
Planned Unit Development Zoning
Chamonix Pl
Snoqualmie Dr
Residential Zoning
Rural Recreation Zoning
Docket Item 14-10A-4
Hyak Area
2014 Comprehensive Plan Update
Ordinance 2014-015

Docket Item 14-10A-5
Black Horse
2014 Comprehensive Plan Update
Ordinance 2014-015
Airport Overlay Zone
Urban Residential Zoning
Urban Growth Area
PUD Overlay Zone
Commercial Agriculture Zoning
Agriculture 5 Zoning
N Power Rd
N Proctor Rd
Rasmussen Rd
Hanlan Rd
Bender Rd
Naneum Creek Rd

Exhibit L

Place Holder for Updated Tables 2-1 & 8.2-4-1

EXHIBIT M: Docket Item 14-10B

14-10B Kittitas County Proposal:
Amend portions of KCC Chapter 17.13, Transfer of Development Rights, for consistency to other portions of the Kittitas County Code, and to clarify portions of the Chapter.

Kittitas County Code Chapter 17.13 Transfer of Development Rights, is amended as follows:

Chapter 17.13
TRANSFER OF DEVELOPMENT RIGHTS

Sections

17.13.010 Purpose.
17.13.020 TDR Sending Sites.
17.13.030 TDR Receiving Sites.
17.13.040 Calculations of Available Development Rights on Sending Sites.
17.13.050 Sending Site Development Limitations.
17.13.060 TDR Documentation of Restrictions.
17.13.070 TDR Sending Site Certification and TDR Committee Review Process.
17.13.080 TDR Transfer Process.
17.13.090 TDR Amenity Funding for Cities.
17.13.100 Condemned Lands.

…….

17.13.020 TDR Sending Sites.

Sending sites must contain a public benefit such that the preservation of that benefit by transferring residential development rights, in the form of density credits, to another site is in the public interest. A sending site will be presumed to contain a public benefit if it meets either criteria 1, 2, 3 or 4, as stated below:

1. Farm and Agricultural Land (must satisfy criteria 1.a. thru 1.e.)
   a. Is land in the Commercial Agriculture, Ag-20, Ag-5, ~~A-3,~~ Forest & Range, or R-5 zoning;
   b. Is a minimum of twenty (20) acres in size;
   c. Is located within the boundary of the Agricultural Production District area shown on the Kittitas County zoning map;
   d. Includes proof of commercial agricultural income as required for Current Use Agricultural taxation under RCW 84.34; and
   e. Has value above that associated with resource value ("higher and better use").
2. Forest Land (must satisfy criteria 2.a. thru 2.e.)
   a. Is land in Commercial Forest, Forest & Range, or R-5 zoning;
   b. Is a minimum of twenty (20) acres in size;
   c. Is not publicly owned;
   d. Has a Timber Management Plan that is in compliance with Washington State Department of Revenue's guidelines dated June 2010 or as thereafter amended; and
   e. Has value above that associated with resource value ("higher and better use").
3. Frequently Flooded Area as defined in KCC 17A.02.140.
4. Lands designated as eligible sending sites in a TDR agreement with a city.
5. Lands must be located within Kittitas County.
6. If a sending site consists of more than one lot, the lots must be contiguous. For purposes of this chapter, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed.

7. Development rights acquired from eligible sending sites may be converted to density credits which may be transferred to eligible receiving sites through the TDR transfer process. After completion of the conveyance of a sending site's development rights, the property shall be maintained in a condition that is consistent with the criteria in this chapter under which the sending site was qualified by means of a TDR conservation easement.
8. Publicly owned property shall not be eligible to become a sending site.

17.13.030 TDR Receiving Sites.

1. Eligible receiving sites shall be those sites as listed below and shall be located within Kittitas County. For eligible receiving sites, the transfer and exchange of TDR density credits shall occur consistent with KCC 17.13.080:
    a. Cities where new growth is or will be encouraged under the Growth Management Act and Countywide Planning Policies.
    b. All city receiving sites shall be designated pursuant to an agreement with the County.
    c. Sites within Urban Growth Areas, with a density greater than six (6) dwelling units (du) per acre, where new growth is or will be encouraged under the Growth Management Act and Countywide Planning Policies.
    d. Unincorporated sites outside of Urban Growth Areas for which an amendment to the official zoning map or rezone to a zoning classification allowing greater than one (1) dwelling unit (du) per twenty (20) acres.
    e. Unincorporated sites outside of Urban Growth Areas for which an associated map amendment to the Comprehensive Plan has been requested pursuant to Kittitas County Code in conjunction with a rezone under (1)(4) of this section.
    f. Unincorporated sites for which a Cluster Plat has been requested pursuant to KCC Chapter 16.09 and KCC Chapter 17.30, Rural Recreation.
    g. LAMIRDs.
    h. Unincorporated sites for which a Planned Unit Development (PUD) designation amendment to the zoning map has been requested pursuant to Kittitas County Code, when such amendment results in an increase in density.
2. The provisions of this chapter shall only apply to receiving site development proposals that vest after the effective date of this chapter. For purposes of vesting and this chapter, site development proposals include both legislative and quasi-judicial land use decisions associated with the eligible receiving sites outlined in KCC 17.13.030.1.
3. ~~The provisions of this chapter shall not apply to land divisions completed in accordance with the County "one-time split" provision pursuant to KCC 17.29.040.~~ (Ord. 2013-001, 2013; Ord. 2011-005, 2011 ; Ord. 2010-006, 2010 ; Ord. 2009-25, 2009)

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17.13.080 TDR Transfer Process.

1. TDR transaction transferring density credits from within unincorporated Kittitas County to within an incorporated city shall be reviewed and transferred using the city's development application review process. The transfer shall be subject to a TDR agreement between Kittitas County and the city. The County and any city located within the County may also establish by agreement

general procedures for facilitating and completing TDR transactions transferring density credits from unincorporated Kittitas County to any such city.

2. Density credits shall be required for approved amendments to the Comprehensive Plan associated with receiving sites detailed in KCC 17.13.030 1.a thru 1.h. Applications may be submitted without the purchase of density credits, but no final plat approval or other permits, if no land division is involved, for development associated with a TDR requirement shall be issued until the density credit requirement is satisfied.
    a. The tender of density credits is not a precondition for any amendment to the Comprehensive Plan, Zoning Map or proposed development to be approved. The density credits are required before the County issues final plat approval or permits, if no land division is involved, for any development of the additional units in the Comprehensive Plan amendment. The developer must submit the density credits when applying for the permit.
    b. The ordinance granting each Comprehensive Plan Amendment shall condition the approval upon the applicant's compliance with the requirement of development credits.

The required density credits may be acquired

Chapter 17.98
AMENDMENTS

Sections
17.98.010 Proposal.
17.98.020 Petitions.

* Prior history: Ord. 2.

……..

17.98.020 Petitions.

1. A petition to amend this title shall be filed with the administrator on forms prescribed by the Director. If the petition is for an amendment to the zoning map it shall include a legal description and location of the property to be reclassified.

2. A petition asking for a change from one zone to another must be signed by not less than seventy-five percent (75%) of the property owners and representing at least seventy-five percent (75%) of the assessed valuation of the area proposed for the zone reclassification.

3. Any member of the general public has the right to petition the Board or planning commission for consideration of text amendments or change from one zone to another for a general area. Such consideration is not mandatory.

4. Petitions shall be processed pursuant to Title 15A of this code, Project permit application process.

5. A petition requesting a change on the zoning map shall be processed consistently with the Annual Comprehensive Plan Docketing Process, pursuant to KCC Title 15B, unless

the petition is consistent with the Comprehensive Plan land use designation of the property and accompanied by a specific development application.

6. A petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:

    a. The proposed amendment is compatible with the comprehensive plan; and

    b. The proposed amendment bears a substantial relation to the public health, safety or welfare; and

    c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and

    d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property; and

    e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and

    f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and

    g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and

    h. The proposed amendment is in full compliance with KCC Chapter 17.13, Transfer of Development Rights, if the proposed amendment allows greater than one (1) dwelling unit (du) per twenty (20) acres or proposes to decrease the dwelling units (du) allowed in the zone classification. (Ord. 2013-001, 2013; Ord. 2010-006, 2010; Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 96-1, 1996; Res. 83-10, 1983)

EXHIBIT N: Docket Item 14-10C

14-10C Kittitas County Proposal:

Amend Kittitas County Code, Chapter 17.08 Definitions and Chapter 17.15 to Add Uses within the Matrix and to Change Standards for Some Uses, Exhibit N.

Revisions to Kittitas County Code Title 17 Zoning are proposed as follows:

Chapter 17.08
DEFINITIONS*

Sections

17.08.010 Generally.
17.08.020 Accessory building or accessory use.
17.08.022 Accessory dwelling unit.
17.08.023 Accessory living quarters.
17.08.030 Access road.
17.08.030A Administrative.
17.08.031 Adult Family Home.
17.08.032 Agriculture processing
17.08.033 Agriculture production
17.08.034 Agriculture sales
17.08.34A Agriculture sales - enhanced
17.08.035 Agriculture Study Overlay Zone.
17.08.040 Airport.
17.08.050 Alteration.
17.08.060 Amendment.
17.08.063 Amenity funds.
17.08.067 Animal boarding.
17.08.070 Repealed.
17.08.100 Auto wrecking yard.
17.08.101 Battery charging station.
17.08.102 Battery electric vehicle (BEV).
17.08.103 Battery exchange station.
17.08.105 Bed and breakfast.
17.08.110 Board.
17.08.120 Repealed.
17.08.130 Building.
17.08.135 Building height.
17.08.140 Building line.
17.08.150 Repealed.
17.08.155 Campground.
17.08.156 Campsite.
17.08.157 Camping unit.
17.08.158 Charging levels.
17.08.160 Clinic.
17.08.161 Clubhouses, fraternities and lodges
17.08.162 Repealed.
17.08.163 Repealed.
17.08.165 Commercial activities associated with agriculture.
17.08.170 Commission.
17.08.171 Common area
17.08.180 Conditional uses.
17.08.183 Conservation easement.
17.08.187 Conservation or resource values.
17.08.188 County
17.08.190 County arterial road.
17.08.191 Critter pad.

17.08.195 Day care facilities.
17.08.197 Density(ies).
17.08.198 Repealed.
17.08.198A Develop
17.08.198B Development
17.08.199 Development right.
17.08.199A Director
17.08.200 Dwelling.
17.08.210 Dwelling, multiple-family.
17.08.211 Dwelling, single-family
17.08.220 Dwelling, two-family.
17.08.221 Electric scooters and motorcycles.
17.08.222 Electric vehicle.
17.08.223 Electric vehicle charging station.
17.08.223A Electric vehicle charging station - restricted.
17.08.223B Electric vehicle charging station - public.
17.08.224 Electric vehicle infrastructure.
17.08.224A Electric vehicle parking space.
17.08.225 Extremely hazardous waste.
17.08.230 Family.
17.08.240 Repealed.
17.08.250 Farm.
17.08.255 Farm labor shelter.
17.08.255A Farm visit.
17.08.260 Feedlot.
17.08.261 Forestry
17.08.261A Forest product processing
17.08.261B Forest product sales
17.08.261C Freighting and trucking yard or terminal
17.08.262 Golf Course.
17.08.262A Grade
17.08.262B Grading
17.08.262C Grazing
17.08.263 Group care facility.
17.08.265 Group home.
17.08.266 Guest houses.
17.08.270 Guest ranch or guest farm.
17.08.280 Hazardous waste.
17.08.281 Hazardous waste facility.
17.08.282 Hazardous waste storage.
17.08.283 Hazardous waste treatment.
17.08.290 Home occupation.
17.08.300 Hospital.
17.08.310 Hospital, animal or veterinary.
17.08.320 ~~Repealed~~Impound/towing yard.
17.08.321 Infill.
17.08.324 Interlocal agreement.
17.08.327 Repealed.
17.08.329 Junk.
17.08.330 Junkyard.
17.08.340 Repealed.
17.08.360 Lot.
17.08.361 Lot, flag

17.08.370 Lot line, front.
17.08.380 Lot line, rear.
17.08.390 Lot line, side.
17.08.390A Lot, through
17.08.391 Manufactured home.
17.08.392 Manufacturing
17.08.392A Marijuana ~~P~~processing
17.08.392B Marijuana ~~P~~production
17.08.392C Marijuana retail sales
17.08.393 Medium-speed electric vehicle.
17.08.395 Repealed~~tail sales, marijuana.~~
17.08.396 Repealed.
17.08.397 Mini warehouse.
17.08.397A Mining and Excavation
17.08.398 Mobile home.
17.08.399 Modular home.
17.08.400 Repealed.
17.08.408 Neighborhood electric vehicle.
17.08.410 Nonconforming use.
17.08.412 Non-electric vehicle.
17.08.420 Nursing home.
17.08.421 Office
17.08.424 Off-site hazardous waste facilities.
17.08.427 On-site hazardous waste facilities.
17.08.428 Open space
17.08.430 Outdoor advertising signs and billboards.
17.08.430A Overlay zone/district
17.08.430B Ownership
17.08.431 Park model trailer.
17.08.440 Parking space.
17.08.445 Parks and playgrounds.
17.08.450 Planned unit development.
17.08.455 Planning commission or commission.
17.08.455A Plug-In hybrid electric vehicle (PHEV).
17.08.456 ~~Produce~~Farm ~~S~~stands.
17.08.457 Public facilities
17.08.460 Public office building.
17.08.461 Rapid charging station.
17.08.462 Receiving site.
17.08.463 Recreation, indoor.
17.08.464 Recreation, outdoor.
17.08.465 Recreational vehicle.
17.08.465A Recreational vehicle park.
17.08.466 Refuse disposal/recycling
17.08.467 Religious institutions
17.08.468 Resource based industry
17.08.469 Restaurant
17.08.469A Retail sales~~, marujuana~~
17.08.470 Rezone.
17.08.472 Rock Crushing
17.08.472 Services
17.08.480 School, public or private.
17.08.485 Shooting range.

17.08.487 Sending site.
17.08.490 Small-scale event facility.
17.08.500 Special care dwelling.
17.08.510 Structural alteration.
17.08.520 Structure.
17.08.530 Repealed.
17.08.535 Repealed.
17.08.540 Trailer park, trailer camp, trailer court and mobile home park.
17.08.541 Trails.
17.08.542 Transfer of development rights (TDR).
17.08.543 TDR certificate.
17.08.544 TDR certificate letter of intent.
17.08.545 TDR credit.
17.08.546 TDR program.
17.08.547 TDR sending site application.
17.08.550 Use.
17.08.550A U-pick/U-cut operations
17.08.560 Variance.
17.08.560A Vehicle/equipment service and repair
17.08.560B Watershed management facilities
17.08.561 Winery.
17.08.570 Yard.
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.

17.08.270 Guest ranch or guest farm.
"Guest ranch or guest farm" means a business or an organization providing overnight lodging, dining and recreational facilities in a rural setting. The purpose of a guest ranch or guest farm ~~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 or guest farms. Enhanced agricultural sales are allowed. (Ord. 93-21 (part), 1993: Ord. 83-Z-5, 1983)

17.08.320 ~~Repealed~~ Impound/towing Yard.
"Impound/towing Yard" means a fully enclosed area which is designed to hold and store vehicles for a period not more than ninety (90) days which have been impounded by a jurisdiction or private party.

17.08.392C Marijuana, retail sales.
"Marijuana, retail sales" means any operation or business selling, distributing, or dispensing usable marijuana or marijuana-infused products which have been prepared, processed, or packaged for end user consumption.

~~17.08.395 Repealed.Retail sales, marijuana.~~
~~"Retail sales, marijuana" means any operation or business selling, distributing, or dispensing usable marijuana or marijuana-infused products which have been prepared, processed, or packaged for end user consumption.~~

17.08.456 ~~Produce~~ Farm s~~S~~tands.
"~~Produce~~ Farm stands" means a temporary use which is primarily engaged in the sale of fresh agricultural products, 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. Enhanced agricultural sales are allowed. (Ord. 2013-001, 2013; Ord. 2007-22, 2007)

~~17.08.469A~~ Retail sales ~~, marujuana~~*.
~~(Ord. 2014-004, 2014; Ord. 2013-001, 2013;)~~
* Publisher's Note: § 17.08.469A was erroneously included. This section should refer to ~~17.08.395.~~ "Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.

17.08.255A. ~~Farm Visit:~~ "Farm visit" means a farm or ranch providing customers a day-use learning experience about the practice of farming or ranching. A Farm Visit operation does not include overnight accommodations. Enhanced agricultural sales are allowed.

17.08.34A ~~Enhanced a~~Agricultural sales-enhanced. "~~Enhanced a~~Agricultural sales-enhanced" means the selling of agricultural products grown or raised locally that have been enhanced to improve market value. Enhanced agricultural sales activities include, but are not limited to: sales of prepared food or beverages, crafts, floral arrangements; and tasting rooms. Marijuana product sales are excluded. Enhanced agricultural sales operations may also include the retail sale of fresh or unprocessed agricultural products.

~~17.08.550A. U-Pick/U-Cut operation:~~ "U-Pick/U-Cut operation" means farms or orchards where customers come to purchase fruit or agricultural products which they have harvested themselves. Enhanced agricultural sales are allowed.

Title 17

Zoning

Chapter 17.15
ALLOWED USES

Sections
17.15.010 Categories of uses established.
17.15.020 Establishment of zoning use tables.
17.15.030 Interpretation of tables.
17.15.040 Zoning use tables.
17.15.050 Allowed uses in resource lands.
17.15.060 Allowed uses in rural non-LAMIRD lands.
17.15.070 Allowed uses in rural LAMIRD lands.
17.15.080 Allowed uses in urban lands.

17.15.010 Categories of uses established
This chapter establishes permitted, permitted administrative, administrative conditional use and conditional uses, by zone, for all properties within Kittitas County. All uses in a given zone are one (1) of three (3) types:

1. Permitted Use. Land uses allowed outright within a zone classification and subject to provisions within the Kittitas County Code.
2. Permitted Administrative Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60B.
3. Administrative Conditional Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60A.
4. Conditional Use. Land uses which may be permitted within a zone classification following review and hearing under the provisions of KCC Chapter 17.60A.

(Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

17.15.020 Establishment of zoning use tables
The allowed use tables in this chapter establish allowed uses in the various zoning classifications and whether the use is allowed as "Permitted," "Permitted Administrative," "Administrative Conditional" or "Conditional." The zone classification is located at the top of the table and the specific use is located on the far-left of the vertical column of these tables. (Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

17.15.030 Interpretation of tables.

1. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

   P Permitted Use

   PA Permitted Administrative Use

   AC Administrative Conditional Use

   CU Conditional Use

2. Definitions. Uses defined in KCC Chapter 17.08 are indicated with an asterisk (*).
3. Additional Use-Related Conditions. The small numbers (superscript) in a cell indicate additional requirements or detailed information for uses in specific zones. Those additional requirements can be found in the footnotes that follow each allowed use table. All applicable Federal, State and local requirements shall govern a use whether specifically identified in this chapter or not.
4. The Director has the authority to allow uses that are substantially similar to an allowed use listed on the table subject to the same review procedures as the substantially similar use. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process, except in the case of PUDs located inside the UGA where determination of substantially similar uses shall be made by the planning commission during review of the development plan required under KCC 17.36.030.
5. Accessory uses. The administrative official has the authority to permit uses that are customarily incidental to an allowed use listed on the table.

(Ord. 2013-012, 2013; Ord. 2013-001, 2013;)

17.15.040
There are four (4) separate tables addressing the following general land use designations (Resource Lands, Rural Non-LAMIRD Lands, Rural LAMIRD Lands, Urban Lands) and zone classifications:

1. Resource Lands
    a. Commercial Agriculture
    b. Commercial Forest
2. Rural Non-LAMIRD Lands
    a. Rural Residential
        i. Agriculture 5
        ii. Rural 5
        iii. Planned Unit Development
    b. Rural Working
        i. Agriculture 20
        ii. Forest and Range
    c. Rural Recreation
        i. Master Planned Resort
        ii. General Commercial
        iii. Rural Recreation
        iv. Planned Unit Development
3. Rural LAMIRD Lands
    a. Residential
    b. Residential 2
    c. Agriculture 3
    d. Agriculture 20
    e. Rural 3
    f. Rural 5
    g. Limited Commercial
    h. General Commercial
    i. Highway Commercial
    j. Light Industrial
    k. General Industrial
    l. Forest Range
    m. Planned Unit Development
4. Urban Lands
    a. Residential
    b. Urban Residential
    c. Agriculture 3
    d. Rural 3
    e. Rural 5
    f. Limited Commercial
    g. General Commercial
    h. Highway Commercial
    i. Light Industrial
    j. General Industrial
    k. Forest Range
    l. Planned Unit Development

(Ord. 2013-001, 2013;)

17.15.050 Allowed Uses in Resource Lands.

17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Resource	
	Commercial Agriculture	Commercial Forest
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU [17]	
Agriculture production*	P	P
Agriculture sales*, Produce Farm stand	P[16]/ AC[3028]	
Agriculture sales~~*, Other~~	CU	
Dairy	CU	CU
Feedlot*	CU	CU
Grazing*	P	P
Marijuana Processing*	~~P~~	
Marijuana Production*	~~P~~	
Marijuana, retail sales*		
Nurseries	P	

Riding academies	CU	
Small-scale event facility*	AC[25] / CU	
U-Pick/U-Cut Operations*	AC[29]	AC[29]
Farm Visit*	AC[29]	
	Commercial Agriculture	Commercial Forest
B. Civic Cultural Uses		
Cemetery	P[13]	
Clubhouses, fraternities and lodges*	AC[24]	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU[12]	
	Commercial Agriculture	Commercial Forest
C. Commercial		

Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	AC	
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant		
Retail sales,* general		
Retail sales,* lumber and building materials		
~~Retail sales, marijuana*~~		
Retail sales,* vehicles and equipment		
Services		
Shooting range*	CU[23]	CU[23]

Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P[22]	
	Commercial Agriculture	Commercial Forest
D. Industrial		
Airport*	P[20]	P[21]
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Impound/towing yard*		
Junkyard*		
Manufacturing*		
Mini-warehouse		

Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA [27] /CU [26]	
Wholesale business		
	Commercial Agriculture	Commercial Forest
E. Recreation		
Campground*		P [18]
Golf course*		
Guest r~~R~~anch or G~~g~~uest Farm*	CU	
Parks and playgrounds*		P [15]
Recreation, indoor*		
Recreation, outdoor*		P [18]
Recreational vehicle storage		
Stadium		
Trails	PA	PA
	Commercial	Commercial

	Agriculture	Forest
F. Residential		
Accessory dwelling unit*	P[4]	
Accessory living quarters*	P[5]	
Adult family home*	P[10]	P[10]
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU[2]	
Group home*		
Home occupation*	P[8]	P[8]
Manufactured home*	P	P
Mobile home	P[6]	P[6]
Special care dwelling*	P[7]	P[7]
Temporary trailers	P[11]	P[11]

	Commercial Agriculture	Commercial Forest
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU[14]	P
Rock crushing*		P
	Commercial Agriculture	Commercial Forest
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P[3]	P[3]
Public facilities*	PA[19]	PA[19]
Utilities	P[1]	P[1]
Watershed management activities*	PA	PA

17.15.050.2 Footnotes Associated with Resource Use Table.

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
   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 (4) per twenty (20) contiguous acres of land area;
   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 agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.

3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
    a. ADUs shall be allowed as a permitted use within designated UGAs;
    b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
    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 the primary residence;
    f. All setback requirements for the zone in which the ADU is located shall apply;
    g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
    h. No mobile homes or recreational vehicles shall be allowed as an ADU;
    i. The ADU shall provide additional off-street parking;
    j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
    k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
    a. Accessory Living Quarters shall be located within an owner occupied primary residence;
    b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    e. Accessory Living Quarters are to provide additional off-street parking;
    f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
6. As of September 1, 1998, mobile homes are no longer 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.
7. Subject to the following requirements:
    The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
    a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    b. Placement is subject to obtaining a building permit for the manufactured home;
    c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    d. The Special Care Dwelling unit cannot be used as a rental unit;
    e. The Special Care Dwelling unit must be removed when the need for care ceases;
    f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
10. Pursuant to RCW70.128.140.

11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.
13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
16. When located ~~not less~~ no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
18. Limited to dispersed recreation and recreational facilities such as primitive campsites.
19. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
20. When used primarily in conjunction with agricultural activities.
21. For emergency and forest related management uses and practices only.
22. Limited to farm implement repair and maintenance.
23. 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 Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
    a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
    b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
    c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
    d. 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.
24. Limited to facilities that serve traditional rural or resource activities (such as granges).
25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
27. Limited to seasonal, non-structural hay storage.
28. ~~Marijuana production or processing on conforming legal lots of record are permitted outright and must:~~
    ~~a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.~~
    ~~b. Meet all International Fire Code and International Building Code requirements.~~
    ~~c. Agree to an annual fire protection inspection.~~
    ~~d. Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.~~

~~e. All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.~~

~~f. Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.~~

~~g. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.*~~

~~29. Marijuana production or processing on non-conforming legal lots of record must be at least 10 (ten) acres in size, are processed as an Administrative Conditional Use, and must:~~

~~a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.~~

~~b. Meet all International Fire Code and International Building Code requirements.~~

~~c. Agree to an annual fire protection inspection.~~

~~d. Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.~~

~~e. All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.~~

~~f. Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.~~

~~g. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.*~~

28. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.

29. When enhanced agricultural sales are provided.

~~*Publisher's Note: Exhibit B-1 in Ord. 2014-005 erroneously referenced footnotes 28 and 29 in 17.15.060.2.~~

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013;)

17.15.060

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Animal boarding*	CU		CU	CU		CU	CU	
Agriculture processing*	CU[23]		CU[23]	CU		P		
Agriculture production*	P[24]	P	P	P[24]	P[24]	P[24]	P[24]	P[24]
~~Agriculture sales,* Produce stand~~	~~P[22]/AC~~		~~P[22]/AC~~			~~P~~		

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Farm Stand *	P[22]/AC[51]	P[22]/AC[51]	P[22]/AC[51]	P[22]/AC[51]	P[22]/AC[51]	P	P[22]/AC[51]	P[22]/AC[51]
Agriculture Sales,* ~~Other~~	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	CU
Feedlot*			CU	CU				
Grazing*	P	P	P	P	P	P	P	P

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Marijuana processing*			~~P~~	~~P~~				
Marijuana production*			~~P~~	~~P~~				
Marijuana, retail sales*								
Nurseries	P		P	CU		P		
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC[45]/CU	AC[45]/CU	AC[45]/CU	AC[45]/CU				

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
U-Pick/U-Cut Operations*	P/AC[51]	CU	P/AC[51]	P/AC[51]			CU	
Farm Visit	CU	CU	AC[51]	AC[51]	CU	CU	CU	P[52]
	~~Agriculture 5~~[51]	~~Rural 5~~[51]	~~Agriculture 20~~[51]	~~Forest & Range~~	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
B. Civic Uses/Community Services								
Cemetery	P[21]	P[21]	P[21]	CU				
Clubhouses, fraternities and lodges*	AC[44]	AC[44]	AC[3]	AC[35]	AC		AC	

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Cultural and education facilities					P		P	
Libraries			CU[3]			CU		
Meeting facilities					P			
Museums and galleries						CU		
Religious institutions	CU		CU	CU	CU	CU	CU	
Schools, public or private*	P[25]		P[25]	CU			CU	

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
	~~Agriculture 5~~[51]	~~Rural 5~~[51]	~~Agriculture 20~~[51]	~~Forest & Range~~	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
C. Commercial								
Auction sales of non-agriculture products						CU		
Bank						CU		
Bed and breakfast*	AC	AC	AC	AC			AC	
Clinic*								

P Permitted PA Permitted Administrative CU Conditional Use * *See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Day care facilities*								
Funeral home/mortuary								
Hospital*								
Hospital, animal or veterinary*			CU			CU		
Hotel/motel					CU[6]			
Office*						P[17]		

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Restaurant				CU[36]	P	CU	CU	
Retail sales,* general				CU[36]	P	CU[18]	CU[18]	
Retail sales,* lumber and building materials								
~~Retail Sales, marijuana*~~								
Retail sales,* vehicles								
Services					P[20]	CU[50]		

P Permitted PA Permitted Administrative CU Conditional Use * *See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Shooting range*			CU[31]	CU[31]			CU[31]	
Tavern				CU[36]	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	P[16]		P[16]	CU[36]	P[42]	P[42]		
	~~Agriculture 5~~[51]	~~Rural 5~~[51]	~~Agriculture 20~~[51]	~~Forest & Range~~[51]	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
D. Industrial								

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU[37]				
Forest product processing* (portable)	P	P	CU	CU[35]				
Forest product processing* (permanent)			CU	CU				
Freighting and trucking yard or terminal*								
Hazardous waste storage*								

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Hazardous waste treatment*								
Impound/towing yard*								
Junkyard*								
Manufacturing*								
Mini-Warehouse						CU[14]		
Refuse disposal/recycle*			CU[19]					

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA[47]	PA[47]	PA[47]/CU[46]	PA[47]				
Wholesale business								
	~~Agriculture 5~~[51]	~~Rural 5~~[51]	~~Agriculture 20~~[51]	~~Forest & Range~~[51]	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
E. Recreation								

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Campground*	CU[12]	CU[12]	CU[12]	CU[12]	CU[13]	CU[12]	CU[12]	
Golf course*	CU	CU	CU	CU	CU		CU	
Guest ranch or guest farm *	CU	CU	CU	CU			CU	
Parks and playgrounds*	P	P	P[3]	P	P	P	P	P
Recreation, indoor*					P	CU	CU	P[26]
Recreation , outdoor*	AC	AC	CU	CU	AC	AC	AC	P[26]

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Recreational vehicle park*	CU	CU			CU		CU	
Recreational vehicle storage							CU	P[26]
Stadiums								
Trails	PA	PA	PA	PA	PA	PA	PA	PA
	~~Agriculture 5~~[51]	~~Rural 5~~[51]	~~Agriculture 20~~[51]	~~Forest & Range~~[51]	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
F. Residential								

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Accessory dwelling unit*	PA[27]	PA[27]	PA[27]	PA[27]			PA[27]	PA[27]
Accessory living quarters*	P[28]	P[28]	P[28]	P[28]	P[28]		P[28]	P[28]
Adult family home*	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]
Boarding house			CU[29]	CU[29]				
Convalescent home			CU	CU				
Dwelling, single-family*	P[33]	P[40]	P	P[34]	P[1]	PA[2]	P	P

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Dwelling, two-family*	P		P[3]	P[34]	P[1]		CU	P
Dwelling, multiple-family*					P[1]			P
Farm labor shelter*	CU[4]		CU[4]	CU[4]				
Group home*	CU	CU					CU	
Home occupation*	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]	P/CU[5]		P/CU[5]	P/CU[5]
Manufactured home*	P	P	P	P	P	PA[2]	P	P

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5[51]~~5[49]	Rural ~~5[51]~~5[49]	Agriculture ~~20[51]~~20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Mobile home	P[38]	P[38]		P[34]				
Special care dwelling*	P[30]	P[30]	P[30]				CU[30]	P[30]
Temporary trailer	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]
	~~Agriculture 5[51]~~	~~Rural 5[51]~~	~~Agriculture 20[51]~~	~~Forest & Range[51]~~	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
G. Resource								
Forestry*	P	P	P	P[34]				

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Forest product sales*				P				
Mining and excavation*	CU	CU[39]	CU	P[34]				
Rock crushing*		CU[39]		P[34]				
	~~Agriculture 5[51]~~	~~Rural 5[51]~~	~~Agriculture 20[51]~~	~~Forest & Range[51]~~	~~Master Planned~~	~~General Commercial~~	~~Rural Recreation~~	~~PUD~~
H. Utilities and Public Facilities								

P Permitted PA Permitted Administrative CU Conditional Use ** See KCC Chapter 17.08 Definitions*	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture ~~5~~[51] 5[49]	Rural ~~5~~[51] 5[49]	Agriculture ~~20~~[51] 20[49]	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Electric vehicle infrastructure*	P[32]	P[32]	P[32]	P[32]	P[32]	P[32]	P[32]	P[26]
Public facilities*	~~CU~~PA[553]	PA[553] ~~CU~~	PA[553] ~~CU~~	PA[553] ~~CU~~	PA[553]	PA[553] ~~CU~~	PA[553]	PA[553]
Utilities	P[9]	P[9]	P[10]	P[9]	P[11]	P[9]	P[9]	P[9]
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).
4. Provided:
    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 (4) per twenty (20) contiguous acres of land area;
    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 agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.
6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
    a. Campgrounds should be located at sufficient distance from existing 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. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).

13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
14. 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 thirty-five (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 (2) and shall not exceed forty (40) square feet each in area.
15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
16. Limited to farm implement repair and maintenance.
17. Limited to offices directly related to tourism and recreation.
18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
19. Limited to composting facilities.
20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
21. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
22. When located ~~not less~~ no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
23. Hay processing and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permits.
24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
26. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
27. Subject to the following requirements:
    a. ADUs shall be allowed as a permitted use within designated UGAs;
    b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
    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 the primary residence;
    f. All setback requirements for the zone in which the ADU is located shall apply;

g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
h. No mobile homes or recreational vehicles shall be allowed as an ADU;
i. The ADU shall provide additional off-street parking;
j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
k. An ADU must have adequate acreage to meet maximum density within the zone classification.

28. Subject to the following requirements:
    a. Accessory Living Quarters shall be located within an owner-occupied primary residence;.
    b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    e. Accessory Living Quarters are to provide additional off-street parking;
    f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
30. Subject to the following requirements:
    a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
    b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    c. Placement is subject to obtaining a building permit for the manufactured home;
    d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    e. The Special Care Dwelling unit cannot be used as a rental unit;
    f. The Special Care Dwelling unit must be removed when the need for care ceases;
    g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
31. 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's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
    a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
    b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
    c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
    d. 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.

32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.
38. As of September 1, 1998, mobile homes are no longer 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. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
41. Pursuant to RCW 70.128.140.
42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
43. Includes truck stop operations. Minor repair work permitted.
44. Limited to facilities that serve traditional rural or resource activities (such as granges).
45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
47. Limited to seasonal, non-structural hay storage.
48. ~~[redacted]~~
49. ~~Marijuana production or processing on non-conforming legal lots of record must be at least 10 (ten) acres in size, are processed as an Administrative Conditional Use, and must:~~
    a. ~~Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.~~
    b. ~~Meet all International Fire Code and International Building Code requirements.~~
    c. ~~Agree to an annual fire protection inspection.~~
    d. ~~Provide 125% bonding or assignment of funds for insuring completion of fence plan and survival of any landscaping necessary to visually screen required fences. Bond will be held for five (5) years to insure the survival of any visual screening vegetation.~~
    e. ~~All buildings or planting operations requiring security by law must be setback at least 60 feet from any property boundary.~~
    f. ~~Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.~~
    g. ~~Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water~~

~~for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.*~~

~~50.~~48. Services limited to resource based industries**

49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.**

50. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.

51. When enhanced agricultural sales are provided.

52. When approved as part of the PUD development plan.

~~51.~~53. Pursuant to KCC Chapter 17.62, Public Facilities Permits.

~~*Publisher's Note: Exhibit B-1 in Ord. 2014-005 erroneously referenced footnotes 48 and 49 in 17.15.070.2.~~
~~**Publisher's Note: Exhibit B in Ord. 2014-005 erroneously added footnotes 48 and 49, which were already added in Ord. 2014-004. The footnotes were increaesd~~increased ~~to 50 and 51 respectively.~~

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013;)

17.15.070 Allowed Uses in Rural LAMIRD Lands

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to ~~onethird~~one third (1/3) of the lot.

17.15.070.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
A. Agriculture														
Animal boarding*	CU[1]			CU	CU				CU			CU		
Agriculture processing*				P[2]	P/CU [4]		P/CU[4]	P/CU[4]	CU		P/CU[4]	P/CU[4]	P/CU[4]	P/CU[4]
Agriculture production*	CU[1]		P	P[5]			P[4]	P[4]	P[5]					P[4]

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Agriculture sales,* ~~Produce~~ Farm stand*				P[7]/AC	P	P					P	P	P	
Agriculture sales~~,*~~ ~~Other~~				CU										
Feedlot*														
Grazing*			P	P	P	P	P	P	P		P	P	P	P

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50,52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Marijuana Processing*							ACU[56]	ACU[56]						
Marijuana Production*							ACU[56]	ACU[56]						
Marijuana, retail sales*														
Nurseries	CU			P					CU		CU	CU	CU	CU
Riding academies				CU					CU					

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Small-scale event facility*														
U-Pick/Cut Operations*														
Farm Visit*														
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
B. Civil and														

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Cultural														
Cemetery			P[9]	P[9]					CU					
Clubhouses, and lodges*	CU		P	P[10]					CU					
Cultural and education facilities	CU													
Libraries	CU			CU	CU									

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Meeting facilities														
Museums and galleries	CU			CU	CU	CU			CU			CU	CU	
Religious institutions*	CU	CU		CU					CU					
Schools, public and private*	CU	CU	CU	CU	CU				CU					

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
C. Commercial														
Auction sales of non-agriculture products											P	P		
Bank					PA	PA								

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Bed and breakfast*	CU	CU	CU	CU	CU	CU			CU	CU	CU[51]	CU[51]	CU[51]	
Clinic*	CU[12]			CU	CU									
Day care facilities*				CU	CU							CU		
Funeral home/mortuary					CU									
Hospital*														

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Hospital, animal or Veterinary*					CU						CU	CU		
Hotel/motel					CU	CU						CU[53]	CU[53]	
Office*					PA	PA[13]						PA	PA[13]	
Restaurant					PA	PA					P	P	P	
Retail sales,* general					P[48]	P[14]					P[48]	P[48]	P[14]	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Retail sales,* lumber and building materials					P[15]							P[15]		
~~Retail sales, marijuana*~~														
Retail sales,* vehicles												PA		
Services					P[45]	P					P[45]	P[45]		

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Shooting range*					CU[40]							CU[40]		
Tavern					P	P				P		P	P	
Temporary sales office														
Vehicle/equipment service and repair*					P[11]	P[19]					P[18]	P[11]	P[19]	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
D. Industrial														
Airport*				CU										CU[46]
Asphalt/Concrete plants									CU[47]					
Forest product processing*			P	P					CU			CU		CU

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
(portable)														
Forest product processing* (permanent)				CU					CU			CU		CU
Freighting and trucking yard or terminal*														
Hazardous waste storage*														CU

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Hazardous waste treatment*														
Impound/Towing Yard*														
Junkyard*														
Manufacturing*												P		P
Mini-					CU[22]		P		CU[22]		P[22]	P[22]		P

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
warehouse														
Refuse disposal/recycle*														
Research laboratories											CU			P
Wastewater treatment														
Warehousing and														

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
distribution														
Wholesale business											CU[54]	P[54]		P[54]
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
E. Recreation														

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Campgrounds			CU[21]	CU[21]	CU[21]	CU[21]			CU[21]				CU[21]	
Golf courses			CU	CU					CU					
Guest r~~R~~anch or guest farm			CU	CU					CU					
Parks and playgrounds *	P	P	P	P	P	P			P	P	P	P	P	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Recreation, indoor*					P	P				P[35]		P	P	
Recreation, outdoor*					CU	CU				P[35]		CU	CU	
Recreational vehicle park*										P[35]				
Recreational vehicle storage*										P[35]				

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Stadiums														
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential														
Accessory dwelling unit	P[24]	P[24]	P[24]	P[24]	P[25]					P[24]				
Accessory living	P[36]	P[36]	P[36]	P[36]	P[25]					P[36]	P[36]	P[36]		

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
quarter														
Adult family home	P[42]	P[42]	P[42]	P[42]	P[42]	P[42]			P[42]	P[42]	P[42]	P[42]	P[42]	
Boarding house	CU[37]			CU[37]					CU[37]					
Convalescent home				CU					CU					
Dwelling, single-family	P	P	P	P	P				P	P	P[25]	P[25]		

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Dwelling, two-family	P	P		P	P[25]				P	P				
Dwelling, multiple-family	CU									P				
Farm Labor Shelter				CU[26]					CU[26]					
Group Home			CU											

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Home occupation	P/CU[27]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]	P/CU[28]
Manufactured home	P	P	P	P	P				P	P	P[25]	P[25]		
Mobile homes		P[38]	P[6]						P					
Special care dwelling	P[39]	P[39]	P[39]	P[39]	P[39]					P	P[39]	P[39]		
Temporary	P[29]	P[29]	P[29]	P[29]	P[29]		P[29]	P[29]	P[29]	P[29]	P[29]	P[29]		P[29]

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
trailers														
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
G. Resource														
Forestry*			P	P					P					
Forest product sales*									P					

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Mining and excavation*												CU		CU
Rock crushing*												CU		CU
H. Utilities and Public Facilities														
Electric vehicle infrastructure	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[23]	P[35]	P[23]	P[23]	P[23]	P[23]

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Rural LAMIRD[49] (Type 1 LAMIRDs)										Rural Employment Centers[50],[52] (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Public facilities	PA[55]	PA[55]	PA[55] ~~CU~~	PA[55] ~~CU~~	PA[55] ~~CU~~	PA[55]	PA[32, 55]	PA[55]	PA[55] ~~CU~~	PA[55]	PA[55]	PA[55] ~~CU~~	PA[55]	PA[32, 55]
Utilities	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]
Watershed management activities	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. As of September 1, 1998, mobile homes are no longer 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. Single family and mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
7. When located ~~not less~~no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. 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.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Not permitted in the Agriculture Study Overlay Zone.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes
18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
    a. All chemical manufacture, storage and/or packaging;
    b. Asphalt manufacture, mixing, or refining;
    c. Automobile dismantling, wrecking or junk yards;
    d. Blast furnaces or coke ovens;

e. Cement, lime, gypsum or plaster of Paris manufacture;
f. Drop forge industries;
g. Explosives, storage or manufacture;
h. Reduction or disposal of garbage, offal or similar refuse;
i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
j. Rubber reclaiming;
k. Feed yards, livestock sales yards or slaughterhouses;
l. Smelting, reduction or refining of metallic ores;
m. Tanneries;
n. Wineries;
o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
p. Waste (refuse) recycling and processing;
q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:

r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors, and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.

21. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
    a. Campgrounds should be located at sufficient distance from existing 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. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
22. 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 thirty-five (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 (2) and shall not exceed forty (40) square feet each in area; and
f. In Type 3 LAMIRDS, the use shall be conducted wholly within an enclosed building.

23. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
24. Subject to the following requirements:
    a. ADUs shall be allowed as a permitted use within designated UGAs;
    b. ADU's shall be subject to obtaining an Administrative Use permit in areas outside of UGAs;
    c. Only one (1) 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.
    l. An ADU must have adequate acreage to meet maximum density within the zone classification.
25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. 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 (4) per twenty (20) contiguous acres of land area;
    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
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In Type 3 LAMIRDs, home occupations are allowed only in existing residences.
29. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.

31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to KCC Chapter 17.66.
36. Subject to the following requirements:
    a. Accessory Living Quarters shall be located within an owner occupied primary residence;
    b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    e. Accessory Living Quarters are to provide additional off-street parking;
    f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists; and
    g. In Type 3 LAMIRDS, Accessory Living Quarters may only be allowed in an existing residence.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer 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.
39. Subject to the following requirements:
    a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
    b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    c. Placement is subject to obtaining a building permit for the manufactured home;
    d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    e. The Special Care Dwelling unit cannot be used as a rental unit;
    f. The Special Care Dwelling unit must be removed when the need for care ceases;
    g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
40. 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. Shooting ranges in Type 1 LAMIRDS must be indoors. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
    a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.

b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
d. 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.

41. Outdoor recreation activities that cause noise require a conditional use permit.
42. Subject to provisions of RCW 70.128.140.
43. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
44. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
45. Services limited to resource based industries, barbershops, beauty parlors, dry cleaning and laundry branch offices, self-service laundry and cleaning, shoe repair shops and physical culture and health services.*
46. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.*
47. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.*
48. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*
49. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.i. RCW 36.07A.070(5)(d)(i).*
50. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.iii RCW 36.70A.070(5)(d)(iii).*
51. Allowed only in existing residences.*
52. Any new Type 3 LAMIRD is required to be at least one-half mile from another Type 3 LAMIRD, and will permit only one business and/or businesses associated with the primary business in the new LAMIRD Type 3. Type 3 LAMIRDs existing as of 2014 are not limited to one business.*
53. Permitted only within existing Type 3 LAMIRDs.*
54. Wholesale activity will not exceed 4000 square feet in space.*
~~54.~~55. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
56. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.

~~*Publisher's Note: Exhibit C in Ord. 2014-005 added footnotes 43 through 52, which conflicted with footnotes 43 and 44 added in Ord. 2014-004. Footnotes 43 through 52 in Exhibit C of Ord. 2014-005 have been increased by 2, to 45 through 54.~~

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013;)

17.15.080 Allowed Uses in Urban Lands

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
A. Agriculture													
Animal boarding*	CU[1]			CU				CU				CU	
Agriculture processing*				P[2]				P		P[4]	P[4]	CU	
Agriculture production*	CU[1]	CU[5]		P[5]	P	P				P[4]	P[4]	P[5]	
Agriculture sales,* Produce Farm stand				P[7]/AC[46]					P			P[7]/AC[46]	
Agriculture sales,~~* Other~~		CU		CU				CU				CU	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Dairy													
Feedlot*				CU[8]								CU[8]	
Grazing*		P		P	P	P	P	P	P	P	P	P	
Marijuana Processing*										~~P~~ ACU[44]	ACU[44]		
Marijuana Production*										~~P~~[44] ACU[44]	ACU[44]		
Marijuana, retail sales*													
Nurseries	CU	CU		P								CU	
Riding Academies		CU		CU		CU						CU	
Small-scale				AC[42]/	AC[42]	AC[42]						AC[42]	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
event facility*				CU	/CU	/CU						/CU	
U-Cut/U-Pick operation*				P/AC[4][5]									
Farm Visit*				CU	CU	CU	CU	CU	CU			CU	
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
B. Civic and Cultural													
Cemetery				P[9]		P[9]						CU	
Clubhouses, fraternities and lodges*	AC	AC		P	P	P						AC	
Cultural and educational	CU												

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
facilities													
Libraries				CU			P	P					
Meeting facilities													
Museums and galleries	CU	CU		CU				P[11]	P			CU	
Religious institutions*	CU	CU		CU								CU	
Schools, public or private*		CU		CU			P	P				CU	
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
C. Commercial													

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Auction sales of non-agriculture products				CU				P				CU	
Bank								P	P				
Bed and breakfast*				AC		AC						AC	
Clinic*	CU[12]												
Day care facilities*				CU			CU	CU	CU			CU	
Funeral home/mortuary								CU					
Hospital*	CU			CU				P				CU	
Hospital, animal or veterinary*								CU					

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Hotel/motel								P	P				P
Office*								P	P[13]				
Restaurant							P	P	P				P
Retail sales,* general							P[11]	P[11]	P[14]				P
Retail sales,* lumber and building materials								P[15]					P
~~Retail sales, marijuana*~~													
Retail sales,* vehicles								P					P

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Services							P[11]	P[11]	P[11]				
Shooting range*								CU [6]				CU [6]	
Tavern								P	P				P
Temporary sales office													
Vehicle/ equipment service and repair*							P[18]	P[11]	P[19]				
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
D. Industrial													
Airport*				CU				CU				CU	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Asphalt/Concrete plants												CU	
Forest product processing* (portable)				P	P	P						P	
Forest product processing* (permanent)				CU								CU	
Freighting and trucking yard or terminal*								CU		P	P	CU	
Hazardous waste storage*								CU		CU	CU[20]		
Hazardous waste treatment*								CU		CU	CU[20]		

P Permitted PA Permitted Administrative CU Conditional Use *See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Impound/ Towing Yard*								ACU	ACU	P	P		
Junkyard*								CU			CU[20]		
Manufacturing*								P		P	P[20]		
Mini-Warehouse					CU[22]	CU[22]	P[11]	P[11]		P		CU[22]	
Refuse disposal/recycle*										CU	CU [20]	CU	
Research laboratories										P	P		
Wastewater treatment													
Warehousing and distributio	PA[43]	PA[43]	PA[43]	PA[43]	PA[43]	PA[43]	PA[43]	PA[43]	PA[43]	P	P	PA[43]	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
n													
Wholesale business								P		P	P		
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
E. Recreation													
Campground*				CU[21]	CU[21]	CU[21]		CU[21]	CU[21]			CU[21]	
Golf course*				CU	CU	CU						CU	
Guest ranch or guest farm*				AC	AC	AC						AC	
Parks and playgrounds*	P	P		P	P	P	P	P				P	P

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Recreation, indoor*				CU	CU	CU		P	P			CU	P[35]
Recreation, outdoor*				AC	AC	AC		P[39]	P[39]			AC	P[35]
Recreational vehicle park*													
Recreational vehicle storage													P
Stadiums								CU					
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
F. Residential													
Accessory dwelling unit*	P[24]	P[24]		P[24]	P[24]	P[24]		P[25]					P[24]
Accessory living quarters*	P[36]	P[36]		P[36]	P[36]	P[36]		P[25]					P[36]
Adult family home*	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]	P[41]			P[41]	P[41]
Boarding house	CU[37]			CU[37]								CU[37]	
Convalescent home												CU	
Dwelling, single-family*	P	P	P[40]	P	P	P	P	P[25]				P	P

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Dwelling, two-family*	P	P		P			P	P[25]				P	P
Dwelling, multiple-family*	AC												P
Farm labor shelter*				CU[26]								CU[26]	
Group home*					CU	CU						CU	
Home occupation*	P/CU[27]	P/CU[28]		P/CU[28]	P/CU[28]	P/CU[28]						P/CU[28]	P/CU[28]
Manufactured home*	P	P	P	P	P	P	P	P				P	P
Mobile home		P[38]	P[40]		P[38]							P[38]	P[38]
Special care	P[17]	P[17]		P[17]	P[17]	P[17]	P[17]						P[17]

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
dwelling*													
Temporary trailer	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]	P[29]		CU[29]
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
G. Resource													
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU[30]	CU[31]	CU[31]						P	
Rock					CU[31]	CU[31]						P	

P Permitted PA Permitted Administrative CU Conditional Use **See KCC Chapter 17.08 Definitions*	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
crushing"													
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
H. Utilities and Public Facilities													
Electric vehicle infrastructure*	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]	P[10]
Public facilities*	PA[47]	PA[47] ~~CU~~	PA[47]	PA[47] ~~CU~~	PA[47] ~~CU~~	PA[47]	PA[47]	PA[47] ~~CU~~	PA[32, 47]	PA[47]	PA[47]	PA[47] ~~CU~~	PA[47]
Utilities	P[33]	P[33]		P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

17.15.080.2 Footnotes Associated with Urban Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Feed yards, livestock sales yards, and slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. 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 review of said site plan and the proposal as a whole shall include, but not be limited to the following criteria:
    a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
    b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
    c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
    d. 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.
7. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. 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.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Subject to the following requirements:

a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located.
b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal.
c. Placement is subject to obtaining a building permit for the manufactured home.
d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.
e. The Special Care Dwelling unit cannot be used as a rental unit.
f. The Special Care Dwelling unit must be removed when the need for care ceases.
g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.

18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
    a. All chemical manufacture, storage and/or packaging;
    b. Asphalt manufacture, mixing, or refining;
    c. Automobile dismantling, wrecking or junk yards;
    d. Blast furnaces or coke ovens;
    e. Cement, lime, gypsum or plaster of Paris manufacture;
    f. Drop forge industries;
    g. Explosives, storage or manufacture;
    h. Reduction or disposal of garbage, offal or similar refuse;
    i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
    j. Rubber reclaiming;
    k. Feed yards, livestock sales yards or slaughterhouses;
    l. Smelting, reduction or refining of metallic ores;
    m. Tanneries;
    n. Wineries;
    o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
    p. Waste (refuse) recycling and processing;
    q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

    In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:

    r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;

s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.

21. In considering proposals for location of such campgrounds, the Board shall consider at a minimum the following criteria:
    a. Campgrounds should be located at sufficient distance from existing 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. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation)
22. 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 thirty-five (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 (2) and shall not exceed forty (40) square feet each in area;
23. Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one (1) acre is available. Excluding swine and mink.
24. Accessory Dwelling Unit (ADU) subject to the following requirements:
    a. ADUs shall be allowed as a permitted use within designated UGAs.
    b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.
    c. Only one (1) 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.

l. An ADU must have adequate acreage to meet maximum density within the zone classification.

25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. 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 (4) per twenty (20) contiguous acres of land area;
    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
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. No sign advertising a home occupation shall exceed sixteen (16) square feet in size.
29. When used for temporary occupancy for a period not to exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met.
36. Subject to the following requirements:
    a. Accessory Living Quarters shall be located within an owner occupied primary residence.
    b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.
    c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.
    d. Only one (1) Accessory Living Quarters shall be allowed per lot.
    e. Accessory Living Quarters are to provide additional off-street parking.

f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.

37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer 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.
39. Outdoor recreation activities that cause noise require a conditional use permit.
40. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.
41. Pursuant to RCW 70.128.140.
42. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
43. Limited to seasonal, non-structural hay storage.
~~44. Activities requiring security must:~~
    ~~a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.~~
    ~~b. Meet all International Fire Code and International Building Code requirements.~~
    ~~c. Agree to an annual fire protection inspection.~~
    ~~d. All production must take place within a fully enclosed secure indoor facility.~~

~~45. Allowed marijuana production and processing must be operated within an entirely enclosed structure.~~

44. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.
45. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
46. When enhanced agricultural sales are provided.
47. Pursuant to KCC Chapter 17.62, Public Facilities Permits.

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013

EXHIBIT O: Docket Item 14-10D

14-10D Kittitas County Proposal:
Amend Kittitas County Code in Adding Chapter 17.70, Sign Regulations and Repealing Chapter 17.72, thereby Creating a New Sign Ordinance

Kittitas County Code Title 17, Zoning, is amended with a New Chapter 17.70, Signs, as follows:

Title 17 | ZONING*

Chapters

17.70 Signs
17.72 ~~Signs~~ Repealed

Chapter 17.70
SIGNS

Sections

17.70.010 Purpose.
17.70.020 Applicability
17.70.030 Definitions
17.70.040 Exempt signs
17.70.050 Prohibited signs
17.70.060 General regulations. .
17.70.070 Specific sign regulations.
17.70.080 Nonconforming signs.
17.70.090 Administration and enforcement.
17.70.100 Maintenance and termination of signs..

17.70.010 Purpose.

The purpose of this chapter is to accommodate and promote signs by providing minimum standards to safeguard life, health, and visual quality. This is accomplished by regulating and controlling the number, size, design, construction and location of all signs and sign structures. This chapter is further intended to preserve and improve the appearance of the County as a place to live and as an attraction to nonresidents who want to visit or do business. It encourages sound signing practices as an aid to business and public information while preventing excessive, confusing sign displays.

17.70.020 Applicability.

1. No sign governed by the provisions of this chapter shall be erected, structurally altered, relocated, or have its illumination characteristics changed or relocated by any person, firm or

corporation without a permit from the department. Sign permits shall be processed pursuant to KCC Section 15A.03 Project Permit Application Review.

2. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign, or for sign face and copy changes that do not alter the size or structure of the sign.

17.70.030 Definitions.

1. "Abandoned sign" means any sign located on property that is vacant and unoccupied for a period of six months or more, or any sign which pertains to any occupant, business or event unrelated to the present occupant or use.
2. "Building face" is the exposed building front or exposed exterior wall, including windows and doors, of a building from the grade of the building to the eave line or parapet and the entire width of the building elevation.
3. "Building side" is a surface of a building that extends more or less perpendicularly from an observer standing in front of a building.
4. "Canopy" is a freestanding permanent roof-like structure composed of rigid materials providing protection from the elements that may have support columns and/or it may be supported in whole or in part by an adjacent structure.
5. "Construction sign" means any sign used to identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building, and to show the design of the building or the purpose for which the building is intended.
6. "Changing message center sign" means an electronically controlled sign where different automatic changing messages are shown on the lamp bank. This definition includes time and temperature displays.
7. "Directional sign" means signs indicating entrances, exits, service areas, loading only, and parking areas, and which do not contain advertising or promotional information.
8. "Electronic display systems" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premises activities.
9. "Flashing or blinking sign" means an electric sign or a portion thereof (except changing message centers) which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the incandescent light source is off at any one time.
10. "Freestanding sign" means any sign supported by one or more uprights, poles or braces in or upon the ground and that are independent from any building or other structure.
11. "Illuminated sign" means an electric sign or other sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.
12. "Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this chapter or subsequent revisions, but which is in conflict with the current provisions of this chapter.
13. "Monument signs" means a sign permanently affixed to the ground by a wide, solid base that is nearly the same width as the sign face.
14. "Multiple building complex" means a group of structures containing two or more retail, office and/or commercial uses sharing the same lot, access and/or parking facilities, or a coordinated site plan. For purposes of this section, each multiple building complex shall be considered a single use.

15. “Multiple tenant building” means a single structure housing two or more retail, office, or commercial uses. For purposes of this section, each multiple tenant building shall be considered a single use.
16. “Off-premises sign” means a sign which advertises or promotes merchandise, service, goods, or entertainment which is sold, produced, manufactured or furnished at a place other than on the property on which the sign is located.
17. “On-premises sign” means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, person, firm, or corporation occupying the premises.
18. "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. 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.
19. “Residential sign” means any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service location conforms with all requirements of this title.
20. “Sight triangle” means areas along intersection approach legs and across their included corners where obstructions may cause a driver’s view of approaching vehicles to be blocked. Object heights are limited in the sight triangle in accordance with current AASHTO standards
21. “Sign” means any communication device, structure, or fixture (including the supporting structure) that identifies, advertises and/or promotes an activity, product, service place, business, or any other use.
22. “Temporary sign” means any sign, banner, pennant, valance, or advertising display constructed of cloth, paper, canvas, cardboard, and/or other light, nondurable materials. Types of displays included in this category are signs for grand openings, special sales, special events, and garage sales.
23. “Wall sign” means any sign attached to or painted directly on the wall, or erected against and parallel to the wall of a building, not exceeding more than twelve inches from the wall.
24. “Window sign” means any sign placed upon or painted on the interior or exterior surface of a window or placed inside the window within three feet of the window surface, which faces the outside and which is intended to be seen primarily from the exterior.

17.70.040 Exempt signs.

The following signs do not require a permit and are exempt from the application, permit, and fee requirements of this Title. This shall not be construed as relieving the owner of the sign from the responsibility of erecting and maintaining it in conformance with the intent of this chapter or other applicable law or ordinances.

1. Official flags, emblems and/or insignia and including the flagpole of any governmental unit and internationally or nationally recognized organizations;

2. Official and legal notices by any court, public body, persons or officer in performance of a public duty, or in giving any legal notice;
3. Directional, warning, regulatory, or information signs or structures required or authorized by law; or by federal, state, county, or city authority;
4. Political signs not exceeding thirty-two (32) square feet which, during a campaign, advertise a candidate for public elective office, a political party, or promote a position of a public issue, provided such signs are not posted in a county right-of-way and are removed within thirty days following the election;
5. Construction and real estate signs not exceeding thirty-two (32) square feet in area;
6. All temporary signs, provided such signs shall not be displayed for more than sixty (60) days, and provided they do not exceed thirty-two square (32) feet in area;
7. Structures intended for a separate use such as phone booths, donation collection containers or other similar structures;
8. Gravestones;
~~1.~~9. Non-commercial artistic images painted on or affixed to a building, including barn quilts & old commercial signs as long as the intent of the sign is that of decoration and not advertisement;
10. Farm, ranch, or single family residence identification sign;
11. Painting or repainting an advertising structure; changing the advertising copy message thereon, unless structural change is made; or replacing the illumination bulbs or equipment on a sign without changing illumination characteristics.
12. One sign less than four (4) square feet in area not otherwise addressed within this chapter;
13. Farm product identification signs, provided they do not exceed ten (10) square feet in area;
14. Grand openings and special event signs not exceeding thirty-two (32) square feet which would include banners, streamers and temporary signs, provided they do not exceed a period of more than thirty-five (35) days, and provided they do not obstruct pedestrian or vehicular travel;
15. One (1) A-frame or sandwich board sign, provided the sign is no taller than forty-eight (48) inches and no wider than thirty (30) inches, and provided that one (1) such sign shall be allowed per business/use and only be placed in front of that business/use during business hours.

17.70.050 Prohibited signs.

The following signs and sign components are prohibited:

1. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, or which obstruct the visibility of any such signal, or which could cause confusion with any official sign or signal;
2. Signs attached to utility poles, street lights, and traffic control standard poles;
3. Signs attached to trees, or painted or drawn upon rocks or other natural features.
4. Signs in a dilapidated or hazardous condition;
5. Abandoned signs;
6. Signs on doors, windows, fire escapes or pedestrian paths that restrict free ingress, egress or movement;
7. Flashing/blinking signs, except electronic display systems as defined in Section 17.72.030;

8. Signs placed within a right-of-way or projecting over public rights-of-way, roads, streets or sidewalks;
9. Signs with animated or moving parts.
10. Beacons;
11. Inflatable signs.
12. Swooper advertising flags or banners

17.70.060 General regulations.

The type, number, height, setbacks and maximum sign area are subject to the review procedures of this chapter, and are established for all signs in all zoning districts.

1. Development Standards.
    a. Construction shall satisfy the requirements of KCC Title 14 and the International Codes.
    b. All signs, together with their supports, braces, and guys, shall be maintained in a safe and secure manner.
    c. Except for exempt signs as provided in KCC Section 17.72.030, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
    d. The ratio of the area of the sign support, framing structure and/or other decorative features which contain no written or advertising copy to the sign cabinet shall not be greater than one to one (1 to 1).
    e. Setbacks. All signs shall be at least ten (10) feet from the front property line, but must be setback additional distance if right of way extends onto property so that the sign is no closer than ten (10) feet from the edge of the right of way.
    f. Sight Triangles: Signs must be located in conformance with KCC Section 12.04.030.E for sight triangles.
    g. Height. Except where allowed or restricted otherwise in this chapter, all signs and supporting structures shall be no higher than the allowed building height in the applicable zoning district.
    h. Projecting, hanging, and awning signs shall maintain a minimum clearance of eight (8) feet above the finished grade.
2. Illumination. Illumination from any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light onto private or public property or right-of-way in the surrounding area, and so as to avoid unreasonable distractions of pedestrians or motorists.
3. Computations. The following principles shall control the computation of sign area and sign height:
    a. Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall that is clearly incidental to the display itself.

b. Area of Multi-Faced Signs. The sign area shall be computed by adding together the area of all sign faces. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the faces. No greater than two (2) faces are permitted per freestanding sign.

c. Height. The height of a sign shall be computed as the distance from the base of the sign at the average finished grade of the lot to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, or the property is improved with curbs and gutters, sign height shall be computed on the assumption that the elevation of the normal grade at the sign is equal to the average elevation of the roadway within fifty (50) feet in either direction of the proposed sign.

4. Number of signs.

a. Only one (1) monument sign is allowed on each frontage, including for multi-tenant buildings, provided it is not located on the same street frontage as an allowed freestanding sign.

b. Only one (1) freestanding sign is allowed on each frontage, including for multi-tenant buildings, provided it is not located on the same street frontage as an allowed monument sign.

c. Single or multiple occupancy buildings whose premises extend through a block to face on two (2) parallel or nearly parallel roads with customer entrances on each road are permitted one (1) freestanding sign or monument sign per road frontage; provided, that each freestanding sign or monument sign is located on different road frontages. Where a multi-tenant development does not abut a public street frontage, one (1) multi-tenant sign shall be allowed. However, no signs shall be permitted on roads abutting residential districts.

d. Unless otherwise addressed in this chapter, the number of wall or window signs shall not be limited as long as the maximum sign surface area per building face is not exceeded.

e. Only one (1) suspended and/or projecting sign shall be permitted per exterior building entrance;

f. One (1) suspended and/or projecting sign per business shall be allowed under a canopy.

5. Any signs visible from a Washington State-designated scenic byway shall comply with the requirements of Chapter 47.42 RCW and other applicable state requirements, as administered by the appropriate state agency, including any permitting required by the Washington State Department of Transportation.

6. One (1) informational sign per business or use may be permitted indicating the use or business name and the direction in which it is located. The name or logo may be listed but shall not be the primary focus or feature of the sign. Such signs may be a maximum of four (4) feet in height.

17.70.070 Specific sign regulations.

All permitted signs shall comply with one of the following types of structural and/or construction-related requirements**:**

1. Monument Signs
    a. Unless otherwise permitted herein, each monument sign shall be no larger than thirty-two (32) square feet;
    b. Unless otherwise permitted herein, each monument sign shall be no taller than forty-two (42) inches above street grade when located within the sight triangle, and no taller than seventy-two (72) inches above finished grade when located outside of the sight triangle;
    c. Monument signs shall be constructed as ground-mounted signs with the message component of the sign located above the average ground elevation and attached to the ground by means of a wide base of solid appearance.

2. Freestanding Signs
    a. Unless otherwise permitted herein, each freestanding sign shall be no larger than thirty-two square feet (32); except that a multi-tenant freestanding signs shall not exceed a maximum of one hundred fifty (150) square feet in area.
    b. The maximum size for outdoor advertising signs shall be thirteen (13) feet in height and twenty-five (25) feet in length or three hundred twenty-five (325) square feet in area, including border and trim, but excluding supports, In no case shall more than two signs outdoor advertising signs be permitted on the same lot.

3. Wall or Window Signs
    a. Signs attached to a building shall not project above the roof line;
    b. Wall signs shall not extend more than twelve (12) inches out from wall, and shall be mounted parallel with the building face;
    c. Each wall and/or window sign, calculated together for any single building face, shall not exceed the figures derived from the following table:

Building Face	**Maximum Sign Surface Area Per Building Face**
Below 100 square feet	Up to 12 square feet.
100 – 200 square feet	Up to 20 square feet, not to exceed 10% of the building face.
201 – 500 square feet	Up to 42 square feet, not to exceed 10% of the building face.
501 – 1,000 square feet	Up to 75 square feet, not to exceed 10% of the building face
1,001 – 1,500 square feet	Up to 150 square feet, not to exceed 10% of the building face.
1,501 – 3,000 square feet	Up to 169 square feet, not to exceed 10% of the building face; and also provided that no single sign shall exceed160 square feet.
Over 3,001 square feet	Up to 214 square feet, not to exceed 10% of the building, face; and also provided, that no single sign shall exceed 160 square feet.

4. Suspended and Projecting Signs

a. No signs shall project into the public right of way.
b. Projecting signs may be placed in lieu of freestanding signs. Projecting signs are limited to one-half of the size of a freestanding sign.
c. The size of a suspended and/or projecting sign shall not exceed four (4) square feet;
d. Each suspended and/or projecting sign shall have at least two (2) attachments to the building from which they project and such other guy wires, chains, or cables as may be deemed necessary by the county building official. Additional attachments may be required based on required engineering;
e. Any projecting sign located under the canopy shall be mounted perpendicular to the building face. It shall be attached to the building and in no case shall a projecting sign be attached to the canopy posts;
f. Each projecting sign shall not project more than five feet from the building face for an individual business. The structure around or supporting the sign, such as wrought iron work, shall not be included in the total sign area;
g. All guy wire supports shall be engineered and reviewed and approved by the county building official. No guy wires shall be spread at an angle less than twenty-five degrees and shall be fastened with approved expansion bolts to a solid brick or stone wall or by machine screws in an iron building face, or by light screws if the building face is solid woodwork.

5. Off-Premises directional signs.
a. The maximum height of an off-premises directional sign shall not exceed ten (10) feet from the ground level at its base.
b. The maximum sign dimensions for an off-premises directional sign shall be four (4) feet in height and eight (8) feet in length, excluding supports and foundations, for a total maximum sign area of thirty-two (32) square feet per face. Off-premises directional signs may be either single-faced or doublefaced.
c. Lighting. Lighting on off-premises directional signs shall be for the sole purpose of illuminating the advertising message on the display surface and shall not constitute any part of the message itself, directly or indirectly. There shall be no blinking, flashing or fluttering lights. All lighting shall be directed towards the display surface and shall not create a hazard to motorists or a nuisance to adjoining property owners.
d. State Scenic Byways. All off-premises directional signs visible from Washington State-designated scenic byway shall comply with the requirements of Chapter 47.42 RCW Highway Advertising Control Act and other applicable state requirements, as administered by the appropriate state agency.
e. Location Restrictions.
i. Four (4) off-premises directional signs may be located within a six hundred (600) foot diameter from a public road intersection; provided, that a greater distance may be required if the county finds that a specific off premises directional sign at a specific location will obstruct or physically interfere with a motorist's view of approaching, merging or intersection traffic.
ii. Off-premises directional signs shall not be located on a public right-of-way.
iii. Off-premises directional signs shall not be less than fifteen (15) feet from the outside edge of the public right-of-way.

iv. An off-premises directional sign shall not be located within six hundred (600) feet of another sign on the same side of the street (excepting for road intersections described above). Back-to-back and v-type sign structures shall be considered one sign structure.

v. Off-premises directional signs shall not be permitted as roof signs.

vi. Off-premises directional signs shall not block the public visibility of any on-premises signs or the visibility for motorists of any official traffic sign, signal or device.

6. Informational Signs

a. Signs may be used to indicate entrances, exits, parking areas, or drive-throughs to aid customers in circulation within parking lots. Signage shall be limited to a maximum of one sign per circulation component. The maximum size is four (4) feet in height. The name of the business or business logo may be listed but shall not be the primary focus or feature of the sign.

7. Signs for Seasonal Agricultural Sales

Farm stands dealing primarily in fresh, perishable produce, for any continuous period not to exceed six (6) months in any one calendar year, may have any number of signs; provided that:

a. The signs are affixed to the building within which the produce is sold;

b. No such single sign shall exceed four hundred (400) square feet;

c. The premises shall be permitted one additional freestanding, two-sided sign not to exceed two hundred fifty (250) square feet on each side and located not more than fifty feet (50) from the building in which the produce is sold;

d. No sign on the building shall advertise any produce unless the produce is immediately available for sale on the premises; and

e. At the end of the six-month period all additional signs permitted by this section shall be promptly removed and stored out of view. (Res. 83-10, 1983)

17.70.080 Nonconforming signs.

Any sign lawfully existing under all codes and regulations prior to the adoption of this chapter may be continued and maintained as a legal nonconforming sign, provided:

1. No sign shall be changed in any manner that increases its noncompliance with the provisions of this chapter;
2. If the sign is structurally altered or moved, its legal nonconforming status shall be void and the sign will be required to conform to the provisions of this chapter;
3. The sign is not hazardous or abandoned;
4. The burden of establishing the legal nonconformity of a sign under this section is the responsibility of the person or persons, firm, or corporation claiming legal status of a sign. An asserted nonconformity shall be approved or denied by the director under advice from the County Prosecutor.

17.70.090 Administration and enforcement

Administration and enforcement of the provisions of this chapter shall be as established in Title 15A, Project Permit Application Process and Title 18A Code Enforcement.

17.70.100 Maintenance and termination of signs.

1. All signs shall be maintained in their original condition and the display surface shall be neatly painted or posted at all times. (Res. 83-10, 1983)
2. The right to maintain any sign shall terminate and shall cease to exist whenever the sign is:
   A. Damaged or destroyed beyond fifty percent of the cost of replacement, as determined by the director; or
   B. Structurally substandard to the extent that the sign becomes a hazard or a danger to the public health, safety, and welfare as determined by the appropriate review authority.

~~**Chapter 17.72**~~
~~**SIGNS**~~

~~**Sections**~~

~~17.72.010 Applicability.~~
~~17.72.020 Purpose.~~
~~17.72.030 Definitions.~~
~~17.72.040 Setback restrictions.~~
~~17.72.050 Erection or painting on natural features prohibited.~~
~~17.72.060 Obstruction of driver's view prohibited.~~
~~17.72.070 Flashing or moving lights prohibited.~~
~~17.72.080 Moving signs or parts prohibited.~~
~~17.72.090 Maintenance.~~
~~17.72.100 Encroachment of county property - Indemnity.~~
~~17.72.110 Near intersection, railroad crossing or centerline - Restrictions.~~
~~17.72.120 Distance from right-of-way edge - Measurement.~~
~~17.72.130 Height, length and area.~~
~~17.72.140 Erection over property or right-of-way - Owner permission required.~~
~~17.72.150 Removal when function or business ceases.~~
~~17.72.160 State or federal prohibition not overridden.~~
~~17.72.170 Produce stands - Exemptions and requirements.~~
~~17.72.180 Permitted signs - Protected or scenic areas.~~
~~17.72.190 Permitted signs - R and UR and RR zones.~~
~~17.72.200 Permitted signs - A, C or I zones.~~
~~17.72.210 Prohibited signs declared nuisance.~~
~~17.72.220 Removal notice - Noncompliance deemed misdemeanor - Remedies.~~
~~17.72.230 Removal notice - Owner not located - Property posting and sign abatement.~~
~~17.72.240 Existing signs deemed nonconforming.~~
~~17.72.250 Class 3 or 4 sign - Permit required - Application - Contents.~~
~~17.72.260 Class 3 or 4 sign - Permit - Expiration and renewal.~~
~~17.72.270 Class 3 or 4 sign - Permit - Application fees - Term - Report of changes - Revocation - Renewal withheld when.~~

~~**17.72.010 Applicability.**~~

~~This chapter shall apply to the entire county. (Res. 83-10, 1983)~~

~~**17.72.020 Purpose.**~~

~~The erection and maintenance of outdoor advertising signs should be controlled in order to promote the~~

~~public health, safety and welfare; to promote the safety and recreational value of public travel; and to preserve the natural beauty of the county. (Res. 83-10, 1983)~~

~~17.72.030 Definitions.~~

1. ~~"Centerline of the highway" means the line equidistant from the edges of the median separating the main traveled ways of the divided interstate highway, or the centerline of the main traveled way of any highway.~~

2. ~~"Commission" means the Kittitas County planning commission.~~

3. ~~"Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main traveled way of an interstate highway from the general road system within a state, irrespective of whether traffic may also leave the main traveled way by such road or turning roadway.~~

4. ~~"Erect" means to construct, build, raise, assemble, place, affix, create, paint, draw, or in any other way bring into being or establish.~~

5. ~~"Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main traveled way of an interstate highway to reach a general road system within a state, irrespective of whether traffic may also enter the main traveled way by such road or turning roadway.~~

6. ~~"Interstate system" means any highway which is or does become a part of a national system in interstate and defense highways as described in Section 103(d) of Title 23, United States Code, or which has been on the effective date of the ordinance codified herein, or which is after the effective date of the ordinance codified herein, established as such by the Washington State Highway Commission, pursuant to RCW 47.52.~~

7. ~~"Legible" means capable of being read without visual aid by a person of normal visual acuity.~~

8. ~~"Maintain" means to allow to exist.~~

9. ~~"Off-premises sign" means a sign advertising goods, services or activities, manufactured, produced, conducted or available at a premises other than the premises where the sign is situated.~~

10. ~~"On-premises sign" means a sign located on the premises, advertising goods, services or activities, manufactured, produced, conducted or available on the premises.~~

11. ~~"Person" means this county or any public or private corporation, firm, partnership, association, as well as any individual or individuals.~~

12. ~~"Protected area" means all lands adjoining or adjacent to the interstate system or any state highway or county road which has been or shall hereafter be so designated by the board of county commissioners and which is within two thousand six hundred forty feet of the edge of the right-of-way of said road.~~

13. ~~"Scenic area" means all land adjoining or adjacent to a state highway and within two thousand six hundred forty feet of the edge of the right-of-way within any public park, federal forest area, public beach, or public recreation area, national monument, and any state highway or portion thereof outside the boundaries previously existing on March 11, 1961, of any incorporated city or town designated by the state legislature as a scenic area.~~

14. "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or anything which is designed, intended or used to advertise or inform, or any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system, state highway or any other county road. Also included in the meaning of the term are the definitions at Chapter 17.08 under Outdoor Advertising Signs and Billboards.

15. "State highway" means any primary or secondary state highway.

16. "Electronic display systems" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities. (Ord. 90-11 § 1, 1990; Res. 83-10, 1983)

17.72.040 Setback restrictions.
All signs shall comply with setback restrictions pertaining to structures as set forth in each zone. (Res. 83-10, 1983)

17.72.050 Erection or painting on natural features prohibited.
Signs shall not be erected or maintained upon trees or painted or drawn upon rocks or other natural features. (Res. 83-10, 1983)

17.72.060 Obstruction of driver's view prohibited.
Signs shall not prevent the driver of a vehicle from having a clear and unobstructed view of official signs and encroaching or merging traffic. (Res. 83-10, 1983)

17.72.070 Flashing or moving lights prohibited.
Signs shall not contain, include or be illuminated by any flashing, intermittent or moving light or lights, except electronic display systems as defined in Section 17.72.030. (Ord. 90-11 § 2, 1990; Res. 83-10, 1983)

17.72.080 Moving signs or parts prohibited.
Signs shall not move or have any animated or moving parts. (Res. 83-10, 1983)

17.72.090 Maintenance.
All signs shall be maintained in their original condition and the display surface shall be neatly painted or posted at all times. (Res. 83-10, 1983)

17.72.100 Encroachment of county property - Indemnity.
When a sign projects over a right-of-way or in any other way encroaches upon county property, the owner of the sign shall file with the county planner a written agreement to save the county harmless on account of any damage or injuries sustained as a result of the negligent construction, operation or maintenance of such sign, and shall submit proof that he is protected by liability and property damage in a sum of not less than fifty thousand dollars property damage and three hundred thousand dollars for personal injuries. (Res. 8310, 1983)

17.72.110 Near intersection, railroad crossing or centerline - Restrictions.
Only signs of Class 1 and Class 2 shall be erected or maintained within three hundred feet of the intersection of any county road with another county road or any railroad crossing or within eighty feet of the centerline or right-of-way of any county road; provided that such signs when located within the above distances shall not exceed four square feet in area. (Res. 83-10, 1983)

17.72.120 Distance from right-of-way edge - Measurement.
Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway. (Res. 83-10, 1983)

17.72.130 Height, length and area.
No sign may be permitted to exceed thirteen feet in height or twenty-five feet in length or three hundred twenty-five square feet in area, including border and trim, but excluding supports, provided that on-premises signs are exempt from the provisions of this section but shall not exceed a total area of four hundred square feet. In no case shall more than two signs exceeding fifty square feet each in area be permitted on a lot. (Res. 83-10, 1983)

17.72.140 Erection over property or right-of-way - Owner permission required.
No sign shall be erected or maintained on or over private or public property or right-of-way without the written permission of the property owner or proprietor of the land. (Res. 83-10, 1983)

17.72.150 Removal when function or business ceases.
Any person who owns or leases a sign shall remove such sign when either the function or business it advertises has ceased. (Res. 83-10, 1983)

17.72.160 State or federal prohibition not overridden.
Nothing in Sections 17.72.040 through 17.72.150 shall be construed to permit the erection of signs which are prohibited by state or federal law or any amendment thereto. (Res. 83-10, 1983)

17.72.170 Produce stands - Exemptions and requirements.
Regardless of the provisions in Section 17.72.130, produce stands dealing primarily in fresh, perishable produce, for any continuous period not to exceed six months in any one calendar year, may have any number of signs; provided that:

1. The signs are affixed to the building within which the produce is sold;
2. No such single sign shall exceed four hundred square feet;
3. The premises shall be permitted one additional freestanding, two-sided sign not to exceed two hundred fifty square feet on each side and located not more than fifty feet from the building in which the produce is sold;
4. No sign on the building or the freestanding sign shall advertise any produce unless the produce is immediately available for sale on the premises; and
5. At the end of the six-month period all additional signs permitted by this section shall be promptly removed and stored out of view. (Res. 83-10, 1983)

17.72.180 Permitted signs - Protected or scenic areas.
Only the following signs may be erected or maintained in protected or scenic areas:

1. Class 1 - Official Signs. Direction or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in state or federal law, for the purpose of carrying out an official duty or responsibility are permitted.
2. Class 2 - For Sale or Lease and Other Miscellaneous Signs. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise the sale or lease of the real property where the signs are located, or advertise candidates for election

to public office, or provide information relating to the premises on which they are located, are permitted.

3. Class 3 - Any on-premises or off-premises sign located upon property which has been affirmatively zoned commercial or industrial by the board is permitted.

4. Class 4 - Governmental Information Signs. Information signs may be erected and maintained by any city or town. Signs which comply with setback restrictions for county roads directed to travelers on such roads may be permitted. (Res. 83-10, 1983)

17.72.190 Permitted signs - R and UR and RR zones.

Only the following signs may be erected or maintained in R and UR and RR zones:

1. A sign advertising the sale or rental of a premises or a sign advertising material or workmanship used in constructing or repairing or improving a permitted structure, not artificially illuminated, of a temporary nature with a maximum area on each side of eight square feet when erected at least ten feet behind the property line;

2. A sign advertising the sale of a tract of land or legally approved subdivision or development, not artificially illuminated, of a temporary nature, with a maximum area on each side of thirty-two feet square when erected at least ten feet behind the property line;

3. A sign stating the name of the owner or occupant of the property, not artificially illuminated, with a maximum area of four square feet on one (each) side;

4. Upon property zoned for conditional use, or a trailer park or clinic, a sign pertaining to such use, limited to not more than ten square feet in area; a sign not exceeding four square feet in area giving direction or listing the name of physicians or dentists;

5. There shall be permitted upon any property in UR and RR zone, not more than two signs containing not more than six square feet per sign, advertising the sale of products grown upon the same property. (Ord. 2007-22, 2007; Res. 83-10, 1983)

17.72.200 Permitted signs - A, C or I zones.

The following signs only may be erected or maintained in A (agricultural), C (commercial) or I (industrial) zones: any sign conforming to the general regulations in Sections 17.72.040 through 17.72.170; provided that no sign shall be legible from any adjoining R (residential) UR (urban residential) or RR (rural residential) zone, nor shall it use any lighting which shall unreasonably interfere with any use permitted in such zones. (Ord. 2007-22, 2007; Res. 8310, 1983)

17.72.210 Prohibited signs declared nuisance.

Any sign erected or maintained contrary to the provisions of this chapter is a public nuisance and the commission or the county sheriff shall notify the permittee, or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with this chapter or be removed. (Res. 83-10, 1983)

17.72.220 Removal notice - Noncompliance deemed misdemeanor - Remedies.

If the permittee or owner, as the case may be, fails to comply with this chapter or remove such sign mentioned in Section 17.72.210 within fifteen days after being notified to remove such sign, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day such sign is maintained constitutes a separate offense. (Res. 83-10, 1983)

17.72.230 Removal notice - Owner not located - Property posting and sign abatement.
If the permittee or the owner of the sign or the owner of the property upon which the sign is located, as the case may be, is not found, or refuses receipt of the notice, the board or the county sheriff shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after posting, the board or the county sheriff shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so. (Res. 83-10, 1983)

17.72.240 Existing signs deemed nonconforming.
Any sign lawfully erected prior to the effective date of the ordinance codified herein which does not comply with this chapter constitutes a nonconforming sign subject to Section 17.72.040. (Res. 83-10, 1983)

17.72.250 Class 3 or 4 sign - Permit required - Application - Contents.

1. No Class 3 or 4 sign shall be erected without a permit from the county planner or such other person as the board of county commissioners shall designate.

2. No permit shall be issued except upon written application which shall contain:

    a. The name and address of the person who shall erect and/or maintain the sign, and the height of support;

    b. A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating he has consented thereto and agrees to keep the sign in a state of repair as required in the general regulations herein;

    c. A statement of the precise location where the sign is to be erected or maintained;

    d. A statement of the proposed size and shape of the design;

    e. Such other information as may be required by the commission. (Res. 83-10, 1983)

17.72.260 Class 3 or 4 sign - Permit - Expiration and renewal.
Additional signs provided for in Section 17.72.170 shall be subject to annual permit renewal. Failure to remove such signs promptly upon notification of permit expiration shall be basis for denial of subsequent permits. (Res. 83-10, 1983)

17.72.270 Class 3 or 4 sign - Permit - Application fees - Term - Report of changes - Revocation - Renewal withheld when.

1. Applications shall be accompanied by a fee in accordance with the following schedule:

    a. One dollar per sign if advertising area does not exceed fifty square feet;

    b. Two dollars per sign if advertising area exceeds fifty square feet.

2. Failure to renew permit within thirty days after expiration date, following written notification thereof, shall be cause for revoking of said permit, and removal by the county of affected sign and structure.

3. Changes in size, shape, position or copy of a permitted sign or replacement with a new sign shall be reported to the planning commission at least ten days before a change is to be made. Such changes will not require a new permit except where change in size of sign places sign in the higher permit fee bracket. (Res. 8310, 1983)

EXHIBIT P: Docket Item 14-11

14-11 Kittitas County Proposal:

Amend the official Kittitas County Code Zoning Map Changing the Zones of Parcels on Assessor Map Numbers 17-18-11020-0006, -0010, -0017, -0024, -0025, & -0026 and Parcels on Map Numbers 17-18-11055-0001, -0002, -0003, and 17-18-11020-0020, and the parcel directly adjacent to the north of 17-18-11020-0025 that has been determined by the City of Ellensburg that it is part of the County jurisdiction and not within City Limits of Ellensburg From "Urban Residential" to "General Industrial."

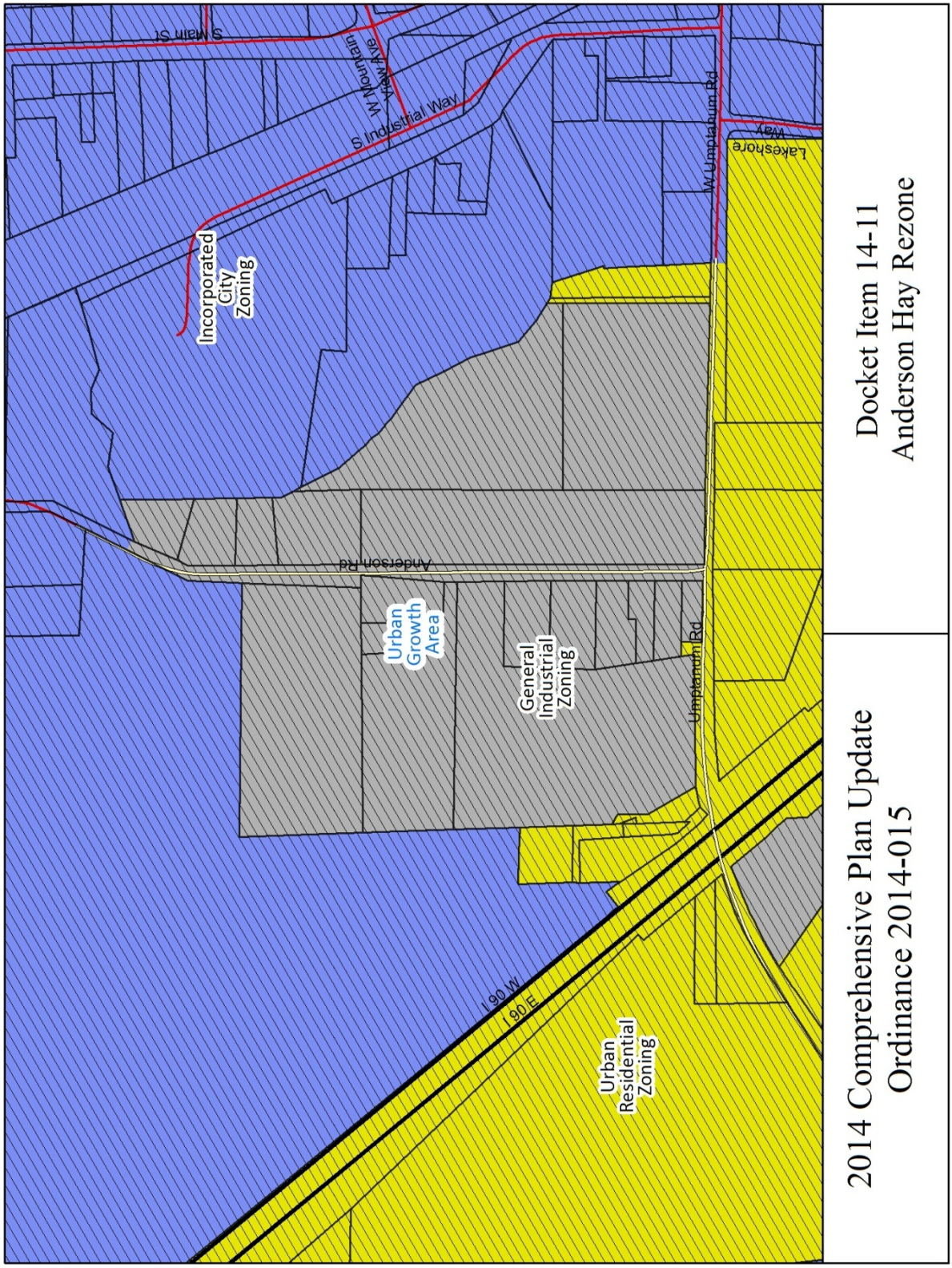

2014 Comprehensive Plan Update
Ordinance 2014-015
Docket Item 14-11
Anderson Hay Rezone
Incorporated City Zoning
Urban Growth Area
General Industrial Zoning
Urban Residential Zoning
S Main St
W Mountain View Ave
S Industrial Way
W Umptanum Rd
Lakeshore Way
Anderson Rd
Umptanum Rd
I 90 W
I 90 E

Exhibit P

EXHIBIT Q: Docket Item 14-12

14-12 Kittitas County Proposal:

Amend the Kittitas County Comprehensive Plan to Expand the City of Roslyn Urban Growth Area.

After review of the application, Kittitas County notified the City of Roslyn indicating that an examination of the level of services (LOS) needed to be conducted per the Growth Management Act. The City agreed to postpone the request until the 2017 update in the County's Comprehensive Plan.