BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE

NO. 2013-001

REVISIONS OF KITTITAS COUNTY COMPREHENSIVE PLAN
And
TITLES 15A, 16 AND 17 OF THE KITTITAS COUNTY CODE
FOR THE PURPOSE OF COMPLIANCE WITH ORDER NUMBER 07-1-0004c
And
NUMBER 07-1-0015 OF THE
EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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

Section I - Procedural Findings
Section II - Board of County Commissioners Findings
Section III - Final Decision and Signatures
Exhibits
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 has in place Countywide Planning Policies per Resolution 96-10 and amended, through Kittitas County Ordinance No. 2010-012 as required by RCW 36.70A.210; and

WHEREAS, Kittitas County was required to update its Comprehensive Plan under the requirements of RCW 36.70A, by December 1, 2006; and

WHEREAS, Kittitas County complied with the requirements of RCW 36.70A by adopting Ordinance No. 2006-63 which completed the update of the Kittitas County Comprehensive Plan; and

WHEREAS, Appeals of Ordinance No. 2006-63 were filed with the Eastern Washington Growth Management Hearings Board (Hearings Board) by Futurewise, Ridge and Kittitas County Conservation Coalition (collectively “RIDGE”) and by the State of Washington Community Trade and Economic Development (CTED); and

WHEREAS, As a result of the appeal, the Eastern Washington Growth Management Hearings Board (EWGMHB) in August, 2007 issued its Final Decision and Order (FDO) for Case No. 07-1-0004c deciding that various amendments to Kittitas County’s Comprehensive Plan did not comply with the GMA; and

WHEREAS, In the midst of that challenge, Kittitas County proceeded to revise its development regulations through Ordinance 2007-22 on July 19, 2007; and

WHEREAS, Ordinance 2007-22 was subsequently challenged by RIDGE before EWGMHB and as a result of this appeal the EWGMHB in 2008 issued its FDO for Case No. 07-1-0015 finding that several development regulations adopted by Kittitas County did not meet requirements of GMA; and

WHEREAS, Kittitas County filed a timely Petition For Judicial Review Pursuant To RCW 36.70A.300(5) in Kittitas County Superior Court regarding certain issues in 07-1-0004c and all of 07-1-0015; and

WHEREAS, On November 13, 2007 Judge Scott R. Sparks issued an order granting a motion to stay the Eastern Washington Growth Management Hearings Board Final Decision and Order in case No. 07-1-0004c regarding those issues under appeal; and
WHEREAS, On April 24, 2008, Kittitas County Superior Court, in Case No. 08-2-00195-7 (one of five appeals of the final decision and order in a challenge to the County’s development code before the Eastern Washington Growth Management Hearings Board) issued a stay as to four of the seven issues involved. On May 12, 2008, Kittitas County Superior Court issued a stay as to the other issues involved in the challenge to the County’s Development Code; and

WHEREAS, The appeals were consolidated and eventually heard by the Washington Supreme Court; and

WHEREAS, Following the Hearings Board FDO Kittitas County has been actively and diligently seeking to bring the Kittitas County Comprehensive Plan into compliance with the FDO achieving compliance with all non-appealed issues except the size of the City of Kittitas’ Urban Growth Area; and

WHEREAS, The Washington State Supreme Court reviewed issues identified by the EWGMHB in Case Nos. 07-1-0004c and 07-10-0015 and addressed the following questions:

1. Did the Board improperly disregard evidence or elevate some GMA goals over others?
2. Did the Board properly determine that the County failed to develop a written record explaining the rural element of its Plan?
3. Did the Board improperly employ a bright line rule regarding rural densities?
4. Did the Board properly find that the County failed to protect rural character?
5. Did the Board properly conclude that the County failed to provide for a variety of rural densities?
6. Did the Board properly find that the County’s development regulations allow for urban densities and uses in its designated agricultural and rural lands?
7. Did the Board properly determine that the County’s land use decisions around its airports violate the GMA?
8. Did the Board properly determine that the County failed to protect water by not requiring disclosure of common ownership in subdivision applications?

WHEREAS, The Supreme Court issued a decision on July 28, 2011 stating that the Hearings Board did not improperly disregard evidence and appropriately found that the County violated or did not justify policy and regulation in 7 of the 8 questions regarding the GMA, and remanded the consolidated case back to the Hearings Board for Kittitas County to address the issues of Case 07-1-0004c and Case 07-1-0015 which had not yet been found to be in compliance, including:

Case 07-1-0004c
Issue 1:
Does Kittitas County’s failure to review and revise the comprehensive plan to eliminate densities greater than one dwelling unit per five acres in the rural area (outside of limited areas of more intense rural development (LAMIRDs and Urban Growth Areas), failure to adopt rural policies and designations that protect natural resource lands from incompatible development, failure to define rural character and to adopt provisions to protect rural character, inadequate or absent criteria for the designation of rural land use designations, failure to adopt a policy to prohibit urban governmental services outside the urban growth area, and failure to review and revise the rural element to comply with the GMA violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040,
Issues 2 through Issue 5 of Case 07-1-0004c were found in compliance upon Kittitas County Comprehensive Plan amendments since the Hearings Board’s FDO;

Issue 6:
These land use changes were either rescinded or demonstrated to not be changes from a resource land designation and so ultimately found compliant.

Issues 7 through Issue 9 of Case 07-1-0004c were found in compliance upon Kittitas County Comprehensive Plan amendments since the Hearings Board’s FDO;

Issue 10:
Does Kittitas County’s failure to review and revise its development regulations including Chapter 17.36 Kittitas County Code, Planned Unit Development Zone; Chapter 16.09 Kittitas County Code, Performance Based Development Zone; Chapter 17.14 Kittitas County Code, Subdivisions; Chapter 17.20 Kittitas County Code, S–Suburban Zone II; Chapter 17.28 Kittitas County Code, A-3 – Agriculture Zone; Chapter 17.28A Kittitas County Code, A-5 – Agriculture Zone; and Chapter 17.30 Kittitas County Code, Rural-3 Zone violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, and 36.70A.170? (Related to Issue 11 [CTED])

Issue 11:
By amending its Comprehensive Plan without providing for a variety of rural densities, and without providing sufficient specificity and guidance on rural densities to prevent a pattern of rural development that constitutes sprawl, has Kittitas County failed to provide for a variety of rural densities, failed to protect rural character, and otherwise failed to comply with RCW 36.70A.070(5)? (Related to Issue 1 [KCC])

Issue 12 and Issue 13 of Case 07-1-0004c were found in compliance upon Kittitas County Comprehensive Plan amendment since the Hearings Board’s FDO;

Issue 14:
By expanding the UGAs for the City of Kittitas without conducting a land capacity analysis that shows more land is needed for urban development over the statutory planning horizon, and without developing a capital facilities plan to show how the expanded UGAs would be provided with adequate public facilities, has Kittitas County failed to comply with RCW 36.70A.070(3), 36.70A.110 and 36.70A.130? (related to Issue 6 [KCC])

Case No. 07-1-0015

Issue 1:
Does Kittitas County’s failure to eliminate densities greater than one dwelling unit per five acres in rural areas outside of the urban growth areas and limited areas of more intensive rural development (LAMIRDs) in chapters 16.09, 17.08, 17.12, 17.22, 17.24, 17.28, 17.30, and 17.56 Kittitas County Code (KCC) violate RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.070, 36.70A.110, and 36.70A.130?

Issue 2:
Does Kittitas County’s failure to prohibit urban uses and urban development in rural areas in chapters 16.09, 17.12, 17.29, and 17.36 KCC and the failure to include standards to protect the rural area violate RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.070, 36.70A.110, and 36.70A.130?
Issue 3:
Does Kittitas County’s failure to prohibit urban uses in designated agricultural lands of long-term commercial significance in chapter 17.31 KCC violate RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177?

Issue 4 of Case No. 07-1-0015 is not addressed within this ordinance due to a continuance having been granted on the issue by the Hearings Board on December 31, 2012. The issue is:

Does Kittitas County’s failure to require that all land within a common ownership or scheme of development be included within one application for a division of land (KCC 16.04) violate RCW 36.70A.020 (6, 8, 10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.130, and 36.70A.177?

Issue 5 of Case No. 07-1-0015 was found in compliance upon Kittitas County Comprehensive Plan amendments since the Hearings Board’s FDO;

Issue 6:
Does Kittitas County’s failure in chapter 17.32, 17.40, and 17.44 KCC to have any guidelines for location of the Highway Commercial Zone and standards to protect the rural area violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177?

Issue 7:
Does Kittitas County’s failure to require GMA-compliant rural and resource land densities when parcels are subdivided through the County’s “one-time split” process in chapters 17.29 and 17.31 KCC violate RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177?

Issue 8 of Case No. 07-1-0015 was found in compliance upon Kittitas County Comprehensive Plan amendments since the Hearings Board’s FDO; and

WHEREAS, The Kittitas County Board of County Commissioners contracted the services of Van Ness Feldman GordonDerr (then known as “GordonDerr) law firm for planning services, and hired a professional Planning Official to bring the Comprehensive Plan into compliance and address the issues; and

WHEREAS, The County staff interviewed key citizen groups and individuals through a formal questionnaire in January, 2012 to obtain their view of the characteristics of the County to be preserved; and

WHEREAS, Kittitas County developed a questionnaire for the general public and posted it on its webpage and conducted Open Houses for the general public on March 27 and March 28, 2012 to obtain citizen views of their perception of the County’s “rural character;” and

WHEREAS, Kittitas County with public notice conducted public involvement Open Houses on April 17 and April 18, 2012, June 12 and June 13, 2012, and September 19, 2012 to obtain citizen views on existing plans and regulations, on developing plans and regulations, and on proposed amendment to existing plans and regulations; and

WHEREAS, Kittitas County staff met with the Kittitas County Council of Governments on April 25 and June 27, 2012, and were informed of the amendment process being conducted by the County to update the Comprehensive Plan. On June 27, 2012 the KCCOG was requested
WHEREAS, to amend the County-wide Planning Policies to be consistent with proposed amendments. The KCCOG considered this request at special sessions on October 24 and November 14, 2012, and are expected to support the amendment in February, 2013 at special meeting.

WHEREAS, Kittitas County obtained and reviewed a number of studies conducted throughout the United States, (including a study conducted in Roslyn), identifying public perceptions of “rural character” and desired rural living conditions; and

WHEREAS, Kittitas County on November 19, 2012 rendered a threshold determination of non-significance for proposed amendments to the Kittitas County Comprehensive Plan and Kittitas County Code and published such determination within the official local newspaper per WAC 197-11; and

WHEREAS, Kittitas County conducted three closed public joint study sessions on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners to consider GMA compliance issues and options to address those issues; and

WHEREAS, On October 11, 2012 the State Department of Commerce received a copy of the draft amendments to the County Comprehensive Plan and Kittitas County Code for review; and

WHEREAS, The Kittitas County Planning Commission on October 23, 2012 held a public hearing on proposed amendments to the Kittitas County Comprehensive Plan and the Kittitas County Code for public comment, and on November 27, 2012 issued a recommendation to the Board of County Commissioners for approval; and

WHEREAS, The Board of County Commissioners after adequate public notice did on November 26, 2012 hold a public hearing to obtain citizen comment on proposed amendments to the County Comprehensive Plan and Kittitas County Code, and permitted written public comment until December 6, 2012; and

WHEREAS, The Board of County Commissioners on November 30, 2012, December 10, 2012, January 16, 2013, January 23, January 27 and January 29, and February 6 considered public comments provided and deliberated upon the proposed amendments to the County Comprehensive Plan and Kittitas County Code as recommended to them by the Planning Commission; and

WHEREAS, The Board of County Commissioners considered enabling documents as part of the compliance process on February 6 and February 11, 2012.

The Board of County Commissioners makes the following findings.

Revisions to Comprehensive Plan and Kittitas County Code
Compliance Issues

Ordinance No. 2013-001
February 11, 2013
SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings

Finding 1. Kittitas County conducted an update to the Comprehensive Plan in a manner consistent with the requirements found in Ch. 36.70A RCW, allowing for early and continuous public participation in the efforts to bring the comprehensive plan into compliance with the Hearings Board’s Order Case No.07-1-0004c and Case No.07-1-0015; and

Finding 2. The Eastern Washington Growth Management Hearings Board on November 21, 2012, granted a motion for the extension of the compliance period for Issue 4, Case No. 07-1-0015 until June 12, 2013; and

Finding 3. The Kittitas County Board of County Commissioners further finds as follows regarding its compliance effort:

Growth Management Act

RCW 36.70A.020
The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040.

(I) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. (RCW 36.70A.020)
(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

**RCW 36.70A.030 (15)** “Rural character” refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

**RCW 36.70A.070(5):**

Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve
a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

RCW 36.70A.110(3)
Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

RCW 36.70A.140
Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order.

RCW 36.70A.177
(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.
(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

Kittitas County Countywide Planning Policies.

1. The Kittitas County Countywide Planning Policies include the following policies:

   a. The County, in cooperation with the Cities, will designate UGAs. The designation of UGAs beyond the existing limits of incorporation will be based on a demonstration by the cities that municipal utilities and public services either already exist, or are planned for and can be effectively and economically provided by either public or private sources.

   b. UGAs will be determined by projections of population growth in both rural and urban areas of the County. These projections shall be reached through negotiation at the Kittitas County Conference of Governments (KCCOG), taking into account current growth rates and the Office of Financial Management (OFM) projections. The subdivision, rezone, capital improvements, and governmental service decisions of all incorporated governmental jurisdictions should be directed by their projected share of growth and should be in proportion to that projected share of growth.

   c. Economic vitality and job development will be encouraged in all the jurisdictions consistent with all community growth policies developed in accordance with the Growth Management Act.

   d. All growth in the county shall be accomplished in a manner that minimizes impacts on agricultural land, forestry, mineral resources, and critical areas.

2. Policies “D” and “E” within the Planned Unit Development, Section 4, Contiguous and Orderly Development, page 15 of the Kittitas County-wide Planning Policies, 2010 state:

   a. Policy D: Standards shall be developed for residential PUDs outside of UGAs for a maximum density adjustment to not exceed a 3:1 ratio of the underlying zone; provided however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and .362, and the County’s Comprehensive Plan MPR Policies.”

   b. Policy E: a maximum of two years will be allowed from preliminary approval to final PUD approval providing other necessary approvals can be obtained within this time period; provided however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and .362, and the County’s Comprehensive Plan MPR Policies. The final approval shall include a schedule for any phased development of the PUD. PUDs should be required to achieve a fifty percent (50%) build out of each phase within four (4) years of the scheduled start date of each phase. Fifty percent build out shall include phased construction of infrastructure.
improvements, required structural construction, and implementation of the required natural and social amenity bonuses. If any of these requirements are not completed, the underlying zones shall be reinstated. All phases to be completed within 16 years of the final approval.”

3. KCCOG in August, September, October and November, 2012 held special meetings to consider the elimination of policies D and E to be consistent with the County’s consideration to adopt standards which do not permit densities of 3:1 ratio of underlying zones outside of UGAs, but would permit densities only of underlying zones.

4. Cities and towns within Kittitas County unanimously supported the deletion of policies D and E within the Planned Unit Development, Section 4, Contiguous and Orderly Development, page 15 of the document, and KCCOG is expected to formally take action on such change in February, 2012. The Board of County Commissioners is expected to adopt such amendment to the County-wide policies after the approval by the Council of Governments.

**Kittitas County Comprehensive Plan**

5. Chapter 1 of the Kittitas County Comprehensive Plan provides a process for amendment of the Comprehensive Plan including the following steps:
   a. Docketing process.
   b. Amendment no more frequently than once per year, except where allowed by the Growth Management Act.
   c. Concurrent review of amendments, except due to emergencies or to resolve an appeal with the growth management hearings board or court.
   d. Broad dissemination of proposals and alternatives.
   e. Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the written testimony portion of the public hearing.
   f. Public meetings held after effective notice has been distributed.
   g. Hearings allowing for sufficient time for public testimony.
   h. A newsletter that summarizes amendments docketed and projected meeting and hearing dates.
   i. Consideration of and response to public comments by review of public testimony submitted in their findings.
   j. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or development regulations or amendments.

6. Under 5(c through i) above Kittitas County performed the following:
   a. Kittitas County prepared a questionnaire for the public to provide their perceptions of “rural character” within Kittitas County.
   b. Kittitas County prepared a May 2012 Preliminary Analysis that described the compliance issues and alternatives to amend the County Comprehensive Plan and development regulations to obtain compliance.
   c. Kittitas County held nine (9) public meetings throughout the County to obtain public input on proposed Plan and ordinance amendments to become compliant with the State Growth Management Act.
   d. Held three (3) joint study session meetings with the combined Kittitas County Planning Commission and Board of County Commissioners before the public closed to testimony to discuss the proposed amendments.
e. Kittitas County provided adequate notice of the public meetings through press release, website, personal emails, and paper mailings.

f. Kittitas County provided all documents, comments, changes, and notices included in the record on a dedicated website available to the general public throughout the process.

g. Kittitas County on October 23, 2012 after proper notice held a public hearing before the Planning Commission to hear the public comments on proposed amendments to the Comprehensive Plan and Kittitas County Code to become compliant with the State Growth Management Act, and on October 25, 2012, made recommendation for approval of the proposed amendments.

h. Kittitas County Board of County Commissioners on November 26, 2012 after proper notice held a public hearing to obtain public comment on the proposed amendments.

i. Kittitas County Board of county Commissioners began public deliberations closed to testimony on the proposed amendments on November 30, 2012 and continued deliberations through to February 11, 2013.

7. Chapter 2 of the Kittitas County Comprehensive Plan contains general goals regarding land use, including but not limited to:
   a. The maintenance and enhancement of Kittitas County’s natural resource industry base.
   b. Diversified economic development providing broader employment opportunities.
   c. Directing urban growth and development to those areas where land capability, public roads and services can support such growth.

8. Most Goals, Policies, and Objectives (GPOs) within Chapter 2 of the Comprehensive Plan were not part of the Growth Management issues or were found in compliance with the State Growth Management Act in other compliance actions, such as the 2009 adoption of policies for designated resource lands. Amendments to Chapter 2 are limited to transferring policies to Chapter 8 or revising policies to be directive and consistent with policies developed and revised within the Rural Element of Chapter 8.

9. Existing Chapter 8 of the Kittitas County Comprehensive Plan contains a number of GPOs regarding rural land use which were not part of the Growth Management issues, such as Master Planned Resorts or were found in compliance with the State Growth Management Act in other compliance actions, such as the 2009 adoption of policies for Limited Areas of More Intensive Rural Development. Other GPOs which are compliant with the Growth Management Act include:
   a. Encourage development activities which enhance or result in the preservation of rural lands.
   b. Reflect a “right to farm” in agriculture lands.
   c. Encourage and allow for uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas, and rural residential uses and recreation uses in Upper Kittitas County.
   d. Provide conservation tools to prevent sprawl within the rural area which protect the unique Kittitas County rural character.
   e. Encourage cottage and home occupations which are rural in nature.
   f. Limit public facilities to servicing the developed area boundaries and not expand into rural areas.
   g. Permit clustering of development where it results in the protection of open space and protects against conflicts with the use of farming or resource lands.
h. Encourage research and use of new land use techniques such as Transfer of Development Rights, Purchase of Development rights and open space preservation tools to provide economic incentives to farmers to continue agriculture activities.

i. Encourage voluntary farm conservation and agriculture preservation activities, and support activities engaged in agriculture preservation.

Amendments to Chapter 8 include a new Rural Element (the Rural Lands section), including retaining compliant MPR and LAMIRD policies, a description of Kittitas County's unique "rural character", four new Rural land use designations to direct rural development and protect rural character, and revised or new directive policies. Chapter 8 also includes a section for Resource Lands, which contains current compliant resource policy direction from Chapter 2.

**Eastern Washington Growth Management Hearings Board Orders**

10. In August, 2007 and March, 2008 Kittitas County was held noncompliant and partially invalid as outlined in Case No. 07-1-0004c and Case No. 07-1-0015 including:

a. Development resulting in densities of greater than one dwelling unit per five acres is not rural in character and does not protect rural character. (Case No. 07-1-0004c, Issue 1 and Case No. 07-1-0015, Issue 1)

b. Lack of land capacity analysis does not justify expansion the City of Kittitas UGA (Case No. 07-1-0004c, Issues 6 and 15)

c. Failure to revise implementing regulations including but not limited to Performance Based Cluster Platting and Planned Unit Development do not protect the rural character of the County. (Case No. 07-1-0004c, Issue 10)

d. Absence of providing sufficient specificity and guidance on rural densities results in rural sprawl and does not encourage variety of development densities rural in nature. (Case No. 07-1-0004c, Issue 11)

e. Permitting urban uses and urban development in rural areas does not protect or preserve the rural character of Kittitas County. (Case No. 07-1-0015, Issue 2)

f. Permitting urban uses upon lands of long-term agricultural significance does not comply with GMA. (Case No. 07-1-0015, Issue 3)

g. Failure to require that all land within a common ownership or scheme of development be described in a subdivision application fails to protect ground and surface water. (Case No. 07-1-0015, Issue 4)

h. Absence of any guidelines for location of the Highway Commercial Zone and standards for uses permitted in such a zone fails to protect the rural area. (Case No. 07-1-0015, Issue 6)

i. Allowing the use of “one-time split” in the division of properties zoned Agriculture 20 and Commercial Agriculture does not protect agriculture or rural character. (Case No. 07-1-0015, Issue 7)

11. On December 31, 2012 the EWGMHB granted continuation of consideration of item 7(g) above, and response to Case No. 07-1-0015, Issue 4 is held in abeyance pending the outcome of negotiations between counties and the State on distribution of water.
Densities Greater Than One Dwelling Unit per Five Acres (Case No. 07-1-0004c, Issue 1 and Case No. 07-1-0015, Issue 1)

12. The Eastern Washington Growth Management Hearings Board found that Kittitas County zones permitting more than one (1) unit per five (5) acres were not rural in character and were not compliant with RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.070, 36.70A.110, 36.70A.120, 36.70A.130, and 36.70A.177.

13. After appeal by Kittitas County, the Washington State Supreme Court did not fully support the decision but requested justification that such densities are “rural.”

14. The Washington State Supreme Court ordered that Kittitas County must implement measures to regulate rural development and protect rural character as stated in RCW 36.70A.070(5)(c).

15. Kittitas County developed a questionnaire for the general public and posted it on its webpage and conducted Open Houses for the general public on March 27 and March 28, 2012 to obtain citizen views of their perception of the County’s “rural character;” and

16. Kittitas County, after receiving public comment through questionnaire and the public open houses conducted on March 27 in Cle Elum, and March 28, 2012 in Ellensburg, obtained responses that development “rural” in character with densities three acres or more should be permitted only under circumstances where large open spaces are preserved.

17. Many attending the Open Houses were not in favor of Ag-3 and Rural-3 zones and indicated that such zones reduce the quality of “rural character.”

18. Staff presented potential land use designations and zone classifications maps with densities at or greater than one dwelling unit per five acres, including a new Rural 10 acre zone, in a May 2012 Preliminary Analysis in order to obtain additional public comment on densities. This same Preliminary Analysis provided information on the location of Ag-3 and Rural-3 zones and the availability and location of existing lots below 5 acres in size.

19. Open House meetings conducted on April 17 and 18, and on June 12 and June 13 provided the public an opportunity to comment on proposed maps of re-designation and rezoning.

20. Most attending the meetings and completed the questionnaire favored large-acre zoning with protection of open spaces and agriculture areas in rural designated areas.

21. Three joint study sessions held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners to consider elimination and/or replacement of 3-acre zones addressing the GMA compliance issue, and to discuss and evaluate the costs and benefits of such changes designed to protect “rural character.” No public testimony was taken at these meetings.

22. At these public joint study sessions, decision makers were provided matrices outlining proposed policy and regulation changes, issues which were being addressed and how each proposed change would benefit the County and achieve compliance to the GMA.
23. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, the public was permitted to comment upon proposed designations and zone classifications.

24. Comments indicating support, request for changes, and requests for no change were considered at both hearings.

25. A large number of goals, policies and objectives (GPO) within the existing Chapter 8 of the Comprehensive Plan need revision to limit densities within the rural areas and protect the rural character of the County including policies which:

   a. Provide more directive policies addressing the preservation of lands within the County with “rural character”.
   b. Address density limitation to protect rural character identified within Kittitas County.
   c. Provide policies which encourage development of varying densities which are rural in nature

26. Zones permitting residential densities greater than one dwelling unit per five (5) acres can be permitted and still preserve “rural character” where development occurs in small clusters which provide for large amounts of contiguous open spaces assured to exist in perpetuity, and which are not already encumbered by other geological or legal constraints such as critical areas or utility easements.

27. Providing significant distances between clusters will provide awareness of rural character and such distances can be determined between established property boundaries.

28. Research conducted throughout the United States and reviewed by Kittitas County while developing the proposed amendments to the Plan and County land use regulations, shows that small cluster development does protect open spaces and provides for a perceived rural environment that is attractive to people and wildlife. Research shows that the average size of clusters can vary throughout the United States.

29. RCW 36.70A.177 encourages innovative zoning techniques such as clustering “which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses.”

30. Review of existing rural character research, public comment, and RCW 36.70A shows that a zone classification of Rural Recreation can be implemented which would permit additional density resulting in development densities greater than 1 unit per 5 acres when open spaces are preserved and transfer of development rights are obtained, and further finds that use of such process can ensure protection of rural character.

31. Existing 3-acre zones within the current Zoning Code has resulted in spotted development that will diminish the rural character of the land.

32. Elimination of the 3 acre zones in the Rural designated lands will not impact lot sizes that already exist and are legally recorded.

33. After considerable amount of deliberation, Kittitas County determined that existing three-acre zones (R-3, and Ag-3) were not compatible with rural character and therefore, should be
eliminated from Rural-designated areas, and finds that the R-3 and Ag 3 zones should be deleted from the Rural designations on zoning maps outside LAMIRDs and UGAs.

34. This elimination of 3-acre zones outside LAMIRDs and UGAs fulfills the intent and requirements of RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.070, 36.70A.110, 36.70A.120, 36.70A.130, and 36.70A.177

Policies and Development Regulations to Protect Rural Character (Case No. 07-1-0004c, Issue 10)

35. Goals, Policies and Objectives (GPOs) within the existing County Comprehensive Plan for Planned Unit Developments (PUDs) and Performance Based Cluster Plats (PBCOPs) which are addressed by existing legislation and regulations are not appropriate.

36. Existing Goals, Policies and Objectives within the County Comprehensive Plan are often not directive in guidance of future land uses necessary to protect the nature of rural areas. Directive language needs to replace words of aspiration. In many GPOs within Chapter 2 and Chapter 8, directive language (“shall”) is not included which would provide greater protection of rural character.

37. Much of the text and many of the GPOs within the Comprehensive Plan are absent of criteria. Criteria will clarify why certain areas are designated differently and will form the basis for future land use patterns and decisions.

38. Kittitas County, after receiving public comment through questionnaire and the public open houses on March 27 in Cle Elum, and March 28, 2012 in Ellensburg, obtained a majority of responses to protect large open spaces and support only development that is rural in character and does not negatively impact agricultural activities.

39. Most attending these Open Houses were not in favor of higher density zones and indicated that such zones reduce the quality of “rural character.”

40. Staff presented potential PUD and PBCP GPOs and regulations in a May 2012 Preliminary Analysis in order to obtain additional public comment on the land use techniques.

41. Open House meetings conducted on April 17 and 18, and on June 12 and June 13, 2012 provided the public the opportunity to comment on proposed maps of re-designation and rezoning, where most favored plan designations and potential zone classifications which enhance protection of open spaces, tourist activity, and agriculture in designated rural areas.

42. At three joint study sessions held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners to consider options addressing GMA compliance issues, the costs and benefits of proposed policies and regulation amendments designed to protect “rural character.” No public testimony was taken at these meetings.
43. At these public joint study sessions, decision makers were provided matrices outlining proposed regulation changes, how proposed changes would benefit the County, achieve compliance to the GMA, and protect rural character.

44. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, public was permitted to comment upon proposed designations and zone classifications.

45. Comments indicating support, request for changes, and requests for no change were considered at both hearings and in deliberation of proposed amendments to the County’s Comprehensive Plan and implementing regulations.

46. Numerous comments were made at the public hearings indicating that use of Planned Unit Development and Performance Based Cluster Plats were not appropriate as provided within the existing regulations, and suggested that they be removed in order to protect the rural character within Kittitas County.

47. Existing Land Use Plan maps and Official Zoning maps of rural lands include categories that no longer exist or are not rural in nature. Rural designations and rural zones should exist within rural areas to insure development compatible with rural character.

48. A number of permitted uses and land use processes exist within the current ordinance that are inappropriate and do not adequately protect rural character. Many of the uses and procedures are ambiguous and need review to preserve rural character. Many of the uses could also result in development outside of designated Urban Growth Areas or LAMIRDs which could in the future require services from urban capital facilities, which is not compliant with the Growth Management Act.

49. Much of the current zoning code in Kittitas County permit uses that are inappropriate in rural areas and cannot be interpreted effectively to determine whether or not that use is compatible with rural environment.

50. Updating the existing definitions within the Title 17 of the Kittitas County Code and development of a land use matrix which outlines and condenses uses permitted outright and uses permitted under approval of conditional use lessens ambiguity when determining uses compatibility with rural character.

51. Creation of a land use matrix which 1) transfers existing uses that have been found compliant with the Growth Management Act (GMA) per decisions by the Eastern Washington Growth Management Hearings Board (EWGMHB), 2) alters uses which are not compliant to GMA in a particular rural zone, provides more direction to Code administrators and the public as to the intent of the use.

52. Some Planned Unit Developments (PUDs) have developed within many rural designated areas and have damaged the rural character in those areas.

53. Urban uses have been permitted within the PUDs which are not characteristic to a seasonal residence or farming activity which is very much a part of the rural character of Kittitas County.
54. PUDs have to function to protect the rural environment within Kittitas County and be compatible with rural character outside of the designated UGAs.

55. PUDs outside of UGAs and LAMIRDs are permitting densities above the underlying rural zones diminishing preservation of rural character and resulting in developments that are urban in nature.

56. A number of the uses permitted within a PUD are “intense,” and should be limited under developed criteria to insure the rural nature of Kittitas County.

57. Current PUD regulations permit those approved prior to 2007 to exist in perpetuity, and must meet current regulation standards to limit time for completion.

58. As a zoning technique, Planned Unit Developments are not vested activities unless created through a vesting action such as subdivision per RCW 58.17. PUDs created prior to 2007 currently can exist in perpetuity without consideration of underlying zone density or permitted use which is detrimental to the rural character in rural areas.

59. PUDs in rural areas should be phased out, and substantially developed PUDs should be completed to re-establish rural character to the area which they are located.

60. Existing Title 16.09, Performance Based Cluster Platting, allows for development which encroaches upon existing agricultural activities and which is detrimental to the rural character of the County.

61. Criteria should be developed to permit creative rural development while preserving rural character and resource uses.

62. Existing Performance Based Cluster Platting regulation allows for development not typical of the rural character in a number of areas within the County.

63. Existing Performance Based Cluster Platting regulation demands urban services and lessens opportunity to preserve the rural character of the County.

64. Some development allowed through Performance Based Cluster Plats has diminished the benefit of open space and resulted in a negative perception of “cluster platting” to the residents of Kittitas County.

65. Alternative forms of cluster platting have been demonstrated to be effective in the preservation of open space and agricultural lands elsewhere in the USA.

66. New innovative land use techniques are available which can provide opportunity to land owners and developers to create density variety while protecting rural character and resource uses, and should be incorporated within the land use regulations.

67. Identified changes in the Kittitas County Code relating to regulations designed to implement policies within the County Comprehensive Plan noted above including elimination of Performance Based Cluster Plats (PBCP) and redesign of Planned Unit Development (PUD), are compliant with the Growth Management Act and meet the intent of RCW 36.70A.020 (1-2, 5, 8-10, 12),
Providing for a Variety of Rural Densities (Case No. 07-1-0004c, Issue 11)

68. Kittitas County has reviewed OFM population projections for 2012.

69. A review of rural properties having ease of access, not needing public services and being outside critical areas shows that many rural properties are not developable.

70. Kittitas County, after receiving public comment through questionnaire and the public open houses March 27 in Cle Elum, and March 28, 2012 in Ellensburg, obtained significant responses that development densities can vary provided they are rural in nature, where large open spaces are preserved.

71. Most attending Open Houses were in favor of maintaining five (5) acre and twenty (20) acre zones indicating that such zones sustain the “rural character” within Kittitas County.

72. Staff presented potential land use designations and zone classifications maps with a variety of densities, including a new Rural Recreation and Rural 10 acre zone, in a May 2012 Preliminary Analysis in order to obtain additional public comment on densities.

73. Open House meetings conducted on April 17 and 18, and on June 12 and June 13 provided public the opportunity to comment on proposed maps of re-designation and rezoning.

74. While a number of residents and land owners wanted to maintain 3-acre zones, most of those attending the open houses favored large-acre zoning with protection of open spaces and agriculture areas within “rural” areas.

75. At three joint study sessions held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners to consider options addressing GMA compliance issues, the costs and benefits of proposed policies and regulation amendments designed to protect “rural character” were discussed and evaluated. No public testimony was taken at these meetings.

76. At these public joint study sessions, decision makers were provided matrices outlining proposed Comprehensive Plan and implementing regulation changes, the compliance issues which were being addressed, and how each proposed change would benefit the County and achieve compliance to the GMA.

77. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, public was permitted to comment upon proposed designations and zone classifications.

78. Comments indicating support for proposed changes, request for alterations to the proposed amendments, and requests for no change to the Plan and implementing regulations were considered at both hearings and in deliberation of proposed amendments to the County’s Comprehensive Plan and implementing regulations.
79. Numerous comments were made at the public hearings indicating that use of existing land use
development techniques, such as Planned Unit Development and Performance Based Cluster Plats,
resulted in urban densities and were not appropriate in order to protect the rural character within
Kittitas County.

80. Many of the existing GPOs of the County Comprehensive Plan are not appropriate for providing
development of varying densities compatible with rural environment.

81. The County Comprehensive Plan is limited when considering ways to broaden opportunities for
innovative housing which preserves rural character and allows for varying rural densities.

82. New innovative land use techniques are necessary to provide opportunity to land owners and
developers to create density variety while protecting rural character and resource uses.

83. Chapter 2 and Chapter 8 of the Kittitas County Comprehensive Plan needs to encourage a variety
of rural densities within the County’s rural areas which are compliant to the Growth Management
Act and meet the intent of RCW 36.70A.070(5).

84. Chapter 2 and Chapter 8 of the Kittitas County comprehensive Plan needs to provide for a variety
of densities that are consistent with the pattern of development established within the County, are
compatible with its unique rural character as identified in WAC 365-196-425(3), and provide for
densities that:

   a. Are compatible with the primary use of land for natural resource production;
   b. Do not allow for intensive use of the land;
   c. Allow open space, the natural landscape, and vegetation to predominate over the built
      environment;
   d. Foster traditional rural lifestyles unique to the County, foster rural-based economies, and
      provide opportunities to both live and work in rural areas;
   e. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density
      development;
   f. Generally do not require the extension of urban governmental services; and
   g. Do not create urban densities in rural areas.

85. Recreation industries, such as camping areas and tourist activities which provide for hiking,
fishing and skiing, are a large part of the economic base of Kittitas County and are rural in nature.
A land use designation within the Kittitas County Comprehensive Plan and zoning classification
within the implementing Zoning Code should be created to accommodate rural residential
densities and allow recreational activities compatible with the County’s rural recreational
character, particularly in Upper Kittitas County.

**Permitting Urban Uses and Urban Development in Rural Areas (Case No. 07-1-0015, Issue 2)**

86. Existing Land Use Plan maps and Official Zoning maps include categories that no longer exist or
have areas zoned in rural areas which are not rural in nature. Comprehensive Plan “Rural”
designations and implementing rural zone classifications should exist within rural areas to insure
development compatible with rural character.
87. Kittitas County, after receiving public comments through questionnaire and the public open houses held on March 27 in Cle Elum, and March 28, 2012 in Ellensburg, obtained a significant number of responses from residents and land owners that densities in rural areas, and that current land use regulations resulted in development that was urban in character in rural areas.

88. Most attending Open Houses were not in favor of Ag-3 and Rural-3 zones, PUDs or cluster development and indicated that such zones reduce the quality of “rural character.”

89. Staff prepared various descriptions of rural areas related to the comments received in the first meetings and responses to questionnaires and related to Growth Management compliance issues in order to obtain additional public comment at subsequent open houses.

90. Open House meetings were conducted on April 17 and 18, and on June 12 and June 13 which provided the public the opportunity to comment on proposed optional descriptions of “rural” environment.

91. Most people attending the open houses indicated that areas without urban services and without high density development were rural in nature and should be within a “Rural Recreation,” “Rural Working,” “Natural Resource,” or “Rural Residential” designation of the Comprehensive Plan.

92. At three joint study sessions held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners, responses from open houses and designation proposals were presented. No public testimony was taken at these meetings.

93. At these public joint study sessions, decision makers were provided matrices outlining proposed Comprehensive Plan and potential regulation changes, and how each proposed change could benefit the County, how to address the issue of having urban environments in rural areas and how options presented would achieve compliance to the GMA.

94. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, public was permitted to comment upon proposed designations and zone classifications in relation to urban uses in rural areas.

95. Comments indicating support for proposed changes, request for alterations to the proposed amendments, and requests for no change to the County’s Comprehensive Plan policies and implementing regulations were considered at both hearings and in deliberation of proposed amendments to the County’s Comprehensive Plan and implementing regulations.

96. Numerous comments were made at the public hearings indicating that use of existing land use development techniques, such as Planned Unit Development and Performance Based Cluster Plats, and One-time Splits, resulted in urban densities within rural areas, and were not appropriate within Kittitas County.

97. Uses in the rural area must preserve rural character, and implementing tools require criteria to assure such preservation.

98. The agriculture and forestry industries are more significant to the County’s long-term economic base than residential development.
99. GPOs are needed within Chapter 2 and Chapter 8 of the Comprehensive Plan which provide policy protecting rural lands from urban sprawl development.

100. Planned Unit Developments (PUDs) are presently permitting densities above the underlying rural zones diminishing preservation of rural character and resulting in developments urban in nature.

101. Changes proposed within Chapter 8 and the Kittitas County Code in relation to preventing urban development in rural areas are in compliance with the Growth Management Act and meet the intent of RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.070, 36.70A.110, and 36.70A.130.

**Urban Uses in Designated Agricultural Lands of Long-Term Significance (Case No. 07-1-0015, Issue 3)**

102. Existing Land Use Plan maps and Official Zoning maps include categories that no longer exist or have rural areas zoned which are not compatible with agriculture activities. Rural designations and rural zones should exist within rural areas to insure development compatible with agriculture lands.

103. Kittitas County, after receiving public comments through questionnaire and the public open houses held on March 27 in Cle Elum, and March 28, 2012 in Ellensburg, obtained a significant number of responses from residents and land owners that densities upon agricultural lands, and that current land use regulations resulted in development that was urban in character and diminished agriculture in Kittitas County.

104. Staff adjusted the proposed Comprehensive Plan designations to accommodate these comments and to simultaneously meet compliance issues in order to enable additional public comment at subsequent open houses.

105. Open House meetings conducted on April 17 and 18, and on June 12 and June 13 provided public the opportunity to comment on proposed maps of re-designation and rezoning, where most favored Comprehensive Plan designations and zoning densities promoting open spaces and agriculture preservation.

106. At three joint study sessions held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners, responses from open houses and designation proposals were presented. No public testimony was taken at these meetings.

107. At these public joint study sessions, decision makers were provided matrices outlining proposed Comprehensive Plan and potential regulation changes, and how each proposed change could benefit the County and address citizen concerns, how to address the issue of having urban environments on agricultural lands and how options presented would achieve compliance to the GMA.

108. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, public was permitted to comment upon proposed designations and zone classifications.
109. Comments indicating support for proposed changes, request for alterations to the proposed amendments, and requests for no change to the County’s Comprehensive Plan policies and implementing regulations were considered at both hearings and in deliberation of proposed amendments to the County’s Comprehensive Plan and implementing regulations.

110. Numerous comments were made at the public hearings indicating that use of existing land use development techniques, such as Planned Unit Development and Performance Based Cluster Plats, and One-time Splits, resulted in urban densities within agricultural areas, and were not appropriate within Kittitas County.

111. GPOs are needed within Chapter 8 of the Comprehensive Plan which more clearly preserves farming and protects those activities from residential development which is not rural in character.

112. GPOs are needed within Chapter 2 and Chapter 8 of the Comprehensive Plan which provide policies protecting agriculture lands from urban sprawl development.

113. Establishment of Conservation Platting will not increase density of the land in which it is located, will permit borrowing opportunities necessary for farmers to continue agriculture activity, will preserve large amounts of open space, will provide a variety of density required in RCW 36.70A070(5)(b), and will aid in the elimination of the urban densities in rural areas and preserve agriculture lands of long-term significance.

114. Changes proposed within Chapter 8 of the County’s Comprehensive Plan and the Kittitas County Code in relation to preventing urban development in rural areas are in compliance with the Growth Management Act and meet the intent of RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177.

**Highway Commercial Zone Standards (Case No. 07-1-0015, Issue 6)**

115. Highway Commercial currently exists in areas outside LAMIRDs or UGAs and can create environments not compatible to rural environment.

116. A large amount of land within Kittitas County is currently zoned “Highway Commercial” which does not serve any rural commercial need in many areas, and is absent of any criteria for determining where it should occur. Without identified need for such use in particular areas, the classification should be eliminated.

117. Large areas in the Snoqualmie Pass area are designated as “Highway Commercial” for tourist purposes which can be accommodated with other zones and therefore, should be eliminated in these areas.

118. “Highway Commercial” zones should be located next to high traffic areas, inside LAMIRDs and UGAs, designed to provide tourist services.

119. Uses permitted in a “Highway Commercial” zone and the size of activities should be limited in order to protect rural character. Many uses should require a conditional use to protect rural character.
120. Highway Commercial zones serve no purpose in the rural areas and should not exist within lands outside LAMIRDs or designated UGAs.

121. Lands now zoned Highway Commercial in rural areas are proposed to be rezoned to rural designations and rural zone classifications to accommodate the uses intended while preserving rural character.

122. Changes proposed within Chapter 8 of the County’s Comprehensive Plan, changes in zoning maps, and proposed amendments to the Kittitas County Code in relation to limiting Highway Commercial zoning in rural areas are in compliance with the Growth Management Act, and meets the intent of RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177.

**Subdivision by One-Time Split (Case No. 07-1-0015, Issue 7)**

123. Kittitas County, after receiving public comment through questionnaire and the public open houses March 27 in Cle Elum, and March 18, 2012 in Ellensburg, obtained significant responses that such one-time splits land use technique was abused and is not supporting preservation of agriculture in rural lands.

124. Those attending Open Houses and the few that commented upon one-time splits were not in favor of one-time splits and that such techniques reduce the quality of “rural character.”

125. Staff presented land use techniques in lieu of one-time splits in a May 2012 Preliminary Analysis in order to obtain additional public comment at subsequent open houses regarding one-time splits.

126. Open House meetings conducted on April 17 and 18, 2012 and on June 12 and June 13 provided public the opportunity to comment on one-time splits, where most favored eliminating the land use technique.

127. Three meetings were held on June 24, August 21, and October 9, 2012 before the Planning Commission and the Board of County Commissioners to consider arguments for and against existing one-time split regulations. No public testimony was taken at these meetings.

128. At these joint public meetings, decision makers were provided the comments related to one-time splits and deliberated issues being addressed and how eliminating one-time splits would affect agricultural preservation and achieve compliance to the GMA.

129. At the Planning Commission hearing on October 23, 2012, and at the Board of County Commissioners hearing conducted on November 26, 2012, public was permitted to comment upon elimination of one-time splits.

130. Comments indicating support for proposed changes, request for alterations to the proposed amendments, and requests for no change to the County’s Comprehensive Plan policies and implementing regulations were considered at both hearings and in deliberation of proposed amendments to the County’s Comprehensive Plan and implementing regulations.

131. No comments were received at these hearings regarding one-time splits.

Revisions to Comprehensive Plan and Kittitas County Code

Ordinance No. 2013-001

Compliance Issues

February 11, 2013
132. One-time splits were established to aid farmers and owners of agriculture lands to pass their farm activity to members within the family that wish to continue the farming activity at its location.

133. One-time splits were established to provide a revenue source to permit continuation of farming agriculture land.

134. The one-time split action has been overused resulting in the potential for creation of over 5000 lots below 20 acres in the Agriculture 20 zone and the Commercial Agriculture zone.

135. One-time splits have been used to circumvent the purpose of the subdivision regulations and should be deleted from Title 17 of the Kittitas County Code.

136. Other land division techniques exist which achieve the objective to provide cash to the farmer or permit a family to live on the farm without degrading rural character.

137. New innovative land use techniques need to be adopted which provide a landowner opportunity to obtain revenue and permit the farming family to remain on the farm.

138. Proposed changes to Title 17 of the Kittitas County Code, eliminating the “one-time split” is in compliance to the Growth Management Act and meets the intent of RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177.

**Kittitas UGA Expansion (Case No. 07-1-0004c, Issue 15)**

139. As established in RCW 36.70A.110, each county that is planning under the GMA must designate UGA(s) within which urban growth shall be encouraged, and outside of which growth can occur only if it is not urban in nature.

140. Urban growth is defined as growth that makes intensive use of land to such a degree as to be incompatible with the primary use of land for the production of agricultural products or the extraction of mineral resources, rural uses, rural development, and natural resource lands. A pattern of more intensive rural development is not urban growth. Urban growth typically requires urban governmental services (RCW 36.70A.030).

141. Each UGA must permit a range of urban densities and include greenbelt and open space areas. A UGA designation may include a reasonable land market supply factor, based on local circumstances.

142. RCW 36.70A.110 provides requirements for designation of UGAs. These requirements are summarized below:
   a. Each city in a county must be included in an Urban Growth Area. UGAs may contain more than one city.
   b. The GMA expects that the county attempt to reach agreement with each city on the location of an Urban Growth Area. If such an agreement is not reached with each city, the county must justify in writing why it so designated the area an UGA.
   c. An UGA may include territory outside of a city if the territory is already characterized by urban growth or adjacent to land already characterized by urban growth.
   d. The area of the UGA is to be sufficient to meet 20-year growth projections.
e. Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the UGAs.

f. Urban governmental services should not be provided in rural areas. Urban governmental services include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

143. Washington Administrative Code (WAC) 365-195-335 provides recommendations for designating UGAs. These recommendations encourage following the guidance of applicable countywide planning policies, developing and following a long-term vision for future urban development, collaborating with cities, determining the appropriate urban/rural balance in the county, and procedures for determining the land capacity and sizing requirements for the UGA.

144. Land that is not otherwise suitable as an UGA or as a resource land is considered rural.

145. On behalf of Kittitas County and the City of Kittitas, SCJ Alliance, Engineering and Planning Services, completed a land capacity analysis in 2012 finding that the previous land capacity analysis conducted in 2009 was in error and that there is not an adequate amount of residential lands within the City’s UGA to accommodate the expected growth per OFM projections.

146. Environmental and economic research was considered and reviewed by Kittitas County planning staff and a number of policies proposed by the City of Kittitas and some of the findings of the study were revised as a result of this review.

147. Results of the study indicated that an additional 626 people are projected to reside in the City of Kittitas, and assuming a 2.69 average household size from US Census an additional 233 housing units will be needed by 2030. Existing land within the current City of Kittitas UGA is not large enough to provide this number of housing units.

148. Economic research provided by SCJ Alliance, Engineering and Planning Services in 2012 found that an additional 592 jobs will be needed by 2030 to accommodate this projected population.

149. SCJ Alliance, based upon a South Central Region forecast, determined that Kittitas County will need approximately 9000 jobs to provide industry to aid in providing this economic growth. Current industrial base is not adequate to supply this necessary industrial growth.

150. A gubernatorial task force established in 2011 issued a study entitled “Strategic Transportation Investments to Strengthen Washington’s Economy and Create Jobs” which showed that Kittitas County will have to provide a minimum of 3906 new jobs over the next ten years.

151. A loss of farmland soils would occur in the UGA expansion to the south; however, the soil types are common to the County representing a small fraction of the same soil types found in the County. Comparing the soil types on the subject properties to the total soils of those types in the
County, the sites represent about 1% of the same countywide soil types for six of the soil types present and about 5% for two of the soil types present.

152. The City of Kittitas has adequate water, sewer, and other capital facilities, an Interstate junction location on I-90 within the City of Kittitas boundaries and land capacity to accommodate transport industries that will provide the projected employment needs.

153. Existing land proximity to the City and freeway and availability of services, and the possibility of more intense uses of the land indicate the property may not have long-term significance for agriculture.

154. Many industrially-designated lands available within the County do not have the transportation benefits provided by the location of the City of Kittitas. The Bowers Field area is less suitable to industrial development due to critical areas, lack of infrastructure, and potential conflicts with airport uses. Airport lands available for lease and not sales are not marketable to larger industrial developments. Additionally, access to the freeway from Bowers Field will direct industrial traffic through residential areas.

155. Under existing traffic conditions, all roads within and adjacent to the potential Kittitas UGA are operating at LOS A, which is well within the City and County standard of LOS C. These roads are also expected to accommodate additional traffic resulting from typical regional growth through 2025, and still maintain operations at LOS A.

156. The City will monitor traffic conditions, and conduct more detailed traffic impact analysis as part of future development proposals to determine if any additional roads are needed to provide support access and circulation for development in these areas.

157. Public Open Houses were held on March 28, April 18 and June 13 in Ellensburg to obtain public feedback on the proposed expansion of the City of Kittitas' Urban Growth Boundary and found most involved in favor of the expansion of the boundary.

158. The County in the compliance process held five meetings with the Kittitas County Council of Governments (KCCOG) and the Cities of Roslyn, South Cle Elum, Cle Elum and the City of Kittitas voted to support the proposed expansion of the City of Kittitas UGA-based upon efforts by the County staff and reports provided by the City.

159. The County, upon deliberation of the issues related to the expansion of the City of Kittitas’ UGA and upon reviewing the report from SCJ Alliance and input from the citizens of Kittitas County, agrees that the expansion of the City’s UGA will be significant to regional economic growth, and will be compatible with the County’s Comprehensive Plan.

160. Action to expand the City of Kittitas UGA is compliant with the Growth Management Act and meets the intent of RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, and 36.70A.170.

161. Effort to expand the City of Kittitas’ UGA has been found non-compliant in two separate reviews by the EWGMH in 2008 and 2010. If found non-compliant a third time, the City UGA will revert to its original UGA boundaries in 2006 and as shown in Exhibit “I.”
SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Comprehensive Plan, Chapter 2 for compliance purposes as attached hereto as exhibit “A”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Comprehensive Plan Executive Summary and Chapter 8 for compliance purposes as attached hereto as exhibit “B”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Comprehensive Land Use Plan maps for compliance purposes and as represented in Exhibit “C”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Zoning maps for compliance purposes and as represented in Exhibit “D”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Code Title 15A for compliance purposes, and as represented in exhibit “E”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to the Kittitas County Code Title 16 for compliance purposes, and as represented in exhibit “F”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to the Kittitas County Code Title 17 for compliance purposes, and as represented in exhibit “G”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation hereby approves the expanded urban growth area for the City of Kittitas and approves the Land Use maps, the zoning maps and the amendment to the Light Industrial zone in Title 17, as shown in exhibit “H”, and

BE IT FURTHER ORDAINED should the expansion of the UGA found not to be in compliance with GMA, the Light Industrial amendment to Section 17.48.030 and the expansion of the UGA boundary shall not be adopted, the City boundaries will remain as they existed in 2006, and will be re-designated and re-zoned as shown in Exhibit “I”; and

BE IT FURTHER ORDAINED the Prosecutor’s Office is charged with preparing and submitting the necessary clean updated versions of the comprehensive plan and development code to Information Services, incorporating all the amendments authorized herein, so that they can be placed on the County web page, and that the Prosecutor’s Office is hereby authorized to make any correction necessary to remedy scrivener’s errors such that Information Services of Kittitas County may update the on-line code and comprehensive plan without additional Board action.
NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the Amendments to the Kittitas County Comprehensive Plan and Kittitas County Code and related maps as attached hereto and incorporated by reference and orders the amendments to become effective April 2, 2013. Upon receipt of findings of compliance from the Growth Management Hearings Board, Information Services is directed to update the County regulations found compliant with direction from the Prosecutor’s Office as described above.

Adopted this ___11th__ day of ____February______, 2013, at Ellensburg, Washington.

ATTEST:
CLERK OF THE BOARD

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Obie O’Brien, Chairman
Paul Jewell, Vice-Chairman
Gary Berndt, Commissioner

Greg Zempel WSBA #19125
## EXHIBIT A

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...
Chapter 2. Land Use

2.1. Introduction and Overview

The Land Use Element plays the central role in guiding land use patterns and decisions for the County. In keeping with State law, the County fulfills its responsibility of shaping land use primarily through its Comprehensive Plan policies and implementing development regulations. While this chapter addresses all land uses in the County, the emphasis is on urban lands. Rural and resource land uses are specifically addressed in Chapter 8, Rural and Resource Lands.

The majority of new growth in the County is encouraged to locate in established cities and urban growth areas (UGAs) where adequate public facilities and services can be provided in an efficient and economical manner. An adequate supply of land in the UGAs will ensure that immediate and future urban needs are met as well as provide for an orderly and efficient transition from low intensity land uses to urban land uses over time as the incorporated cities expand.

2.1.1. Growth Management Act Goals

Three of the Growth Management Act (GMA) planning goals are particularly relevant to land use:

- Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. (Revised Code of Washington [RCW] 36.70A.020(1))

- Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. (RCW 36.70A.020(2))

- Private property. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
2.1.2. **Land Use Patterns**

Kittitas County is located at the geographic center of Washington State, midway between the heavily populated Puget Sound region and the eastern farming areas centered around Moses Lake. More than half of the County is covered by coniferous forests, while approximately thirty percent (30%) is in pasture or unimproved grazing land. Less than two percent (2%) of the County is in urban development.

The County covers 2,315 square miles of highly varied terrain and climates. Beginning in the high Cascades the land slopes generally to the east and south to the Columbia River.

Land use in Kittitas County ranges from residential uses to resource based activities. In the Snoqualmie Pass area, resource allocation in the form of timber harvesting is the predominant land use with additional areas used for recreation. Resource lands still predominate the mid-elevations, though residential development increases in these areas. In the lower elevations, agricultural activities are the main land use, with residential development intermixed in the area. The Department of Defense’s Yakima Training Center is located in the southeastern portion of the County, and makes up a large percentage of the ownership in the lower Kittitas Valley, approximately 164,132 acres.

2.1.3. **Existing Density**

Zone classifications consistent with the Comprehensive Plan determine the allowable development density throughout the County. Under current zoning, densities range from one unit per 6,000 square feet to one unit per 80 acres. For example, the Suburban zone allows a density of one unit per acre, while the Agricultural-3, Rural-5, and Agricultural-20 Zones allow for a density range of one unit per three acres, five acres, or twenty acres, respectively. The lowest density in the County is in the Commercial Forest Zone where the assigned density is one unit per 80 acres.

2.1.4. **Zoning and Land Use Designations**

The following table shows the land use designations assigned in this Comprehensive Plan, along with the corresponding zone classifications present in each land use designation and the total area in acres occupied by that zone.
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¹Acreages are approximate.
²Mineral lands include lands zoned Commercial Agriculture, Commercial Forest, Agriculture 20, or Forest & Range.
2.2. Use Goals and Policies

The foundation of the Comprehensive Plan consists of the major goals and policies established by the County during the planning process. It is upon these goals and policies that virtually the entire plan is based.

The planning process is an on-going process consisting of establishing, applying, monitoring and evaluating goals and policies. Different goals may at times conflict requiring the County to weigh one goal against the other in order to choose a policy direction.

Citizen participation has been a vital part of the planning process and has guided formation of goals, policies, and objectives. The following general goals, policies, and objectives (GPOs) in this chapter and elsewhere in the Comprehensive Plan have been drawn from that process.

2.2.1. General Goals and Policies

GPO 2.1 The land use pattern for the County shall protect the natural environment, traditional uses, and rural character by directing future residential development which is not compatible with rural character to urban areas.

GPO 2.2 Protect, preserve, maintain, and enhance the County’s natural resource industry base, natural environment, and rural character, including but not limited to timber, agriculture, mineral, water and energy resources. The County shall avoid land use conflicts with its resource industry by applying low residential densities to lands adjacent to resource lands.

GPO 2.3 The County should diversify economic development by providing broader employment opportunities.

GPO 2.4 Encourage urban growth and development in those areas where public roads and services can support such growth, and where development will cause minimal environmental degradation, reduce the conversion of land for development, and concentrate future growth in established cities and urban growth areas.

GPO 2.5 Encourage zoning and development regulations in the UGAs that ensure the cost of new housing in these areas will not be substantially higher than equivalent housing outside these areas.

GPO 2.6 Kittitas County should encourage residential and economic growth in cities and urban growth areas to minimize the costs of providing public utilities and services and reduce the conversion of rural and resource lands.

GPO 2.7 Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high quality environment.

GPO 2.8 Kittitas County will cooperate with the private sector and local communities in actively improving conditions for economic growth and development.
GPO 2.9 The process and formula for population projection and allocation in Kittitas County is outlined in the County-wide Planning Policies. To achieve and maintain rural character and resource based industries, the allocation of population growth to rural and resource lands should be minimized and should not represent a significant portion of the County’s residential growth capacity.

GPO 2.10 When adopting development regulations, Kittitas County shall notify property owners that zoning and land use may change, and will consider requests for amendments made to individual properties.

GPO 2.10A Kittitas County recognizes the importance of Natural Area Preserves and Natural Resource Conservation Areas administered by the Washington State Department of Natural Resources under RCW 79.70 and 79.71. The County will seek to be included in the identification and development of management plans for these sites located within the County.

GPO 2.10B The County may develop study areas, either Countywide or specific geographic locations, for analysis and implementation of a variety of planning techniques and tools, including but not limited to: subarea plans, zoning designations, design standards and development requirements.

GPO 2.10C Study areas shall be considered for the following issues and areas.

- Teanaway Drainage Basin
- Freeway Interchanges
- Yakima River Watershed Planning
  - Snoqualmie Pass sub-area, including Gold Creek
  - Easton
  - Ronald
  - Thorp
  - Vantage

GPO 2.11 Kittitas County recognizes the need to provide adequate and efficient fire services to all areas of the County. The following strategies should be utilized:

- Adopt and implement the most current version of the International Fire Code including the Urban – Wildland Interface Code (UWIC)
- Participate in the Community Fire Wise Programs
- Develop Community Fire Wise Plans
- Encourage coordination with and between Fire Districts
- Encourage coordination with the Washington State Department of Natural Resources

GPO 2.12A Kittitas County shall work with cities in collaborative efforts that result in transfer of development rights, to encourage and promote the protection of Rural Lands, Natural Resource Lands, Forest Lands and Agriculture Lands. This may be accomplished through development of interlocal agreements.
GPO 2.12B Reserved.

GPO 2.13 Electric and natural gas transmission and distribution facilities may be sited within and through areas of Kittitas County both inside and outside of municipal boundaries, UGAs, Master Planned Resorts, and LAMIRDs, including to and through rural areas of Kittitas County.

GPO 2.14 Kittitas County will continue to explore incentives for farming and ranching to continue as significant land uses, for example, innovative cluster platting, transfer of development rights, and planned unit developments.

GPO 2.15 The development of resource based industries and processing should be encouraged in all areas of Kittitas County. When such uses are located in rural and resource lands, criteria shall be developed to ensure the protection of these lands to ensure compatibility with rural character. Consider adding a definition for “resource based industry” to the definitions in Title 17, Zoning.

GPO 2.16 Habitat and scenic areas are public benefits which must be provided and financed by the public at large, not at the expense of individual landowners and homeowners.

GPO 2.17 Kittitas County may accept by bequest lands for habitat and scenic areas.

GPO 2.18 If Kittitas County chooses to acquire additional lands for habitat and scenic areas, it may consider a variety of methods of financing, including grants of State or federal funds, or other instruments.

GPO 2.19 The County should recognize the abundance of habitat, scenic areas and views on publicly-owned lands when assessing the need for additional such lands. Efforts to connect habitat and open space on private lands to habitat and open space on public lands shall be encouraged.

GPO 2.20 Efforts to retain access to public lands shall be encouraged.

GPO 2.21A Designate sufficient available land for specialized industrial uses that are by their nature compatible with residential, agricultural, recreational, and other general land use types.

GPO 2.21B Promote industrial development within the UGAs by encouraging infrastructure improvements and new business recruitment.

GPO 2.21C Encourage an adequate inventory of developable property to accommodate the siting of new, and the expansion of existing industrial uses.

GPO 2.21D Identify areas where mixed commercial and industrial uses can be sited if compatibility is evident.

GPO 2.22 Kittitas County shall coordinate with State and federal agencies in the development plans and of land use regulations by providing notification to appropriate agencies of new planning activities.

2.2.2.    Historical Lands

Historical lands include all those lands, which have been designated as such on federal, State, or local historical registers as well as those sites, which have a local cultural or historical significance.
GPO 2.23 The County shall work with the Department of Archaeology and Historic Preservation and the Yakama Nation to protect historic lands and cultural resources in the County.

GPO 2.24 County shall support initiatives to improve public awareness of historic lands and cultural resources, for example, through interpretive exhibits, signage, or through formal designation on local, State, or federal registries. However, the County recognizes the need to keep the location of some historic sites from public knowledge, such as areas known to contain archeological remains, to avoid disturbance and damage.

2.2.3. Private Property and Water Rights

Property Rights

Kittitas County recognizes private property rights and as such includes reference to Ordinance No. 96-09, an ordinance enabling a private property taking impact analysis within Kittitas County. In addition, Kittitas County recognizes the importance of agriculture and has addressed appropriate protection mechanisms through those policies contained in Kittitas County Code Section 17.74, Right to Farm for the Protection of Agricultural Activities.

GPO 2.25A Kittitas County will administer this Chapter in accordance with the United States and State of Washington constitutional provisions for the protection of private property rights and provision of due process. As set forth in WAC 365-195-720 [Procedural Criteria], the county in administering this ordinance, “should refer to all sources at all levels of government, including federal and state constitutions, federal and state statutes, and judicial interpretations thereof.”

GPO 2.25B Should any provisions of this ordinance be in violation of constitutional requirements or of recent court decisions, the Planning Director will advise the Board of the provisions in violation, and whether the violation is a requirement of the State of Washington or a regulation or policy of the County. If the violation is a requirement of the State, the Washington State Attorney General’s Office will be advised. If the violation is a County requirement, the Board of County Commissioners will schedule a public meeting to consider removing or amending such section or policy.

GPO 2.25C Kittitas County will place a high priority in the Kittitas County Comprehensive Plan on the following State goal:

*RCW 36.70A.020(6) Property Rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.*

Water Rights

Water rights are property rights held by individual citizens, irrigation entities, municipalities, public and private utilities and governments. Water rights are recognized by state law RCW 90.03.010 Surface Waters and RCW 90.44.035 Ground Waters. Surface waters within Kittitas County are being adjudicated in Yakima Superior Court in the action commonly known as Acquavella.
Kittitas County affirms existing water rights and uses and shall have no power of eminent domain or authority to impair by any county action, ordinance, or policy, including that of watershed planning agencies, (a) any lawful water right or use; (b) the capability of water suppliers or users to store, divert, convey, deliver, and apply the water to beneficial use in the exercise of those rights; (c) the continuation of existing land uses dependent on, or benefited by, those water rights and uses.

In defining water rights for purposes of these agricultural land uses, no water rights under State law, including the Acquavella litigation, are available for fish or wildlife habitat without voluntary agreement of the water and/or land owner affected. Water rights and waters covered by the stipulation entered in the Acquavella adjudication as to all parties in Kittitas County dealing with water rights as confirmed for Non-Diversionary Stock and Wildlife watering are incorporated by reference and set forth as follows for clarity:

GPO 2.26A Waters in natural watercourses in the sub-basin shall be retained when naturally available, in an amount not to exceed 0.25 cubic foot per second (cfs), for stock water uses in such watercourses as they flow across or are adjacent to lands, which are now used as pasture or range for livestock. Retention of such water shall be deemed senior (or first) in priority, regardless of other rights confirmed in this cause. Regulation of these watercourses by the plaintiff shall be consistent with such retention requirements.

GPO 2.26B Water in natural watercourses in the sub-basin shall be retained when naturally available, in an amount not to exceed 0.25 cubic foot per second (cfs), for wildlife watering uses in such watercourses as they flow across or are adjacent to lands, which are now used as pasture or range for wildlife. Retention of such water shall be deemed senior (or first) in priority.

GPO 2.26C Waters in naturally occurring ponds and springs (with no surface connection to a stream) in the sub-basin shall be retained for stock water uses, when such ponds and springs are located on or adjacent to lands which are now used as pasture or range for livestock. Said uses embody entitlement to a level in the water bodies sufficient to provide water for animals drinking directly from there while ranging on riparian lands, and with the same priority as provided in paragraph 1. Regulation of the ponds and springs by the plaintiff shall be consistent with such retention requirements.

GPO 2.26D Waters in naturally occurring ponds and springs (with no surface connection to a stream) in the sub-basin shall be retained for wildlife watering uses, when such ponds and springs are located on or adjacent to lands which are now used as pasture or range for wildlife. Said uses embody entitlement to a level in the water bodies sufficient to provide water for wildlife drinking directly from there while ranging on riparian lands, and with the same priority as provided in paragraph 1. Regulation of the ponds and springs by the plaintiff shall be consistent with such retention requirements.

GPO 2.26E Nothing in this stipulation mandates that any lands, associated with water rights or water retention as provided herein shall be reserved for wildlife purposes.
2.2.4. Subarea Plans

The subarea comprehensive plans for Easton, Swauk-Teanaway, Thorp, Westside and Taneum can be found in Volume II of the Kittitas County Comprehensive Plan, 1996. These subarea comprehensive plans have no official standing in future land use decisions but may be used as evidence to support future comprehensive plan amendments. They constitute a major part of the County’s public participation in building the comprehensive plan.

Snoqualmie Pass Comprehensive Plan

Snoqualmie Pass Subarea Comprehensive Plan has been adopted into the Kittitas County Comprehensive Plan and is located in Chapter 7 of this document.

2.3. Urban Growth Areas

The areas included within the urban growth area boundaries are intended to urbanize and become annexed in the proceeding 20 years. Until that time, these lands will continue to be under County jurisdiction. To ensure both consistency and coordination with the future annexing jurisdiction, planning for these areas will be done in concert with the respective cities. In addition, interlocal agreements with the individual cities may be necessary to provide the necessary administrative guidance and services to these unincorporated areas.

As portions of the urban growth areas develop, it is assumed that these areas will be annexed to an adjacent city. Prior to annexation, intergovernmental agreements will need to be created to address the allocation of financial burdens that result from the transition of land from County to city jurisdiction. Similarly, agreements will need to be drafted to coordinate planning efforts for the unincorporated areas of the urban growth areas and with facility providers in the other areas throughout the County. The following are additional issues that must be resolved by the cities and Kittitas County for the preparation and implementation of goals, objectives and policies contained in this comprehensive plan:

Joint interlocal agreements*:

1) Unified or consistent subdivision code;
2) Municipal utility extension agreement for water, sewer and gas;
3) Intergovernmental service agreements for libraries, fire, emergency medical service, and parks and recreation;
4) Unified or consistent zoning code with provisions for urban zoning, transitional zoning, and other transitional uses;
5) Density and land use mapping;
6) Airport Facility-flight safety zones, density, land uses, expansion of the airport and services provided for the City of Ellensburg;
7) Extension and acquisition of rights-of-way;
8) Unified or consistent road standards, stormwater standards and level of service;
9) Annexation agreements; and
10) Shoreline master program amendments.

*This list is not intended to be all inclusive.

The individual cities within Kittitas County are responsible for developing a final urban growth area boundary, future land use plans for the unincorporated portion of their respective urban growth areas, and facility or service needs to accommodate the 20-year population growth. These plans are to be submitted to Kittitas County for consideration and ultimately adoption as a portion of the County comprehensive plan. RCW 36.70A.110(5) states, "Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter..." and RCW 36.70A.110(6) states, "Each county shall include designations of urban growth areas in its comprehensive plan."

Urban growth areas are identified for the cities of Ellensburg, Cle Elum, Roslyn, Kittitas, and the Town of South Cle Elum.

GPO 2.27 For purposes of administering the urban growth area for the City of Ellensburg, in the event a road right-of-way forms the boundary of the UGA then the boundary shall be extended 660-feet for areas designated for residential uses and ½-mile for areas designated for industrial uses. The extension of the UGA in these areas is made to allow for efficient extension of utilities within the road right-of-way.

GPO 2.28 Reserved.

GPO 2.29 Kittitas County shall seek consistency in development regulations in urban growth areas with adjacent cities and when appropriate where rural development may impact future urban growth. This may be accomplished through:

- Coordination through the Conference of Governments
- Development of Interlocal agreements
- Use of overlay zones such as Rural Transition Zones

GPO 2.30A Consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.30B Expansion of the UGA should be encouraged in areas least suited for agriculture and areas not impacted by critical areas.

GPO 2.30C Urban Reserve: "Urban Reserve" is population, allocated to Kittitas County by the State Office of Financial Management, that the Kittitas County Conference of Governments (KCCOG) has placed in accounts for the various municipalities. Upon demonstration by the given municipality, through appropriate land capacity and capital facilities analysis, some or all of that population, currently held in Urban Reserve as an account, can be taken out and added to the municipality’s population allocation. This demonstration shall be made to the KCCOG and
the KCCOG will determine the amount of Urban Reserve to be withdrawn and added/adjusted to the municipality’s population allocation. Until such land capacity and capital facilities demonstration and determinations are made by the KCCOG, population held in Urban Reserve is not part of a municipality’s population allocation and cannot be used as a basis for zoning or UGA size changes.

GPO 2.31 In UGAs where there is an absence of urban utilities, a system of subdivision and development should be encouraged which would produce a pattern capable of re-division to a higher density at such time when utilities are available.

GPO 2.32A Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

GPO 2.32B Adopt urban growth area (UGA) boundaries to accommodate residential and employment increases projected within the boundaries over the next 20 years.

GPO 2.33 As allowed in GPO 2.10B and GPO 2.10C the County should develop a study area around each Urban Growth Area that may lead to the development of a Rural Transition Zone overlay. The study area should consider but not be limited to:

- Strategies to accommodate urban development in the 20-to-50-year planning horizon
- Shadow platting to plan for and accommodate future development
- Transfer of Development Rights receiving areas
- Use of Cluster Development
- Urban design standards consistent with adjacent or nearby cities

GPO 2.34 The UGAs shall be consistent with the following criteria:

a. Each UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period;

b. Lands included within UGAs shall either be already characterized by urban growth or directly adjacent to such lands;

c. Existing urban land uses and densities should be included within UGAs;

d. UGAs shall provide a balance of industrial, commercial, and residential lands;

e. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards;

f. Protect natural resource and critical areas;

g. Encourage the conversion of undeveloped lands into urban densities (infill);

h. Provide for the efficient provision of public services;
i. Promote a variety of residential densities; and,

j. Include sufficient vacant and buildable land.

GPO 2.35 Per RCW 36.70A.06094 forest land and agricultural land located within urban growth areas shall not be designated by a county or a city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170, unless the city or county has enacted a program authorizing transfer or purchase of development rights.

GPO 2.36 Lands designated agriculture or forest lands of long term significance shall not be used to expand an urban growth area.

2.3.1. **Urban Residential Land Use**

This designation contains those lands within urban growth areas, which appear to be most suitable and likely for future development and city utilities. The areas are, for the most part, highly suited to orderly street systems and land subdivision.

GPO 2.37A Designated commercial agriculture or forest lands may not be identified as future urban growth expansion areas. Ongoing agriculture and forestry in rural working and resource lands should be supported in development regulations.

GPO 2.37B Current agricultural uses in urban residential areas should be supported as the lands transition to urban residential uses.

GPO 2.38 Innovations in housing development should be encouraged, this includes but is not limited to innovative cluster developments, master planned developments, shadow platting, transfer of development rights and planned unit developments.

2.3.2. **Commercial Land Use**

The present and long established land use pattern in Kittitas County is the basis for planning future business development. That pattern finds most business located in established communities and/or business districts.

GPO 2.39 Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated County.

GPO 2.40 Most comparison shopping (general merchandise, clothing, appliance, auto, sporting goods) should be located in or near existing business districts.

GPO 2.41 Home occupations and cottage industries which result in accumulations of vehicles, appliances, or other materials should be regulated, licensed and required to provide sight screening from adjacent properties and roadways.

GPO 2.42 Highways and roads should not be developed with new commercial sites without compelling reasons and supporting economic data. Expansion and full development of existing business districts is encouraged.
GPO 2.43A Designate sufficient available land for specialized commercial uses that are by their nature compatible with residential, agricultural, recreational, and other general land use types.

GPO 2.43B Promote large-scale commercial development within the UGAs by encouraging infrastructure improvements and new business recruitment.

GPO 2.43C Promote small-scale commercial development outside of UGAs when compatible with adjacent land uses.

GPO 2.43D Encourage an adequate inventory of developable property to accommodate the siting of new, and the expansion of existing, commercial uses.

GPO 2.43E Identify areas where mixed commercial and industrial uses can be sited if compatibility is evident.

2.3.3. Industrial Land Use

It is the objective of this plan and the policy of the County to improve conditions, insofar as possible, to attract industry.

GPO 2.44 Location of Industrial Land. The County should designated sufficient industrial land located in areas convenient to utilities, fire protection, and to major transportation facilities (air, rail, freeway). Industrial developments may be permitted beyond urban growth areas, when zoning allows.

GPO 2.45 Compatibility. Industry located adjacent to residential areas or along scenic routes should be situated so as to minimize impacts on those areas and should provide screening and other measures to achieve compatibility.

Major Industrial Development

“Major Industrial Developments” may be approved within Kittitas County as authorized by the general principles of RCW 36.70A.365. “Major Industrial Developments” means a master planned location for a specific manufacturing, industrial or commercial business that:

a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or

b) Is a natural resource based industry requiring a location near agricultural land, forestland or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office parks.

Major Industrial developments may be needed to provide family wage jobs locally, and in addition may help increase tax revenues and expand the County’s economic base. Four possible sites have been identified for designation as major industrial developments once appropriate policies have been adopted through the Kittitas County Conference of Governments process and
amendments to the County-wide Planning Policies: Thrall area, Bowers Field, Bull Frog Road area and Alpine Veneer site.

It is the intent of the above provisions that the Major Industrial Development policies are solely intended to identify a nonexclusive list of rural areas that possibly could be considered in the future for Major Industrial Development. This listing does not in any way designate those listed areas as industrial development sites, nor does it authorize industrial development sites within rural Kittitas County. Major Industrial Development sites will only be approved and designated in the future if and when appropriate policies have been developed through the Kittitas County Conference of Government process, amendments to the County-Wide Planning Policies have been made, and the Comprehensive Plan has been amended to reflect such amendments.

2.3.4. Kittitas County Airport

Kittitas County has an “Airport Zone”, in which to protect its general aviation airport. Through its comprehensive plan and development regulations, in compliance with RCW 36.70.547, or as amended thereafter, the County shall discourage the siting of incompatible uses adjacent to its general aviation airport.

The Kittitas County Airport (Bowers Field) is the largest airport in the County and provides air transport from the Ellensburg area to other airports. It is located adjacent to Ellensburg. Zoning revisions may be necessary from time to time to provide the protection needed for the continued safe operations of the airport. Such zoning proposals should be presented to the Planning Commission for recommendation to the Board of County Commissioners.

GPO 2.46A The County shall maintain an Airport Layout Plan for the Kittitas County Airport (Bowers Field) in conformance with the Federal Aviation Administration which provides for new height restrictions that will allow for precision landing approach. The area contained in the FAR Part 77 should be designated as the Airport Overlay Zone.

GPO 2.46B The County should consider aviation easements in the Airport Overlay Zone.

GPO 2.46C The County should consider notifying all property owners within the Airport Overlay Zone of airport activities.

GPO 2.46D The County should adopt the following safety zones within the Airport Overlay Zone:

- Inner Safety Zone
- Inner Turning Zone
- Outer Safety Zone
- Sideline Zone
- Traffic Pattern Zone
GPO 2.46E All aviation related land uses should be considered acceptable in the area designated as “industrial” and provided that the FAA airport design criteria are met.

GPO 2.46F The County should promote economic development and employment opportunities for the Airport Industrial Zone and Bowers Field Overlay Zone.

GPO 2.46G The County should establish zoning standards which will insure that the industrial uses will not impact airborne aircraft because of height structures, smoke, glare, lights which shine upward, and radio transmissions, nor any water impoundments or sanitary landfills which would create hazards from waterfowl to airborne aircraft.

GPO 2.46H The County should promote renewable energy developments and industries within the Bowers Field Overlay Zone.

2.4. Rural and Resource Lands

2.4.1. Rural and Resource Land Use Designations

Four land use designations have been identified within this Comprehensive Plan. The first, Rural Residential lands, are those which are adjacent or near identified UGAs or LAMIRDs and have an infill potential at similar residential density. They generally have a lower population density than urban areas but higher than most rural areas. A limited level of government services usually exists, and they are often inside Fire Districts and are outside flood areas and most hazard areas.

The second, Rural Working lands, generally encourages farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel size compared to Rural Residential areas. Agriculture and forestry activities are generally less in scope than in the Resource lands.

Rural Recreation is the third land use designation of the Plan. These lands often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.

The final rural lands designation is Limited Areas of More Intensive Rural Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Kittitas County has utilized the standards set forth in RCW 36.70A.170 to designate resource lands, which may not currently be characterized by urban growth and must have long term commercial significance. In using these criteria, Kittitas County relied on the definitions found in
RCW 36.70A.030 relative to resource lands, and to designates these lands into three categories: lands of commercial agriculture, lands of commercial forest and mineral resource lands.

A large portion of Kittitas County contains forested lands. Of these lands, 731,348 acres have been designated as forestlands of long-term commercial significance and are designated “Commercial Forest” lands within the Plan. Furthermore, 357,527 acres of the valley floor’s agricultural land has been designated as “Commercial Agriculture” since it is agricultural land of long-term commercial significance. “Mineral” resource lands of long-term commercial significance have also been designated.

Goals, policies, and objectives for Rural and Resource Lands can be found in Chapter 8 of this Plan.

2.4.2. **Yakima Training Center**

This designation contains those lands within the boundaries of the Yakima Training Center, an area acquired by the Federal Government for military personnel training.

The Department of Defense has developed and is implementing a comprehensive Integrated Cultural and Natural Resource Management Plan (January 2002) which serves as the guidance document for the management of installation resources. Kittitas County recognizes this plan and the goal and policy statements that result from it. In the event any portion of the Yakima Training Center was to revert to another ownership, the County reserves the right to establish land use planning goals, policies and designations prior to such transfer being effective.

2.4.3. **Other Public Lands**

Approximately sixty-four percent (64%) of Kittitas County is managed by State and Federal Agencies. In addition to those lands owned by the U.S. Department of Defense, there are also lands managed by the U.S. Forest Service, U.S. Bureau of Land Management, Washington State Department of Natural Resources, Washington State Department of Fish and Wildlife, etc.

GPO 2.47 Kittitas County will consider creating a wildfire protection policy tied to land use zoning that will protect both the private landowner and public lands from wildfire. When the use of forested lands is changed, the party doing the changing is responsible for providing a fire resistant buffer around the property.

GPO 2.48 Reserved.

2.5. **Shorelines**

2.5.1. **Introduction**

Kittitas County is endowed with a variety and abundance of lakes, rivers, and streams. A county undergoing considerable change and development cannot long take for granted such valuable and limited resources. It shall be the objective of the County, therefore, to provide for the long range
management of shorelines and adjacent wetlands by planning for and fostering all reasonable and appropriate uses, including residential, industrial, agricultural, private and public recreation, etc. This policy is designed to ensure the development and/or preservation of shorelines, which will promote and enhance both private and public interest. It will also provide a policy framework whereby decisions are formulated before controversial issues or crises develop which often result in hasty, ill-advised solutions.

GPO 2.49 In compliance with RCW 90.58 Kittitas County should undertake an updated comprehensive study of its lakes and rivers, including an inventory of and classification of all shoreline lands, swamps, and marshes.

GPO 2.50 The County should, in compliance with the Shorelines Management Act prepare and adopt a comprehensive land use and restoration plan related to its lakes, streams, rivers, and associated wetlands consistent with the requirements of RCW 36.70A and 90.58.

The following goals and policies are part of the Shoreline Master Program for Kittitas County Washington originally adopted in 1975.

**2.5.2. Shoreline Management**

GPO 2.51 Shoreline Use: Kittitas County is characterized by four major shoreline uses: (1) irrigated agriculture; (2) range; (3) forest and wild lands; (4) recreational use. A continuation of such uses should be encouraged.

Alternative uses may occur which are compatible with the specific Environments of the Act, provided that they are compatible to the physical characteristics of any particular site. These concepts are intended to promote a pattern of shoreline uses, which will minimize conflict, preserve high quality environment, and leave open the greatest number of options for future generations of shoreline users.

GPO 2.52 Agriculture and Irrigation: Irrigated agriculture is a water dependent use and a key factor in the economy of Kittitas County; therefore, it is a goal of our County that other shoreline uses should not jeopardize production on agricultural lands. While other shoreline uses may be compatible with irrigation systems, it is a goal of our County that all shoreline uses shall be constructed and maintained in such a way as to not interfere with the diversion of delivery of water. Irrigation easements, head ditches, headgates, turnouts, and other necessary appurtenances shall be given priority.

GPO 2.53 Economic Development: It is a goal of our County that commercial development locate inland from designated flood plain and shoreline areas unless that development is particularly dependent upon a shoreline location and is consistent with the long range needs of the public.

GPO 2.54 Recreation: It is a goal of our County to encourage recreational opportunities which will not compromise water quality, will not have a detrimental effect on the fragile systems of our shorelines, nor infringe on the rights of the private property owner.
GPO 2.55 Conservation: It is a goal of our County to encourage sound management of renewable shoreline resources and that non-renewable shoreline resources be preserved to the greatest extent feasible.

GPO 2.56 Circulation: It is a goal of our County to encourage a transportation network capable of delivering people, goods, and services, which will result in minimum disruption of the natural system of our shorelines.

GPO 2.57 Public Access: Shoreline dependent recreational activities are of significant importance to the citizens of Kittitas County. A public access system should facilitate movement to public shoreline areas without compromising the natural features of the shoreline. Public access to public areas shall in no way limit or lessen any private landowner’s right to prevent trespassing.

It is a goal, therefore, of our County to develop a network of well-planned and maintained public access areas located on publicly owned shorelines, to purchase additional shoreline property when feasible and to encourage a provision of public access in all future public land shoreline development. Intrusions created by such public access should not have detrimental effects on fragile natural features, endanger life, or infringe upon the rights of private property owners.

GPO 2.58 Historical/Cultural: It is a goal of our County to protect and restore areas and sites having historical, cultural, or educational importance without infringing upon the private property owners.

GPO 2.59 Public Awareness: The public should be made aware of the content of the Shoreline Management Act as it applies to Kittitas County. The rights and obligations of the public and private citizens should be clearly stated. This information should be clearly identified. Methods of informing the public should be those most appropriate to a given situation.

These are examples of items to be considered:

- Standardized markers should be developed to inform public of access routes, parking, limitation of area, etc.
- The public should be made aware of their responsibility in maintaining the quality of the environment, especially for such things as litter prevention, trail cutting, clearing brush, and off road vehicular traffic.
- The public should be made aware of private property (where public lands end).

GPO 2.60 Restoration: It is the goal of Kittitas County to provide, where feasible and desirable, for restoration of blighted areas along the shorelines of Kittitas County to a natural and/or rehabilitated condition.

2.5.3. **Shoreline Use Activity**

These policies will reflect the intent of any one or all of the goal statements prescribed in Chapter Three depending on their applicability.
GPO 2.61 Agriculture: Kittitas County should (1) assure that lands suitable for agriculture are maintained in agricultural production; (2) should not allow the locations of confined animal feedlot operations, retention and storage ponds for feedlot wastes, or stock piles of manure solids close enough to shoreline areas to affect water quality; and (3) should encourage the maintenance of a buffer of permanent vegetation between tilled areas and associated water bodies which would retard surface runoff, reduce siltation, provide habitat for fish and wildlife and reduce erosion.

GPO 2.62 Aquaculture: Aquaculture enterprises should (1) not obstruct navigational access to upland areas, (2) shall not obstruct visual access of upland owners, and (3) should be located in areas where they do not impair the aesthetic quality of the shoreline of quality of the water involved.

Note that spawning areas and fish hatcheries, which are managed by the Department of Fish and Wildlife, are required to obtain a hydraulic project approval permit for work done in any stream or lake bed.

GPO 2.63 Archaeological/Historic Sites: Where possible archaeological and historical sites should be permanently preserved for scientific study and public observation. Kittitas County Planning Department should consult with professional archaeologists to identify areas containing potentially valuable archaeological data and to establish procedures for salvaging the data.

In areas known to contain archaeological data, local governments shall attach a special condition to a shoreline permit, providing for a site inspection and evaluation by an archaeologist to insure that possible archaeological data are properly salvaged.

Shoreline permits, in general, should contain special provisions, which require developers to notify local governments if any possible archaeological data are uncovered during excavations.

The National Preservation Act of 1966 and Chapter 43.51, RCW provides for the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archaeology or culture. The State Legislature names the Director of the Washington State Park and Recreation Commission as the person responsible for this program.

GPO 2.64 Commercial Development: Consideration to approve a permit for commercial development located on a shoreline shall be given only to those commercial developments which are shoreline dependent or shoreline oriented.

Commercial development which is non-shoreline oriented should be located inland away from the ordinary high water mark where commercial uses exist and where the appropriate zoning exists.

Commercial developments should be constructed in a manner, which would either improve or at most result in minimal damage to the normal qualities of the shoreline area.

GPO 2.65 Dredging: Dredging of materials for the single purpose of obtaining fill materials should be prohibited in any designated environment.
Dredging for the purpose of deepening a navigational channel should be permitted in any designated environment provided such dredging will not cause damage to existing ecological values and natural resources of both the area to be dredged and the area for deposit of the materials.

GPO 2.66 Flood Plains: It is the policy of this Section to minimize losses in flood plains by restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities.

Uses vulnerable to floods, including facilities, which serve such uses, shall be protected against flood damage at the time of initial construction. General regulations for carrying out this policy given under the Shoreline Master Program Ordinance, Section 25, pages ORD-10-11, apply to the four Environments, which include Natural, Conservancy, Rural and Urban.

GPO 2.67 Forest Management: Logging within shoreline areas should be conducted in such a manner to ensure the maintenance of buffer strips of ground vegetation, brush, and trees to prevent temperature increases adverse to fish population and erosion of stream banks.

Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contracts, or landscape panoramas should be encouraged as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be regulated so that the quality of the view and viewpoints in shoreline areas of the State are not degraded.

Seeding and replanting should be accomplished where necessary to provide stability on areas of steep slope, which have been disturbed. Replanted vegetation should be of a similar or improved type and concentration as existing in the general vicinity of the logged area.

Special attention should be directed in logging and thinning operations to prevent an accumulation of slash and other debris in contiguous waterways.

Logging should be avoided on shorelines with slopes of such grade that large sediment run-off will be precipitated, unless adequate restoration and erosion control can be expeditiously accomplished.

Proper road and bridge design, location and construction and maintenance practices should be used to prevent development of roads and structures, which would adversely affect shoreline resources.

GPO 2.68 Industry: Significant alteration of the shoreline environment is associated with industrial use; therefore, the location of industry on the shorelines of Kittitas County shall be limited to:

Enterprises which are clearly dependent upon access to the shoreline and associated waters (for successful operation); and
To sites which currently possess advantages to industry such as proximity to adequate transportation, raw materials, labor and the like,

In Kittitas County sites meeting the above objectives are associated with urban areas of Ellensburg, Cle Elum, South Cle Elum and the Milwaukee Railroad crossing of the Columbia River.

Industrial development which is not shoreline dependent should be located inland away from the ordinary high water mark where industrial uses exist and where sewer and the appropriate zoning exists.

Industrial sites should be encouraged to locate within areas adjacent to other industrial sites, without overcrowding the area involved.

Industrial developments should be constructed in a manner, which would either improve or result in minimal damage to the normal qualities of the shoreline area.

GPO 2.69 Landfill: In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction should be considered.

Shoreline fills or cuts should be designated and located so that significant damage to existing ecological values, natural resources or alteration of local currents will not occur creating a hazard to adjacent life, property and natural resources systems.

Landfills should be allowed only for water-dependent uses, for public uses, and for the purpose of elevating a structure to meet flood-proofing requirements as required by the flood control zone permit.

GPO 2.70 Marinas: Location and design of marinas should consider effects on fish and wildlife resources during construction and operation and at the same time be aesthetically compatible with adjacent areas.

Fuel handling and storage should be given special attention in design to minimize spillage and provide means for handling such spillage.

Marina construction and development should comply with the Washington State Department of Fish and Wildlife guidelines and local standards, which apply.

All docking and marinas should be equipped with receptacles to receive and adequately dispose of sewage, waste, rubbish and litter from boats.

GPO 2.71 Mining: Land reclamation should be included as part of the mining project and should be initiated after completion of each phase of the mining activity.
When minerals are removed from shoreline areas, adequate protection against the sediment and silt production should be provided. If such removal is to occur in a lake, river or streambed, a Hydraulics Permit from the Department of Game and Fisheries is required.

If diversion of water for mining purposes is required, water rights shall be established prior to issuing the permit.

GPO 2.72 Outdoor Advertising: Outdoor advertising signs should be located on the upland side of transportation routes which parallel and are adjacent to shorelines. Views and vistas should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs. Local sign ordinances should be strictly enforced.

GPO 2.73 Recreation: allow various recreational opportunities to meet the needs of the people.

Where uses designated for a specific recreational area are planned to satisfy a diversity of demands, these uses must be compatible with each other and not damaging to the area's environment.

Signs should be posted informing the public of areas available for their use.

The locations, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby privately owned properties.

Parking facilities should be located in areas, which will be the least damaging to the natural character of the area. Large parking lots should be located outside the immediate shoreline area.

Water supplies, sewage, drainage, alteration of shoreline vegetation and other changes associated with recreational development should be planned to preserve a high quality environment.

GPO 2.74 Residential: Residential subdivisions should be consigned (1) so as to adequately protect and/or to improve the area's aesthetic qualities and characteristics of the water and shoreline areas; and (2) at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

Planned Unit Developments, which reserve substantial portions of land as open space or recreation area, are preferred over conventional subdivisions.

Subdivider should be encouraged to provide pedestrian access to the shorelines within the development and to minimize the impact of vehicular use and parking on the normal aesthetic qualities of the shoreline area.

GPO 2.75 Roads, Railroads, and Bridges: Future roads and railways should be located away from the shorelines wherever feasible. "Wherever feasible" is an important condition, since shorelines often offer the least troublesome and costly sites for road construction, but wherever a public road can be located outside the shoreline area, even at somewhat greater construction costs and problems, then the inland location should be used.
Extensive loops or spurs to old highways with high aesthetic quality should be kept in service as pleasure bypass routes.

When planning public roads, federal, State and local governments should, where appropriate, provide sanitary facilities, scenic viewpoints, and picnic areas on publicly owned shorelines.

Road management for logging shall be done in accordance with the regulations for "Roads" under the Shoreline Master Program, Ordinance, Section 25, Forest Management.

GPO 2.76 Shoreline Works and Structures: The approval of shoreline works and structures projects should be based on flood backwater evaluation and on the projects' impact on properties downstream.

The approval of shoreline works and structures projects should be based on the projects' impact on the river's environment.

GPO 2.77 Solid Waste Disposal: Solid waste materials should be handled, contained, or disposed of in a manner which avoids damage to the environment and will maintain the aesthetic values to the shoreline area.

GPO 2.78 Utilities; Utilities should be designed and installed in a manner which would result in minimal damage to the normal qualities of the shoreline area.

Utilities should be planned to avoid destroying scenic views.

Upon completion, the applicant should restore the project area to a natural or near natural condition.

2.6. Critical Areas

As part of the growth management planning process, Kittitas County has adopted Critical Areas Policies. The following contain those policies. Kittitas County Code Title 17A, Critical Areas, contains development regulations which were adopted to implement these policies.

2.6.1. General Critical Areas Goals and Policies

GPO 2.79 Kittitas County will consider creating a wildfire protection policy tied to land use zoning that will protect both the private landowner and public lands from wildfire. When the use of forested lands is changed, the party doing the changing is responsible for providing a fire resistant buffer around the property.

GPO 2.80 Kittitas County will consider establishing a board to coordinate with the federal and State fish and wildlife agencies to provide local input into decisions about wildlife introduced into the area.

GPO 2.81 Kittitas County recognizes that local tax burden on private lands is increased when private land is changed to public ownership. Such changes should be discouraged.
2.6.2. **Wetlands**

Wetlands play a significant role in the reduction of water pollution, erosion, siltation, flooding, and provide significant wildlife, fisheries, and plant habitats; and their destruction or impairment may result in increased public and private costs or property losses.

GPO 2.82 Kittitas County acknowledges that substantial irrigated agricultural activities enhance and maintain some wetlands environments in the County.

GPO 2.83 Kittitas County should encourage the development of a regulatory program for wetlands protection that is both sufficiently flexible to allow reasonable use and enjoyment of private property and generally consistent with the requirements of the Growth Management Act (GMA).

GPO 2.84 Kittitas County should encourage the implementation of wetlands protection strategies that will achieve, to the maximum extent practicable, a zero net loss of natural wetlands acreage, functions, and values and, if reasonably possible, a gain of wetlands habitat in the long term.

GPO 2.85 Any wetlands protection measures imposed by Kittitas County should not interfere with stock water or irrigation water rights recognized in the Acquavella adjudication process.

GPO 2.86 Any wetlands protection measures imposed by Kittitas County should not interfere with a person's ability to engage in existing agricultural land use activity associated with his property. Agricultural land use activities include, but are not limited to, the grazing and watering of livestock; plowing, seeding, cultivation, harvesting for the production of crops; upland soil and water conservation practices; the maintenance of farm for stock ponds, irrigation ditches, drainage ditches, underground drainage systems and farm roads, and the control of noxious weeds.

GPO 2.87 Preliminary determinations by the Kittitas County Community Development Services that a proposed development may impact a wetland should be based on data contained in the U.S. Fish and Wildlife Service Inventory for Kittitas County or other wetland delineations conducted by a wetland biologist. The Fish and Wildlife Service Inventory should be augmented over time with more specific information concerning wetlands location, class, and type generated through localized wetland delineations.

GPO 2.88 Water conservation and enhancement shall take precedence over inadvertent and/or unintentional wetland regulation and preservation.

GPO 2.89 Kittitas County should explore providing positive tax incentives to private property owners who maintain, reclaim, or enhance class I, II, III, and IV wetlands.

GPO 2.90 Kittitas County should support or encourage the purchase and dedication of lands by public or private organizations for wetland protection and apply sound management principles to said property.
GPO 2.91 The following activities shall be exempt from the provisions of a wetlands protection program: emergency uses necessary to prevent immediate threat to the public health, safety or property; and maintenance of existing facilities, structures, ditches, roads, and utility systems, provided the footprint of the structure is not within a critical area and/or its buffer.

GPO 2.92 The Washington State Tier Wetlands rating system will be used for identification and classification.

GPO 2.93 Buffers, wetland replacement ratios, and a wetlands mitigation program should be consistent with all other policies contained in this Plan.

2.6.3. Fish and Wildlife Habitat Conservation Areas

Habitat conservation areas provide for greater species diversity by providing habitat for migrating waterfowl, game and food fish, and species which are threatened or endangered. Habitat conservation areas also provide recreational resources and more stable ecosystems. Their disturbance could result in irreversible loss of important habitat and species diversity and therefore loss of economic resources. The intent of habitat protection is to maintain species in suitable habitats within their natural geographic distribution in order to prevent isolated sub-populations.

Habitat Conservation

GPO 2.94 Matching conservation moneys - When available, matching conservation moneys should be offered to all landowners on a first-come, first-serve basis for the purpose of maintaining and enhancing wildlife and its habitat in Kittitas County.

GPO 2.95 Kittitas County expert technical help should be available to those wishing to develop land that contains, or potentially contains any of the various critical areas defined by these definitions.

GPO 2.96 Information & regulations should be understandable by citizens.

1. An inventory of available information shall be prepared and maintained which shows the location of Fish and Wildlife Habitat and Conservation Areas and this information shall be made available to the landowners at the Planning Department.

2. Planning staff shall prepare materials, which enable citizens to clearly understand the location of critical areas on and adjacent to their property.

Habitat of Local Importance

GPO 2.97 The County shall encourage economically feasible incentives for the protection and enhancement of designated Habitats of Local Importance.
2.6.4. Critical Aquifer Recharge Areas

Groundwater is a significant source of drinking water for County residents; and once potable groundwater becomes contaminated, it is difficult if not impossible to clean and resulting costs can be prohibitive.

GPO 2.98 Critical Aquifer Recharge Areas should be mapped as soon as practical so as to warn the public of possible development restrictions. We feel this is of the highest priority for the public health and safety.

GPO 2.99 The County shall limit development density in Critical Aquifer Recharge Areas to avoid impairing the functions of the Aquifer Recharge area.

GPO 2.100 Kittitas County shall give high priority to the protection of designated Critical Aquifer Recharge Areas that have been shown through technical study to have a Critical Recharging effect on potable water.

GPO 2.101 Kittitas County should provide technical design assistance for septic tank design permits when potable Aquifer Recharge risks are considered significant.

2.6.5. Frequently Flooded Areas

Frequently flooded areas provide storage for flood control by slow release of water and provide wildlife and fisheries habitat, recreation areas and agricultural lands. These areas are subject to periodic inundation, which may result in: loss of life and property; health and safety hazard; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base. All of these impacts adversely affect the public health, safety, and general welfare. Flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Structures that are not properly flood proofed also contribute to flood loss. Floodways are especially hazardous areas due to the velocity of floodwaters, which can carry debris, projectiles, and erosion potential.

GPO 2.102 Maintain the current Kittitas County Shoreline Master Program.

GPO 2.103 Maintain Kittitas County's eligibility under the National Flood Insurance program. Eligibility is maintained by compliance with the Kittitas County Flood Damage Prevention Ordinance.

GPO 2.104 All submitted preliminary plats must clearly delineate the 100-year Floodplain boundary.

GPO 2.105 Increasing the reservoir capacity of the river system may be beneficial to flood control and the public welfare.

GPO 2.106 Utilize the concept of zero rise in identified high-risk areas of the 100-year Floodplain.
2.6.6. **Geologically Hazardous Areas**

Geologically hazardous areas are in tenuous geologic balance. Disturbance of these areas can result in loss of slope and soil stability, increased erosion, and in extreme cases, mass wasting and landslides. Disturbance of geologically hazardous areas can also lead to increases in stormwater runoff. Protecting geologically hazardous areas reduces the danger to public health and safety.

In most cases, the risk to development from geological hazards can be reduced or mitigated to acceptable levels by engineering design or modified construction practices. In areas where these measures are not sufficient to reduce the risk from geological hazards, uses that include development are best avoided.

**Erosion/Landslide Hazards**

GPO 2.107 Design provisions to prevent erosion and landslides should be adequately reflected in the Kittitas County Building Code.

GPO 2.108 Natural resource-based access and activities should not be unduly restricted or prohibited in areas of known geologic hazards.

GPO 2.109 Risk of erosion should be considered accordingly throughout Kittitas County, based on localized rainfall average.

GPO 2.110 Kittitas County recognizes the policies in the Snoqualmie Pass Subarea Comprehensive Plan regarding Snow Avalanche Hazard Areas, including possible hazards outside of the Snoqualmie Pass subarea.

**Seismic Hazard Areas**

GPO 2.111 According to the Kittitas County Building Code, the risk from tertiary effects does not indicate an unusual seismic hazard at this time.

**Mine Hazards**

GPO 2.112 Siting of structures on known individual mine hazard areas should be avoided, and where it cannot be avoided, the danger of mine hazards should be considered.

GPO 2.113 Kittitas County Community Development Services shall maintain a library of maps of known mine hazard areas.

**Volcanic Hazards**

GPO 2.114 Planning for volcanic hazards should be addressed through Kittitas County emergency management procedures, including planning for warning and emergency communications.

GPO 2.115 Manual disposal of ash fallout into bodies of water shall not be allowed; alternatives for the handling and disposal of ash fallout should be considered by Kittitas County in emergency management procedures.
2.7. **Ground Water**

Kittitas County recognizes the importance of ground water to the economic well-being of the area.

This section shall not impair or interfere with any lawful right to withdraw and/or use groundwater. *(See Section 2.2.3 Water Rights).*

Kittitas County currently understands the importance of a ground water recharge study of the Yakima River Basin as a whole.

GPO 2.116A Kittitas County shall ensure that citizens’ water rights are adequately addressed and protected to the fullest extent in any ground water study conducted by any governmental entity, including State and federal agencies.

GPO 2.116B The County shall support the development of a comprehensive review of the water resources in the County.

2.8. **Hazard Mitigation**

The Kittitas County Multi-Jurisdictional Hazard Mitigation Plan was developed by twelve participating jurisdictions with the assistance of Tetra Tech and received final approval from FEMA in 2012. The plan outlines hazards which have or may occur within the County, along with mitigation actions that will reduce or prevent damage from occurring during hazard events. The information and actions identified within the plan are designed to serve as guidance for integrating hazard mitigation concepts and strategies into land use decisions.

The 2012 Kittitas County Multi-Jurisdictional Hazard Mitigation Plan is adopted by reference into this comprehensive plan subject to the following limitations:

- The Hazard Mitigation Plan is adopted as a reference document to be used by Kittitas County as an aid in land use, capital facilities, and public policy discussions, and by members of the public wishing to propose projects, pursue grants for projects, or propose agreements with landholders.

- Non-compliance or inconsistency with the Hazard Mitigation Plan shall not be considered noncompliance or an inconsistency with the comprehensive plan or the GMA; nor may any noncompliance or inconsistency with the Hazard Mitigation Plan be a basis for appeal of any land use or public policy decision made by Kittitas County.
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Executive Statement

The comprehensive plan affects all unincorporated lands of Kittitas County of approximately 1,487,000 acres. The comprehensive plan is intended to conserve lands designated by protecting them from conflicting land uses, providing sufficient services and ensuring adequate facilities with goals, objectives and policies. This comprehensive plan would remain in effect until additional policies and regulations are developed and implemented. This plan will be updated on a yearly basis.

This document is the official amended Comprehensive Plan for Kittitas County. The Plan is not an ordinance; it contains no regulations or minimum standards. It is a declaration of policies related to future growth and development in the County:

The Plan contains:

A Land Use Element which establishes official policy with regard to appropriate uses of land in the County and ensures that the County can accommodate the population growth projected to occur over the next 20 years;

A Housing Element that addresses the need for affordable housing;

A Utilities Element that describes planned utility expansions;

A Transportation Element, which will be used as a guide in future street and road construction; programs to produce a safe and efficient arterial system. The Kittitas County Transportation Plan is maintained by the Kittitas County Department of Public Works.

A Rural and Resource Lands chapter that includes a Rural Element that ensures the protection of rural lands and provides for a variety of rural densities.

A Capital Facilities Element which is maintained by the Kittitas County Auditor’s Office.

An Economic Development Element that addresses economic growth for the county.

A Recreation and Parks Element that describes and inventories park and recreation opportunities in the county.
The Comprehensive Plan is based on a framework of community goals and objectives adopted by the County as a formal expression of public policy. There is no assurance, however, that orderly development or any of the other goals will be accomplished simply by the formal adoption of the Plan. The value of the Plan lies in the determination and commitment of the County in the future to implement the Plan through the adoption of ordinances and codes designed to achieve the stated objectives.
Chapter 8. Rural and Resource Lands

8.1 Introduction and Overview

The Rural and Resource Lands chapter of the Kittitas County Comprehensive Plan addresses unincorporated portion of the County outside Urban Growth Areas (UGA). The Land Use Element in Chapter 2 and the Rural and Resource Lands chapter together form the basis for future land use patterns within the County. They also form a basis for decision makers to make land use decisions in the unincorporated areas in Kittitas County. The policies in the Rural and Resource Lands chapter work with the County’s Comprehensive Plan land use designation map in Chapter 2.

This Chapter is in two sections. The first section discusses land use designations for the County’s rural lands and is the County’s Rural Element. It outlines the goals, policies and objectives related to protecting rural character with a variety of densities as required by the Washington State Growth Management Act. (RCW 36.70A.070(5)) Rural lands are outside UGAs and commercial agricultural, commercial forest, and mineral lands.

The second section provides for goals, policies and objectives for the County’s resource lands. Resource lands are considered the commercial agriculture lands, the commercial forested lands and mineral lands.

8.1.1 Growth Management Act Goals

The first section of this Chapter relates to rural lands and rural development. The State of Washington Growth Management Act requires that the County “include measures that apply to rural development and protect the rural character of the area as established by the County”. These measures must be used to control rural development, assure visual compatibility of rural development with surrounding areas, reduce sprawl and protect against conflict with the use of agricultural, forest and mineral resource lands (RCW 36.70A.070).
“Rural Character” is defined in the Act as lands where:

- open space and visual and natural landscape predominate over the built environment,
- opportunities exist for traditional rural lifestyle and rural based economies,
- spaces and development are compatible with wildlife habitat,
- undeveloped land is not converted to development of sprawl and low density,
- activities generally do not require extension of urban governmental services, and
- land use is consistent with protection of surface and ground water flows and
recharge/discharge areas. (RCW 36.70A.030(15))

“Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element.” (RCW 36.70A.030(16))

“Rural governmental services” include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. (RCW 36.70A.030(17))

The Resource section of this Chapter refers to the commercial agriculture, forest, and mineral resources of long-term significance that are not characterized by urban growth. (RCW 36.70A.170)

**8.1.2 Rural and Resource Policies**

Kittitas County planning policies help define rural and resource lands, appropriate land uses and service levels, and unique rural features. They also identify innovative land use techniques which may be used to protect these features.

Rural policies are intended to enhance and protect the County’s rural character, and to encourage appropriate rural land use patterns and service levels. Rural Lands planning policies include:

**GPO 8.1** Rural lands are characterized by a lower level of services; mixed residential, agricultural and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

**GPO 8.2** Rural lands often have an established land use pattern that inhibits urban character and are generally, and anticipated to continue to be, served by septic systems and individual wells or small community water systems.

**GPO 8.3** The County should promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County.
GPO 8.4 Development in rural areas is subject to agricultural and forestry activities that may take place as a right on adjacent properties.

GPO 8.5 Rural lands adjacent to resource lands may require buffering.

GPO 8.6 Limited Areas of More Intensive Rural Development, or LAMIRDs, within Kittitas County are small unincorporated communities generally providing limited commercial services, a post office, a school, agricultural services, and a variety of housing types.

GPO 8.7 The use of innovative land use techniques should be encouraged in rural areas to lessen the impacts upon the environment and traditional agricultural/forestry uses and to provide services most economically.

GPO 8.8 A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

Resource Lands are areas which provide commercial agriculture, forestry, and mineral resources. Kittitas County planning policies addressing Resource Lands include:

GPO 8.9 Protecting and preserving resource lands should be given priority. Development that is permitted and adjacent resource lands shall be properly managed.

GPO 8.10 Provide for appropriately located lands which offer adequate supply of rock and gravel resources.

GPO 8.11 Policies will reflect a “right to farm” in agricultural lands.

8.2 Rural Lands

8.2.1 Introduction

Kittitas County’s rural land use designation consists of a balance of differing natural features, landscape types, and land uses. Rural land uses consist of dispersed and clustered residential developments, farms, ranches, wooded lots, and agricultural and recreational/commercial and industrial uses that serve local and national and international populations as customers. Rural landscapes encompass the full range of natural features including wide open agriculture and range land, forested expanses, rolling meadows, ridge lines and valley walls, distant vistas, streams and rivers, shorelines and other sensitive areas.

The Rural Lands exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character. “Rural character,” as identified through scientific research over the past two decades, indicates that residents of rural communities, homebuilders, and planners see it in various ways depending upon the community and the rural area. This research demonstrates that “rural character” is not identical in all areas and must be determined by communities. Overall, the research shows that “rural character” is best determined by concepts existing within the community such as existing densities and building materials (Tilt, et. al., 2006), “nature-related areas” particularly having forest, not just trees, and open spaces related to the community (Kaplan, Austin, 2004, 2003, and 2001), and “natural amenities and
perception of recreational and (individual community) residential development” (Mascouriller, 2002). Study shows that cluster development, when used not to increase density creating suburban or urban-like environments, are most marketable, and preserve “open spaces” desired by communities and potential residents most effectively of all development techniques at this time (Burney, 2006 and Lacey, 1990).

Kittitas County residents, through an extensive public involvement process in 2012, provided descriptions of “rural” that they wish to preserve. Such descriptions include many of the conclusions presented by scientific research including, “natural open spaces and streams,” “forests,” “recreational opportunities and spaces,” “agriculture lands and activities,” “mountain views,” and “development away from urban areas.” These descriptions provide the essence of “rural character” in Kittitas County which corresponds to the research that has been conducted throughout the Country including the local area, and fulfill the broad definition within RCW 36.70A.030. Accompanying policies within this Chapter of the Comprehensive Plan are designed to protect these qualities of the County.

“Rural character” is defined in Kittitas County as predominant visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features. It balances environmental, forest, and farm protection with a variety of rural development and recreational opportunities. Many sizes and shapes of properties can be found in the Rural Lands providing a wide variety of land use from its diverse topography, small to large acreage properties, assorted economic activities and opportunities, small rural residential development, and recreational opportunities throughout the County, but most intense in the western portion of the County. The Interstate and State Highway systems which traverse the length and width of the County introduce countless travelers and visitors to the “rural character” of Kittitas County. These highways provide access opportunities and means to create and preserve “agri-tourist” activities, provide extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being “rural.” This rich mix of uses and transportation systems allows the variety of lifestyle choice, which makes up the fabric of rural Kittitas County community life.

Some choose a private, more independent lifestyle, or space for small farm activities. Others choose the more compact arrangement found in clustering, with its accompanying open space and close neighbors designed in ways that enhance and preserve rural character. The most common uses in rural lands are agriculture, recreation and logging, which have been basic industries historically and remain important in terms of employment, income and tax base. Kittitas County will strive to encourage and support these activities in areas they occur and are appropriate. With the exclusion of stated incorporated areas, and UGAs all remaining areas are considered to be Rural Lands.

One of the main attractions of the rural residential lifestyle is the low intensity of development and the corresponding sense of a slower pace of living. Part of what creates that attraction is the rural-level facilities and services. The Plan supports and preserves this rural lifestyle by limiting service levels to those historically provided in the County’s rural areas. Residents should expect County services, such as road maintenance and emergency responses to be limited and to decrease as the distance from a rural activity center or urban area increases.
8.2.2 Planning for Rural and Resource Lands

Present rural land uses in Kittitas County are a broad mixture of diverse development patterns stemming from trends established decades ago. The County has been characterized as having an abundance of rural uses including the strong recreational opportunities throughout the entire area. The existence of mountainous topography, intense forest lands, and large lakes in the Upper Kittitas County area draws large populations to skiing, camping, hunting, and hiking opportunities away from intense urban activities often found within the adjacent King County and Pierce County regions. Vibrant river and stream waters invite sports fishermen from around the State to the area. Hunting is prevalent in all areas of the County, including the middle portion of the region where sage and tall grasses are abundant for game bird and mammal habitat.

The Lower Valley of Kittitas County has extensive irrigation and rich soils which have been valuable in accommodation of agriculture activities so vital to the economy. Large farms have existed over a century and are very characteristic of the County’s dominant rural character. Small, unincorporated communities exist throughout the County identifying it as having strong rural character. Such communities provide distinct, yet small scale services which rural residents depend upon for daily and weekly activity. Many of these communities are located within “Limited Area of More Intensive Rural Development” or LAMIRDs as defined with the Washington State Growth Management Act. All of these ranges of rural densities and uses have created a successful landscape contributing to an attractive rural lifestyle.

The Interstate and State Highway systems which traverse the length and width of the County introduce countless travelers and visitors to the “rural character” of Kittitas County. These highways provide access opportunities and means to create and preserve “agri-tourist” activities, provide extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being “rural.”

The Rural and Resource Lands chapter of the Kittitas County Comprehensive Plan is intended to preserve the rural character described above through adopted goals, policies and objectives (GPO) which are designed to encourage and protect the types of uses that are characteristic to the rural area of the County. The GPOs in this section are intended to reduce conflicting land uses within the County’s rural area while providing a variety of rural densities, protecting agriculture land resources and activities, guarding the County’s water resources and insuring appropriate services and facilities for such environments.

A variety of rural densities and uses which are characteristic to a rural environment are encouraged through the adoption and recognition of the objectives and policies within the Plan, and they create and enhance a successful landscape desired by the County. GPOs in the Rural and Resource Lands chapter Element also provides for a variety of rural uses which are compatible with the County’s rural character, and decrease the need for road and utility improvements, police and fire protection, schools in rural areas and other services often found in more urban environments. Without limiting these types of urban services, their existence can often contribute to “rural sprawl,” or the scattering of development throughout rural areas which can be inconsistent with an identified rural character. The proper mix of rural uses and densities
permits rural growth to be accommodated in a variety of areas where it is compatible with both resource and urban activities.

The GPOs of the Rural and Resource Lands chapter of the Comprehensive Plan provide the prospect for preservation of viable and vibrant landscapes associated with rural character. These objectives and policies provide the opportunity to capitalize on the recreational characteristics while preserving the natural resources in Kittitas County often associated with its open spaces. These objectives also deliver the potential for a variety of community life often associated with rural environments while preserving the rural quality of the County. The plan in its goals and objectives accomplishes preservation of agriculture, mining, forest and recreational activities so vital to the economic base of the County.

8.2.3 Purpose of Rural Lands

- Preserve and maintain the rural character of Kittitas County.
- Sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.
- Provide rural economic opportunity.
- Offer opportunity for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.
- Provide for infrastructure and services necessary to rural development.

The goals, policies and objectives (GPOs) outlined below are intended to reduce conflicting land uses within the entire County’s rural area while providing a variety of rural densities, protecting open spaces, and insure that appropriate services and facilities are provided for rural developed environments.

GPO 8.12 Incentive-based land use strategies will be examined and adopted to encourage land uses which are compatible to the rural environment.

GPO 8.13 Encourage development activities which enhance or result in the preservation of rural lands.

GPO 8.14 Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces and recreational opportunities.

GPO 8.15 Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

GPO 8.16 Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.
GPO 8.17 Land use development and conservation tools to prevent sprawl within the Rural area will be researched and adopted when it is determined that such tools protect the unique Kittitas County rural character.

GPO 8.18 Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Encourage rural development on lands that have adequate public services.

GPO 8.19 Develop buffer standards and regulations that will be used between incompatible rural uses.

GPO 8.20 Cottage and home occupation which are rural in nature should be encouraged within all rural land use designations and regulations. Impact upon surrounding environments and upon existing public services shall be considered when such industries are proposed.

GPO 8.21 Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

GPO 8.22 Provisions should be made for roadside stands, farmers’ markets, “U-pick,” and customer share cropping operations.

8.2.4 Rural Designations

Purpose

Rural lands are divided by function of the uses intended. The purpose of placing certain lands in these land use designations is to accommodate these various functions. Designations of rural lands are intended to categorize lands within the County so that they:

- Permit residential development in rural areas which enhance and protect rural character;
- Preserve and protect non-resource forests and agriculture lands which are dominant in Kittitas County;
- Provide opportunity for development for recreational purposes which are consistent with rural character and protect public health and safety; and
- Provide opportunity for limited development of rural community.

Rural areas provide a choice in living environments through a mix of large lots and existing smaller lots in rural centers and limited areas of more intensive rural development.

Table 8.2-1 below identifies the Rural Land Use designations within the Kittitas County rural areas and corresponding zoning classifications. The Table also displays the estimated acreages of each designation and classification determined by the Geographic Information System (GIS) of the County. The land use designations are limited in number to reflect the functions within the rural areas of the County.
Four land use designations have been identified within the Rural Land Use Plan. Rural Residential lands are those which are adjacent or near identified UGAs or LAMIRDs. They generally have a lower population density than urban areas but higher than most rural areas. A limited level of government services usually exists, and they are often inside Fire Districts and are outside flood areas and most hazard areas.

The second rural designation within the Plan is the Rural Working lands. Uses within this designation generally encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel size compared to Rural Residential areas. Agriculture and forestry activities are generally less in scope than in the Resource lands.

Rural Recreation is the third land use designation of the Plan. These lands often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.

The final rural lands designation is Limited Areas of More Intensive Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Zone classifications shown in the Table below outline the zones designed to achieve the goals and policies outlined in the designations. There are relatively few classifications within the Rural Residential and Rural Working lands. Most zoning classifications exist within the LAMIRDs since they allow a broader and more intense mix of uses.
Table 8.2.4-1  Rural Land Use Designations, Corresponding Zoning Classifications and Acreages

<table>
<thead>
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<th>Type of Land Use</th>
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<th>Rural Zoning Classification</th>
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<td>Planned Unit Development</td>
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</table>

¹Acreages are approximate.

8.2.4.1 Rural Residential

Purpose

- Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services
- Generally, provide services supporting rural development and lower population densities
- Designate areas where lots are generally less than 10 acres in size and have a common land use pattern
- Permit siting in areas generally without commercial activity
- Protect residential activities from flooding areas and natural hazard areas
- Preserve views of open space while providing opportunity for variety of rural densities

Rural Residential lands are characterized by activities generally associated with small-scale farms, dispersed single-family homes, and some types of recreational uses and open spaces.
Lands are typically too far from the urban area to enable cost-effective provision of public services, and the typical uses do not require urban services.

Rural Residential lands are implemented through the Rural 5 and the Agriculture 5 zones. Existing legally established parcels in this designation that do not meet minimum 5-acre lot sizes are recognized as legal nonconforming lots.

The following are goals, policies and objectives (GPOs) for activities on Rural Residential lands:

GPO 8.23 Municipal, or public urban services should not be extended outside of urban growth areas in Rural Lands. However, municipal services may be provided to a Master Planned Resort which is approved pursuant to County Comprehensive Plan policies and development regulations so long as all costs directly attributable to the extension of such services to the resort or community, including capacity increases, are fully borne by the resort or community.

GPO 8.24 Capital Facilities and Utilities may be sited, constructed, and operated by outside public service providers (or sited, constructed, and/or operated jointly with a Master Planned Resort (MPR), limited area of more intensive rural development (LAMIRD)) on property located outside of an urban growth area if such facilities and utilities are located within the boundaries of such resort or community which is approved pursuant to County Comprehensive Plan policies and development regulations.

GPO 8.25 Electric and natural gas transmission and distribution facilities may be sited in any areas of Kittitas County including “Rural” designated areas, municipalities, UGAs, Master Planned Resorts, and LAMIRDs.

GPO 8.26 Public services and public facilities established under RCW 36.70A.070(5)(d) are limited to just those necessary to serve the developed area boundaries and are not allowed to expand into adjacent Rural Lands.

GPO 8.27 Essential public facilities as defined in RCW 36.70A.200 should be located in rural lands when:

- The nature of the facility requires spaces for operation not commonly found in UGAs
- Can be self-supporting and not depend upon services of municipalities
- Operational needs require use of rural lands

Operation of such facilities will not affect the activity or nature of rural lands.

GPO 8.28 Clustering of development is encouraged in the rural area only where it results in the protection of open space and protects against conflicts with the use of farming or resource lands. The County shall encourage the inclusion of easements for wildlife habitat networks, public access, and recreational use.

GPO 8.29 County restrictions on free-running dogs shall be developed and enforced.
GPO 8.30 Residential development on rural lands must be supported by adequate water and sewer/septic systems.

GPO 8.31 Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

GPO 8.32 The benefits of cluster residential development should be explored with criteria for such to occur in rural areas. Criteria, such as limited density, open space minimums and lot size maximums, should be developed to preserve the rural character existing in the area where clustering is proposed.

GPO 8.33 Planned Unit Developments (PUD) in rural areas can only be established where such developments will not result in high density environments which require urban services and reduce maintenance of rural character.

GPO 8.34 Innovative housing developments which preserve rural character should be explored and encouraged.

GPO 8.35 Future amendments should consider placing more emphasis on public benefits that can be accessed and enjoyed by the general public, such as public access trails, publicly accessible formal and informal recreation features, and contiguous open space protected in perpetuity through conservation easements.

GPO 8.36 Public benefits that are proposed in cluster platting that are proposed in exchange for bonuses lots should be specifically identified on recorded plats through easements, covenants, plat notes or other mechanisms.

8.2.4.2 Rural Working

Purpose

- Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.
- To support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance.
- To provide some buffer between rural residential lands and resource lands.
- To provide areas of low intensity land use activities within the agriculture and forest activities.

The following are goals, policies and objectives (GPOs) for activities on Rural working lands:

GPO 8.37 Conveyance instruments including plats and short plats, development permits and building permits, within 500 feet of land designated as Rural Working lands or Resource Lands shall contain a notice to potential buyers and residents as directed within RCW 36.70A.060(1)(b).

GPO 8.38 Right to farm ordinances will continue and new ordinances achieving the objective will be researched.
GPO 8.39 Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands while meeting requirements of RCW 58.17 and KCC Title 16, Subdivisions.

GPO 8.40 Kittitas County will continue to research new land use techniques such as Transfer Development Rights, Purchase of Development Rights and open space preservation tools to provide economic incentives to farmers to continue agriculture activities.

GPO 8.41 Creative land use techniques such as TDRs and small cluster development suitable to rural character, shall be considered to aid in preservation of farmland.

GPO 8.42 Planned Unit Developments (PUD) shall be prohibited in Rural Working land zones.

GPO 8.43 Conserve important lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where greater density is more appropriate, permanently conserving specified natural resource lands.

GPO 8.44 Growth and development in Rural lands will be planned to minimize impacts upon adjacent natural resource lands.

GPO 8.45 Development standards for access, lot size and configuration, fire protection, water supply and dwelling unit location will be adopted for development within or adjacent to forest and agriculture lands.

GPO 8.46 Kittitas County will continue to research innovative incentive-based strategies that encourage and support farming activity.

GPO 8.47 Kittitas County will encourage voluntary farm conservation and agriculture preservation activities, and support activities engaged in agriculture preservation.

GPO 8.48 Non-farming residents should be informed on the practices of farming so that they are aware of the non-urban activities and impacts that occur in the agricultural environment.

GPO 8.49 Open ranges are a resource land not subject to nuisance by residential activity.

GPO 8.50 Research tax incentives that encourage the establishment and continuance of agriculture and forest activities.

GPO 8.51 Where proposed residential development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed and cost borne by the developer.

Liberty Historic District

The Liberty Historic District is an historic mining town recognized by the National Register of Historic Places. Development in this district is subject to the Historic District Overlay Zone.
following policies, based on the Swauk-Teanaway Subarea Comprehensive Plan, have been adopted regarding the Liberty Historic District:

Liberty Historic Land Use Issues and Concerns:

1. The Liberty Historic District is a nationally designated historic district in the County.

2. The surrounding forested lands around Liberty are important to the natural historic character of the town site, including the four privately owned parcels.

3. The designation of the Liberty townsite as a special historical suburban classification would require the development of a community water system.

4. Liberty has a small finite number of buildable lots.

GPO 8.52 The Liberty Historic District is in the Rural Working land use designation. To ensure compatibility with the historic district, development in the adjacent forest lands should conform to architectural design standards. A design review board should be created to assure consistency and fairness in future decisions about what is built within and adjacent to the Liberty Historic District.

GPO 8.53 Future development in the historic district should be primarily residential and be consistent with any existing or new design review standards.

8.2.4.3 Rural Recreation

Purpose

- To maintain and enhance the extraordinary and expansive recreational opportunities in Kittitas County.
- To provide safe opportunities to develop public and private recreational spaces while preserving rural character.
- To increase rural tourist and rural recreational spaces while maintaining environments characteristic to rural areas.
- To allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.

While parks, open space and community recreational areas play an important role in any community, substantial amounts of recreation lands in this County are owned by the public and private parties. These provide more than ample opportunities for water recreation, hunting, fishing, camping, hiking, trail riding, winter recreation and wildlife viewing. Public parks and recreation areas are more fully addressed in Chapter 11 Parks and Recreation Element. In addition to publicly-owned areas, many private businesses cater to the public in providing skiing, golfing, camping and trail riding on private lands.
Rural recreation in Kittitas County is also largely provided for individual land owners who own various sizes of property for their own recreational use, primarily in the Upper area of the County. These developments are often “second homes” for persons living in other parts of the State, and individual cabins within the mountain areas and along trails designed for seasonal recreational habitats. These recreational residences have provided for, and are expected to continue to provide for, a large part of the County’s economy. This section of the Plan addresses the objectives and policies for these existing and future seasonal and full-time residential structures as well as the developments that have occurred to shelter seasonal tourists.

The County and the various cities have different roles regarding public and private recreation. Rural residents, with their larger acreage home sites, do not depend upon the neighborhood parks popular in cities to the same extent as the urban population as reflected in urban organized recreation facilities and small parks. The residents of the County, as well as others throughout the State and Nation, depend upon the massive trail systems which provide hiking, horse riding, biking, and other exclusive recreational opportunities throughout the year.

The County has varied recreational related responsibilities. The availability of such a wide variety of recreation areas in the County, over such a large expanse, impacts County roads and public safety agencies. Kittitas County is a recreation destination for many out-of-County tourists, and while this benefits local businesses, it also increases the County’s recreation related expenditures. Maintaining recreational lands access and safety, and the County’s existing recreation facilities should be the County’s recreation focus.

Following are goals, policies and objectives (GPOs) for activities on Rural Recreation lands.

GPO 8.54 Convenience and motorist services should be permitted near highway, freeway and major arterial intersections where such development is compatible with surrounding rural character and where there is little potential for land use sprawl.

GPO 8.55 The County should seek financial support from State and federal agencies to assist in providing for recreational area access and safety.

GPO 8.56 Developments located for commercial, residential/recreational purposes, such as Master Planned Resorts or Planned Unit Developments, shall have adequate water, septic and public facilities to service such development without over-burdening the County public services.

GPO 8.57 Encourage landowners and developers to approach project design in a flexible and creative manner to provide for and protect open spaces and visual gratification.

GPO 8.58 Promote rural recreation development where there is potential for limited infill of seasonal recreation structure, in areas where seasonal structures are not uncommon, and upon soils and geologic conditions which can support structural development.

GPO 8.59 Encourage creative development which provides for public and private recreational activity while preserving rural character.
GPO 8.60 Consider incentive programs that create active and passive open space.

GPO 8.61 Commercial uses proposed for development to service recreational tourists and residents should be permitted in spaces suitable to surrounding rural areas.

GPO 8.62 International Wildland-Urban Interface Code should be enforced when approving a recreational residential structure for greatest protection of life and property.

GPO 8.63 Secondary access for protection of life and property shall be required for development in higher rural density rural recreation areas.

GPO 8.64 Defensible space standards should be adopted by the County to provide greater personal safety and protection to property in case of fire.

GPO 8.65 Specific natural hazards in rural recreation areas shall be considered before creation of habitable or residential structure.

GPO 8.66 Personal safety and welfare shall become the highest consideration in permitting rural recreation structures.

8.2.4.4 Master Planned Resorts

The Master Planned Resort (MPR) designation applies to those lands that comprise a self-contained and fully integrated planned unit development located in areas of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A MPR may be a new resort that is proposed, planned and developed by a single property owner; or an existing resort with multiple ownerships that is designated and planned through a sub-area planning process, and expanded and/or redeveloped pursuant to the adopted sub-area plan. A MPR may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort. A MPR may constitute urban growth outside of urban areas as limited by these policies.

Kittitas County has a wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. MPRs offer an opportunity to utilize these special features for enjoyment and recreational use. MPRs can bring significant economic diversification and benefits to communities, while at the same time enhancing environmental values. MPRs can address these unique opportunities while maximizing retention of environmental features, critical habitats, resource lands, and other critical features. MPRs can be located and planned in ways that do not detrimentally affect projected growth scenarios in urban growth areas and limited areas of more intense rural development (LAMIRDs). MPRs should be designed to stand alone, by not requiring adjacent areas to develop land uses to support the resort use. Recognizing these factors, policies guiding the location and development of MPRs must consider varied and unique criteria.
MPRs may be approved in the County in accordance with: (1) RCW 36.70A.360 or .362 Master planned resorts, as amended; (2) County Comprehensive Plan policies; and (3) County Development Regulations. For general guidance purposes, the County MPR policies rely upon the June, 1994 “Master Planned Resorts Draft Comprehensive Plan Policy Guidance” prepared by the Washington State Department of Community, Trade and Economic Development Task Force.

A. MPR Designation Process

GPO 8.67 MPRs should have a thorough review process prior to being located or designated and such review process should be phased, consistent, specific, and timely. Because a MPR typically involves large and complex site-specific projects with multiple phases over a long period of time, e.g., several decades, MPRs are appropriate for and should be reviewed using the provisions of RCW 36.70B.170-.210, Development agreements, and KCC 15A.11, Development agreements. Development Agreements should provide a tangible route of review, from initial land-based mapping to the final designed MPR product. For new resorts proposed by a single property owner, a proposed development agreement will be reviewed as part of the MPR designation process as described in KCC 17.37.040. For existing resorts with multiple property owners, development agreements may be submitted at the time of application for site-specific projects.

GPO 8.68 Amendment to the Comprehensive Plan land use designation map for a specific site is necessary for authorization of a MPR. Such amendment may occur concurrently with review of a MPR application, or in conjunction with adoption of a sub-area plan for an existing resort area. In addition, the specific elements of a MPR proposal can be addressed, including early public participation, protection of critical areas, treatment of adjacent lands, and fiscal and economic impacts.

GPO 8.69 The MPR planning and review process should proceed from the general to the specific, and should occur in phases. As part of the application for a rezone of the County zoning map to Master Planned Resort zoning district, a proposed MPR must demonstrate that it is in accord with applicable Comprehensive Plan policies. For an existing MPR designated pursuant to a sub-area plan, a site-specific project must demonstrate that it is consistent with the adopted sub-area plan. The design, review and permitting of specific MPR phases will typically be spread out over a long period of time, and reviewed at each phase through final development plan review.

B. Master Planned

GPO 8.70 A MPR must be planned and designed by looking at the entire site or area and adjacent lands and communities.

GPO 8.71 A MPR should be designed in context with its surrounding environment, natural and man-made. A MPR should not adversely affect surrounding lands in any significant way.

GPO 8.72 A variety of urban residential densities should be included in a MPR site design, providing efficient, compact residential land use. Residential uses may include single-family detached lots and multi-family and attached residential structures. Clustering of residential units
in a manner that preserves open space is strongly encouraged. Overall MPR density shall not exceed an average of one unit per acre. Non-urban residential densities are appropriate within a MPR if they promote and are linked to the on-site recreational features and value of the resort.

GPO 8.73 A MPR application should include a clear and detailed mapped description of how the development phases of the MPR fit together. Estimated timelines for site development, building construction and all necessary public and private capital facilities, utilities, and services should be provided.

C. Self-Contained

GPO 8.74 Except in areas designated for urban growth, new urban or suburban land uses shall be precluded by the County in the vicinity of a MPR.

GPO 8.75 A MPR should be physically and, for the most part, visually separated from the nearest developed area.

GPO 8.76 A substantial physical buffer should be included in a MPR’s internal site design, allowing adjacent lands to be separated from the MPR so that activities within the MPR create no significant increases in ambient noise, reductions in air quality, or visual alterations outside the MPR. To the extent possible, natural features such as water bodies, vegetation cover, slopes, or existing man-made features should be utilized as the MPR’s buffer. The actual width of a MPR’s buffer should be evaluated to determine the appropriate separation from adjacent lands. The term “substantial physical buffer” is intended to mean more than one-hundred feet between a MPR’s perimeter and adjacent lands.

D. Natural Systems and Design

GPO 8.77 A MPR plan shall be consistent with all Development Regulations for critical areas.

GPO 8.78 A MPR should maintain and enhance the physical environment. Planning for a MPR should be based on natural systems, constraints, and opportunities. Design characteristics should consider the overall context of the MPR, maintaining a common character throughout the project, which blends with natural features on-site. The objective of a MPR is to minimize alterations to natural systems, unless it can be demonstrated that any such alteration will enhance critical environmental features.

GPO 8.79 An application for a MPR, a sub-area plan for an existing resort, should include site plans depicting the locations and describing the attributes of all on-site and surrounding natural features, critical plant and animal habitats, and potentially hazardous areas. The plan should propose opportunities to integrate the site’s natural amenities with the proposed built amenities.

GPO 8.80 Historic and archeological features are to be preserved. Serious consideration should be given to whether such features could be appropriately integrated into a MPR’s proposed features as valuable attributes.
GPO 8.81 A design theme for a MPR may be appropriate but is not required. However, multiple discordant themes should be avoided.

E. Recreational Opportunities and Facilities

GPO 8.82 Natural and man-made recreational facilities and opportunities shall be the central focus of a MPR.

GPO 8.83 Recreational facilities must be included with initial development phases of a MPR.

GPO 8.84 Recreational facilities and visitor accommodations should be phased along with other types of development within a MPR. Recreational facilities and visitor accommodations included in initial phases of a MPR can be built over time, provided their construction is guaranteed through covenants or other legal provisions that satisfy policy requirements without imposing unreasonable up-front costs to the developer.

GPO 8.85 Off-site recreational areas and facilities, such as designated national and State parks and recreation areas, lakes, and rivers, shall not be the major recreational focus of a MPR. A MPR must include significant recreational areas and facilities on-site so that the use of off-site recreational areas and facilities by resort visitors and associated impacts are minimized. Off-site impacts, which may occur, may be mitigated, for example, by making some recreational areas and facilities in a MPR available for public use, or through other means proposed by the developer.

F. Visitor Accommodations and Housing

GPO 8.86 A MPR must have a primary focus on short-term visitor accommodations, including vacation and second homes. Other residential uses may be permitted within a MPR if such uses are integrated into and support the on-site recreational nature of the resort.

GPO 8.87 Short-term visitor accommodations should constitute more than fifty percent (50%) of all resort accommodation units.

GPO 8.88 Short-term visitor accommodations, such as hotel rooms, should be included with the first and initial phases of a MPR development.

GPO 8.89 An adequate supply of affordable employee housing within a MPR, or within a reasonable distance of a MPR, should be demonstrated. If this supply cannot be demonstrated, steps should be taken to mitigate the lack of affordable housing supply, so that an unreasonable burden is not placed on the affordable housing markets of surrounding communities. A MPR’s ability to hire local residents should be taken into account in determining whether an “adequate supply” of affordable housing is available.
G. Retail and Commercial Services

GPO 8.90 Retail and commercial services should be designed to serve only the users of the MPR, and should be limited in scope and location to serve only as ancillary uses within the MPR. An existing resort located adjacent to an interstate highway may include retail and commercial services to serve the traveling public, provided that such services are planned for in the adopted sub-area plan.

GPO 8.91 Retail and commercial services offered on-site by a MPR should not duplicate the full range of commercial services available in adjacent communities. Retail and commercial services offered on-site by a MPR should be designed to discourage use from outside the MPR by locating such services well within the MPR site rather than on its perimeter.

GPO 8.92 A full-range of commercial services should only be provided within the urban growth areas of the surrounding region.

H. Capital Facilities, Utilities and Services

GPO 8.93 Adequate security, fire suppression and first aid facilities and services should be provided on-site, taking into account the emergency facilities and levels of service available from the County sheriff and local fire and emergency medical districts.

GPO 8.94 MPR community sewer, water and stormwater facilities (including associated treatment facilities) may be provided on-site and should be limited to meeting the needs of the MPR.

GPO 8.95 Public facilities, utilities, and services from existing service providers can be provided to the MPR so long as all costs associated with such extensions, capacity increases, and services are borne by the MPR. Such public facilities, utilities, and service providers may include the County, the cities and towns within the County, water and sewer districts, and owners of water systems.

GPO 8.96 A MPR and existing service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the MPR and existing service or urban growth areas.

GPO 8.97 MPR facilities, utilities, and services should be designed to accommodate only the projected needs of the resort users. Because a resort is fully occupied only occasionally, MPR facilities and utilities need not be designed to meet peak user occupancy demands, and should rely in part on storage and other appropriate mechanisms and technology to meet peak demands.

GPO 8.98 Construction of a MPR and all necessary on-site and off-site capital facilities and utilities infrastructure must be concurrent, but may be provided in phases to meet the needs of development phases as constructed and utilized.

GPO 8.99 Impacts to public services should be fully reviewed and fair and proportionate mitigation provided by the MPR.
GPO 8.100 All school district facility and service impacts should be mitigated by the MPR on a fair and proportionate basis. Review and mitigation of impacts on affected school districts may take into consideration the relatively low student population typically generated by a MPR.

GPO 8.101 County road standards should be followed for on-site and off-site roadways and access points; provided, however that some flexibility with respect to on-site road design standards may be appropriate if the MPR’s natural features and critical areas are to be maintained. Administrative variance procedures should be utilized for this purpose.

GPO 8.102 At all times, MPR road standards must meet the minimum safety standards adopted by the County Fire Marshal.

GPO 8.103 On-site roadway and access costs should be fully borne by the MPR, and off-site road impacts should be mitigated by the MPR in proportion to its demonstrated impacts, including secondary impacts.

GPO 8.104 Traffic impacts of the MPR, on-site and between the MPR and nearby areas of interest, may be mitigated by appropriate measures, e.g., transit/shuttle services, pedestrian and bicycle trails, etc.

GPO 8.105 All external road connection points with the MPR should be determined through review agreements with affected agencies and local governments in the region.

8.2.4.5 Limited Areas of More Intensive Rural Development (LAMIRD)

Purpose

- To establish areas of community pattern that permits community activities without having to incorporate
- To provide opportunity for residential infill which permits variety of housing and yet maintains rural character
- To provide for rural community settings which do not require urban level services
- To maintain existing rural development patterns that have existed for long periods

Many counties, including Kittitas County, contain historical rural settlements that pre-date the Growth Management Act (GMA) and that are characterized by higher density development and economic activity than the surrounding rural area. These areas may provide rural community identity, residential neighborhoods and goods and services, or provide rural employment opportunities. These are areas designated “Limited Area of More Intensive Rural Development” LAMIRD designation and is an optional tool provided by the GMA that is intended to recognize these pre-existing development patterns; provide for limited infill, development or redevelopment; and allow for necessary public services to serve the LAMIRD.
To be consistent with the requirements of the GMA, designated LAMIRDs must have clearly identifiable and logical outer boundaries delineated predominately by the built environment and/or physical boundaries, such as bodies of water, streets and highways, and land forms and contours. Although new development and redevelopment is allowed, development cannot extend beyond the established boundary and contribute to a new pattern of low density sprawl. Public facilities and services provided to LAMIRDs must not permit low density sprawl.

Rural lands designated “Limited Area of More Intensive Rural Development” (LAMIRD) has been assigned to Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage. Other un-incorporated communities presumably designated as rural areas include: Liberty, Thrall, Lauderdale, Sunlight Waters, Fairview, Denmark, Badger Pocket, Elk Heights, Teanaway, Reecer Creek, and Sky Meadows, as well as others.

Based on the LAMIRD types established in RCW 36.70A.070(5), Kittitas County establishes three categories of LAMIRD designations. These are:

**Rural Activity Center** – Rural development consisting of infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

**Rural Recreational Center** – Intensification of development on lots containing, or new development of, small-scale recreational or tourist uses that rely on a rural location and setting, but do not include new residential development.

**Rural Employment Center** – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents.

The following goals, policies and objectives provide guidance for designation and development within LAMIRDS generally, as well as more specific guidance for each type of LAMIRD.

GPO 8.106 Allow for designation of LAMIRDs in the rural area, consistent with the requirements of the GMA.

GPO 8.107 Consider the following factors in designating a LAMIRD and establishing boundaries:

a) Existing development pattern, potential for redevelopment and infill, and for Type 1 LAMIRDs the ability to establish a logical outer boundary;

b) Rural character of the potential LAMIRD and surrounding area;

c) Existing and potential mix of uses, densities and intensities and potential impacts to the surrounding area;

d) Presence/location of infrastructure and other “man-made” facilities;
e) Distance from other LAMIRD, UGA, designated resource land or other special land use designation. If in close proximity, consider the potential for sprawl, and/or land use conflicts;

f) Feasibility, cost and need for public services;

g) Significant natural constraints or features to be preserved; and

h) Public input and comment.

GPO 8.108 Once boundaries are established, geographic expansion is not permitted unless needed based on one or more of the following criteria:

a) to correct for mapping errors, or

b) to correct for other informational errors, or

c) when otherwise consistent with the requirements of GMA.

GPO 8.109 Allow inclusion of undeveloped land in LAMIRDS for limited infill, development or redevelopment when consistent with rural provisions of the Growth Management Act.

GPO 8.110 Require that development or redevelopment harmonize with the rural character of the surrounding areas.

GPO 8.111 Recognize that public services, including police and fire protection, emergency medical response, roads and general utilities, will continue to be provided at a rural level of service. Public services and facilities should not be provided in a manner that allows low-density sprawl.

GPO 8.112 Development densities, intensities or uses that require urban level of services should not be allowed.

GPO 8.113 Continue to protect the long-term viability of designated forest, mineral and agricultural resource lands. The LAMIRD designation will not be applied to designated resource lands. Development within the LAMIRD designation and adjacent to designated resource lands will minimize potential conflicts and not lead to potential conversion of farm and forest land to non-resource uses.

GPO 8.114 Strip commercial development along State and County roads should not be permitted in any LAMIRD.

GPO 8.115 Designation and development standards in Rural Activity Centers:

a) For the purpose of establishing the outer boundary, existing development is considered to be any commercial, industrial, residential or mixed-used development in existence on July 1, 1990.

b) The scale and type of new development and redevelopment should be primarily to serve local residents and secondarily to support the traveling public.
GPO 8.116 Designation and development standards in Rural Recreation Centers:

a) Intensification of development or new development of small scale recreational or tourist uses that rely on a rural setting is permitted;

b) Proposed uses may serve the surrounding rural population and the traveling public;

c) The location of the facility may not adversely impact natural resource production in the surrounding vicinity;

d) The proposed use should be consistent with the surrounding rural character, avoids impact adjoining rural uses, and does not lead to low-density sprawl; and

e) New residential development is not permitted.

GPO 8.117 Designation and development standards in Rural Employment Centers:

a) Intensification of development on lots containing isolated nonresidential uses or new development of isolated small scale businesses is permitted;

b) Businesses should provide job opportunities for rural residents, but do not need to be principally designed to serve local residents;

c) Small scale employment uses should generally be appropriate in a rural community, such as (but not limited to) independent contracting services, incubator facilities, home-based industries, and services which support agriculture; and

d) Development should conform to the rural character of the surrounding area.
8.3. Resource Lands

Kittitas County has utilized the standards set forth in RCW 36.70A.170 to designate resource lands, which may not currently be characterized by urban growth and must have long term commercial significance. In using these criteria, Kittitas County relied on the definitions found in RCW 36.70A.030 relative to resource lands, and to designates these lands into three categories: lands of commercial agriculture, lands of commercial forest and mineral resource lands.

A large portion of Kittitas County contains forested lands. Of these lands, 731,348 acres have been designated as forestlands of long-term commercial significance and are designated “Commercial Forest” lands within the Plan. Furthermore, 357,527 acres of the valley floor’s agricultural land has been designated as “Commercial Agriculture” since it is agricultural land of long-term commercial significance. “Mineral” resource lands of long-term commercial significance have also been designated.

8.3.1 Planning of Resource Lands

As provided in the GMA, a primary purpose of this Rural and Resource Lands chapter is to implement a combination of techniques to preserve resource lands. In addition to the traditional large-lot zoning categories that limit the density of development and restrict or prohibit inappropriate uses of resource lands, Kittitas County is committed to implementing innovative land use management techniques in resource lands as permitted by the Growth Management Act including, but not limited to, transfer development and conservation platting.

Such innovative techniques that allow development on one portion of land while leaving the remainder in resource or open space use will be carefully created in regulations to preserve and protect resource lands. Such innovative development activity will be properly managed and designed to assure conservation of resource lands and to encourage the continuation of the predominant agricultural and resource based economy of Kittitas County.

Table 8.3-1 below identifies the Resource Land Use designations within the Kittitas County and corresponding zoning classifications. The Table also displays the estimated acreages of each designation and classification determined by the Geographic Information System (GIS) of the County. The land use designations are limited in number to reflect the functions within the resource lands of the County.

Three Resource land use designations have been identified for the Plan. Commercial Agriculture lands are those that have been identified as lands with soils and location characteristics that suggest that they will be used for commercial agriculture use in perpetuity and are considered a resource to the economy. Commercial Forest lands are those that have been identified as areas where logging has been the main source of activity in the past and where such lands can or will be preserved for that resource and activities associated with forests. Mineral lands that have long-term significance for extraction of minerals allow for the extraction of mineral resources, and occur in various zones.
Table 8.3-1  Resource Lands Designations, Corresponding Zoning Classifications and Acreages

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<tr>
<td></td>
<td>Mineral</td>
<td>5,745</td>
<td>Zoning Classification</td>
<td>5,745</td>
</tr>
</tbody>
</table>

¹Acreages are approximate.
²Mineral lands include lands zoned Commercial Agriculture, Commercial Forest, Agriculture 20, or Forest & Range.

Following are goals and policies for all Resource lands in Kittitas County.

GPO 8.118 Conserve important natural resource lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where greater density is more appropriate, permanently conserving specified natural resource lands.

GPO 8.119 Development standards for lot size and configuration, fire protection, water supply and structure location will be adopted for land use activity within or adjacent to resource lands.

GPO 8.120 Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

GPO 8.121 Open ranges are a resource land which will not be subject to encumbrance by residential activity.

GPO 8.122 Research tax incentives that encourage the establishment and continuance of resource land protection and preservation.

GPO8.123 Where proposed development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed at expense of the developer.

### 8.3.2 Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the GMA to guide adoption of regulations which assure that use of lands adjacent to agricultural lands of long term significance will not interfere with continued use of that land for agricultural purposes [RCW 36.70A.060]. In classifying and conserving the agriculture resource lands in Kittitas County, it has considered the minimum guidelines found in WAC 365-190 including:

- Lands not characterized by urban growth;
- Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;
• Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors.

It is the County’s intent to meet these agricultural resource requirements by establishing a “Commercial Agricultural” designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone has been formally designated as “Agricultural Lands of Long-term Commercial Significance.”

Comprehensive Plan Goals Regarding Designation of Agricultural Lands of Long-Term Commercial Significance

For purposes of designating Agricultural Lands of Long-Term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria:

Designation and De-designation of Agricultural Lands of Long-Term Commercial Significance.

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 (RCW 36.70A.020(8)) of the GMA concerning Agricultural Lands of Long-Term Commercial Significance.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of Agricultural Lands of Long-Term Commercial Significance shall be in support of that goal.

1. Definitions.

The County adopts and shall utilize the following definitions and considerations:

“Agricultural land” means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.¹

“Long-term commercial significance” includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.

¹RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.
In determining “the combined effects of proximity to population areas and the possibility of more intense uses of the land” upon agricultural lands, the County shall consider: (a) the availability of public facilities; (b) tax status; (c) the availability of public services; (d) relationship or proximity to urban growth areas; (e) predominant parcel size; (f) land use settlement patterns and their compatibility with agricultural practices; (g) intensity of nearby land uses; (h) history of land development permits issued nearby; (i) land values under alternative uses; and (j) proximity of markets.

2. Designation Criteria.

In order to be designated Agricultural Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to agriculture, and (3) have long-term significance for agriculture.

Land shall be designated Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

A. Land Grade Consideration. Agricultural Lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conservation Service and considered capable of agricultural use according to land capability criteria in Agriculture Handbook No. 210 or successor guide adopted by the federal agency.

B. Other consideration. In determining whether land should be designated as Agricultural Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the agricultural industry.

C. Designation. Upon a determination that a tract qualifies as Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Agricultural lands under Kittitas County zoning code, section KCC 17.31. The County's Commercial Agricultural zoning code, KCC 17.31, shall control uses, maintenance and enhancement of the agricultural industry and conserve productive agricultural lands consistent with the needs and best practices of the industry. Lands presently mapped as “commercial agriculture” shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

3. De-designation criteria.

A. Definitions. De-designation is a change of land classification from Agricultural Lands of Long-Term Commercial Significance to another GMA classification.

B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to
consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant agricultural land designation.

C. A de-designation request shall provide a legal description of the property subject to the request and map showing the agricultural land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.

A. Applications for the designation of Agricultural Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations of Agricultural Lands of Long-Term Commercial Significance must be accompanied, and processed along with, a specific development application.

B. In determining a request to designate or de-designate Agricultural Land of Long-Term Commercial Significance, the County may consider the needs and nature of the agriculture industry (Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006)).

C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II)).

D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive agriculture industry and to encourage the conservation of productive agricultural lands and to discourage incompatible uses when making a decision on designation or de-designation of Agricultural Lands of Long-Term Commercial Significance.

Following are goals, policies and objectives (GPOs) to protect and ensure continued employment of Commercial Agricultural land use.

GPO 8.124 Oppose laws and regulations, which restrict agriculture, and support laws and regulations, which enhance agriculture.

GPO 8.125 Develop a study area where the various Rural land use designations and the Commercial Agriculture designation interface occurs which may lead to the development of a...
Commercial Agriculture Transition Zone overlay. The study area should consider but not be limited to:

- Strategies that site land use activities within or adjacent to Commercial Agriculture lands that minimize conflicts with agricultural activities.
- Effectiveness of Transfer of Development Rights from Commercial Agriculture to Rural lands.
- Use of Cluster Development to minimize impacts.
- Use of open space to act as a “buffer” between Rural and Commercial Agriculture designations.

GPO 8.126 Continue and expand support for right-to-farm ordinances.

GPO 8.127 Kittitas County recognizes that new residents may not understand the rural living differences encountered in Kittitas County; therefore, the County supports the efforts of educational opportunities and agencies to educate on rural living and agricultural activities of long term significance.

GPO 8.128 Encourage non-farmers in agricultural areas to meet farm performance standards.

GPO 8.129 Encourage development projects whose outcome will be the significant conservation of farmlands.

GPO 8.130 Identify and designate agriculture transportation corridors that facilitate farm use.

GPO 8.131 Cooperate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

GPO 8.132 Look into additional tax incentives to retain productive agricultural lands.

GPO 8.133 Value agricultural lands for tax purposes at their current agricultural land use.

GPO 8.134 Create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:

a. the status of agriculture in Kittitas County,
b. County agriculture policies and regulations,
c. local agriculture marketing and economic planning, and
d. review and make recommendations regarding zoning and development regulations.

**Incentives for Commercial Agriculture Land Use**

It is the policy of Kittitas County to encourage and support agricultural uses of lands within the Commercial Agricultural designation. The County will continue to explore additional incentives
for conserving both rural and resource lands. These incentives may be developed through the
Kittitas County Comprehensive Plan and subsequent implementation mechanisms.

GPO 8.135 Where appropriate, Kittitas County will exert its influence to help provide the
delivery of water to all lands within the County.

GPO 8.136 Encourage all development to incorporate drought tolerant or native vegetation as a
major component of their landscaping plan (i.e. xeriscaping)

GPO 8.137 To the extent possible the Board of County Commissioners shall promote processing
facilities for the products produced upon those lands designated as Commercial Agricultural
under this Chapter and WAC 365.190.050 (6).

GPO 8.138 Require that all plats, short plats, development permits, and building permits issued
for development activities on, or within five hundred feet of, lands designated as agricultural
lands, forest lands, or mineral resource lands, shall contain a notice that states that: “The subject
property is within or near designated agricultural lands, forest lands, or mineral resource lands on
which a variety of commercial activities and mineral operations may occur that are not
compatible with residential development for certain periods of limited duration. Commercial
natural resource activities and/or mineral operations performed in accordance with County, State
and federal laws are not subject to legal action as public nuisances.” (RCW 7.48.305)

8.3.3 Commercial Forest Land Use

Commercial forestland, approximately 732,000 acres, claims approximately half of the Kittitas
County land area. A checkerboard pattern of private, State, and federal land ownerships
characterizes the County forests.

Traditionally forestlands in the County contributed regional economic value by providing
employment and income from resource management, which includes: harvesting, fishing,
hunting, mining, grazing and recreation. Even though revenue has diminished from forest
products, it is also recognized that forestlands provide other public benefits and values such as:
watersheds, wildlife and fish habitat. It is recognized that the designation “Commercial Forest
Lands” has been used to encompass all forested lands that do provide a variety of public benefits
including non-productive and high elevation lands within ownerships.

It is clear that the Legislature intended that counties planning under the GMA should consider
land characteristics and economic factors when designating commercial forest lands. As stated
by the Washington Supreme Court, “the GMA is not intended to trap anyone in economic
failure.” Lewis County v. Western Washington Growth Management Hearings Board, 157

For purposes of designating Forest Lands of Long-Term Commercial Significance, and in
considering any request for de-designation of such lands, Kittitas County has identified the
following criteria.
Designation and De-designation of Forest Lands of Long-Term Commercial Significance

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 of the GMA concerning Forest Lands of Long-Term Commercial Significance:

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of forest resource lands shall be in support of that goal.

1. Definitions.
The County adopts and shall utilize the following definitions and considerations:

A. "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance.²

B. "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.

C. In determining whether forest land is "primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production," the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

2. Designation Criteria.
In order to be designated Forest Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to the growing of trees for long-term commercial timber production on land that can be economically and practically managed for such production, and (3) have long-term significance for the commercial production of timber.

²RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.
Land shall be designated Forest Lands of Long-Term Commercial Significance (referred to as Commercial Forest Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

A. Land Grade Consideration. In Kittitas County, the most common tree species are ponderosa pine and dry mixed conifer, including Douglas fir. Most of the forest lands in Kittitas County are composed of land grades 4 and 5 as mapped by the Department of Natural Resources. Forest Lands of Long-Term Commercial Significance shall include lands that have a predominance of land grades 3-6 (i.e., more than 60% of the site has requisite land grade) as defined in WAC 458-40-530.

B. Other Mandatory Factors. In the designation of Forest Lands of Long-Term Commercial Significance, the County shall also consider and address in writing the effects of proximity to population areas and the possibility of more intense uses of the subject land as indicated by:

(1) The availability of public services and facilities conducive to the conversion of forest land.

(2) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.

(3) The size of the parcels: Forest lands consist of predominantly large parcels.

(4) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.

(5) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW.

(6) Local economic conditions which affect the ability to manage timberlands for long-term commercial production.

(7) History of land development permits issued nearby.

WAC 365-190-060.

C. Other considerations. In determining whether land should be designated as Forest Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the timber industry.

D. Designation. Upon a determination that a tract qualifies as Forest Lands of Long-Term Commercial Significance (denominated Commercial Forest Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Forest lands under Kittitas County zoning code, section KCC 17.57. The County's Commercial Forest zoning code, KCC 17.57, shall control uses, maintenance and enhancement of the forest products industry and conserve productive forest lands consistent with the needs and best practices of the industry. Lands presently mapped as "commercial
"forest" shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.


A. Definitions. De-designation is a change of land classification from Forest Lands of Long-Term Commercial Significance to another GMA classification.

B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant forest land designation.

C. A de-designation request shall provide a legal description of the property subject to the request and map showing the forest land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.

A. Applications for the designation of Forest Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations from Forest Lands of Long-Term Commercial Significance to another GMA designation may only be sought in conjunction with a specific development proposal.

B. In determining a request to designate or de-designate Forest Land of Long-Term Commercial Significance, the County may consider the needs and nature of the timber industry (Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006)).

C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II)).

D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) all of the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive timber industry, to encourage the conservation of productive forest lands and to discourage incompatible uses when making a decision on designation or de-designation of Forest Lands of Long-Term Commercial Significance.
Below are the goals, policies and objectives (GPO) for activities on Commercial Forest lands.

GPO 8.139 Classification and designation of Forest Lands of Long-Term Commercial Significance shall be made to maintain and enhance natural resource-based industries, including productive timber industries.

GPO 8.140 The primary land use activities in commercial forest areas are commercial forest management, forest recreation, agriculture, mineral extraction, sand and gravel operations and those uses that maintain and/or enhance the long-term management of designated commercial forest lands.

GPO 8.141 Any proposal for de-designation of commercial forestlands shall be subject to a cumulative impacts analysis, including the size and ownership of the commercial forestlands remaining in the County, the needs of the local forest products industry and impacts to those needs by the proposed de-designation, and the potential benefits that may result from the proposed de-designation including higher property taxes and economic stimulus.

GPO 8.142 To encourage incentives and alternatives to keep working forests viable by considering when feasible emerging markets such as carbon sequestration, Transfer of Development Rights, Bio-fuel and bio-energy production that offset the loss of the traditional log and special forest product markets.

GPO 8.143 Resource activities performed in accordance with County, State and federal laws should not be subject to legal actions as public nuisances.

GPO 8.144 To support and encourage the maintenance of commercial forest lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33 and 84.34.

GPO 8.145 Kittitas County will support local forest landowners seeking regulatory relief in order to help them remain economically viable.

GPO 8.146 Land use activities within or adjacent to commercial forest land will be sited and designed to minimize conflicts with forest management and other activities on commercial forestlands.

GPO 8.147 Kittitas County will encourage rural developments in the Wildland Urban Interface (WUI) and the owners of adjacent commercial forest lands to develop Community Wildfire Protection Plans (CWPPs).

GPO 8.148 When appropriate, encourage cluster developments on adjacent non-commercial forestlands so that open space buffers adjacent forestland from development.

GPO 8.149 Kittitas County will advocate active management of Federal and State forest lands to create and maintain healthy, fire-safe forests.

GPO 8.150 It is the policy of the County to encourage the continuation of commercial forest management by:
a. supporting land trades that result in consolidated forest ownerships; and

b. working with forest managers to identify and develop other incentives for continued forestry; and

c. encouraging and supporting a local and regional infrastructure of manufacturing facilities that use wood products within an economically viable 100 mile circle.

GPO 8.151 Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as Commercial Forest lands contain a notice that states that: “The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.”

8.3.4 Commercial Mineral Resource Lands

The Growth Management title of the Revised Code of Washington states that each County shall designate, where appropriate, “mineral resource lands that are not already characterized by urban growth and that have long-term significance for extraction of minerals” (RCW 36.70A.170). The Act defines minerals as sand, gravel and valuable metallic substances, and states that each County shall adopt development regulations to assure the conservation of mineral resource lands (RCW 36.70A.060).

In classifying mineral resource lands, Kittitas County shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated. Areas for sand, gravel and other metallic substances of long-term commercial significance shall be identified by the County. Proposed land uses within these areas designated as mineral resource lands may require special consideration to ensure future supply of aggregate and mineral resource material will be available.

Classification of mineral lands shall be based on geographic, environmental, and economic factors, existing land uses and land ownership. Kittitas County shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the lands as indicated by:

a. General land use patterns in the area;

b. The availability of utilities or public services;

c. Relationship or proximity to urban growth area(s), which shall include areas of where historic growth has occurred.
d. Predominant surrounding parcel size, subdivision or zoning for urban or small lots, or land settlement patterns and their compatibility with mineral lands of long-term significance;

e. Intensity of nearby land uses;

f. History of land development, or permits issued nearby;

g. Land values under alternative uses;

h. Location of public roads, access or proximity to the point of use or markets;

i. Availability and adequate water supplies;

j. Physical and topographical characteristics of the mineral resource site;

k. Depth of the resource;

l. Depth of the overburden;

m. Physical properties of the resource including quality and type;

n. Life of the resource;

o. Resource availability in the region;

p. Long-term economic conditions which affect the ability to manage and/or maintain commercially viable mineral lands of long-term commercial significance, which should include consideration of the following market factors:

   i. The location of manufacturing or processing facilities,

   ii. Equipment and transport costs,

   iii. Site productivity and production costs,

   iv. Taxes and administrative costs,

De-designation

Kittitas County, hereby adopts the following provision with respect to de-designation of mineral resource land:

1. Change in circumstances pertaining to the comprehensive plan or public policy;

2. A change in circumstances beyond the control of the landowner pertaining to the subject property;

3. An error in designation; or

4. New information on natural resources land or critical area status.

In considering any one of these elements, the criteria for designation should additionally be considered.

Areas meeting the criteria for Mineral Lands of Long-Term Commercial Significance and classified as such, including future discoveries, are designated on the final Comprehensive Plan.
map and included in the final Comprehensive Plan. The map shows the location of Mineral Lands of Long-Term Significance and will be updated and amended as new mining sites, meeting the designation criteria, are approved.

GPO 8.152 When the County reviews proposed new land uses that have the potential to conflict with commercial mining activities, such as residential subdivisions, consideration of both surface and mineral rights ownership should be included in the review.

GPO 8.153 New uses, such as residential and commercial uses, conflicting with existing commercial mining activities in designated mineral resource areas shall be required to locate away from such mining activities.

GPO 8.154 Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, shall contain a notice that states that: “The subject property is within or near designated mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.”

GPO 8.155 The impact of potential residential/commercial development upon Mineral Resource Lands of Long-term Significance shall be considered when determining the compatibility of the proposed development within the Rural area.
EXHIBIT C

OFFICIAL KITTITAS COUNTY
COMPREHENSIVE PLAN MAPS

February 11, 2013
Kittitas County Land Use Map

Legend
- Interstate Highways
- All Roads
- Cities
- Urban Growth Area

Land Use
- Commercial Forest
- Commercial Agriculture
- Mineral Resource
- Rural Working
- Rural Residential
- Rural Recreation
- Urban
- LAMIRD
- Water Body

February 11, 2013
Ordinance No. 2013-001
Exhibit C Land Use Maps
EXHIBIT D

OFFICIAL KITITAS COUNTY
ZONING MAPS
TITLE 17, KITITAS COUNTY CODE

February 11, 2013
Kittitas County Zoning Map

Legend
- Interstate Highways
- All Roads
- Cities
- Urban Growth Area
- LAMIRDs
- PUDs

Zoning Classification
- Agriculture 3
- Agriculture 5
- Agriculture 20
- Commercial Agriculture
- Rural Recreation
- Forest and Range
- Commercial Forest
- General Commercial
- Highway Commercial
- Limited Commercial
- General Industrial
- Light Industrial
- Planned Unit Development
- Master Planned Resort
- Urban Residential
- Residential
- Residential 2
- Rural Residential
- Rural 3
- Rural 5
- Historic Trailer Court

Overlay Zones
- Wind Farm
- Bowers Field
- Airport
- Agriculture Study
- Ag Production District
- Historic Liberty District

February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
Legend
- Interstate Highways
- All Roads
- Cities
- Urban Growth Area
- LAMIRDs
- PUDs

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Kittitas County Zoning Map

Index Box #2
South Snoqualmie Pass Exit 54

February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
Legend
- Interstate Highways
- All Roads
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- LAMIRDs
- PUDs

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Kittitas County Zoning Map

Snoqualmie Rural Activity Center LAMIRD

February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
Legend
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- PUDs

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- Rural 5
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Overlay Zones
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- Agriculture Study
- Ag Production District
- Historic Liberty District

Kittitas County Zoning Map

Index Box #9
S. Roslyn and N. Cle Elum

February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
Kittitas County Zoning Map

Legend
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- Cities
- Urban Growth Area
- LAMIRDS
- PUDs

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February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
Kittitas County Zoning Map

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Overlay Zones
- Wind Farm
- Bowers Field
- Airport
- Agriculture Study
- Ag Production District
- Historic Liberty District

Index Box #16
Thorpe and Exit 101

February 11, 2013
Ordinance No. 2013-001
Exhibit D Zoning Maps
EXHIBIT E

GMA Compliance 2012
Description: Amend Kittitas County Code Title 15A, Project Permit Application Process

Kittitas County Code, Section 15A.03.020, Pre-application conference, is amended as follows:

15A.03.020 Pre-application conference.
A pre-application conference is offered to all interested potential applicants. Applicants are encouraged but not required to request this conference except in the case of a Performance Based Cluster Development Cluster Platting and Conservation Platting, Planned Unit Development, master planned resort, conditional use permit, shoreline permit, rezone and any preliminary plat over nine (9) lots where a pre-application conference is required.

1. Prior to formal submittal of a project permit application, one or more optional conferences with appropriate county department representatives and other public agency representatives may be requested by the applicant. The date, time and place of such conferences shall be at the mutual agreement of the participants.
2. Such conferences are intended as informal discussion and review of possible applications to assist the possible applicant in discovery of appropriate county regulations, standards, application formats and review processes that would be required of a project.

Kittitas County Code, Section 15A.03.045 Permit processing time, is amended as follows:

15A.03.045 Permit processing time.

1. Once an application has been deemed complete, Community Development Services the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director Community Development Services shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant.
2. Failure by the applicant to meet such deadline shall be cause for the application to be void. However, an extension of such deadline may be requested by an applicant if the request is made prior to the expiration of the deadline. Extension requests shall be submitted in writing, include a justification of why an extension is warranted, and include an extension fee, to be determined through resolution.
3. When considering a request for a deadline extension, the Director Community Development Services shall give consideration to the code provisions to which the project is vested, if any. In order to assure equity in permit processing between past, current, and future applicants, deadline extensions shall be limited to one extension after code provisions affecting the project have changed. Once code provisions have changed as to make the vested code substantially different than current code, a requested deadline extension of up to six months may be granted, but it shall be the final extension granted. The Director Community Development Services shall determine whether code changes have created substantially different regulations.
4. The Director Community Development Services shall provide a written, mailed response to the applicant with its decision on each extension request. (Ord. 2010-014, 2010)
Kittitas County Code, Title 15A Table A is amended as follows:

Table A

<table>
<thead>
<tr>
<th>Administrative</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
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<tr>
<td></td>
<td>Public</td>
<td>Open Record</td>
<td>Decision</td>
<td>Open Record</td>
<td>Closed Record</td>
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<td>Comment</td>
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<tr>
<td>Site Plan Review:</td>
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<td>Staff</td>
<td>BOCC</td>
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<td>Sup. Court</td>
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<td>Zoning Variance:</td>
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<td>Staff</td>
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<td>None</td>
<td>Sup. Court</td>
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<tr>
<td>Zoning-Permitted Administrative Conditional-Uses(^2):</td>
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<td>Staff</td>
<td>HE/BCC</td>
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<td>Sup. Court</td>
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<tr>
<td>Short Plats:</td>
<td>15 days</td>
<td>None</td>
<td>Staff</td>
<td>BCC</td>
<td>None</td>
<td>Sup. Court</td>
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<tr>
<td>Segregations/Lot Line Adjustments:</td>
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<td>Sup. Court</td>
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<td>SEPA Actions: Appeals of threshold determinations:</td>
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<td>None</td>
<td>Staff</td>
<td>HE</td>
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<td>Sup. Court</td>
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<td>SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS(^3):</td>
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<td>Staff</td>
<td>HE/BCC(^2)</td>
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<td>Independent administrative rulings:</td>
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<td>Quasi-Judicial</td>
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<td>HE/BCC</td>
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<td>Long Plats:</td>
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<td>HE</td>
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<td>Shorelines Setback Variance:</td>
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<td>Site-Specific Rezone to Zoning Map (Including PUD)(^4):</td>
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<td>HE/BCC</td>
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<tr>
<td>Development Agreement:</td>
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<td>HE/BCC</td>
<td>None</td>
<td>None</td>
<td>Sup. Court</td>
</tr>
</tbody>
</table>


\(^1\) 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
- PC - Planning Commission
- 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.
EXHIBIT F

GMA Compliance 2012
Description: Amend Kittitas County Code Title 16

Kittitas County Code, Chapter 16.04 General Provisions is amended as follows:

Chapter 16.04
GENERAL PROVISIONS

Sections
16.04.010 Applicability.
16.04.020 Exemptions.
16.04.030 Administration.
16.04.040 Procedure - Application and fees.

16.04.010 Applicability.

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

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

16.04.020 Exemptions.
The provisions of this title shall not apply to:

1. An alteration made for the purpose of adjusting boundary lines as defined in KCC 16.08.055.
2. Divisions made by testamentary provisions or the laws of descent;
3. Cemeteries and other burial plots while used for that purpose;
4. Any division of land for the purposes of installing or maintaining publicly owned facilities, utilities, emergency services, structures and uses, including but not limited to utility substations, pump stations, wells, watershed intake facilities, fire stations, or other utility and emergency services facilities of the same or similar nature, provided that such parcel shall not be required to meet the minimum lot size of the subject zoning district (KCC Title 17). The remaining parcel may be less in total area than the minimum lot size for the zone but if used for a building site must comply with all other county regulations (e.g. on site sewage systems, setbacks, etc.)
5. Divisions for industrial or commercial use, provided the division is in accordance with KCC Chapter 16.05;
6. Divisions for the purpose of lease to permit travel trailers to be placed upon the land, provided the division is in accordance with KCC Chapter 16.05;
7. Divisions for residential condominiums, provided the division is in accordance with KCC Chapter 16.05;
8. Divisions for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. “Personal wireless services” means any federally licensed personal wireless service. “Facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and
4-9. Divisions into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, “electric utility facilities” means unstaffed facilities, except for the...
presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility’s existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed. (Ord. 2012-006, 2012; Ord. 2011-013, 2011; Ord. 2005-31, 2005)

16.04.030 Administration.
The county community development services oDirector, hereafter referred to as the director, is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the County, and may prepare and require the use of such forms as are essential to their administration. (Ord. 2005-31, 2005)

16.04.040 Procedure - Application and fees.
Any person desiring to subdivide the land in an unincorporated area of the County shall submit a preliminary plat (see KCC Chapter 16.12) to the Director which shall be accompanied by filing fees established annually by the Board of commissioners under separate action. (Ord. 2005-31, 2005)

Kittitas County Code, Chapter 16.08 Definitions is amended as follows:

Chapter 16.08
DEFINITIONS

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

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

16.08.040 Block.
"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries. (Ord. 2005-31, 2005)

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

16.08.055 Boundary line adjustment.
"Boundary line adjustment" means making alterations to existing lots, tracts or parcels through adjusting one (1) or more property lines. A boundary line adjustment is an alteration made for the purposes of adjusting boundary lines, which does not create any 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 must comply with KCC Chapter 16.18 and KCC Title 12 Road Standards. (Ord. 2005-31, 2005)

16.08.056 Cluster.
"Cluster" consists of a grouping of buildable contiguous lots or building envelopes within the cluster plat or conservation plat boundary. Individual clusters need not be contiguous but must be within the project boundary.

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

16.08.060 Comprehensive plan.
"Comprehensive plan" means the current comprehensive plan of the County, adopted by the Board pursuant to state law. (Ord. 2005-31, 2005)

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

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

16.08.086 Director.
"Director" is the director of Kittitas County Community Development Services department or designee. The director may also be referred to as the County Planner in certain legislation. (Ord. 2005-31, 2005)

16.08.087 Division.
"Division" means the creation of a lot through short or long subdivision, large lot subdivision, use of intervening ownership, etc., but not including a boundary line adjustment. (Ord. 2012-006, 2012; Ord. 2005-31, 2005)

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

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

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

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

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

16.08.118 Parcel creation.
"Parcel creation" means the creation of a lot through short or long subdivision, large lot subdivision, use of intervening ownership, etc. and including boundary line adjustments. (Ord. 2012-006, 2012; Ord. 2005-31, 2005)

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

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

16.08.140 Plat, final.
"Final plat" means the final drawing/map and dedication prepared for administrative or board approval and filing for record with the county auditor, all in accordance with county subdivision procedures and minimum requirements. (Ord. 2005-31, 2005)

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

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

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

16.08.186 Short Subdivision.
"Short subdivision" means the division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions, for the purpose of sale, lease, or transfer of ownership any one of which is less than twenty (20) acres. (Ord. 2005-31, 2005)

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

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

Kittitas County Code, Chapter 16.09 Performance Based Cluster Platting is amended as follows:

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING and CONSERVATION PLATTING

Sections
16.09.010 Purpose and Intent.
16.09.020 Uses Permitted.
16.09.025 Applicability.
16.09.030 Criteria.
16.09.040 Development Regulations.
16.09.080 Process for Approval.
16.09.090 Public Benefit Rating System.
16.09.100 Definitions.
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 Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other 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 and that provide a public benefit.

In order to assist in the implementation of Kittitas County's policy 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, to ensure the continued existence of open space, conserve water resources, to promote the establishment of community gardens, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas, and by minimizing the impact of "Rural Sprawl" in rural lands as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting and Conservation Platting" techniques would foster the development of urban, and 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. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.
The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (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 classifications:
   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 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;
   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.

Applicability. This chapter applies to all tax parcels or combination of tax parcels from the date of the ordinance codified in this chapter, located in the Residential, Residential 2, Suburban, Suburban-2, Agriculture-3, Agriculture-5, Agriculture-20, Rural-3, Rural-5, and Forest and Range-20 zoning districts. (Ord. 2010-014, 2010)

16.09.030 Criteria.
Public Benefit Rating System (PBRS) points may be earned for including certain project elements or amenities not otherwise required by code. No PBRS points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Management Program or other regulatory requirement. The calculation of open space shall not include areas already protected through regulation, including but not limited to wetland areas and their buffers, slopes over 33%, frequently flooded areas as defined in KCC 17A.02.140 or areas used to accommodate plat infrastructure (e.g. roadway surfaces, stormwater drainage facilities, or community septic facilities). For purpose of calculating open space, eligible areas are defined in KCC 16.09.100.C.
When a public benefit is demonstrated then bonus density points will apply, according to the Public Benefit Rating System in KCC 16.09.090. An element that may have a high value in an urban designation may have a low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus provided in KCC 16.09.090 is limited to use in the following rural designations with a 100% bonus: in the Rural-3, Agriculture-3, Rural-5 and Agriculture-5 zones and 200% in the Agriculture-20 and the Forest and Range-20 zones. There is no limit to density bonus or the use of PBRS within the Urban Growth Areas.

2. All public benefits that are proposed and accepted in exchange for density bonus points shall be identified on recorded plats as easements, covenants, plat notes, or other acceptable mechanism as determined by the Kittitas County.

3. A minimum of forty percent (40%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

4. The following minimums for open space acreage by zone shall apply:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Open Space Acreage</th>
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<tbody>
<tr>
<td>Rural-3 and Ag-3</td>
<td>9 acres</td>
</tr>
<tr>
<td>Rural-5 and Ag-5</td>
<td>15 acres</td>
</tr>
<tr>
<td>Agriculture-20 and</td>
<td>30 acres</td>
</tr>
<tr>
<td>Forest and Range-20</td>
<td></td>
</tr>
</tbody>
</table>

5. A minimum percentage of the density bonus must be achieved with a transfer of development rights. The following percentage minimums by zone shall apply:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum % of Density Bonus with TDRs</th>
</tr>
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<tbody>
<tr>
<td>Rural-3 and Ag-3</td>
<td>50%</td>
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<tr>
<td>Rural-5 and Ag-5</td>
<td>75%</td>
</tr>
<tr>
<td>Agriculture-20 and</td>
<td>100%</td>
</tr>
<tr>
<td>Forest and Range-20</td>
<td></td>
</tr>
</tbody>
</table>


16.09.040 Development Regulations.

1. Cluster plats and conservation plats are subject to the following provisions:
   A. Phasing. Phasing shall be permitted without bonding requirements for future phases. Extension to final plat approval may be requested by the applicant pursuant to KCC 16.12.250.
   B. Notification Requirement. If appropriate, the final plat and all Performance-Based Cluster Platting 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."
   C. 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, Performance-Based Cluster Platting and Conservation Platting shall not be used prospectively in conjunction with the Kittitas County planned unit development zone ordinance (KCC Chapter 17.36 of this code).
   D. Applications. Applications for Performance-Based Cluster Platting 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.

E. Irrigation. If the land is served with irrigation water, a preliminary irrigation plan is required with application.

F. 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.

G. Location. Clustered lots shall be located within the project boundary in a manner that best recognizes the purpose and intent of the public benefits identified in the cluster plats or conservation 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, etc.

H. Agriculture-20. The ability to create one lot less than twenty acres in size in the Agriculture-20 zoning district, pursuant to KCC 17.29.040(A)(1) shall not be used in addition to or cumulatively with Performance Based Cluster Platting.

I. 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, as part of the application in order to be considered for density bonuses under the Public Benefit Rating System. 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. (Ord. 2011-013, 2011; Ord. 2010-014, 2010; Ord. 2006-36, 2006; Ord. 96-6 (part), 1996)

J. 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.

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;
   C. 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
   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.

16.09.060 Minimum 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. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.080 Process for Approval.

1. Prior to submitting an application for a Performance Based Cluster Plat 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 Performance-Based-Cluster Plat or Conservation Plat map in conformance with requirements in KCC Chapter 15A Project Permit Application Review, KCC Chapter Title 16.12 Preliminary Plats or KCC Chapter 16.32 Short Plat Requirements, as applicable, and Title 12 Road Standards. Submit SEPA checklist in conformance with KCC 15.04 SEPA Regulations, as required for a plat application.

3. Submit critical areas application consistent with KCC Title 17A.C.

4. Performance Based-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 a public hearing before the Hearing Examiner the review process as provided for in KCC Title 15A. Project Permit Application Process.

5. Final Performance Based-Cluster Plat or Conservation Plat approval must be in conformance with KCC Chapter Title 16.20 Final Plats.

6. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

7-5. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of KCC Chapter 16.09, and shall also demonstrate consistency with the bonus density awarded for such development prior to final approval.

8. Final plats meeting all requirements of this chapter shall be submitted to the Board of County Commissioners for approval within the timeframe specified by RCW 58.17.140. An applicant who files a written request with the County at least thirty days before the expiration of this period shall be granted an extension pursuant to KCC 16.12.250. (Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)

9. 16.09.090 Public Benefit Rating System.

Points accrued from each element will be calculated in a cumulative manner and applied as a total in accordance with the public benefit rating system chart below. This total shall be converted to a percentile on a one to one basis (ex. 80 points equals 80% bonus density) and multiplied against the underlying zone minimum lot size based density.

Where more than one zone exists within a cluster plat boundary, the overall percentile shall be applied against the number of whole lots calculated within the individual zone acreage and within the overall limit for the zone per 16.09.030 of this code.

Example:

- An application for an 80 acre cluster plat where 65 acres are zoned Forest and Range 20 and 15 acres are zoned Rural 3.
- Total cumulative points for entire plat earned = 150. Converted to 150%.
- Rural 3 zone density bonus limit = 100%
- Forest and Range 20 zone density bonus limit = 200%.

Calculations:

1. 15 acres divided by 3 acre min. lot size = 5 whole lots.

2. 5 lots times 100% max. (within the 150% earned) for Rural 3 = 5 bonus lots.
3. 65 acres divided by 20 acre min. lot size = 3 whole lots.
4. 3 lots times 150% earned (within the 200% max. allowed for Forest and Range) = 4 bonus lots.
5. Total lots allowed for cluster plat = 17. A potential of up to 5 clusters (minimum 3 lots or building envelopes each) may be located where most appropriate within the 80 acre project boundary regardless of the zone in which each cluster is placed.

*Whole lots are based on the minimum lot size for the zone and fractions thereof will not be rounded up to constitute a whole lot.

### Public Benefit Ratings System Chart

<table>
<thead>
<tr>
<th>Element</th>
<th>Urban Points</th>
<th>Rural Points or Units</th>
<th>Comments and Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadway-Right-of-Way width-exceeding County Road Standards by &gt;20% to Accommodate Future Growth and Multi-Modal Transportation Needs.</td>
<td>25</td>
<td>0</td>
<td>Urban levels of activity will need to consider future needs as growth and population increase. There will be more opportunity for multi-modal transportation options in the urban environment.</td>
</tr>
<tr>
<td>Incorporate appropriate easements and rights-of-way to allow for connectivity between developments for motorized, non-motorized and pedestrian travel. Facilitates grid system transportation network.</td>
<td>50</td>
<td>5</td>
<td>Establishment and facilitation of connectivity between developments for all modes of transportation will allow for efficient and orderly road development.</td>
</tr>
<tr>
<td>Provide for new multi-modal access to publicly owned recreational lands.</td>
<td>25</td>
<td>25</td>
<td>Access to public recreation lands has diminished as a result of increased development. Incentives to provide access are vital to the public interest. Proposed new 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.</td>
</tr>
</tbody>
</table>
## Open-Space

<table>
<thead>
<tr>
<th>Placement of open-space-for-perpetuity</th>
<th>0</th>
<th>41-50% = 10</th>
<th>Significant long-term benefit in rural areas. Minimizes options for redevelopment in urban areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>51-55%</td>
<td>11</td>
<td>56-60% = 12</td>
<td></td>
</tr>
<tr>
<td>61-65%</td>
<td>13</td>
<td>66-70% = 14</td>
<td></td>
</tr>
<tr>
<td>71-75%</td>
<td>15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Create urban redevelopment areas using open-space. | 35 | 0 | Allows for redevelopment in urban areas not currently served by urban services. |

| In rural areas provide for open-space-connectivity with existing public lands, resource lands, or adjacent open space protected in perpetuity. | 0 | 25 | Open-space provides the greatest public benefit when combined with adjacent open space to create larger tracts of contiguous resource land. |

## Wildlife-Habitat

| Connectivity of Wildlife Corridors | 0 | 15 | Development of open-space is most effective if done with adjacent-open space lands in mind. Development of wildlife corridors provides maximum benefit from open-space creation. Proposed wildlife corridors shall be consistent with the requirements of the Washington State Department of Fish and Wildlife. Documentation demonstrating such shall be submitted as part of the project application. New dedicated-wildlife corridors shall be designated as open-space-for-perpetuity in order to be awarded bonus-density points. |

<p>| Wetland and riparian areas, setbacks, wetlands, riparian areas and habitat enhancement and creation beyond requirements of CAO. | 10 | 5 | Provides for replacement of historic loss of wetlands, habitat, riparian and aquifer-recharge areas. |</p>
<table>
<thead>
<tr>
<th>Health and Safety</th>
<th>0</th>
<th>40</th>
<th>Minimizes individual drain fields and ensures maintenance of system.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community-septic-system.</td>
<td>50</td>
<td>50</td>
<td>Reduces use of domestic water supplies for irrigation and stream flows.</td>
</tr>
</tbody>
</table>

### Recreation

For specific uses see KCC 17.14.

<table>
<thead>
<tr>
<th>Development of passive recreational facilities: i.e.: bird-watching, picnic areas</th>
<th>5</th>
<th>5</th>
<th>Provides limited recreational use. Passive recreational facilities shall be available for public use (not limited to private landowners within the development) to be awarded points.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development of active recreational facilities: i.e.: trails, ball-fields, tennis courts, outdoor-riding arenas</td>
<td>40</td>
<td>10</td>
<td>An additional 10 points shall be awarded for active recreational facilities that connect with adjacent facilities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>An additional 10 points shall be awarded for active recreational facilities that connect with adjacent facilities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Provides for increased opportunity for recreation. Active recreational facilities shall be available for public use (not limited to private landowners within the development) to be eligible for points.</td>
</tr>
<tr>
<td>Development of formal recreation facilities available for general public use: i.e.: pool, clubhouse, golf-course, indoor-riding arenas</td>
<td>15</td>
<td>15</td>
<td>Provides for increased opportunity for recreation.</td>
</tr>
</tbody>
</table>
| Development of community gardens for residents within the development.            | 40 | 40  | Provides for increased opportunity for recreation and a local food source. The ground area, excluding any area used for community garden buildings or structures, shall be a minimum of 0.25 acre or 10,000 square feet. The community garden shall be served by a water supply sufficient to support the cultivation.
Conservation of Farm and Forest Land

Purchase of residential development rights pursuant to KCC-17.13.

Number of units is directly related to the number of residential development rights transferred pursuant to KCC-17.13.

Permanent conservation of rural farm and forest land through acquisition and extinguishment of development rights on lands designated as "sending sites" pursuant to KCC-17.13.


16.09.100 Definitions.

1. Cluster. A "cluster" consists of three or more buildable contiguous lots or building envelopes within the cluster boundary. Individual clusters need not be contiguous but must be within the project boundary.

2. Density bonus is that percentage of increase over the underlying zoning in the number of residential lots based on the total acres of the proposal.

3. Open space. For purposes of this chapter, "open space" shall mean land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or slopes over 33%, or frequently flooded areas, or dwellings or roadway surfaces, or building setbacks required by current codes, BPA easements, conservation easements or areas otherwise encumbered by federal, state, or local jurisdictions. Open space that is utilized to accommodate plat infrastructure, such as roads, stormwater drainage, or community septic facilities cannot be counted for density bonus points or meeting the minimum 40% open space criteria as required in KCC-16.09.030(1). However, for the purpose of the calculation of open space to determine the minimum 40% open space criteria as required in KCC-16.09.030(1), areas encumbered by an easement may be included if the easement allows development consistent with active and passive recreation or resource land uses. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.

4. Public Water System. A DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of "Municipal water supplier" under RCW 90.03.015.

5. Sewage Disposal System. A DOH or DOE approved sewage disposal system that meets the requirements of RCW 36.94 or RCW 90.46 or RCW 90.48.

6. Parent Parcel. That land made up of one or more contiguous tax parcels that are developed under this section.

7. Recreational passive uses shall include, but not be limited to, picnic areas, bird and wildlife viewing areas, pedestrian trails, etc.

8. Recreational active uses shall include, but not be limited to, ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc.

9. Recreational formal uses shall include, but not be limited to, swimming pools, clubhouses, golf courses, indoor riding arenas, etc.
10. Reserve Development Area is all of the land within the project boundary that is within one mile of an Urban Growth Area and could reasonably be considered for inclusion within an Urban Growth Area during the 20-year planning period.

11.1. The “residual parcel” (also called “the open area”) is that land which is remaining after the cluster subdivision lots and internal roads are deducted. (Ord. 2010-014, 2010; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 2006-36, 2006; Ord. 2005-35, 2005)
Kittitas County Code, Title 17 ZONING is amended as follows:

Kittitas County Code

Title 17 | ZONING*

Chapters

17.04 General Provisions and Enforcement
17.08 Definitions
17.11 Urban Growth Area
17.12 Zones Designated - Map
17.13 Transfer of Development Rights
17.14 Performance Based Cluster Plat Uses
17.15 Allowed Uses Transition Zones (reserved)
17.16 R - Residential Zone
17.18 R-2 - Residential Zone
17.19 R-3-Rural-3 Zone
17.20 RR - Rural Residential Zone
17.22 UR - Urban Residential Zone
17.24 HT-C - Historic Trailer Court Zone
17.28 A-3 - Agriculture-3 Zone
17.28A A-5 - Agricultural Zone
17.29 A-20 - Agricultural Zone
17.30 Rural Recreation R-3 Rural-3 Zone
17.30A R-5 - Rural-5 Zone
17.31 CA - Commercial Agriculture Zone
17.32 C-L - Limited Commercial Zone
17.36 PUD - Planned Unit Development Zone
17.37 Master Planned Resorts
17.38 Fully Contained Communities (Reserved)
17.40 C-G - General Commercial Zone
17.44 C-H - Highway Commercial Zone
17.48 I-L - Light Industrial Zone
17.52 I-G - General Industrial Zone
17.56 F-R Forest and Range Zone
17.57 CF - Commercial Forest Zone
17.58 Airport Zone
17.59 Liberty Historic Zone
17.60A Conditional Uses
17.60B Permitted Administrative Uses
17.61 Utilities
17.61A Wind Farm Resource Overlay Zone
17.61B Small Wind Energy Systems
17.62 Public Facilities Permits
17.66 Electric Vehicle Infrastructure Charging Stations
17.72 Signs
17.74 Right to Farm for Protection of Agricultural Activities
17.80 Nonconforming Uses
17.84 Variances
17.92 Permits
17.98 Amendments

*For a schedule of processing fees for current land use classification applications for farm and agricultural lands, open space lands, and timber lands, see Ch. 4.08 of this code.

Kittitas County Code, Section 17.04.020 Interpretation and Section 17.04.060 Maximum acreages are amended as follows:

Kittitas County Code

Chapter 17.04
GENERAL PROVISIONS AND ENFORCEMENT*

Sections
17.04.010 Title.
17.04.020 Interpretation.
17.04.030 Repealed.
17.04.040 Administrative and enforcement officers.
17.04.050 Penalty for violation.
17.04.060 Maximum acreages.

*Prior history: Ords. 71-5, 2.

17.04.020 Interpretation.

1. In interpreting and applying the provisions of this title, the county shall be held to the minimum requirements for the promotion of public health, safety, morals and general welfare; therefore, when the title imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this title shall control.

2. The administrator (Community Development Services director) may permit in a zone any use not described in this title and deemed to be of the same character and in general keeping with the uses authorized in such zone. In such cases, however, no permit shall be issued until adjacent property owners are notified by mail of the intent to issue a permit and are given opportunity to appeal such a decision pursuant to Title 15A of this code, Project permit application process. (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

17.04.060 Maximum acreages.
The following percentage caps shall apply for lands under the Rural land use designation as identified in the Kittitas County Comprehensive Plan and Land Use Map currently zoned Agricultural-3, Agricultural-5, Rural-3, and Rural 5. Total acreages in each zone shall not exceed the identified percentages below when compared to the overall land mass available in Kittitas County.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural-3</td>
<td>3%</td>
</tr>
<tr>
<td>Agricultural-5</td>
<td>5%</td>
</tr>
<tr>
<td>Rural-3</td>
<td>3%</td>
</tr>
<tr>
<td>Rural-5</td>
<td>5%</td>
</tr>
</tbody>
</table>

(Ord. 2007-22-1007)
Kittitas County Code, Chapter 17.08 Definitions is amended as follows:

Kittitas County Code

Chapter 17.08
DEFINITIONS*

Sections
17.08.010 Generally.
17.08.020 Accessory or 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.
17.08.035 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 Facility.
17.08.070 Apartment house.
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 business.
17.08.110 Board.
17.08.130 Building.
17.08.135 Building height.
17.08.140 Building line.
17.08.150 Business or commercial.
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.
17.08.165 Commercial activities associated with agriculture.
17.08.162 Commercial recreation, indoor.
17.08.163 Commercial recreation, outdoor.
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 Designated manufactured home.
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.
17.08.230A Family dwelling.
17.08.250 Farm.
17.08.255 Farm Labor Shelter.
17.08.260 Feedlot.
17.08.261 (Repealed by Ord. 2009-25.)
17.08.261 Forestry.
17.08.261A Forest Product Processing.
17.08.261B Forest Product Sales.
17.08.261C Freight 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.
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, Small-animal or Veterinary.
17.08.320 Hotel.
17.08.321 Infill.
17.08.324 Interlocal Agreement.
17.08.327 Intervening Ownership.
17.08.329 Junk.
17.08.330 Junkyard.
17.08.340 Kennel.
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.
17.08.393 Medium-Speed Electric Vehicle.
17.08.395 Mineral Exploration.
17.08.396 Mini Storage Facility.
17.08.397 Mini warehouse.
17.08.397A Mining and Excavation.
17.08.398 Mobile home.
17.08.399 Modular home.
17.08.400 Motel.
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 Performance based cluster plat.
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 Stands.
17.08.457 Public Facilities.
17.08.460 Public office building.
17.08.461 Rapid Charging Station.
17.08.462 Receiving site.
17.08.465 Recreational vehicle.
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.
17.08.470 Rezone.
17.08.471 Rock Crushing.
17.08.472 Services.
17.08.480 School, public or parochial/private.
17.08.485 Shooting range.
17.08.487 Sending site.
17.08.490 Single-family residence.
17.08.500 Special care dwelling.
17.08.510 Structural alteration.
17.08.520 Structure.
17.08.530-35 Trailer.
17.08.530 Trailer home.
17.08.540 Trailer park, trailer camp, trailer court and mobile home park.
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.
17.08.560 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.


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

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

17.08.022 Accessory dwelling unit.
"Accessory Dwelling Unit" means separate living quarters detached from the primary residence.

No mobile home or recreational vehicle shall be an accessory dwelling unit. Accessory Dwelling Units shall be subject to the requirements and conditions as set forth below:

Accessory Dwelling Unit (ADU) subject to the following requirements:
ADUs shall be allowed as a permitted use within designated UGAs.
ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.
Only one ADU shall be allowed per lot.
Owner of the property must reside in either the primary residence or the ADU.
The ADU shall not exceed the square footage of the habitable area of primary residence.
The ADU shall be designed to maintain the appearance of the primary residence.
All setback requirements for the zone in which the ADU is located shall apply.
The ADU shall meet the applicable health department standards for potable water and sewage disposal.
No mobile homes or recreational vehicles shall be allowed as an ADU.
The ADU shall provide additional off-street parking.
An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists. (Ord. 2010-014, 2010; Ord. 0-2006-01, 2006)

17.08.023 Accessory living quarters.
"Accessory Living Quarters" shall mean separate living quarters fully contained within a single structure that contains the primary dwelling.

Accessory Living Quarters shall be subject to the requirements and conditions as set forth below:
Accessory Living Quarter subject to the following requirements:
Accessory Living Quarters shall be located within an owner occupied primary residence.
Accessory Living Quarters are limited in size to no greater than fifty percent of the habitable area of the primary residence.
The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.

Title 17
Board of County Commissioners
February 2013
Ordinance No. 2013---
Exhibit G
Only one Accessory Living Quarters shall be allowed per lot. Accessory Living Quarters are to provide additional off-street parking. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists. (Ord. O-2006-01, 2006)

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

17.08.030A Administrative. "Administrative" means a discretionary action or permit decision made without a public hearing.

17.08.031 Adult family home. "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services. (Ord. 2007-22, 2007)

17.08.032 Agriculture processing. "Agriculture processing" includes but is not limited to feed mills, canneries, preparation of agriculture product (produce washing, boxing, bulk packaging, baling, etc.), animal slaughter and meat preparation.

17.08.033 Agriculture production. "Agriculture production" means raising of crops, animals and other agricultural products. Definition includes dairy operations but excludes feedlots, which are defined separately.

17.08.034 Agriculture sales. "Agriculture sales" includes, but is not limited to, private or public sales (including auctions) of agricultural products such as fruit/produce, eggs, milk cheese, and livestock.

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

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

17.08.050 Alteration. "Alteration" means a change in construction or a change of occupancy. Where the term alteration is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. Where the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one (1) trade or use to another or from one (1) division of a trade or use to another. (Res. 83-10, 1983)

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

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

“Animal boarding” means a facility where animals are housed, fed, and cared for, excluding a veterinary clinic, for a period greater than twenty-four (24) hours for commercial purposes. Such uses shall include, but are not limited to, kennels, boarding stables and riding academies. (Ord. 2009-25, 2009; Ord. 2007-22, 2007)

17.08.070 Apartment House.

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

17.08.100 Auto Wrecking Yard.

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

17.08.101 Battery Charging Station.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.102 Battery Electric Vehicle (BEV).

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.103 Battery Exchange Station.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.105 Bed and Breakfast Business.

“Bed and breakfast business” means any establishment located in a structure designed for a single family residence that has more than two (2) rooms for rent on a daily basis and offers a meal as part of the cost of a room, regardless of whether the owner or operator of the establishment resides in any of the structures, a use allowing lodging for let contained within an established single-family dwelling’s existing bedrooms, where lodgers typically stay for one to fourteen days. The purpose of bed and breakfast use shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, church camps, and other similar uses. (Ord. 93-21 (part), 1993)

17.08.110 Board.

“Board” means Kittitas County Board of Commissioners of Kittitas County. (Res. 83-10, 1983)

17.08.130 Building.

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

17.08.135 Building Height.

“Building height” means the vertical distance from grade plane to the average height of the highest
roof surface. Grade plain is the reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building. (Ord. 2010-014, 2010)

17.08.140 Building line.
"Building line" means a line established at a minimum distance a building may be located from any property line as determined by the standards of this title. (Res. 83-10, 1983)

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

17.08.155 Campground.
"Campground" means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two (2) or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. Typically the length of stay for a majority of the guests will range from one (1) to fourteen (14) days. The purpose of a campground use shall relate primarily to vacation, recreation and similar pursuits, and is not a place of permanent residence for the campers. A single-family residence may be allowed for the owner or caretaker. Very limited service commercial activities may be allowed which are intended for campers of the campground and must be approved as part of a conditional use permit. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles. (Ord. 2007-22, 2007)

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

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

17.08.158 Charging Levels.
"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "1", "2", and "3" are the most common EV charging levels, and include the following specifications:
- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging. (Ord. 2011-013, 2011; Res. 83-10, 1983)

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

17.08.161 Clubhouses, fraternities and lodges.
"Clubhouses, fraternities and lodges" means associations of persons organized for social, educational, literary or charitable purposes. This definition includes community meeting halls, clubhouses and lodges for philanthropic institutions, private clubs, fraternal or nonprofit organizations, and social service organizations. This definition excludes religious institutions.
17.08.162 Commercial recreation, indoor.
"Commercial recreation, indoor" means a place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasium, bowling alley, dance hall, billiard hall, theaters, indoor tennis and racquetball courts, and indoor swimming pools. This definition excludes stadiums.

17.08.163 Commercial recreation, outdoor.
"Commercial recreation, outdoor" means a place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: outdoor theaters, tennis courts, swimming pools, batting cages, amusement parks, miniature golf courses, and driving ranges. This definition excludes golf courses and stadiums.

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

17.08.171 Common area.
"Common area" means land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by a homeowners' association or by the State through conservation easements).

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

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

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

17.08.188 County.
"County" means the County of Kittitas, Washington.

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

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

17.08.195 Day care facilities.
"Day care facilities" means any home or building used for the daily care and supervision of thirteen (13) or more individuals—children in any twenty-four (24) hour period or any number of individuals in a nonresidential structure under age 10 in a residential setting. Such facilities shall not include or be interpreted to include regular overnight lodging or centers for the care or treatment of patients, those in rehabilitation or court assigned delinquents, criminals, or other sentencing categories. (Ord. 90-15 § 1, 1990)
17.08.197 Density(ies).
“Density(ies)” means a measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the gross parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses. (Ord. 2007-22, 2007)

17.08.198 Designated manufactured home.
“Designated manufactured home” means a manufactured home which is comprised of at least two (2) fully enclosed parallel sections; each section being a minimum of twelve (12) feet wide and thirty-six (36) feet long; and which was originally constructed with and currently has a composition, coated metal, or similar roof of not less than a 3:12 pitch. (Class A roofs coverings are required in many areas of Kittitas County). The unit must have siding similar in appearance to siding materials commonly utilized on conventional site-built International Building Code single family residences and placed on a permanent perimeter foundation comprised of poured concrete or masonry which shall be twenty-four (24) inches below finished grade when backfilled. A designated manufactured home shall have been constructed after January 1996 and to appropriate snow load requirements as determined by the Kittitas County building and fire safety department. Units shall be placed in accordance with Section 14.04.040(B) of this code. Designated manufactured homes shall be considered to be single-family residences. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)

17.08.198A Develop.
“Develop” means to construct or alter a structure or to make a physical change to the land including excavations and fills.

17.08.198B Development.
“Development” means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

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

17.08.199A Director.
“Director” means the director of Kittitas County Community Development Services department or designee.

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

17.08.210 Dwelling, multiple-family.
“Multiple family dwelling” means a dwelling designed or used for occupancy by more than two (2) families. (Res. 83-10, 1983)

17.08.211 Dwelling, single-family.
“Single-family dwelling” means a dwelling designed or used for occupancy by one (1) family. (Ord. 98-22 (part), 1998)

17.08.220 Dwelling, two-family.
“Two family dwelling” means a building designed exclusively for occupancy by two (2) families living independently of each other. (Res. 83-10, 1983)
17.08.221 Electric scooters and motorcycles.
"Electric scooters and motorcycles" means any two- (2)- wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.222 Electric vehicle.
"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.223 Electric vehicle charging station.
"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.223A Electric vehicle charging station - restricted.
"Electric vehicle charging station - restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public). (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.223B Electric vehicle charging station - public.
"Electric vehicle charging station - public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots). (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.224 Electric vehicle infrastructure.
"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.224A Electric vehicle parking space.
"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.225 Extremely hazardous waste.
"Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" may be used in this title to refer to those dangerous wastes which are extremely hazardous. (Ord. 93-1 (part), 1993)

17.08.230 Family.
"Family" means a number of related individuals or not more than five (5) unrelated individuals living together as a single housekeeping unit, and doing their cooking on the premises exclusively as one (1) household. (Res. 83-10, 1983)

47.08.240 Family dwelling.
"Family dwelling" means any building designed for and occupied by any person or a family establishing or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied. (Res. 83-10, 1983)
17.08.250 Farm. 
'Farm' means an area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property. (Res. 83-10, 1983)

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

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

17.08.261 Forestry. 
"Forestry" means the management, growing and harvesting of forest products, including but not limited to fuel woods, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto.

17.08.261A Forest product processing. 
"Forest product processing" means the harvesting and commercial production of forest products including but not limited to saw mills, chippers, log sorting and storage.

17.08.261B Forest product sales. 
"Forest product sales" means wholesaling and retailing of vegetation from forest lands including but not limited to fuel woods, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms.

17.08.262C Grazing. 
"Grazing" means an area in which trucks, tractor and/or trailer units, and semitrailers are parked for seventy two (72) hours or less, and dispatched.

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

17.08.262A Grade. 
"Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

17.08.262B Grading. 
"Grading" means all cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

17.08.262C Grazing.
"Grazing" means providing herbage for cattle, sheep, goats or horses, including the supplementary feeding of such animals, as a discrete activity not part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard, or commercial riding academy.

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

17.08.265 Group Home.
"Group home" means a home for at least seven (7) and not more than fifteen (15) persons, plus house parents, providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere. (Ord. 87-9 § 1, 1987)

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

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

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

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

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

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

17.08.290 Home Occupation.
"Home occupation" means any lawful profession, craft or service commonly carried on within a dwelling
or accessory building provided such activity is secondary to the use of said dwelling for residential purposes, and provided that there is no outdoor display of merchandise. **Home occupations include operations that provide care to twelve (12) or fewer individuals in any twenty-four (24) hour period within the caregiver's place of residence.** This definition shall not be interpreted to include the sale of firewood, farm produce, or similar activities which are not regulated by this title. **No sign advertising a home occupation shall exceed sixteen square feet in size.** (Res. 83-10, 1983)

17.08.300 **Hospital.**

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

17.08.310 **Hospital, animal or veterinary.**

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

17.08.320 **Hotel.**

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

17.08.321 **Infill.**

"Infill" means the development of new housing or other buildings on scattered vacant sites in a built-up area. (Ord. 2007-22, 2007)

17.08.324 **Interlocal agreement.**

"Interlocal agreement" means a legal contract between two (2) or more local jurisdictions (cities and counties) that specifies the condition under which TDR credits may be transferred (typically from an unincorporated county into an incorporated city). Interlocal agreements must be endorsed by the legislative bodies of both jurisdictions. (Ord. 2009-25, 2009)

17.08.327 **Intervening Ownership.**

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

17.08.329 **Junk.**

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

17.08.330 **Junkyard.**

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

17.08.340 **Kennel.**

Kennel means a lot or building which four or more dogs or cats at least four months of age are kept commercially for board, propagation, training or sale. (Ord. 2007-22, 2007; Res. 83-10, 1983)
17.08.360 Lot.
"Lot" means any area, tract or parcel of land owned by or under the control and in the lawful possession of one distinct ownership. The term means any type of land holding and includes, but is not limited to, lots platted in subdivisions. (Res. 83-10, 1983)

17.08.361 Lot, flag.
"Lot, flag" means a lot with two distinct parts:
- The flag, which is the only building site; and is located behind another lot; and
- The pole, which connects the flag to the street or road, provides the only street frontage for the lot, and is less than the minimum lot width for the zone in which it is located.

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

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

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

17.08.390A Lot, through.
"Lot, through" means a lot that has frontage on two (2) easements (public or private) for access.

17.08.391 Manufactured home.
"Manufactured home" means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indication for such compliance. The unit must be transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body width in length, or when erected on site exceeds four hundred (400) square feet and which is built on a permanent chassis. A manufactured home shall be affixed to a foundation system in accordance with Chapter 296-150M WAC as administered by the Washington State Department of Labor and Industries. The manufacturer's requirements shall be followed for placement and if there are no manufacturer instructions, the Kittitas County department of building and fire safety requirements shall be imposed. A manufactured home has a red insignia from the Department of Labor and Industries. (Ord. 9822 (part), 1998)

17.08.392 Manufacturing.
"Manufacturing" includes, but is not limited to, assembly, storage, packaging or treatment of products and merchandise such as drugs, food, beverages, cosmetics and toiletries, and products made from materials such as textiles, metals, paper, plastics, stone, wood, and paint.

17.08.393 Medium-speed electric vehicle.
"Medium-speed Electric Vehicle" means a self-propelled, electrically powered four-(4)-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than twenty-five (25) miles per hour but not more than thirty-five (35) miles per hour and otherwise meets or exceeds the Federal regulations set forth in 49 C.F.R. Sec. 571.500. (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.395 Mineral exploration.
"Mineral exploration" means the process of exploring, by various means, for mineral deposits (including geothermal sources). Such activities, not involving the extraction of minerals, shall not be considered or regulated as a land use by this title. (Res. 83-10, 1983)
17.08.396 Mini-Storage Facility.
A facility including buildings segregated into storage cubicles used exclusively for the storage of excess property and outdoor storage of vehicles and boats. (Ord. 2007-22, 2007)

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

17.08.397A Mining and Excavation.
"Mining and excavation" means extraction of earth materials including but not limited to clay, coal, gravel, minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

17.08.398 Mobile home.
"Mobile home" is means a structure transportable in one (1) or more sections that are eight (8) feet or more in width and thirty-two (32) feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. Beginning September 1, 1998, mobile homes will no longer be allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. (Ord. 98-22 (part), 1998: Res. 83-10, 1983)

17.08.399 Modular home.
"Modular home" is means a manufactured structure originally designed for initial movement without benefit of an undercarriage frame or its own wheels to a site of permanent placement on a full perimeter foundation, used for residential purposes, and exceeds eight hundred sixty-four (846) square feet of enclosed living area. A modular home shall be considered a "dwelling" or "single-family residence". A modular home constructed to International Building Code standards and bearing the gold insignia from the Washington State Department of Labor and Industries shall be considered to be a single-family residence. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998: Ord. 93-21 (part), 1993)

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

17.08.408 Neighborhood Electric Vehicle.
"Neighborhood Electric Vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one (1) mile is more than twenty (20) miles per hour and not more than twenty-five (25) miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500. (Ord. 2011-013, 2011; Res. 83-10, 1983)

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

17.08.412 Non-electric vehicle.
"Non-Electric Vehicle" means any motor vehicle that does not meet the definition of "electric vehicle." (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.420 Nursing home.
"Nursing home" means a home, place or institution which operates or maintains facilities providing...
convalescence or chronic care or both for a period in excess of twenty-four (24) consecutive hours for three (3) or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves, and is licensed by the State Department of Health as a nursing home. (Res. 83-10, 1983)

17.08.421 Office.
“Office” means a place at which the affairs of a business, profession, service, or industry are conducted and generally furnished with desks, tables, files and communication equipment.

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

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

17.08.428 Open space.
“Open space” means land within a development that has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses. May include public or private lands.

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

17.08.430A Overlay zone/district.
“Overlay zone/district” means overlay zones that impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations.

17.08.430B Ownership.
“Ownership” means an ownership is one (1) or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way.

17.08.431 Park model trailer.
“Park model trailer” means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding four hundred (400) square feet. (Ord. 2007-22, 2007)
17.08.440 Parking space.
"Parking space" means a minimum gross area available for the parking of a standard American automobile. (Res. 83-10, 1983)

17.08.445 Performance based cluster plat uses.
Performance based cluster plat uses means those uses identified for use in calculation of points for recreation and open space as provided in Title 16,09.090 of the Kittitas County Subdivision Code, Public Benefit Rating System. These are applied to calculation of density bonus for a qualifying Performance Based Cluster Plat application. (Ord. 2005-35, 2005)

17.08.450 Planned unit development.
"Planned unit development" means a development that departs from strict compliance with the zoning and subdivision standards in order to accomplish objectives that serve the public welfare pursuant to standards in KCC Chapter 17.36 of planned community by a landowner to be developed as a single entity in which a mixture of land uses are permitted including residential, commercial, and open space, the plan for which may not correspond in lot size, density, or type of dwellings to other zoning districts. (Ord. 2005-35, 2005, Ord. 90-6 (part), 1990: Ord. 83-Z-2 (part), 1983)

17.08.455 Planning commission or commission.

17.08.455A Plug-in hybrid electric vehicle (PHEV).
"Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity. (Ord. 2011-013, 2011; Res. 83-10, 1983)

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

17.08.457 Public facilities.
"Public facilities" means capital improvements and systems to support transportation, law enforcement, fire protection, and recreation. Facilities include but are not limited to fire stations, police stations, and bus stops.

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

17.08.461 Rapid charging station.
"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540 (Ord. 2011-013, 2011; Res. 83-10, 1983)

17.08.462 Receiving site.
"Receiving site" means those lots where the procurement of TDR credits facilitate a permissible change in the allowed intensity on the property pursuant to the TDR chapter and all other controlling policies and law. (Ord. 2009-25, 2009)
17.08.465 Recreational vehicle.
"Recreational vehicle" means a vehicular type unit designated as temporary living quarters for recreation camping, travel or seasonal use which has its own power or is mounted on or towed by another vehicle. The vehicle has a gross floor area of not more than three hundred twenty (320) square feet. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International Building Code standards. A recreational vehicle has a green and silver insignia from the Department of Labor and Industries. (Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)

17.08.466 Refuse disposal/recycling.
"Refuse collection/recycling" means a facility for the collection of solid waste or recyclables for sorting, compaction, composting, processing (including changing the form of materials) or transfer to a landfill. This definition excludes concrete recycling.

17.08.467 Religious institutions.
"Religious institutions" means churches, synagogues, temples and other places where gathering for worship is the principle purpose of the use.

17.08.468 Resource based industry.
"Resource based industry" means an industry based on natural resources including but not limited to recreation-related tourism, agriculture, fisheries, forestry and mining.

17.08.469 Restaurant.
"Restaurant" means a retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition excludes taverns.

17.08.469A Retail sales.
"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.

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

17.08.471 Rock Crushing.
"Rock crushing" means an activity which reduces the size and weight of rock material into useable building or landscaping material.

17.08.472 Services.
"Services" means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, real estate offices, personal accountants, entertainment media rental or other indoor rental services, and repair of personal or household items.

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

17.08.485 Shooting range.
"Shooting range" means an area or facility designated or operated for archery (including crossbows), and/or the discharging and operation of lawfully possessed, lawful firearms, as defined in RCW Chapter 9.41; with the exception of:
1. Any law enforcement or military shooting range; or
2. Incidental target practice areas on private property.

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

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

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

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

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

Special Care Dwelling subject to the following requirements:

The Special Care Dwelling must meet all setback requirements for the zone in which it is located.

The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal.

Placement is subject to obtaining a building permit for the manufactured home.

Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.

The Special Care Dwelling unit cannot be used as a rental unit.

The Special Care Dwelling unit must be removed when the need for care ceases.

A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarters exists. (Ord. 2007-22, 2007; Ord. 0-2006-01, 2006)

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

17.08.520 Structure.
"Structure" means that which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner. (Res. 83-10, 1983)
17.08.530 Trailer.
“Trailer” means any vehicle or portable structure mounted on or designed for mounting on wheels, used for or intended for use for dwelling purposes, and having dimensions totaling less than seven hundred twenty square feet. (Res. 83-10, 1983)

17.08.535 Trailer home.
“Trailer home” means a structure mounted or designed for mounting on wheels, used for or intended for use for dwelling purposes, and having dimensions totaling less than seven hundred twenty square feet. (Res. 83-10, 1983)

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

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

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

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

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

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

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

17.08.550 Use.
“Use” means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained.
1. “Permitted use” means a use allowed outright within a zone classification.
2. “Permitted Administrative use” means a use which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60B.
"Conditional use" means a use which may be permitted in a zone classification following review under the provisions of KCC Chapter 17.60A, subject to conditions.

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

"Prohibited use" means those uses not specifically enumerated as permitted-allowed uses under the provisions of KCC Chapter 17.15. Prohibited uses are listed in this title for purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to the enumerated prohibited uses. (Res. 83-10, 1983)

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

17.08.560A Vehicle/equipment service and repair.
"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations.

17.08.560B Watershed management facilities.
"Watershed management facilities" include, but are not limited to, diversion devices, impoundments, dams for water storage, flood control, fire control, and stock watering.

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

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

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

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

17.08.600 Yard, rear.
"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory building) and the rear line of the lot. For triangular lots the rear yard shall be the area of the lot lying within a circle having a radius equal to the depth of the required rear yard and its center at a point therein defined as the rear property line for such lots. (Res. 83-10, 1983)

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

17.08.620 Yurt.
"Yurt" means a circular, domed, portable tent for temporary use. (Ord. 2007-22, 2007)
**Kittitas County Code, Chapter 17.12. Zones Designated - Map is amended as follows:**

### 17.12.010 Zones classified designated.*

1. The unincorporated territory of Kittitas County is divided into the following land use zone classifications:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
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<td>RR</td>
<td>Rural Residential</td>
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<tr>
<td>UR</td>
<td>Urban Residential</td>
</tr>
<tr>
<td>A-3</td>
<td>Agricultural 3</td>
</tr>
<tr>
<td>A-5</td>
<td>Agriculture 5</td>
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</tr>
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<td>R-3</td>
<td>Rural 3</td>
</tr>
<tr>
<td>R-5</td>
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<tr>
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<td>Commercial Agriculture</td>
</tr>
<tr>
<td>CF</td>
<td>Commercial Forest</td>
</tr>
<tr>
<td>C-L</td>
<td>Limited commercial</td>
</tr>
<tr>
<td>C-G</td>
<td>General commercial</td>
</tr>
<tr>
<td>C-H</td>
<td>Highway commercial</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
</tr>
<tr>
<td>I-L</td>
<td>Light Industry</td>
</tr>
<tr>
<td>I-G</td>
<td>General Industry</td>
</tr>
<tr>
<td>F-R</td>
<td>Forest and Range</td>
</tr>
<tr>
<td>HT-C</td>
<td>Historic Trailer court</td>
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<tr>
<td>L-H</td>
<td>Liberty historic zone</td>
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<tr>
<td>A</td>
<td>Airport</td>
</tr>
<tr>
<td>MPR</td>
<td>Master planned resort</td>
</tr>
</tbody>
</table>

2. The unincorporated territory of Kittitas County includes the following overlay zones and areas:
   - Agricultural Study Overlay Zone
   - Agricultural Production District
   - Airport Overlay Zoning District
   - Bowers Field Overlay Zone
   - Forest Study Overlay Zone
   - Liberty Historic Overlay Zone
   - Wind Farm Resource Overlay Zone
   - Wind Farm Resource Overlay Zone - Pre-identified Areas for Siting

*This section has been amended to reflect the provisions of Ords. Z-77-2, 80-Z-2, 89-10, and 90-6.

### 17.12.020 Official County Map.

1. **Digital Map.** The above zones or area classifications and the boundaries of such are established as shown on the Kittitas County Geographic Information System (GIS) Spatial Data Base Engine (SDE) as a dataset designated as "Zoning". The GIS zoning dataset shall be the County's "Official Zoning Map"; it shall be maintained and edited under the conditions set forth in KCC Title 15B, KCC Chapter 17.36 and KCC Chapter 17.98 as necessary by qualified personnel within the Community Development Services Department. Delineations and alterations shall be recorded in a manner as to preserve the details of their size, configuration, adoption ordinance, adoption date, and any other information deemed necessary by the Director within the dataset's attribute data for the purpose of maintaining
the public record. Standard operating procedures shall be developed and monitored to assure that
delineations and alterations are recorded properly, and that all appropriate county agencies and
departments are notified, and given appropriate supplemental details and information. The zoning
dataset shall be integrated into Kittitas County's web based mapping system for viewing by the
general public and be made available either digitally or physically by staff at the Community
Development Services Department for those without computer/internet access.

2. Physical Map. As part of the annual Comprehensive Plan Amendment process, or at any time deemed
desirable or beneficial by the Board of County Commissioners, a physical map or set of maps, shall
be produced by Community Development Services reflecting the information contained within the
zoning dataset, as well as notations, references, and detailed information regarding changes since
the previous map(s); a signature block shall be provided for verification and approval by the Board
of County Commissioners.

3. Map Designations. The zones or areas hereby established and shown on said dataset and maps, and
boundaries thereof, are hereby designated. Said dataset and maps and all notations, references and
other information shown thereon shall be as much a part of this title as if the matters and
information set forth by said maps were all fully described herein. (Ord. 2010-014, 2010; Ord. 2007-
22, 2007; Res. 83-10, 1983)

17.12.030 Boundary Determination.
Where uncertainty exists as to any of the zone boundaries as shown on the zoning map, the following
rules apply:

1. Where such boundaries are indicated as approximately following the centerline of roads, highways,
power lines, railroads, rivers or canals, the centerline shall be construed to be such boundaries.

2. Where such boundaries are indicated as approximately following lot lines, the lot lines shall be
construed to be such boundaries.

3. In un-subdivided land and where a zone boundary divides an ownership, the location of the
boundary, unless it is indicated by dimensions shown on the map, shall be determined by scale
measurement.

4. (Deleted by Ord. 83-Z-2)

5. Boundary lines along navigable rivers shall be pierhead or outer harbor lines. Where such pierhead
or outer harbor lines are not established, then the zone boundary lines shall extend five hundred
(500) feet from the natural shoreline. (Ord. 2007-22, 2007; Ord. 83-Z-2 (part), 1983; Res. 83-10,
1983)

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.

17.13.010 Purpose.
The purpose of the transfer of development rights (TDR) is to provide public benefits by permanently
conserving rural farm and forest land through acquisition and extinguishment of the development rights
on those lands designated as "sending sites." All other rights of ownership, including the right to
continue operation of such businesses as farming, timber harvesting, sports and recreation, and other

uses permitted within the zone remain with the owner of the underlying fee. Transfer through conversion of the acquired development rights to density credits redeemable on eligible sites, designated as "receiving sites" per KCC 17.13.030(1), shall be accomplished as set out herein. (Ord. 2010-006, 2010; Ord. 2009-25, 2009)

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 or R-3-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 or R-3-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.


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)(a) of this section.
   f. Unincorporated sites for which a Performance-Based Cluster Plat has been requested pursuant to KCC Chapter 16.09 and KCC Chapter 17.30. 
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. 2011-005, 2011; Ord. 2010-006, 2010; Ord. 2009-25, 2009)

17.13.040 Calculations of Available Development Rights on Sending Sites.

1. The number of residential development rights that an unincorporated sending site is eligible to sell under this program shall be determined by applying the sending site base density dictated by the underlying zoning as established in Title 17, Zoning, to the area of the sending site, provided that the number of development rights shall not exceed one (1) per twenty (20) acres. Any portion of the sending site used for residential development or reserved for future residential development in the TDR conservation easement shall be subtracted from the calculation at base density.

2. Any fractions of development rights that result from the calculations in KCC 17.13.040 1. shall not be included in the final determination of total development rights available for sale.

3. For purposes of calculating the number of development rights a sending site may sell, the area of a sending site shall be determined as follows:
   a. If the sending site is an entire lot, the acreage shall be determined by:
      i. Kittitas County Assessor records; or
      ii. A survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the State of Washington.
   b. If the sending site consists of multiple lots, the acreage in sum shall be determined through the means outlined in KCC 17.13.040 3.a.i.

4. Development rights from one sending site may be converted and transferred to more than one (1) receiving site and one (1) receiving site may accept density credits from more than one (1) sending site.

5. The determination of the number of residential development rights a sending site has available shall be valid for transfer purposes only, shall be documented in a TDR certificate, and shall be considered a final determination, not to be revised due to changes to the sending site’s zoning.

6. No density credits may be allowed from land already encumbered by a conservation easement, unless such land was encumbered by a TDR demonstration project.

7. The development right determinations and applications in 1. through 6. above extend only to the TDR program and do not change the sending site parcel’s existing zone designation. (Ord. 2011-013, 2011; Ord. 2010-006, 2010; Ord. 2009-25, 2009)

17.13.050 Sending Site Development Limitations.

1. When only a portion of a site’s development rights have been conveyed and extinguished, a sending site may subsequently accommodate remaining residential dwelling units, if any, on the remaining buildable portion of the parcel(s) or be subdivided consistent with the base density provisions for the applicable zone pursuant to Kittitas County Code and other Kittitas County development regulations.

2. Only those nonresidential uses directly related to the conservation values of the property and supportive of the criteria under which the sending site qualified are allowed on a sending site.

3. The TDR conservation easement by its terms may reserve dwelling units that may be developed in the future consistent with the easement. All development rights not explicitly reserved in the TDR conservation easement shall be extinguished through the TDR conservation easement. (Ord. 2009-25, 2009)
17.13.060 TDR Documentation of Restrictions.

1. Upon issuance of TDR certificates, deed restrictions documenting the development rights conveyance shall be recorded by the County and notice placed on the title of the sending parcel. The County shall establish and maintain an internal tracking system that identifies all certified transfers.

2. Upon issuance of TDR certificates, a TDR conservation easement granted by an appropriate land management nonprofit or quasi-governmental organization such as the Conservation District, shall be required for the sending site.

3. A TDR conservation easement permanently encumbers a sending site, excepting extraordinary circumstances and a determination of public benefit. The associated process for opting out of a TDR conservation easement for those qualifying shall include a finding by the Board of County Commissioners of the following:
   a. Demonstration of a hardship beyond the land owner’s control; and
   b. Purchase equivalent transfers of development rights; and
   c. Adoption of a resolution by the Board of County Commissioners finding that there is an equivalent or better public benefit to exchange the previously held easement for the easement described above in KCC 17.13.060(3)(b).
   d. At the discretion of the Board of County Commissioners, Kittitas County may elect to secure an appropriate land management nonprofit or quasi-governmental organization to receive, manage, and steward TDR conservation easements. (Ord. 2010-006, 2010; Ord. 2010-02, 2010; Ord. 2009-25, 2009)

17.13.070 TDR Sending Site Certification.

1. The Community Development Services Director (CDS Director) shall be responsible for determining whether properties are eligible to be considered a sending site. The CDS Director shall base its decision on the materials provided by the landowner in a TDR sending site application and a satisfaction of the sending site requirements outlined in KCC 17.13.020.

2. Responsibility for preparing a completed sending site application rests exclusively with the applicant. The fees for such application shall be as established annually by the Board of County Commissioners under separate action. Fees shall be payable to Kittitas County Community Development Services and shall not be returnable in any case.

3. Following the CDS Director’s review and approval of a properly filed sending site application, the County shall issue a TDR certificate in conversion for the proposed sending site TDR conservation easement.

4. Sending site landowners may obtain TDR certificates which can be transferred pursuant to KCC 17.13.080 and used by receiving area landowners. The process for obtaining the TDR certificates is as follows:
   a. Following an application for TDR certificates by the sending site owner, the County shall issue a TDR certificate letter of intent. The certificate letter of intent shall contain a determination of the number of development rights calculated for the sending site pursuant to KCC 17.13.040 and an agreement by the County to issue a corresponding number of TDR certificates in conversion for a sending site conservation easement granted to Kittitas County or an appropriate land management nonprofit or quasi-governmental organization by the sending site owner pursuant to KCC 17.13.060. The sending site owner may use the TDR certificate letter of intent to market sending site development rights to potential purchasers, but the certificate letter of intent shall have no value and cannot be transferred or used to obtain increased development rights within receiving areas.
   b. A TDR certificate letter of intent shall be valid for a period of five (5) years from the date of issuance. If a TDR certificate letter of intent has not been converted to a serially numbered TDR certificate within a period of five (5) years from the date of issuance, then the landowner must reapply to CDS to determine whether the property is eligible to be considered a sending site.
   c. As provided by the TDR certificate letter of intent, the County shall issue serially numbered TDR certificates to the sending site owner upon acceptance of a TDR conservation easement; provided, however, that the County shall have twenty-eight (28) days from the date of the conservation easement is offered by the sending site owner in which to conduct, at its discretion, a review of the sending site permit file and/or a site inspection.
d. A TDR conservation easement will not encumber a sending site until such time as a TDR certificate or certificates have been issued. (Ord. 2010-006, 2010; Ord. 2009-25, 2009)

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.

3. The required density credits may be acquired by:

   a. Purchasing density credits from certified sending sites;

   b. Transferring density credits from certified sending sites owned by a receiving site owner; or

   c. Purchasing previously purchased, unexecuted TDR credits from another buyer.

   d. All development using density credits must be in accordance with all other applicable laws and regulations.

   e. The County may waive or modify the density credit requirements if it is determined by the Prosecuting Attorney that strict application of the requirement in a specific situation would result in an unconstitutional taking of property or a violation of the property owner's right to substantive due process. Modifications made under this provision shall be no greater than necessary to avoid the taking or substantive due process violation. The County shall provide written documentation supporting each application of the provision.

   f. For receiving sites listed in KCC 17.13.030, the exchange rate shall be as follows:

<table>
<thead>
<tr>
<th>Receiving Sites</th>
<th>Exchange Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Growth Areas</td>
<td>1 TDR Credit = 2 Additional Units</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>1 TDR Credit Per 20 Acres of Receiving Site Area</td>
</tr>
<tr>
<td>Rural Rezones</td>
<td>1 TDR Credit Per 20 Acres of Receiving Site Area</td>
</tr>
</tbody>
</table>

Example: Owner A wishes to rezone 80 acres of land currently zoned Forest and Range to Rural - 5 (receiving site). Owner B owns 640 acres of land zoned Commercial Forest (sending site). Owner B's property is eligible for up to eight TDR credits (640 ac / 80 ac = 8 or the total sending site acreage divided by the base density of underlying zoning). Owner A would be required to obtain four TDR credits from Owner B (4 x 20 ac = 80 ac or 1 TDR credit per 20 ac. of receiving site area). Owner A could then choose to retain the remaining four TDR credits or sell them to additional receiving sites. (Ord. 2011-005, 2011; Ord. 2010-006, 2010; Ord. 2009-25, 2009)
17.13.090 TDR Amenity Funding for Cities.
1. TDR amenity funding may be authorized from Kittitas County to cities as an incentive to enter into and utilize the TDR program.
2. TDR amenity funding shall be described in the TDR agreement between the County and the city. Amenity funding may differ between cities based upon the unique needs of the County and city.

(Ord. 2009-25, 2009)

17.13.100 Condemned Lands.
All condemnation actions on sending sites encumbered by a TDR conservation easement in favor of Kittitas County or its assigns shall be mitigated. Mitigation value shall equal the value of the development rights at the time the property was encumbered with a TDR conservation easement, plus eight percent annual interest, irrespective of whether the development rights purchased on the property have been extinguished, banked or sold to a private party. (Ord. 2009-25, 2009)

Kittitas County Code, Chapter 17.14 Performance Based Cluster Plat Uses is repealed as follows:

Chapter 17.14
PERFORMANCE-BASED CLUSTER PLAT USES
Sections
17.14.010 Purpose and intent.

17.14.010 Purpose and intent.
The purpose and intent of this Chapter is to identify uses that qualify for calculation of points for density bonus under Title 16.09.090 Public Benefit Rating System. (Ord. 2009-25, 2009; Ord. 2005-35, 2005)

All uses identified in this section shall apply to the underlying zoning for use as qualifying points under Title 16.09.090 Public Benefit Rating System. For purposes of identification of uses related to passive, active and formal recreation, the following uses are permitted:

1. Passive Recreation
   a. Conservation set-aside for bird watching and picnic areas;
   b. Parks and playgrounds, non-motorized trails;
   c. Uses customarily incidental to any of the uses set forth in this section; and
   d. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process.

2. Active Recreation
   a. Ball fields;
   b. Tennis courts;
   c. Motorized and non-motorized trails;
   d. Outdoor riding arenas;
   e. Uses customarily incidental to any of the uses set forth in this section; and
   f. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process.

3. Formal Recreation
   a. Swimming pools;

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b. Club houses and golf courses (public and private);
c. Indoor riding arenas;
d. Uses customarily incidental to any of the uses set forth in this section; and
e. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process.


Kittitas County Code, Chapter 17.15 is amended as follows:

Chapter 17.15

**TRANSITION ZONES (reserved) - ALLOWED USES**

All text below is new as follows:

**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 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. Conditional Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60A.

**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” 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.

**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
   - 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.

17.15.040 Zoning use tables.
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 and 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 and Range
   l. Planned Unit Development
17.15.050 Allowed Uses in Resource Lands

17.15.050.1 Resource Use Table

<table>
<thead>
<tr>
<th>P Permitted</th>
<th>PA Permitted Administrative</th>
<th>CU Conditional Use</th>
<th>Resource</th>
<th>Commercial Agriculture</th>
<th>Commercial Forest</th>
</tr>
</thead>
</table>

*See KCC Chapter 17.08 Definitions*

| A. Agriculture |  |
|----------------|  |
| Animal boarding* | CU |
| Agriculture processing* | CU |
| Agriculture production* | P |
| Agriculture sales*, Produce stand | P / CU |
| Agriculture sales*, Other | CU |
| Feedlot* | CU / CU |
| Grazing* | P / P |
| Nurseries | P |
| Riding academies | CU |

| B. Civic and Cultural Uses |  |
|-----------------------------|  |
| Cemetery | P |
| Clubhouses, fraternities and lodges* | CU |
| Cultural and educational facilities |  |
| Libraries |  |
| Meeting facilities |  |
| Museums and galleries |  |
| Religious institutions* |  |
| School, public or private* | CU |

<p>| C. Commercial |  |
|----------------|  |
| Auction sales of non-agriculture products |  |
| Bank |  |
| Bed and breakfast* | CU |
| 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,* vehicles and equipment |  |
| Services |  |</p>
<table>
<thead>
<tr>
<th>Resource Use Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>P Permitted</td>
</tr>
<tr>
<td>CU Conditional Use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resource Use</th>
<th>Commercial Agriculture</th>
<th>Commercial Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shooting range*</td>
<td>CU23</td>
<td>CU23</td>
</tr>
<tr>
<td>Taverns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary sales office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle/equipment service and repair*</td>
<td></td>
<td>p22</td>
</tr>
</tbody>
</table>

### D. Industrial

<table>
<thead>
<tr>
<th>Resource Use</th>
<th>Commercial Agriculture</th>
<th>Commercial Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport*</td>
<td>p20</td>
<td>p21</td>
</tr>
<tr>
<td>Asphalt/concrete plants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest product processing* (portable)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Forest product processing* (permanent)</td>
<td></td>
<td>CU</td>
</tr>
<tr>
<td>Freighting and trucking yard or terminal*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous waste storage*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous waste treatment*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Junkyard*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-warehouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refuse disposal/recycle*</td>
<td></td>
<td>CU</td>
</tr>
<tr>
<td>Research laboratories</td>
<td></td>
<td>CU</td>
</tr>
<tr>
<td>Wastewater treatment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing and distribution</td>
<td></td>
<td></td>
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<tr>
<td>Wholesale business</td>
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</tbody>
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### E. Recreation

<table>
<thead>
<tr>
<th>Resource Use</th>
<th>Commercial Agriculture</th>
<th>Commercial Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campground*</td>
<td>p18</td>
<td></td>
</tr>
<tr>
<td>Commercial recreation, indoor*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial recreation, outdoor*</td>
<td></td>
<td>p18</td>
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<tr>
<td>Golf course*</td>
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<tr>
<td>Parks and playgrounds</td>
<td></td>
<td>CU15</td>
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<tr>
<td>Recreational vehicle storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadium</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### F. Residential

<table>
<thead>
<tr>
<th>Resource Use</th>
<th>Commercial Agriculture</th>
<th>Commercial Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling unit*</td>
<td>p4</td>
<td></td>
</tr>
<tr>
<td>Accessory living quarters*</td>
<td></td>
<td>p5</td>
</tr>
<tr>
<td>Adult family home*</td>
<td>p10</td>
<td>p10</td>
</tr>
<tr>
<td>Boarding house</td>
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<td></td>
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<tr>
<td>Convalescent home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, single-family*</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, two-family*</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Dwelling, multiple-family*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm labor shelter*</td>
<td></td>
<td>CU2</td>
</tr>
</tbody>
</table>

*See KCC Chapter 17.08 Definitions
17.15.050.1 Resource Use Table

<table>
<thead>
<tr>
<th>Group home*</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guest ranch*</td>
<td>CU</td>
</tr>
<tr>
<td>Home occupation*</td>
<td>p^8</td>
</tr>
<tr>
<td>Manufactured home*</td>
<td>P</td>
</tr>
<tr>
<td>Mobile home</td>
<td>p^6</td>
</tr>
<tr>
<td>Special care dwelling*</td>
<td>p^7</td>
</tr>
<tr>
<td>Temporary trailers</td>
<td>CU^11</td>
</tr>
</tbody>
</table>

**See KCC Chapter 17.08 Definitions**

**Resource Use Table (Continued)**

<table>
<thead>
<tr>
<th>G. Resource</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry*</td>
<td>P</td>
</tr>
<tr>
<td>Forest product sales*</td>
<td>P</td>
</tr>
<tr>
<td>Mining and excavation*</td>
<td>P^14</td>
</tr>
<tr>
<td>Rock crushing*</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H. Utilities and Public Facilities</th>
<th>Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric vehicle infrastructure*</td>
<td>p^3</td>
</tr>
<tr>
<td>Public facilities*</td>
<td>PA^19</td>
</tr>
<tr>
<td>Utilities</td>
<td>PA</td>
</tr>
<tr>
<td>Watershed management activities*</td>
<td>PA</td>
</tr>
</tbody>
</table>

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.

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 RCW 70.128.140.

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 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, trails, trailheads and snow parks.


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).

### 17.15.060 Allowed Uses in Rural Non-LAMIRD Lands

#### P Permitted

**PA Permitted Administrative Use**

<table>
<thead>
<tr>
<th>Rural Non-LAMIRD</th>
<th>Rural Residential</th>
<th>Rural Working</th>
<th>Rural Recreation</th>
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#### A. Agriculture

- Animal boarding*  
  - CU  
  - CU  
- Agriculture processing*  
  - CU  
  - CU  
- Agriculture production*  
  - P  
  - P  
- Agriculture sales,* Produce stand  
  - P  
  - P  
- Agriculture Sales,* Other Feedlot*  
  - CU  
  - CU  
  - CU  
- Grazing*  
  - P  
  - P  
- Nurseries  
  - P  
  - P  
- Riding academies  
  - CU  
  - CU  
  - CU  

#### B. Civic Uses/Community Services

- Cemetery  
  - P  
  - P  
- Clubhouses, fraternities and lodges*  
  - CU  
  - CU  
  - CU  
- Cultural and education facilities  
  - P  
  - P  
- Libraries  
  - P  
  - P  
- Meeting facilities  
  - P  
- Museums and galleries  
  - P  
- Religious institutions  
  - CU  
  - CU  
  - CU  
- Schools, public or private*  
  - P  
  - P  

#### C. Commercial

- Auction sales of non-agriculture products  
  - CU  
  - CU  
- Bank  
  - CU  
  - CU
## 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

### P Permitted
- Permitted Administrative
- Conditional Use

*See KCC Chapter 17.08 Definitions*

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Exhibit G
### 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

<table>
<thead>
<tr>
<th>P Permitted</th>
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<th>CU Conditional Use</th>
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*See KCC Chapter 17.08 Definitions*

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<th><strong>Rural Non-LAMIRD</strong></th>
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**G. Resource**

| Forestry* | P | P | P | P 24 |
| Forest product sales* | CU | CU 39 | CU | P 24 |
| Mining and excavation* | CU | CU 39 | CU | P 24 |
| Rock crushing* | CU 39 | P 24 |

**H. Utilities**

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<table>
<thead>
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<th>P Permitted</th>
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*See KCC Chapter 17.08 Definitions*

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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 shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.

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 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 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.
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. Pursuant to 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.

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).

17.15.070 Allowed Uses in Rural LAMIRD Lands

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*See KCC Chapter 17.08 Definitions

**A. Agriculture**
- Animal boarding*
- Agriculture processing*
- Agriculture production*
- Agriculture sales,* Produce stand
- Agriculture sales,* Other
- Feedlot*
- Grazing*
- Nurseries
- Riding academies

**B. Civil and Cultural**
- Cemetery
- Clubhouses, fraternities and lodges*
- Cultural and education facilities
- Libraries
- Meeting facilities
- Museums and galleries
- Religious institutions*
- Schools, public and private*

**C. Commercial**
- Auction sales of non-agriculture products
- Bank
- Bed and breakfast*
- Clinic*
- Day care facilities*
- Funeral home/mortuary
- Hospital*
- Hospital, animal or Veterinary*
- Hotel/motel
- Office*
### 17.15.070.1 Rural LAMIRD Use Table

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### Table 17.15.070.1 Rural LAMIRD Use Table

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#### 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 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 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 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 no 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.


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:
   a. 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;
   b. 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;

23. Pursuant to 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.

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.

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.
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. 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. Pursuant to RCW 70.128.140.
# 17.15.080 Allowed Uses in Urban Lands

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## A. Agriculture
- Animal boarding* | CU | CU | CU | CU |
- Agriculture processing* | P | P | P | P | P | P | P | P | P |
- Agriculture production* | CU | P | P | P | P | P | P | P | P | P | P | P |
- Agriculture sales,* Produce stand | P | CU | P | P | P | P | P | P | P | P | P | P | P |
- Agriculture sales,* Other | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Feedlot* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Grazing* | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Nurseries | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Riding Academies | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
## B. Civic and Cultural
- Cemetery | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Clubhouses, fraternities and lodges* | CU | CU | P | P | P | P | P | P | P | P | P | P | P |
- Cultural and educational facilities | CU | CU | P | P | P | P | P | P | P | P | P | P | P |
- Meeting facilities | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Museums and galleries | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Religious institutions* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Schools, public or private* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
## C. Commercial
- Auction sales of non-agriculture products | CU | P | P | P | P | P | P | P | P | P | P | P | P |
- Bed and breakfast* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Clinic* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Day care facilities* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Funeral home/mortuary | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Hospital* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Hospital, animal or veterinary* | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU | CU |
- Hotel/motel | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Office* | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Restaurant | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Retail sales,* general | P | P | P | P | P | P | P | P | P | P | P | P | P |
- Retail sales,* lumber and building materials | P | P | P | P | P | P | P | P | P | P | P | P | P |

*See KCC Chapter 17.08 Definitions
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*See KCC Chapter 17.08 Definitions

Title 17
Board of County Commissioners
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February 2013
Ordinance No. 2013--
Exhibit G
### Permitted

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<thead>
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<td>Watershed management activities*</td>
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### Definitions

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 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.
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.
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:
a. 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;
b. 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. 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;

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.

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.
Chapter 17.16
R - RESIDENTIAL ZONE*

Sections
17.16.010 Purpose and intent.
17.16.020 Allowed uses permitted.
17.16.030 Minimum lot requirements.
17.16.040 Maximum lot coverage.
17.16.050 Maximum structure height.
17.16.060 Yard requirements - Front.
17.16.070 Yard requirements - Side.
17.16.080 Yard requirements - Rear.
17.16.085 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.16.090 Half streets.
17.16.100 Sale or conveyance of lot portion.
17.16.110 Off-street parking.
17.16.120 Conditional uses.
17.16.121 Administrative uses.

* Prior history: Ords. 76-3, 69-7, 2.

17.16.010 Purpose and intent.
The purpose and intent of the residential zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. (Ord. 83Z-2 (part), 1983)

17.16.020 Allowed uses permitted.
Uses allowed in the residential zone include those uses pursuant to KCC Chapter 17.15. In any residential zone only the following uses are permitted:
1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Uses customarily incidental to any of the uses set forth in this section;
5. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
6. Accessory Dwelling Unit (if in UGA or UGN)
7. Accessory Living Quarters
8. Special Care Dwelling

17.16.030 Minimum lot requirements.

1. Minimum lot sizes in the R zone are as follows:
   a. Single family dwelling, seven thousand two hundred (7,200) square feet;
   b. Two (2) family dwelling, ten thousand (10,000) square feet.
2. The minimum lot depth shall be one hundred (100) feet.
3. The minimum average lot width shall be sixty-five (65) feet.
4. In no case shall there be more than one (1) main dwelling and its accessory buildings constructed on one (1) lot unless such lot is greater than twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

17.16.040 Maximum lot coverage.
The ground area covered by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the lot area. (Res. 83-10, 1983)

17.16.050 Maximum structure height.
No structure shall exceed two and one-half stories (2½), or thirty-five feet (35), whichever is less in height. (Res. 83-10, 1983)

17.16.060 Yard requirements - Front.
There shall be a front yard having a minimum depth of fifteen (15) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one (1) lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half (½) the remaining distance to the required fifteen (15) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen (15) feet. (Res. 83-10, 1983)

17.16.070 Yard requirements - Side.
There shall be a side yard of not less than five (5) feet in width on each side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) On corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Res. 83-10, 1983)

17.16.080 Yard requirements - Rear.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Res. 83-10, 1983)

17.16.085 Yard requirements “Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn’t feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

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

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

17.16.110 Off-street parking.
One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Res. 83-10, 1983)

17.16.120 Conditional uses.
The following uses shall be permitted in any R zone subject to the conditions set forth in Chapter 17.56:

1. Apartment houses;
2. Boardinghouses and lodging houses, the accommodation not to exceed four persons in a single family dwelling;
3. Adult Family Home
4. Churches;
5. Clinic, provided that the conditional permit shall require that the minimum lot size be fifteen thousand square feet;
6. Electric substations;
7. Horses or cattle obtained for the personal enjoyment of the owner or occupant of the lot, provided that the lot contains one acre or more;
8. Hospitals and sanitariums except those for inebriates, the insane or those suffering from mental diseases; subject to the regulations of the health department;
9. Institutions, other than correctional, for educational, philanthropic or charitable uses including museums and galleries;
10. Noncommercial nurseries and greenhouses;
11. Private clubs, fraternities and lodges;
12. Public utility building;
13. Telephone exchanges;
14. The offices of a physician, dentist or other professional person when located in his or her dwelling, also home occupations engaged in by individuals within their dwellings are permitted provided that no window display is made or any sign other than one not exceeding two square feet in area and bearing only the name and occupation of the occupant. (Ord. 2007-22, 2007; Ord. 0-2006-01, 2006; Res. 8310, 1983)

47.16.121 Administrative uses.
The following uses may be permitted in any Residential zone subject to the requirements set forth in Chapter 47.60B.
1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.18 R-2 - Residential Zone is amended as follows:

Chapter 17.18
R-2 - RESIDENTIAL 2 ZONE

Sections
17.18.010 Purpose and intent.
17.18.020 Allowed uses permitted.
17.18.025 Conditional uses.
17.18.030 Minimum lot requirements.
17.18.040 Maximum lot coverage.
17.18.050 Maximum structure height.
17.18.060 Yard requirements - Front.
17.18.070 Yard requirements - Side.
17.18.080 Yard requirements - Rear.
17.18.085 Yard requirements- Zones Adjacent to Commercial Forest Zones.
17.18.090 Administrative uses.

17.18.010 Purpose and intent.
The purpose and intent of the Residential 2 zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. (Ord. 8910 (part), 1989)

17.18.020 Allowed uses permitted.
In any residential zone only the following uses are permitted: Uses allowed in the Residential 2 zone include those uses pursuant to KCC Chapter 17.15.
1. One-family or two-family dwellings;
2. Mobile homes;
3. Parks and playgrounds;
4. Home occupations;
5. Uses customarily incidental to any of the uses set forth in this section;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
7. Accessory Dwelling Unit (if in UGA or UGN)
8. Accessory Living Quarters
9. Special Care Dwelling

17.18.025 Conditional uses.
The following uses shall be permitted in any R-2 zone subject to the conditions set forth in Chapter 17.60:

17.18.030 Minimum lot requirements.
1. Minimum lot sizes in the R-2 zone are as follows:
   a. Single-family dwelling, seven thousand two hundred square feet for any lots created after the date of the ordinance codified in this chapter; 5,000 square feet for all existing platted lots.
   b. Two-family dwelling, ten thousand square feet.
2. The minimum lot depth shall be one hundred feet.
3. The minimum average lot width shall be sixty-five feet.
4. In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot is twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access. (Ord. 89-10 (part), 1989)

17.18.040 Maximum lot coverage.
The ground area covered by all buildings including accessory buildings shall not exceed thirty percent (30%) for lots six thousand five hundred (6,500) square feet or more in area (created after the date of the ordinance codified in this chapter) and forty percent (40%) for lots less than six thousand five hundred (6,500) feet in area. (Ord. 89-10 (part), 1989)

17.18.050 Maximum structure height.
Maximum structure height. No structure shall exceed two and one-half (2½) stories, or thirty-five (35) feet, whichever is less in height. (Ord. 89-10 (part), 1989)

17.18.060 Yard requirements - Front.
There shall be a front yard having a minimum depth of fifteen (15) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one (1) lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half (½) the remaining distance to the required fifteen (15) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen (15) feet. (Ord. 89-10 (part), 1989)

17.18.070 Yard requirements - Side.
There shall be a side yard of not less than ten (10) feet on one side, and five (5) feet on the opposite side of a building. (Side of building means outer face, any part of building nearest to the side line, not
including roof eaves.) On corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Ord. 89-10 (part), 1989)

17.18.080 Yard requirements - Rear.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. However one accessory structure may be constructed within five (5) feet of the rear lot line. (Ord. 8910 (part), 1989)

17.18.085 Yard requirements â€" Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17. 57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.18.090 Administrative uses.
The following uses may be permitted in any Residential-2 zone subject to the requirements set forth in Chapter 17.60B.
  1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.30 R-3 Rural-3 Zone is amended as follows:

Chapter 17.3019
R-3 - RURAL-3 ZONE

Sections
17.3019.010 Purpose and intent.
17.3019.020 Allowed uses permitted.
17.30.030 Conditional uses.
17.30.040 Lot size required.
17.30.045 Development Standards.
17.30.050 Yard requirements.
17.30.055 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.30.060 Sale or conveyance of lot portion.
17.30.070 Nonconforming uses.
17.30.080 Shoreline setbacks.
17.30.090 Administrative uses.

17.3019.010 Purpose and intent.
The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 92-4 (part), 1992)

17.3019.020 Uses permitted.
Uses allowed in the Rural-3 zone include those uses pursuant to KCC Chapter 17.15 permitted. The following uses are permitted:
  1. Single family homes, mobile homes, cabins;
  2. Lodges and community clubhouses;
  3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
  4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
  5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the Hearing Examiner pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling

17.30.030 Conditional uses.
The following uses are conditional:
1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;

17.30.040 Lot size required.
The minimum residential lot size shall be three acres in the Rural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (1/2) acre. The overall density of any residential development shall not exceed one (1) dwelling for each three (3) acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting. (Ord. 2007-22, 2007; Ord. 92-4 (part), 1992)

17.30.050 Yard requirements.
There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. (Ord. 92-4 (part), 1992)

17.30.055 Yard requirements for Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17, 57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.30.060 Sale or conveyance of lot portion.
No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone, zoning district. (Ord. 92-4 (part), 1992)
17.070 Nonconforming uses.
No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-4 (part), 1992)

17.080 Shoreline setbacks.
The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;
1. One hundred feet (100) (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (100) (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (100) (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992)

17.090 Administrative uses.
The following uses may be permitted in any R-3 zone subject to the requirements set forth in Chapter 17.60B.
A. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.20 RR - Rural Residential Zone is repealed as follows:

Chapter 17.20
RR - RURAL RESIDENTIAL ZONE*

Sections
17.20.010 Purpose and intent.
17.20.020 Uses permitted.
17.20.030 Lot—Size required.
17.20.040 Lot—Maximum coverage.
17.20.050 Maximum structure height.
17.20.060 Yard requirements.
17.20.065 Yard requirements—Zones Adjacent to Commercial Forest Zone.
17.20.070 Repealed.
17.20.080 Temporary stands.
17.20.090 Grazing.
17.20.100 Repealed.
17.20.110 Conditional uses.
17.20.120 Administrative uses.

* Prior history: Ords. 76-7, 76-3, 74-5, 72-8, 72-5, 71-5, 69-7, 68-17, 2.

17.20.010 Purpose and intent.
The purpose and intent of the Rural Residential zone is to provide for and protect low-density semi-rural residential development chiefly in outlying transitional areas where a mixture of residential and traditionally rural land-uses will be compatible. (Ord. 2007-22, 2007; Ord. 83-2-Z-2 (part), 1983: Res. 83-10, 1983)

17.20.020 Uses permitted.
The following uses are permitted:
1. Single family homes not including mobile homes;
2. Duplexes and residential accessory buildings;
3. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
4. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
5. Uses customarily incidental to the use set forth in this section;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process.
7. Accessory Dwelling Unit (if in UGA or UGN)
8. Accessory Living Quarters
9. Special Care Dwelling

17.20.030 Lot - Size required.
1. Minimum residential lot size shall be five acres in this Rural Residential zone effective 12 months after the adoption of the ordinance codifying this chapter. The overall density of any residential development shall not exceed one dwelling for each five acres. Existing lots less than five acres in size shall be considered legally existing nonconforming lots except as allowed in other sections of this code. Developments in this zone shall make appropriate accommodations for future infrastructure including, but not limited to roads and utilities.
2. Single family residential lots shall have an average width of not less than one hundred fifty feet. All lots of record at the time of passage of the ordinance codified herein shall be considered as conforming to lot size requirements. (Ord. 2007-22, 2007; Res. 8310, 1983)

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

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

17.20.060 Yard requirements.
No structure shall be built within twenty-five feet of the front and rear property lines or within fifteen feet of any side property line with the exception of corner lots where the side yard abutting a street need only be twenty feet. (Res. 83-10, 1983)

17.20.065 Yard requirements â€“ Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.20.070 Repealed.
Repealed by Ord. 96-19. (Res. 83-10, 1983)

17.20.080 Temporary stands.
Accessory buildings may include one only temporary and movable stand, etc. (Res. 83-10, 1983)

17.20.090 Grazing.
Grazing of cattle, sheep, goats or horses may include the supplementary feeding of such cattle or horses or both provided that such grazing is not part of, nor conducted in conjunction with any dairy,
livestock feed yard, livestock sales yard, or commercial riding academy located on the same premises. (Res. 83-10, 1983)

17.20.100 Repealed.

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

1. Bed and breakfast business
2. Churches
3. Commercial Activities Associated with Agriculture
4. Community clubs
5. Convalescent homes
6. Dairying and stock raising except the raising of swine commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located
7. Day care facilities
8. Governmental uses essential to residential neighborhoods
9. Greenhouses, nurseries
10. Group homes
11. Home occupations
12. Hospitals
13. Museums
14. Public utility substations
15. Riding academies

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

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

* Publisher's note: Subsection letters in this subsection reflect the letters assigned by the document adopted by Res. 83-10, as amended by Ord. 83-Z-2.
Kittitas County Code, Chapter 17.22 UR-II - Urban Residential Zone is amended as follows:

Chapter 17.22
UR-II URBAN RESIDENTIAL ZONE*

Sections
17.22.010 Purpose and intent.
17.22.020 Allowed Uses permitted.
17.22.030 Lot - Size required.
17.22.040 Maximum lot coverage.
17.22.050 Maximum height permitted.
17.22.060 Yard requirements.
17.22.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
17.22.090 Grazing.
17.22.100 Conditional uses.
17.22.110 Repealed
17.22.120 Administrative uses.


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

17.22.020 Allowed Uses permitted.
Uses permitted in the Urban Residential zone include those uses pursuant to KCC Chapter 17.15 shall be as follows:
1. Single-family homes;
2. Mobile homes;
3. Duplexes;
4. Accessory buildings;
5. All types of agriculture not otherwise restricted:
   1. The grazing or raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
   2. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions with ten working days pursuant to Title 15A of this code, Project permit application process.
3. (Blank; Ord. 02006-01)
4. Accessory Dwelling Unit (if in UGA or UGN)
5. Accessory Living Quarters
6. Special Care Dwelling

17.22.030 Lot - Size required.
1. Minimum lot sizes in the UR zone are as follows:
   a. Single family dwelling, seven thousand two hundred (7,200) square feet;
   b. Two (2) family dwelling, ten thousand (10,000) square feet.
2. All lots of record at the time of passage of the ordinance codified in this chapter shall be considered as conforming to lot size requirements. (Ord. 2007-22, 2007; Res. 83-10, 1983)
17.22.040 Maximum lot coverage.
The ground area covered by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the lot area. (Res. 83-10, 1983)

17.22.050 Maximum height permitted.
No structure shall exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less in height. (Res. 83-10, 1983)

17.22.060 Yard requirements.
No structure shall be built or located closer than twenty-five (25) feet to the front and rear property line or within fifteen (15) feet of any side property line. (Res. 83-10, 1983)

17.22.065 Yard requirements at Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2010-014, 2010; Ord. 2007-22, 2007)

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

17.22.100 Conditional uses.*
The following uses may be permitted in any Urban Residential zone subject to the conditions set forth in Chapter 17.60B, providing that they are not in conflict with existing or proposed development in a particular area; it is the intent of this code that such uses are subordinate to the primary residential and agricultural uses of this zone:
1. Commercial activities associated with agriculture;
2. Community clubs;
3. Conventional homes;
4. Dairying and stock raising except the raising of swine commercially and the establishment of livestock feed lots, provided that no permit shall be issued for animal shed or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
5. Governmental uses essential to residential neighborhoods;
6. Greenhouses, nurseries;
7. Home occupations;
8. Museums;
9. Public utility substations;
10. Riding academies;
11. School, public and private;

17.22.110 Repealed.

17.22.120 Administrative uses.
The following uses may be permitted in any Urban Residential zone subject to the requirements set forth in Chapter 17.60B.
1. Accessory Dwelling Unit (if outside UGA or UGH) (Ord. 2007-22, 2007)
Chapter 17.24
H-T-C - HISTORIC TRAILER COURT ZONES*

Sections
17.24.010 Purpose and intent.
17.24.020A Existing Uses.
17.24.020B Nonconforming Uses.
17.24.030 Minimum requirements.
17.24.040 Yard requirements.
17.24.045 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.24.050 Design standards.
17.24.060 Plot plan required.**
17.24.070 Off-street parking.

* Prior history: Ords. 68-18, 2.
** Publisher’s note: Ordinance 2007-22 removed 17.24.060.

17.24.010 Purpose and intent.
The purpose and intent of the trailer court zone is to recognize established mobile home developments located in Kittitas County. No further expansion of these developments is allowed. (Ord. 2007-22, 2007; Ord. 83-Z-2 (part), 1983)

17.24.020A Existing Uses.
The following trailer court zone developments exist in Kittitas County: Millpond Manor, Twin Pines Trailer Park, Central Mobile Home Park, and Swiftwater. (Ord. 2007-22, 2007; Res. 83-10, 1983)

17.24.020B Nonconforming uses.
No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 2007-22, 2007)

17.24.030 Minimum requirements.
The minimum lot area and yard requirements in a HTC zone are as follows:
1. Mobile Homes. The minimum area for a historic trailer (mobile home) court site shall be three thousand five hundred (3,500) square feet times the number of individual trailer sites to be provided. Densities must have the approval of the county health office.
2. Single Family Home. The requirements are the same as the requirements of the Rural-5 zone Residential district.

17.24.040 Yard requirements.
No individual mobile home or single family dwelling shall be closer than thirty-five (35) feet to any lot or street right-of-way or closer than fifteen (15) feet from any other mobile home. (Res. 83-10, 1983)

17.24.045 Yard requirements - Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) feet setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn’t feasible, development shall comply with KCC Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.24.050 Design standards.
1. All access roadways, parking areas and service drives shall be bituminous surfaced or better.
2. No occupied mobile home shall remain in a mobile home park unless a mobile home space is available.

3. All streets and alleys within the mobile home subdivision should be excavated or filled within 0.3 (plus or minus) of a foot of the grade established by the county engineer. (Res. 83-10, 1983)

17.24.060 Repealed.

17.24.070 Off-street parking.
1. For each mobile home lot there shall be provided and maintained at least one (1) parking space. Each such parking space shall contain a minimum area of one hundred eighty (180) square feet (of dimensions nine (9) feet by twenty (20) feet, or ten (10) feet by nineteen (19) feet) and shall be hard surfaced. If central parking lots are provided, they shall be hard surfaced and each space separated by striping or other adequate means and identified to the official lot number of the occupant and reserved for his sole use.

2. Parallel parking may be permitted in driveways at the approval of the planning commission providing the improved driveway width is increased to a minimum of thirty-six (36) feet.

3. Where lots exist on only one (1) side of the driveway, parallel parking may be permitted on one (1) side at the approval of the planning commission providing the driveway width is increased to a minimum of twenty-eight (28) feet. (Res. 83-10, 1983)

Kittitas County Code, Chapter 17.28 A-3 - Agriculture-3 Zone is amended as follows:

Chapter 17.28
A-3 - AGRICULTURAL 3 ZONE*

Sections
17.28.010 Purpose and intent.
17.28.020 Uses permitted.
17.28.030 Lot size required.
17.28.040 Yard requirements - Front.
17.28.050 Yard requirements - Side.
17.28.060 Yard requirements - Rear.
17.28.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.28.080 Sale or conveyance of lot portion.
17.28.090 Off-street parking.
17.28.100 Access requirement.
17.28.110 Setback lines.
17.28.120 Prohibited uses. (Deleted by Ord. 87-11)
17.28.130 Conditional uses.
17.28.140 Administrative uses.


17.28.010 Purpose and intent.
The purpose and intent of the agricultural (A-3) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 83-Z-2 (part), 1983)

17.28.020 Uses permitted.
Uses allowed in the agricultural (A-3) zone permitted. Permitted uses are as follows: include those uses pursuant to KCC Chapter 17.15.
1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Single family homes not including mobile homes or trailer houses;
5. Duplexes and residential accessory buildings;
6. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
7. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
8. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
9. Community clubhouses, parks and playgrounds, and public utility buildings, pumping plants and substations;
10. Commercial greenhouses and nurseries;
11. Minor and major alternative energy facilities, excluding wind farms and wind turbines, and other renewable energy projects are a permitted use within the Bowers Field Overlay Zone. (Publisher's note: this number was inadvertently added to the incorrect section by Ord. 2011-013, 2011.)
12. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
13. Existing cemeteries;
14. Airport;
15. Processing of products produced on the premises;
16. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
17. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.
18. Gas and oil exploration and construction;
19. Uses customarily incidental to any of the above uses;
20. Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
21. Accessory Dwelling Unit (if in UGA or UGN)
22. Accessory Living Quarters
23. Special Care Dwelling

17.28.030 Lot size required.
1. The minimum residential lot size shall be three (3) acres in the Agricultural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09. Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (1/2) acre. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2007-22, 2007; Res. 83-10, 1983)

17.28.040 Yard requirements - Front.
There shall be a minimum front yard of twenty-five (25) feet. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)
17.28.050 Yard requirements - Side.
Side yard shall be a minimum of five (5) feet. On corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Res. 83-10, 1983)

17.28.060 Yard requirements - Rear.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Res. 83-10, 1983)

17.28.065 Yard requirements - Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

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

17.28.090 Off-street parking.
One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Res. 83-10, 1983)

17.28.100 Access requirement.
No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road. (Res. 8310, 1983)

17.28.110 Setback lines.
None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):
1. Within one and one-half-(1½)- miles:
   a. (Repealed by Ord. 88-5)
   b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
      i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
      ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use zonedistricts will be provided;
   2. (Deleted by Ord. 87-11)
3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;
4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three (300) hundred feet to any existing home, school or park. (Ord. 88-5 (part), 1988; Ord. 87-11 (part), 1987; Res. 83-10, 1983)

17.28.120 Prohibited uses.
(Deleted by Ord. 87-11). (Res. 83-10, 1983)

17.28.130 Conditional uses.
The following uses may be permitted in any Agricultural-3 zone subject to the conditions set forth in Chapter 17.60; it is the intent of this code that such uses are subordinate to the primary agricultural uses of this zone:
1. Auction sales or personal property, other than livestock;
2. Bed and breakfast business
3. Churches
4. Commercial Activities Associated with Agriculture
5. Community Clubs
6. Convalescent homes
7. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located
8. Day care facilities
9. Farm labor shelters, provided that:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
   b. The shelters must conform with all applicable building and health regulations;
   c. The number of shelters shall not exceed four per twenty acre parcel;
   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
   e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed;
10. Feedlots. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations
11. Feed mills, canneries and processing plants for agricultural products
12. Golf courses
13. Governmental uses essential to residential neighborhoods
14. Guest ranches
15. Home occupations which involve outdoor work or activities or which produce noise, such as engine repair, etc.
16. Hospitals
17. Kennels
18. Livestock sales yard
19. Log sorting yard
20. Museums
21. Private Campgrounds. In considering proposals for location of such campgrounds, the Hearing Examiner shall consider at a minimum the following criteria:
   a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
   b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
   c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
   d. Adequate and convenient vehicular access, circulation and parking should be provided.
   e. Economic and environmental feasibility;
   f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
22. Public utility substations
23. Riding academies
24. Room and board lodging involving no more than four boarders or two bedrooms
25. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit
26. Stone quarries
The following uses may be permitted in any A-3 zone subject to the requirements set forth in Chapter 17.60B.

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

Kittitas County Code, Chapter 17.28A A-5 - Agricultural Zone is amended as follows:

Chapter 17.28A
A-5 - AGRICULTURAL ZONE

Sections
17.28A.010 Purpose and intent.
17.28A.020 Allowed uses permitted.
17.28A.030 Lot size required.
17.28A.040 Yard requirements - Front.
17.28A.050 Yard requirements - Side.
17.28A.060 Yard requirements - Rear.
17.28A.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.28A.080 Sale or conveyance of lot portion.
17.28A.090 Off-street parking.
17.28A.100 Access requirement.
17.28A.110 Setback lines.
17.28A.130 Conditional uses.
17.28A.140 Administrative uses.

17.28A.010 Purpose and intent.
The purpose and intent of the agricultural (A-5) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 2005-05, 2005)

17.28A.020 Allowed uses permitted.
Allowed uses permitted. Permitted uses are as follows: in the agricultural (A-5) zone include those uses pursuant to KCC Chapter 17.15.

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Uses customarily incidental to any of the uses set forth in this section;
5. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjoining property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
6. Accessory Dwelling Unit (if in UGA or UGN)
7. Accessory Living Quarters
8. Special Care Dwelling
9. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
10. Community clubhouses, parks and playgrounds, and public utility buildings, pumping plants and substations;
11. Commercial greenhouses and nurseries;
12. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
13. Existing cemeteries;
14. Airport;
15. Processing of products produced on the premises;
16. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
17. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.
18. Gas and oil exploration and construction;
19. Single family homes not including mobile homes or trailer houses;
20. Duplexes and residential accessory buildings;
21. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
22. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available.

17.28A.030 Lot size required.
1. The minimum residential lot size shall be five (5) acres in the agricultural zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Plating and Conservation Plating. Lots within a cluster plat shall be a minimum of one-half (1/2) acre. The overall density of any residential development shall not exceed one (1) dwelling for each five (5) acres.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2007-22, 2007; Ord. 2005-05, 2005)

17.28A.040 Yard requirements - Front.
There shall be a minimum front yard of twenty-five (25) feet. (Ord. 2005-05, 2005)

17.28A.050 Yard requirements - Side.
Side yard shall be a minimum of five (5) feet. On corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Ord. 2005-05, 2005)

17.28A.060 Yard requirements - Rear.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Ord. 2005-05, 2005)

17.28A.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.28A.080 Sale or conveyance of lot portion.
No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zonedistrict. (Ord. 2005-05, 2005)

17.28A.090 Off-street parking.
One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Ord. 2005-05, 2005)

17.28A.100 Access requirement.
No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road. (Ord. 2005-05, 2005)

17.28A.110 Setback lines.
None of the following uses shall be located within the distances indicated of any public street or road,
any school or public park, or any dwelling (except such dwelling as may exist upon the same property
with the restricted use):

1. Within one and one-half-(1½)- miles:
   a. (Publisher's note: this item intentionally left blank.)
   b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
      i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in
         compliance with all state and county health regulations, and
      ii. Complete protection from any potential detrimental effects such use might have on
          surrounding properties and/or use zones districts will be provided;

2. (Publisher's note: this item intentionally left blank.)

3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or
   feeding of any livestock, poultry, or other animals or birds whether wild or domestic;

4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500)
   square feet per head for a period of six (6) months or more shall be located no closer than three
   (300) hundred feet to any existing home, school or park. (Ord. 2005-05, 2005)

17.28A.130 Conditional uses.
The following uses may be permitted in any agricultural zone subject to the conditions set forth in
Chapter 17.60; it is the intent of this code that such uses are subordinate to the primary agricultural
uses of this zone:

1. Accessory Dwelling Unit (if in UGA or UGN)
2. Auction sales or personal property, other than livestock
3. Bed and breakfast business
4. Churches
5. Commercial Activities Associated with Agriculture
6. Convalescent homes
7. Dairying and stock raising except the raising of swine commercially and the establishment of
   livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any
   tract of land having an area of less than nine acres or for animal sheds or barns to be located
   less than one hundred feet from any property held under different ownership from that upon
   which such shed or barn is located
8. Day care facilities
9. Farm labor shelters, provided that:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only,
      regardless of change of ownership, if it remains in farm labor needed status;
   b. The shelters must conform with all applicable building and health regulations;
   c. The number of shelters shall not exceed four per twenty acre parcel;
   d. The shelters are owned and maintained by the owner or operator of an agricultural
      operation which clearly demonstrates the need for farm laborers;
   e. Should the parent agriculture operation cease or convert to non-agriculture use, then
      the farm labor shelters shall conform with all applicable building, zoning, and platting
      requirements.
10. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand
    or be enlarged only in compliance with standards and regulations contained herein, and such
    operations shall comply with all state and/or county health regulations
11. Feed mills, canneries and processing plants for agricultural products
12. Golf courses
13. Governmental uses essential to residential neighborhoods
14. Guest ranches
15. Home occupations which involve outdoor work or activities or which produce noise, such as
    engine repair, etc.
16. Hospitals
17. Kennels
18. Livestock-sales yard
19. Log sorting yard
20. Museums
21. Private Campgrounds. In considering proposals for location of such campgrounds, the Hearing Examiner shall consider at a minimum the following criteria:
   a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
   b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
   c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
   d. Adequate and convenient vehicular access, circulation and parking should be provided.
   e. Economic and environmental feasibility;
   f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)

22. Public utility substations
23. Riding academies
24. Room and board lodging involving no more than four boarders or two bedrooms
25. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit
26. Stone quarries

Chapter 17.29
A-20 - AGRICULTURAL ZONE*

Sections
17.29.010 Purpose and intent.
17.29.020 Allowed uses permitted.
17.29.030 Conditional uses.
17.29.040 Lot size required.
17.29.050 Yard requirements - Front yard.
17.29.060 Yard requirements - Side yard.
17.29.070 Yard requirements - Rear yard.
17.29.075 Yard requirements - Zones adjacent to Commercial Forest Zone.
17.29.080 Yard requirements - Sale or conveyance restrictions.
17.29.090 Dimensional requirements.
17.29.100 Repealed.
17.29.110 Access.
17.29.120 Special setback requirements.
17.29.130 Administrative uses.

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

17.29.010 Purpose and intent.
The agricultural (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from

Kittitas County Code, Chapter 17.29 A-20 Agricultural Zone is amended as follows:

Chapter 17.29
A-20 - AGRICULTURAL ZONE*

Sections
17.29.010 Purpose and intent.
17.29.020 Allowed uses permitted.
17.29.030 Conditional uses.
17.29.040 Lot size required.
17.29.050 Yard requirements - Front yard.
17.29.060 Yard requirements - Side yard.
17.29.070 Yard requirements - Rear yard.
17.29.075 Yard requirements - Zones adjacent to Commercial Forest Zone.
17.29.080 Yard requirements - Sale or conveyance restrictions.
17.29.090 Dimensional requirements.
17.29.100 Repealed.
17.29.110 Access.
17.29.120 Special setback requirements.
17.29.130 Administrative uses.

17.29.020 Allowed uses permitted.
Uses allowed in the agricultural (A-20) zone include those uses pursuant to KCC Chapter 17.15.

1. The following uses are permitted:
   a. One-family or two-family dwellings;
   b. Parks and playgrounds;
   c. Public and parochial schools, public libraries;
   d. Single-family homes not including mobile homes or trailer houses;
   e. Duplexes and residential accessory buildings;
   f. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
   g. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
   h. Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;
   i. Commercial greenhouses and nurseries;
   j. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
   k. Existing cemeteries;
   l. Airport;
   m. Processing of products produced on the premises;
   n. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
   o. Home occupations that do not involve outdoor work or activities, which do not produce noise;
   p. Gas and oil exploration and construction;
   q. Uses customarily incidental to any of the above uses;
   r. Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within ten working days of notification pursuant to Title 15A of this code, Project permit application process;
   s. Accessory Dwelling Unit (if in UGA or UGN);
   t. Accessory Living Quarters;
   u. Special Care Dwelling;
   v. Hay processing and container storage;

2. Agriculture Study Overlay Zone: The list of permitted in subsection A shall apply, except that the following uses are not permitted:
   a. Parks and playgrounds;
   b. Public and parochial schools, public libraries;
   c. Duplexes and residential accessory buildings;
   d. Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;
   e. Airport;

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

1. Auction sales of personal property, other than livestock
2. Bed and breakfast business
3. Churches
4. Commercial Activities Associated with Agriculture
5. Convalescent homes
6. DAIRYING and stock raising except the raising of swine and mink commercially and the establishment of livestock feedlots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located
7. Day care facilities
8. Farm implement repair and maintenance business of a commercial nature, not to include automobiles, trucks or bikes
9. Farm labor shelters, provided that:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor needed status;  
   b. The shelters must conform with all applicable building and health regulations;  
   c. The number of shelters shall not exceed four per twenty-acre parcel;  
   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;  
   e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
10. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations
11. Feed mills, canneries and processing plants for agricultural products
12. Golf courses
13. Governmental uses essential to residential neighborhoods
14. Guest ranches
15. Home occupations which involve outdoor work or activities, which produce noise
16. Hospitals
17. Kennels
18. Livestock sales yard
19. Log sorting yard
20. Museums
21. Private campgrounds. In considering proposals for location of such campgrounds, the Hearing Examiner shall consider at a minimum the following criteria:
   a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;  
   b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;  
   c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;  
   d. Adequate and convenient vehicular access, circulation and parking should be provided;  
   e. Economic and environmental feasibility;  
   f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)
22. Public utility substations
23. Riding academies
24. Room and board lodging involving no more than four boarders or two bedrooms
25. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional-use permit
26. Shooting ranges
27. Stone quarries
28. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years).  
17.29.040 Lot size required.

1. Minimum lot (homesite) requirements in the agricultural (A-20) zone are:
   a. Twenty (20) acres, unless within a conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; provided such parent lot is at least eight acres in size; and provided, that such divisions are in compliance with all other county regulations (e.g., on-site septic system). Parcels must be located within the Agriculture 20 zone at the date of the adoption of this code. Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision. One-time splits shall be completed via the short plat process. The one-time parcel split provision should be encouraged where it is adjacent to ongoing agricultural practices, especially since the intent of this provision is to encourage the development of homesite acreage rather than removing agricultural lands out of production.
   b. In no case shall there be more than two dwellings (residences) on any lot or tax parcel unless such parcel is twice the required minimum (twenty 20-acre) size.
   b. c. One-half (1/2) acre for lots in a conservation plat.


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

17.29.060 Yard requirements - Side yard.
Side yard shall be a minimum of five (5) feet; on corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Res. 83-10, 1983)

17.29.070 Yard requirements - Rear yard.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Res. 83-10, 1983)

17.29.075 Yard requirements - Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200') foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

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

17.29.090 Dimensional requirements.
The minimum average lot width shall be two hundred (200) feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1. (Res. 83-10, 1983)

17.29.100 Division of nonconforming lots.

17.29.110 Access.
No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty (60)-foot right-of-way or existing county road. (Res. 83-10, 1983)
17.29.120 Special setback requirements.
None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted):

1. Within one and one-half-(1 1/2)- miles:
   a. (Deleted by Ord. 88-5)
   b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
      i. Provisions made that all other operations (subdivisions 1 and 2 of Section 17.28.110A1) shall be conducted in compliance with all state and county health regulations, and
      ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.

2. (Deleted by Ord. 87-11)

3. Within one hundred (100) feet:
   a. Barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.

4. Feed lots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park. (Ord. 88-5 (part), 1988; Ord. 87-11 (part), 1987; Res. 83-10, 1983)

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

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

Kittitas County Code, Chapter 17.30 R-3 Rural-3 Zone is amended as follows:

Chapter 17.30
R-3—R-R—RURAL RECREATION-ZONE

Sections
17.30.010 Purpose and intent.
17.30.020 Allowed Uses permitted.
17.30.030 Conditional uses.
17.30.040 Lot size required.
17.30.045 Development Standards.
17.30.050 Yard requirements.
17.30.055 Yard requirements—Zones Adjacent to Commercial Forest Zone.
17.30.060 Sale or conveyance of lot portion.
17.30.070 Nonconforming uses.
17.30.080 Shoreline setbacks.
17.30.090 Administrative uses.

17.30.010 Purpose and intent.
The purpose and intent of the Rural-Recreation zone is to provide areas where residential development may occur on a low density basis or in residential clusters. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County. This zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 92-4 (part), 1992)

17.30.020 Allowed Uses permitted.
Uses allowed in the Rural Recreation zone include those uses pursuant to KCC Chapter 17.15 permitted. The following uses are permitted:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally-harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county Hearing Examiner pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. 0-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling
16. 17.30.030 Conditional uses.
   The following uses are conditional:
17. Campgrounds, guest ranches;
18. Motor trail clubs (snowmobiles, bikes, etc.);
19. Group homes, retreat centers;
20. Golf courses;
21. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
22. Gas and oil exploration and production;
23. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
24. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
25. Mini warehouses subject to conditions provided in Section 17.56.030. (Ord. 2007-22, 2007; Ord. 0-2006-01, 2006; Ord. 92-4 (part), 1992)

17.30.040 Lot size required.
The minimum residential lot size in the Rural Recreation zone shall be: three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting. (Ord. 2007-22, 2007; Ord. 92-4 (part), 1992)
1. Five (5) acres, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting;
2. For lots in cluster plats, the county may approve lots as small as one half (1/2) acre with the ability to increase the base density of one (1) unit per five (5) acres to a density of 0.4 units per acre (2 units per 5 acres), provided development rights are transferred pursuant to KCC Chapter 17.13.

17.30.050 Yard requirements.
There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. (Ord. 92-4 (part), 1992)
17.30.055 Yard requirements in Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn’t feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.30.060 Sale or conveyance of lot portion.
No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 92-4 (part), 1992)

17.30.070 Nonconforming uses.
No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-4 (part), 1992)

17.30.080 Shoreline setbacks.
The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;
1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992)

17.30.090 Administrative uses.
The following uses may be permitted in any R-3 zone subject to the requirements set forth in Chapter 17.60B.
B. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.30A R-5 - Rural - 5 Zone is amended as follows:

Chapter 17.30A
R-5 - RURAL-5 ZONE

Sections
17.30A.010 Purpose and intent.
17.30A.020 Allowed Uses permitted.
17.30A.030 Conditional uses.
17.30A.040 Lot size required.
17.30A.050 Yard requirements.
17.30A.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.
17.30A.060 Sale or conveyance of lot portion.
17.30A.070 Nonconforming uses.
17.30A.080 Shoreline setbacks.
17.30A.090 Administrative uses.

17.30A.010 Purpose and intent.
The purpose and intent of the Rural-5 zone is to provide areas where residential development may
occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse
effects on adjacent natural resource lands. (Ord. 2005-05, 2005)

17.30A.020 Allowed Uses permitted.
Uses allowed permitted. The following uses are permitted in the Rural-5 zone include those uses pursuant
to KCC Chapter 17.15:
1. Single-family homes, mobile homes, cabins;
2. Lodges and community-clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses
   traditionally found in Kittitas County, provided that such operations shall comply with all state
   and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including
   the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining, including, but not limited to, gold, rock, sand and gravel excavation, rock crushing,
   and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the
   ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative
    official, may be permitted. In such cases, all adjacent property owners shall be given official
    notification for an opportunity to appeal such decisions within ten working days of notification
    to the Hearing Examiner pursuant to Title 15A of this code, Project permit application process.
11. Accessory Dwelling Unit (if in UGA or UGN)
12. Accessory Living Quarters
13. Special Care Dwelling
14. Electric Vehicle Infrastructure. See KCC Chapter 17.66 (Ord. 2011-013, 2011; Ord. 0-2006-01,
    2006; Ord. 2005-05, 2005)

17.30A.030 Conditional uses.
The following uses are conditional:
1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining, including, but not limited to, gold, rock, sand and gravel excavation, rock crushing,
   and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as
   engine repair, etc. This shall not include the cutting and sale of firewood which is not
   regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy
   related to permanent home construction;
9. Mini warehouses subject to conditions provided in Section 17.56.030.
10. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 0-2006-01, 2006; Ord. 2005-05, 2005)

17.30A.040 Lot size required.
The minimum lot size for parcels created after the adoption of the ordinance codified in this chapter
shall be:
1. Five (5) acres for lots served by individual wells and septic tanks;
2. One-half (1/2) acre for lots in a cluster platplatted cluster subdivisions served by public water and
   sewer systems. All subdivision lots under five acres in size must be served by public water and
   sewer systems. (Ord. 2005-05, 2005)
17.30A.050 Yard requirements.
There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. (Ord. 2005-05, 2005)

17.30A.055 Yard requirements - Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.30A.060 Sale or conveyance of lot portion.
No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 2005-05, 2005)

17.30A.070 Nonconforming uses.
No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 2005-05, 2005)

17.30A.080 Shoreline setbacks.
The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;
1. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 2005-05, 2005)

17.30A.090 Administrative uses.
The following uses may be permitted in any R-5 zone subject to the requirements set forth in Chapter 17.60B.
4. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.31 CA - Commercial Agriculture Zone is amended as follows:

Chapter 17.31
COMMERCIAL AGRICULTURE ZONE

Sections
17.31.010 Purpose and intent.
17.31.020 Allowed uses permitted.
17.31.030 Conditional uses.
17.31.040 Lot size required.
17.31.050 Yard requirements - Front yard.
17.31.060 Yard requirements - Side yard.
17.31.070 Yard requirements - Rear yard.
17.31.075 Yard requirements- Zones Adjacent to Commercial Forest Zone.
17.31.080 Yard requirements - Sale or conveyance restrictions.
17.31.090 Dimensional requirements.
17.31.100 Access.
17.31.110 Special setback requirements.
17.31.120 Administrative uses.

17.31.010 Purpose and intent.
The commercial agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by non-agricultural land uses and protect the rights and traditions of those engaged in agriculture. (Ord. 96-15 (part), 1996)

17.31.020 Allowed uses permitted.
The following uses are permitted: Uses allowed in the commercial agriculture zone include those uses pursuant to KCC Chapter 17.15,

1. One-family or two-family dwellings;
2. Hay processing and container storage;
3. Agriculture, livestock, poultry or swine, or mink raising, and other customary agricultural uses; provided, that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Community clubhouse, schools and public utility buildings, pumping plants, and substations;
5. Commercial greenhouses and nurseries;
6. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of the public street or highway;
7. Existing cemeteries;
8. Private airplane landing strips used primarily in conjunction with agricultural activities;
9. Processing of products produced on the premises;
10. Home occupations that do not involve outdoor work or activities, or which do not provide noise;
11. Farm implement repair and maintenance.
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling

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

1. Auction sales of personal property, other than livestock
2. Bed and breakfast business
3. Commercial Activities Associated with Agriculture
4. Churches
5. Day care facilities
6. Farm labor shelters; provided, that:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor needed status;
   b. The shelters must conform with all applicable building and health regulations;
   c. The number of shelters shall not exceed four per twenty-acre parcel;
   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
   e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building and health regulations
   A. Feed mills, canneries and processing plants for agricultural products
   B. Governmental uses essential to residential neighborhoods
   C. Guest ranches
D. Home occupations which involve outdoor work or activities or which produce noise
E. Kennels
F. Livestock sales yard
G. Riding academies
H. Room and board lodging involves no more than four boarders or two bedrooms
I. Sand and gravel excavation; provided, that noncommercial excavation shall be permitted for on-site use without a conditional use permit
J. Shooting ranges
K. Stone quarries


17.31.040 Lot size required.
Minimum lot (homesite) requirements in the commercial agriculture zone are:

1. Twenty (20) acres, unless within a conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; provided such parent lot is at least ten acres in size; and provided, that such divisions are in compliance with all other county regulations (e.g., on-site septic system). Parcels must be located within the Commercial Agriculture Zone at the date of the adoption of this code. Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision, while designated commercial agriculture. One-time splits shall be completed via the short plat process. The one-time parcel split provision should be encouraged where it is adjacent to ongoing commercial agricultural practices, especially since the intent of this provision is to encourage the development of homesite acreage rather than removing commercial agricultural lands out of production.

2. One half (1/2) acre for lots in a conservation plat.

2. Commercial Agricultural Zones. In no case shall there be more than two (2) dwellings (residences) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-(20)-acre) size. (Ord. 2007-22, 2007; Ord. 96-15 (part), 1996)

17.31.050 Yard requirements - Front yard.
There shall be a minimum front yard of twenty-five (25) feet unless previous building lines less than the required minimum exist, in which case the Hearing Examiner may grant a variance of up to ten (10) feet. (Ord. 96-15 (part), 1996)

17.31.060 Yard requirements - Side yard.
Side yard shall be a minimum of five (5) feet; on corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Ord. 96-15 (part), 1996)

17.31.070 Yard requirements - Rear yard.
There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Ord. 96-15 (part), 1996)

17.31.075 Yard requirements - Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200') foot setback from the Commercial Forest Zone. (KCC 17.57.050KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCCCititas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.31.080 Yard requirements - Sale or conveyance restrictions.
No sale or conveyance of any portion of a lot for other than a public purpose shall leave a structure or the remainder of the lot with less than the minimum lot, yard, or setback requirements of this zone. (Ord. 96-15 (part), 1996)
17.31.090 Dimensional requirements.
The minimum average lot width shall be two hundred (200) feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1. (Ord. 96-15 (part), 1996)

17.31.100 Access.
No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road. (Ord. 96-15 (part), 1996)

17.31.110 Special setback requirements.
None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):
1. Within one and one-half (1½) miles:
   a. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
      i. Provisions made that all other operations shall be conducted in compliance with all state and county health regulations, and
      ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. Within one hundred (100) feet:
   a. Barns, shelters, or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.
3. Feed lots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park. (Ord. 96-15 (part), 1996)

17.31.120 Administrative uses.
The following uses may be permitted in any CA zone subject to the requirements set forth in Chapter 17.60B:
1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.32 C-L - Limited Commercial Zone is amended as follows:

Chapter 17.32
C-L - LIMITED COMMERCIAL ZONE*

Sections
17.32.010 Purpose and intent.
17.32.020 Allowed Uses permitted.
17.32.030 Lot size required.
17.32.040 Yard requirements - Front.
17.32.050 Yard requirements - Side.
17.32.060 Yard requirements - Rear.
17.32.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.
17.32.070 Maximum structure height.
17.32.090 Access requirement.
17.32.110 Setback for vehicle service businesses.

* Prior history: Ords. 76-3, 69-3, 2.

17.32.010 Purpose and intent.
The purpose and intent of the limited commercial zone is to provide a district with a limited range of shopping and service businesses consisting primarily of small retail shops, stores and eating establishments. (Ord. 83-Z-2 (part), 1983)
17.32.020 **Allowed Uses permitted.**
The following uses are permitted: Uses allowed in the limited commercial zone include those uses pursuant to KCC Chapter 17.15.

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
   a. Antique shop,
   b. Art gallery or store,
   c. Bakery goods, retail only,
   d. Barbershop,
   e. Beauty parlor,
   f. Confectionery store,
   g. Delicatessen store,
   h. Drugstore,
   i. Dry cleaning and laundry branch offices or pickup agency, but not including Plant and main office,
   j. Garden supplies shop,
   k. Gift shop,
   l. Grocery, fruit or vegetable store,
   m. Mini warehouse,
   n. Restaurants,
   o. Self-service laundry and cleaning,
   p. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
   q. Shoe repair shop,
   r. Accessory buildings when located on the same lot;
5. Uses customarily incidental to any of the uses set forth in this section;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process.
7. Accessory Dwelling Unit (if in UGA or UGN)
8. Accessory Living Quarters
9. Special Care Dwelling

17.32.030 Lot size required.
The minimum lot size for all dwelling units shall meet the requirements of the residential zonedistrict. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zonedistrict. (Res. 83-10, 1983)

17.32.040 Yard requirements - Front.
There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half (1/2) the remaining distance to the required twenty (20)-foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet long. (Res. 83-10, 1983)

17.32.050 Yard requirements - Side.
There are no side yard requirements, except property abutting a residential zonedistrict, in which case
the side yard on the abutting side shall be the same as that required for the abutting property. On a side abutting a street the setback shall be a minimum of ten (10) feet for all structures. Side yards for dwelling units shall meet the requirements of the residential zonedistrict. (Res. 83-10, 1983)

17.32.060 Yard requirements - Rear.
The area are no rear yard requirements. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet. (Res. 83-10, 1983)

17.32.065 Yard requirements - Setback
Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.32.070 Maximum structure height.
The maximum height of any structure shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less. (Res. 83-10, 1983)

17.32.090 Access requirement.
All lots in this zonedistrict shall abut a public street, or shall have such other access as deemed suitable by the Board. (Ord. 83-Z-2 (part), 1983: Res. 8310, 1983)

17.32.110 Setback for vehicle service businesses.
Setback regulations for drive-in businesses, or minimum site standards for vehicle service businesses shall conform to the diagram on the following page. (Res. 83-10, 1983)
Kittitas County Code, Chapter 17.36 Planned Unit Development Zone is amended as follows:

Chapter 17.36
PLANNED UNIT DEVELOPMENT ZONE*

Sections
17.36.010 Purpose and intent.
17.36.015 Applicability
17.36.010 Purpose and intent.
The purpose and intent of this chapter is to provide for and encourage a harmonious mixture of land uses with greater flexibility in land use controls than is generally permitted by other sections of this title. This includes: departures from strict compliance with the zoning standards outlined in other sections of this Title for projects that can demonstrate that such departures will protect the public interest and accomplish one or more of the following objectives:

a. To allow greater flexibility and to encourage more innovative design for the development of residential areas that is generally possible under conventional zoning and subdivision regulations;

b. To encourage more economical and efficient use of land, streets, and public services;

c. To preserve and create usable open space and other amenities superior to conventional developments;

d. To preserve important natural features of the land, including topography, natural vegetation, and views;

e. To encourage development of a variety of housing types and densities;

f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;

g. To encourage infill development of areas or sites characterized by special features of geography, topography, size, shape, or historical legal nonconformity; and/or

h. To permit flexibility of design that will create desirable public and private open space, to vary the type, design and layout of buildings, and to utilize the potentials of individual sites and alternative energy services to the extent possible; (Ord. 2007-22; Ord. 90-6 (part), 1990: Res. 83-10, 1983)

17.36.015 Applicability.
1. Inside the Urban Growth Area (UGA) and Rural LAMIRDS: The provisions of this chapter can be used for any property over two (2) acres in size.

2. Outside the Urban Growth Area (UGA) and Rural LAMIRDS: The provisions of this chapter can be used for properties over twenty (20) acres in size, except that PUDs are prohibited on Resource Lands and Rural Lands in the Rural Working Land Use Designation.

17.36.020 Allowed Uses. Uses permitted.
1. Inside the Urban Growth Area, uses may include: The following uses may be permitted:
   a. All residential uses including multifamily structures;
   b. Manufactured home parks;
   c. Hotels, motels, condominiums;
   d. Fractionally-owned units;
   e. Retail businesses;
   f. Commercial-recreation businesses, parks and playgrounds;
   g. Restaurants, cafes, taverns, cocktail bars;
   h. Electric vehicle infrastructure, pursuant to See KCC Chapter 17.66; and:
   i. The following uses where they are only serving a residential PUD and where all other applicable standards are met:
1. Community buildings;
   ii. Indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses;
   iii. Outdoor recreation facilities including swimming pools, sports courts or similar uses; and
   iv. Recreation vehicle storage areas.

Outside the Urban Growth Area, uses may include:

2a. The following residential uses:
   i. Accessory dwelling unit;
   ii. Accessory living quarters;
   iii. Dwelling, single-family;
   iv. Dwelling, two-family;
   v. Dwelling, multiple-family;
   vi. Special care dwelling;
   vii. Parks and playgrounds; and

2b. The following uses where they are only serving a residential PUD and where all other applicable standards are met:
   i. Community buildings;
   ii. Indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses;
   iii. Outdoor recreation facilities including swimming pools, sports courts or similar uses;
   iv. Electrical vehicle infrastructure, pursuant to KCC Chapter 17.66; and
   v. Recreation vehicle storage areas.

a. All residential uses including multifamily structures;

b. Manufactured Home Parks;

c. Hotels, motels, condominiums;

d. Fractionally owned units (for PUDs proposed within Urban Growth Areas);

e. Retail businesses;

f. Commercial-recreation businesses;

g. Restaurants, cafes, taverns, cocktail bars;

h. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter. Such determination shall be made during review of the development plan required under Section 17.36.030;


17.36.025 Allowed density.

1. Inside the Urban Growth Area (UGA): The county may approve an increase of dwelling unit density for residential PUDs of not more than three (3) times the density permitted in the underlying zone, provided development rights are transferred pursuant to KCC Chapter 17.13 and additional natural and social amenities beyond the required minimums are provided.

2. Outside the Urban Growth Area (UGA) and Rural LAMIRDS: The density of the underlying zone shall not be exceeded by a PUD. For Rural LAMIRDS, the density shall be consistent with the character of the existing area as required by RCW 36.70A.070(5)d).

17.36.030 Submittal requirements - Preliminary development plan.

Any persons or corporation applying for a planned unit development zone shall file a preliminary development plan with an application for zone change, pursuant to KCC Chapter 17.98. The development plan application shall include all of the following:

1. Application forms and fees required by the County;

2. Legal description of the subject property including section, township, range, parcel numbers and number of acres;

3. A vicinity map showing the location of the site and its relationship to surrounding areas and roads;

4. A map of the site drawn to a scale, no smaller than two hundred (200) feet to the inch with elevation contours of no more than twenty-(20)-foot intervals showing the following:

   a. Existing buildings, roads, utilities and easements;

   b. Arrangement of proposed land uses by type (residential, commercial, open spaces, etc.) with a narrative on the approximate percentage of land in each category. The map should show
a. Proposed traffic circulation and parking;
d. Names and dimensions of dedicated roads bounding or near the site;
e. Critical areas and natural features;
b. Planned on-street parking areas including approximate number of spaces to be provided;
c. Elevation contours of no more than twenty-foot intervals;
e. Legal description of the subject property including section, township, range, parcel numbers and number of acres;
f. Name of proposed Planned Unit Development;
3-A Landscaping Plan.
4-A Phasing Plan with identified timelines.
5-A Development Plan Project Narrative addressing the following:
a. A narrative relating the development plan to adjacent development and natural areas;
b. The type, design and characteristics of the surrounding properties;
c. A narrative of the developer's intent with regard to providing landscaping and retention of open spaces;
d. A narrative outlining future land ownership patterns within the development including homeowners associations if planned;
e. A narrative outlining the proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;
f. Documentation from the Director Community Development Services department that environmental review (SEPA) has been completed or will be completed;
g. An explanation and specification of any nonresidential uses proposed within the project;
h. Planned residential densities expressed in terms of dwelling units per building and per net acre (total acreage minus dedicated rights-of-way);
i. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
j. The method proposed to insure the permanent retention and maintenance of common open space;
k. Proposed setback development standards, including an analysis of the public benefit provided in exchange for the deviations from the standards of the underlying zone;
l. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
m. A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered, but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will serve as a guide in each successive stage of development until its completion;
N. A narrative of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-way);
l. If the proposed PUD rezone will result in an increase in unit density over the existing zone, include a narrative of the transfer of development rights in accordance with KCC Chapter 17.13 - Transfer of Development Rights.

17.36.040 Submittal requirements - Final development plan.
Following approval of the preliminary development plan by the county and before lot sales or building construction commences, the developer (owner) shall submit a final development plan for approval by the Board of County Commissioners which shall include all of the following as listed below. Submittal shall be consistent with the process as outlined for final plat development in KCCittitas County Code Chapter 16.20.
1. A staging plan describing the timing or sequence of construction for all the elements of the plan. Subdivision lot sales may precede other elements of the development upon final plat approval;
2. A map or maps of the site drawn at a scale no smaller than one hundred (100) feet to one (1) inch showing the following:
a. Preliminary engineering plans including site grading, road improvements, drainage and public utilities extensions;
b. Arrangement of all buildings which shall be identified by type;
1. Preliminary development plan: The Hearing Examiner shall evaluate a planned unit development application and other evidence and testimony submitted into the record and shall issue a recommendation based on the following considerations and criteria:
   a. Criteria applicable to all PUDs:
      i. PUD complies with all amendment criteria in KCC Chapter 17.98;
      ii. PUD makes economic and efficient use of land, streets, and public services;
      iii. PUD preserves usable open space, important natural features, and other amenities;
      iv. PUD provides site design features that reasonably mitigate off-site impacts; and
      v. Public benefits of PUD outweigh the effect of the modification of underlying zoning standards.
   b. Additional criteria applicable to PUDs on Rural Lands:
      i. PUD is developed in a manner that maintains rural character;
      ii. Non-residential uses within PUD are designed at a scale appropriate for rural area and intended to serve only the residents of the PUD; and
      iii. PUD provides appropriate transitions to surrounding properties and land uses.
      iv. All new structures shall comply with the applicable standards contained in: (1) “Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards” (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - “Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments”; and/or (3) Urban Wildland Interface Code for structures outside a fire district.

2. Final development plan: The Director shall evaluate and the Board shall approve final development plans for the PUD, provided the conditions imposed on the preliminary PUD approval, if any, have been satisfied.

17.36.050 Permit issuance and conditions.
Building permits and other permits required for the construction or development of property under provision of this section shall be issued only when, in the opinion of the Director the county building inspector, the work to be performed substantially conforms to the final development plan approved by the Board of county commissioners. (Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990: Res. 83-10, 1983)

17.36.060 Required improvements.
All improvements including parking lots, driveways, landscaping, which are a part of the approved plan, but which do not otherwise require building permits, shall be completed or bonded before occupancy permits are issued by Community Development Services the building inspector. The amount
of the bond shall be determined by Community Development Services the building inspector on the basis of information presented with the final development plan. (Ord. 90-6 (part), 1990: Res. 83-10, 1983)

17.36.070 Inter-jurisdiction review.
Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city. (Ord. 2007-22-, 2007)

17.36.080 Planned Unit Development Alterations.
Proposed alterations to approved Planned Unit Developments shall be processed as follows: in a manner similar to the alteration of a subdivision.
1. Minor alterations: Minor alterations are those which, in the opinion of the Director, alter the dimensions, location, or type of facilities but maintain the basic character of the approved PUD application and do not alter the proposed uses or density. Minor alterations may be approved by the Director.
2. Major alterations: Major alterations are those which, in the opinion of the Director, substantially change the basic design, density, open space or other requirement of the planned unit development. Major adjustments require a new application. (Ord. 2007-22, 2007)

17.36.090 Extensions and Expiration.
1. Filing of final development plan - Non-phased PUDs. The applicant shall have five (5) years from the date of Board action to submit the final PUD application pursuant to 17.36.040, unless an extension has been granted pursuant to subsections 3 or 4 below. If the PUD is associated with a plat with a longer submittal timeframe the longer timeframe shall apply, pursuant to RCW 58.17.140.
2. Filing of final development plan - Phased PUDs. Applicants may develop a planned unit development in phases, provided a phasing plan is approved as part of the initial application. In such cases, a final development plan shall be submitted for phases in the time limit established in the approved phasing plan, unless an extension has been granted pursuant to subsections 3 or 4 below. If the PUD phase is associated with a plat with a longer submittal timeframe the longer timeframe shall apply, pursuant to RCW 58.17.140.
3. One-(1)-year extension. An applicant who files a written request with the Director prior to the end of the five-(5)-year expiration period (or applicable timeline established in an approved phasing plan) shall be granted a one-(1)-year extension upon showing a good faith attempt to complete the requirements necessary for submittal of the final development plan.
4. Additional extensions. Upon written request from the applicant, the Board may grant two (2) additional one-(1)-year extensions beyond the extension authorized in subsection 3 if they find there is reasonable justification for the granting of additional extensions. The Board may take into consideration changes in rules and regulations that occurred since the original PUD approval and may condition the extension to require compliance with any such rules and regulations, or portions thereof.
5. Expiration. Planned unit developments which do not obtain final approval and implementing permits within the time frames established in this section shall expire without prejudice. For phased PUDs the expiration shall apply to all portions or phases of the PUD that have not applied for or been granted final approval. Within a period of five years following the approval of the preliminary development plan by the Kittitas County Board of County Commissioners, the applicant shall file with Kittitas County Community Development Services a final development plan. The director of Community Development Services, for good cause, may extend for one year the period for filing of the final development plan. If the applicant fails to apply for final approval for any reason within the specified time frame, the rezone shall become void. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned unit development is submitted and approved.
6. Timeframe for implementing permits. Implementing permits, including land divisions for lot sales or building permits when there is no associated land division, shall be submitted within two (2) years of final development plan approval.
7. PUDs approved prior to 2007. Planned unit developments with preliminary development plans approved prior to adoption of the expiration standards contained in Ordinance 2007-22 shall have until December 31, 2017, to submit final development plans and shall be subject to the timeframes
established in subsection 6 above for implementing permits. Undeveloped PUDs with final development plans approved prior to 2007 shall have until December 31, 2015, to complete land divisions for lot sales or building permits when there is no associated land division. Failure to obtain final plan or permit approvals or make substantial progress toward such approvals within the time frames in this subsection shall result in expiration without prejudice.

8. Lapse of zoning. If the planned unit development is not completed within the time periods in this section, the rezone to Planned Unit Development Zone is void for the area not completed, and the official zoning map shall be amended to the underlying zoning.

Kittitas County Code, Chapter 17.37 Master Planned Resorts is amended as follows:

Chapter 17.37
MASTER PLANNED RESORTS

Sections
17.37.010 Legislative findings, purpose and intent.
17.37.020 Definitions.
17.37.030 Allowed uses permitted.
17.37.040 Applications/approvals required for new master planned resorts.
17.37.050 Applications/approvals required for existing resorts.

17.37.010 Legislative findings, purpose and intent.
1. Kittitas County has a wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. Master planned resorts authorized by RCW 36.70A.360 offer an opportunity to utilize these special features for enjoyment and recreational use, while bringing significant economic diversification and benefits to communities. The purpose of this chapter is to establish a master planned resort zoning district to be applied to those properties the Board of county commissioners determines are appropriate for development as a master planned resort consistent with county comprehensive plan policies and RCW 36.70A.360.
2. It is the county's intent that a master planned resort be located only on a site of at least three hundred twenty (320) contiguous acres. (Ord. 2000-13, 2000)

17.37.020 Definitions.
The following definitions shall be used in conjunction with the administration of this chapter:
1. "Existing resort," consistent with RCW 36.70A.362, means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.
2. "Master planned resort," consistent with RCW 36.70A.360, means a self-contained and fully integrated planned unit development, located in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.
3. "Short-term visitor accommodations" means the following master planned resort accommodation units: (1) hotel or motel units; (2) time-share and fractionally owned units; (3) recreational vehicle sites with power and water; and (4) vacation and second homes as described below.

A master planned resort accommodation unit is a vacation or second home for purposes of this section unless its occupant(s) is either (1) registered to vote at such unit's resort address or (2) receive its/their Kittitas County annual property tax assessment for such unit at such unit's address, in which...
case such unit shall be considered a permanent residence for all purposes under this section. (Ord. 2009-25, 2009; Ord. 2000-13, 2000)

17.37.030 **Allowed Uses permitted.**

The following uses may be permitted within a master planned resort classification:

Uses allowed in master planned resorts include those uses pursuant to KCC Chapter 17.15, except as follows:

1. All residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations of all kinds, provided such uses are integrated into and support the on-site recreational nature of the master planned resort.

2. Short-term visitor accommodations, including, but not limited to, hotels, motels, lodges, and any residential use permitted under subsection A of this section that is made available for short-term rental; provided, however, short-term visitor accommodation units shall constitute greater than 50 percent of the total resort accommodation units.

3. Indoor and outdoor recreational facilities and uses, including, but not limited to, golf courses (including accessory structures and facilities, such as clubhouses, practice facilities, and maintenance facilities), tennis courts, swimming pools, marinas, alpine and/or cross country skiing, hiking and nature trails, bicycle paths, equestrian facilities, skating arenas, sports complexes, bowling alleys, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.

4. Campgrounds and recreational vehicle (“RV”) sites with power and water; provided, however, campgrounds and recreational vehicle sites without power and water are conditional uses.

5. Visitor-oriented amenities, including, but not limited to (1) restaurants, cafes, delicatessens, pubs, taverns and cocktail bars and entertainment associated with such uses; (2) meeting facilities; (3) on-site retail businesses and services limited to those typically found on other destination resort properties and which are designed to serve the convenience needs of the users and employees of the master planned resort; and (4) recreation businesses and facilities. Retail and commercial services offered on the resort shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.

6. Cultural and educational facilities of all kinds, including, but not limited to, interpretive centers and exhibits, and indoor and outdoor theaters.

7. Roadways and bridges, which, subject to any development agreement executed with the county pursuant to KCC Chapter 15A.11-KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210, may include roadways and bridges that are privately owned and maintained.

8. Industrial uses and capital facilities, utilities and services to the extent necessary to maintain and operate the master planned resort.

9. Temporary and/or permanent structures to serve as sales offices.

10. Any other similar uses deemed by the Community Development Services Director to be consistent with the purpose and intent of this chapter, the county comprehensive plan policies regarding master planned resorts, and RCW 36.70A.360.


17.37.040 **Applications/approvals required for new master planned resorts.**

1. A master planned resort may be authorized by the county only through approval of a master planned resort development permit in conjunction with approval by the Board of county commissioners of a development agreement as authorized by KCC Chapter 15A.11-KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210. Consistent with KCC 15A.11.020(B) and RCW 36.70B.170, the development agreement approved by the Board of county commissioners must set forth the development standards applicable to the development of a specific master planned resort, which may include, but are not limited to: (1) permitted uses, densities and intensities of uses, and building sizes; (2) phasing of development, if requested by the applicant; (3) procedures for review of site-specific development plans; (4) provisions for required open space, visitor-oriented accommodations, short-term visitor accommodations, on-site recreational facilities, and on-site retail/commercial services; (5) mitigation measures imposed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and other development
conditions; and (6) other development standards including those identified in KCC 15A.11.020(E) and RCW 36.70B.170(3).

2. Required Applications/Approvals. In addition to approval of a MPR development permit and a development agreement as set forth in subsection A of this section, a master planned resort shall require the following approvals from the county: (1) a site-specific amendment of the comprehensive plan land use designation map to master planned resort; provided, that the sub-area planning process described in Chapter 1 of the county comprehensive plan and KCC Chapter 15B.03-KCC, Amendments to Comprehensive Plan, may be used if deemed appropriate by the applicant and county; and (2) a site-specific rezone of the county zoning map to master planned resort zoning district pursuant to KCC Chapter 17.98-KCC, Amendments. The comprehensive plan amendment or subarea plan and rezone may be processed by the county concurrent with the master planned resort development permit and development agreement required for approval of a master planned resort.

3. Planned Actions Authorized. If deemed appropriate by the applicant and the county, a master planned resort project may be designated by the county as a planned action pursuant to the provisions of KCC Chapter 15A.09-KCC, Planned Actions. (Ord. 2011-005, 2011; Ord. 2011-005, 2011; Ord. 2010-006, 2010; Ord. 2009-25, 2009; Ord. 2000-13, 2000)

17.37.050 Applications/approvals required for existing resorts.

1. Designation. An existing resort may be designated by the county as a master planned resort, consistent with RCW 36.70A.362, through approval of a sub-area plan, resort plan, and adoption of an MPR zoning overlay. The sub-area plan, resort plan, and applicable zoning shall establish the range of uses, and the density, intensity and character of development that is permitted within the resort.

2. Development applications. Following designation of the site as an MPR, a property owner may submit a site-specific development application to the County which shall include an application for site plan review per KCC Chapter 15A.13. A development agreement, consistent with KCC Chapter 15A.11 and RCW 36.70B.170, may be submitted in conjunction with each development application.

3. Environmental review pursuant to the State Environmental Policy Act (SEPA, RCW 43.21C), shall occur and shall address significant impacts associated with development and redevelopment of the existing resort. (Ord. 2010-011; Ord. 2009-25, 2009)

Kittitas County Code, Chapter 17.38 FCC - Fully Contained Communities is repealed as follows:

Chapter 17.38 (Reserved)
FCC - Fully Contained Communities

(Ord. 2007-22, 2007)

Kittitas County Code, Chapter 17.40 C-G - General Commercial Zone is amended as follows:

Chapter 17.40
C-G - GENERAL COMMERCIAL ZONE*

Sections
17.40.010 Purpose and intent.
17.40.020 Allowed Uses permitted.
17.40.030 Lot size required.
17.40.040 Maximum lot coverage.
17.40.050 Maximum floor area.
17.40.060 Yard requirements.
17.40.070 Height restriction.
17.40.010 Purpose and intent.
The purpose and intent of the general commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available. (Ord. 83-Z-2 (part), 1983)

17.40.020 Permitted uses permitted.
Permitted uses are as follows:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
   a. Antique shop,
   b. Art gallery or store,
   c. Bakery goods, retail only,
   d. Barbershops,
   e. Beauty parlor,
   f. Confectionery store,
   g. Delicatessen store,
   h. Drugstore,
   i. Dry cleaning and laundry branch offices or pickup agency, but not including plant and main office,
   j. Garden supplies shop,
   k. Gift shop,
   l. Grocery, fruit or vegetable store,
   m. Mini-warehouse;
   n. Restaurants,
   o. Self-service laundry and cleaning,
   p. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
   q. Shoe repair shop,
   r. Accessory buildings when located on the same lot;
5. Any of the following uses:
   a. Amusement enterprises, including bowling alleys, dance halls, pool halls, and billiard halls and shooting galleries;
   b. Auto and trailer sales;
   c. Banks;
   d. Cabinet shop;
   e. Custom cannery;
   f. Department store;
   g. Frozen food lockers;
   h. Garage or auto repair, when conducted wholly within a building;
   i. Hospitals, general and accessory buildings;
   j. Hotels;
   k. Lumberyard and building materials, retail only. Any open storage shall be enclosed by a sight-obscuring fence not less than six feet nor more than seven feet high;
   l. Office, governmental;
m. Physical culture and health services including reducing salons, masseurs and public baths;

n. Radio or television studio;

o. Retail stores of all descriptions where merchandise is displayed and sold within the building;

p. School, private or parochial;

q. Sign shop;

r. Tavern;

s. Theater, auditorium or drive-in theater;

t. Tire shop;

u. Wholesale office and showrooms, merchandise on the premises limited to samples only;

v. Auction sales of personal property, other than livestock;

6. The following uses may be permitted if their location is first approved by the Hearing Examiner:

1. Mortuary or funeral home;

2. Private Campgrounds. In considering proposals for location of such campgrounds, the Hearing Examiners shall consider at a minimum the following criteria:

1. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;

2. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;

3. Landscaping or appropriate screening should be required and maintained where necessary for buffering;

4. Adequate and convenient vehicular access, circulation and parking should be provided;

5. Economic and environmental feasibility;

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

2. Athletic stadium;

3. Animal hospital or boarding kennels;

4. Animal sales yard (livestock sales yard);

5. Hazardous waste on-site treatment or storage;

6. Junk yards;

7. Uses customarily incidental to any of the above uses when located on the same lot may be allowed provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes;

8. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within 10 working days pursuant to KCC Title 15A, Project Permit Application Process.

9. Accessory Dwelling Unit (if in UGA or UGN)

10. Accessory Living Quarters

11. Special Care Dwelling

1. Front Yard. No front yard is required.
2. Side Yard. No side yard is required.
3. Rear Yard. No rear yard is required; however, if a rear yard is provided, the minimum depth shall be twelve (12) feet. (Res. 83-10, 1983)

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

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

17.40.090 Access requirement.
All lots in this zonedistrict shall abut a public street, or shall have such other access as deemed suitable by the Commission and Board. (Ord. 83-Z-2 (part), 1983: Res. 83-10, 1983)

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

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

Kittitas County Code, Chapter 17.44 C-H - Highway Commercial Zone is amended as follows:

Chapter 17.44
C-H HIGHWAY COMMERCIAL ZONE

Sections
17.44.010 Purpose and intent.
17.44.020 Allowed uses permitted.
17.44.030 Conditional uses.
17.44.040 Minimum lot size.
17.44.050 Setback requirements.
17.44.055 Setback requirements - Zones Adjacent to Commercial Forest Zone.
17.44.060 Building height.
17.44.070 Off-street parking.
17.44.080 Access.

17.44.010 Purpose and intent.
It is the purpose and intent of the highway commercial zone to provide for motorist- tourist dependent businesses having little interdependence and requiring convenient access to passing traffic. (Ord. 83-Z-2 (part), 1983)

17.44.020 Allowed uses permitted.
Uses allowed in this any highway commercial zone, only the following uses are permitted: include those uses pursuant to KCC Chapter 17.15.
1. Motels;
2. Restaurants, cafes;
3. Commercial recreation establishments;
4. Retail sales of souvenirs, gifts, novelties, curios, and handicraft products;
5. Offices whose activities are directly related to tourism and recreation;
6. Public and commercial museums and art galleries;
7. Gas service stations including truck stop operations, with minor repair work permitted only;
8. Fruit stands;
9. Cocktail lounges;
10. Public transportation, deadhead stations;
11. Grocery stores, not to exceed four thousand (4,000) square feet gross area;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners 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;


47.44.030 Conditional uses.
Conditional uses are as follows:
1. Public utilities;
2. Public transportation, passenger terminals;

17.44.040 Minimum lot size.
It is the intent of this chapter that each business be situated on a site of sufficient size to provide all off-street parking, loading and necessary driveways. (Ord. 83-Z-2 (part), 1983)

17.44.050 Setback requirements.
1. Front Setback. There shall be a minimum front yard depth of fifteen (15) feet. Off-street parking and maneuvering area shall not be considered as front yard;
2. Side Setback. Ten (10) feet;

17.44.055 Setback requirements ä¸“ Zones Adjacent to Commercial Forest Zone
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCCittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.44.060 Building height.
The maximum height of any structure shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less. (Ord. 83-Z-2 (part), 1983)

17.44.070 Off-street parking.
Off-street parking and loading shall be provided as required in Chapter 17.64.1 (Ord. 83-Z-2 (part), 1983)

17.44.080 Access.
All lots in this zonedistrict shall abut a public street, or shall have such other access as deemed suitable by the bbBoard. (Ord. 83-Z-2 (part), 1983)

Kittitas County Code, Chapter 17.48 I-L Light Industrial Zone is amended as follows:

Chapter 17.48
I-L LIGHT INDUSTRIAL ZONE*

Sections
17.48.010 Purpose and intent.

Page 100 of 121
17.48.020 **Allowed** Permitted uses.

17.48.030 Conditional uses.

17.48.040 Front, side and rear yard requirements.

17.48.050 Setbacks.

17.48.060 Height restrictions.

17.48.070 Lot coverage.

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

17.48.010 Purpose and intent.

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

17.48.020 **Allowed** Permitted uses.

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

Uses allowed in the light industrial district include those uses pursuant to KCC Chapter 17.15.

1. Wholesale business, storage buildings and warehouses;
2. Freightling and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county Hearing Examiner pursuant to Title 15A of this code, Project permit application process;
7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.
10. Electric Vehicle Infrastructure. See KCC Chapter 17.66

23. Minor and major alternative energy facilities, excluding wind farms and wind turbines, and other renewable energy projects are a permitted use within the Bowers Field Overlay Zone. (Publisher's note: this item was incorrectly enumerated in Ord. 2011-013, 2011.) (Ord. 2011-013, 2011; Ord. 2010-014, 2010; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983)

17.48.030 Conditional uses.

Conditional uses are as follows:

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

17.48.040 Front, side and rear yard requirements.

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

**17.48.050 Setbacks.**
No building or permanent structure may be constructed closer than fifty-five (55) feet from the centerline of any public right-of-way. If any use in this zonedistrict abuts or faces any residential zonedistrict, a setback of fifty (50) feet on the side abutting or facing the residential zonedistrict shall be provided, with tree planting or other conditions necessary to preserve the character of the residential zonedistrict. The Director Hearing Examiner shall determine what these conditions shall be. (Ord. 83-Z-2 (part), 1983)

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

**17.48.070 Lot coverage.**
No structure or combination of structures, including buildings, shall occupy or cover more than fifty percent (50%) of the total lot area. (Ord. 93-1 (part), 1993)

Kittitas County Code, Chapter 17.52 I-G General Industrial Zone is amended as follows:

Chapter 17.52
I-G GENERAL INDUSTRIAL ZONE

Sections
* 17.52.010 Purpose and intent.
* 17.52.020 Allowed uses permitted.
* 17.52.030 Conditional uses.
* 17.52.040 Front, side and rear yard requirements.
* 17.52.050 Setbacks.
* 17.52.060 Height restrictions.
* 17.52.080 Access.

**17.52.010 Purpose and intent.**
This zonedistrict is intended to accommodate certain industrial structures and uses that could create serious problems of compatibility with other kinds of land uses and to protect such zonedistricts from encroachment by conflicting land uses. (Ord. 83-Z-2 (part), 1983)

**17.52.020 Allowed uses permitted.**
Uses allowed in the general industrial zone include those uses pursuant to KCC Chapter 17.15.Any use permitted in the I-1 zone. No building, structure or land shall be used and no building or structure shall be hereafter erected in this district except for the following uses:

1. Wholesale business, storage buildings and warehouses;
2. Freighting and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification.
to the county Hearing Examiner pursuant to Title 15A of this code, Project permit application process;

7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;

8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.


17.52.030 Conditional Uses.

1. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial district unless a conditional use permit authorizing such use has been granted by the Hearing Examiner:
   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.

2. In considering the issuance of conditional use permits for the foregoing listed uses, the Hearing Examiner shall:
   a. 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;
   b. 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 feet from any church, school, park, playground or occupied dwelling as may exist on the same lot or parcel as such use. (Ord 2007-22, 2007; Ord. 93-1 (part), 1993; Ord. 83-Z-2 (part), 1983)

17.52.040 Front, side and rear yard requirements.

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

17.52.050 Setbacks.

If any use in this zonedistrict abuts or faces any residential, Rural Residential or Urban Residential zonedistrict, a setback of fifty (50) feet on the side abutting or facing the residential zonedistrict shall be provided, with tree planting or other conditions necessary to preserve the character of the residential zonedistrict. The Director Hearing Examiner shall determine what these conditions shall be. (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983)
17.52.060 Height restrictions.  
There shall be no limitations. (Ord. 83-Z-2 (part), 1983)

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

Kittitas County Code, Chapter 17.56 F-R Forest and Range Zone is amended as follows:

Chapter 17.56
FOREST AND RANGE ZONE*

Sections
17.56.010 Purpose and intent.  
17.56.020 Allowed Uses permitted.  
17.56.030 Conditional uses.  
17.56.040 Lot - Minimum size.  
17.56.050 Lot - Width.  
17.56.060 Yard requirements.  
17.56.065 Yard requirements - Zones Adjacent to Commercial Forest Zone.  
17.56.070 Structure height.  
17.56.080 Setbacks.  
17.56.090 Nonconforming uses.  
17.56.100 Administrative uses.  

* Prior legislation: Ords. 82-Z-1, 77-1Z, 76-3, 762, 75-11, 74-6, 2.

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

17.56.020 Allowed Uses permitted.  
Uses allowed in the forest and range zone include those uses pursuant to KCC Chapter 17.15. The following uses are permitted:
  1. Single-family homes, mobile homes, cabins, duplexes;
  2. Lodges and community clubhouses;
  3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
  4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
  5. Mining and associated activities;
  6. Quarry mining, sand and gravel excavation, and rock crushing operations;
  7. Uses customarily incidental to any of the uses set forth in this section;
  8. Home occupations which do not produce noise;
  9. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
13. Cluster subdivisions, when approved as a platted subdivision.

17.56.030 Conditional uses.
The following uses are conditional:
1. Campgrounds;
2. Private trail clubs (snowmobiles, motorbikes);
3. Airports;
4. Log sorting yards;
5. Sawmills;
6. Firing ranges;
7. Golf courses;
8. Cemeteries;
9. Asphalt plants (temporary only);
10. Concrete batch plants;
11. Feedlots;
12. Public sanitary landfill;
13. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;
14. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
15. Greenhouses, nurseries;
16. Home occupations;
17. Hospitals;
18. Museums;
19. Public Utility substations and transmission towers;
20. Riding academies;
21. Schools, public and private;
22. Governmental uses essential to residential neighborhoods;
23. Churches;
24. (Deleted by Ord. 83-Z-2)
25. Community clubs;
26. Convalescent homes;
27. Day-care facilities;
29. Room and board lodging involving no more than four boarders or two bedrooms;
30. Feed mills, canneries and processing plants for agricultural products;
31. Kennels;
32. Livestock sales yard;
33. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
34. Golf courses;
35. Auction sales of personal property, other than livestock;
36. Private Campgrounds. In considering proposals for location of such campgrounds, the Hearing Examiners shall consider the following criteria:
1. Campgrounds shall be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
2. Traffic volumes generated by such a development shall not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
3. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
4. Adequate and convenient vehicular access, circulation and parking should be provided.

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5. Economic and environmental feasibility;
6. Public health and safety of campers and those reasonably impacted by the campground (i.e., health, water, sanitation);
37. Log sorting yard;
38. Feedlots. 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;
39. Mini-warehouses; provided, that the following standards shall apply to the approval and construction of mini-warehouses:
7. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
8. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
9. No commercial or manufacturing activities will be permitted within any building or storage unit;
10. Lease documents shall spell out all conditions and restrictions of the use;
11. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area;
12. Guest ranches, group homes, retreat centers;
13. Home occupations which involve outdoor work or activities, or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
14. Day care facilities;
15. Bed and breakfast business;
16. Gas and oil exploration and production;
17. Farm labor shelters, provided that:
12. 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;
13. The shelters must conform with all applicable building and health regulations;
14. The number of shelters shall not exceed four per twenty-acre parcel;
15. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
16. 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;

17.56.040 Lot - Minimum size.
The minimum lot size in the Forest and Range zone shall be:
1. Twenty (20) acres, unless within a cluster or conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting;
2. One-half (1/2) acre minimum for any lots in a cluster or within an approved-platted conservation plat/cluster subdivision, served by public water and sewer;

17.56.050 Lot - Width.
1. No parcel created after the adoption of the ordinance codified in this chapter shall have a length-width dimension less than five hundred (500) feet unless the parcel is approved under provisions established in Section 17.56.040 2 and 3.
2. No platted parcel shall have dimensions in excess of a 4:1 length by width ratio. (Ord. 2007-22, 2007; Ord. 92-6 (part), 1992: Res. 83-10, 1983)

17.56.060 Yard requirements.
1. Front Yard. There shall be a minimum front yard of twenty-five (25) feet.
2. Side Yard. Side yard shall be ten (10) feet, except on corner lots which shall have a fifteen-(15)-foot side yard.
3. Rear Yard. There shall be a rear yard with a minimum depth of ten (10) feet to the main building. (Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992: Res. 83-10, 1983)

17.56.065 Yard requirements in Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200) foot setback from the Commercial Forest Zone. (KCC 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2010-014, 2010; Ord. 2007-22, 2007)

17.56.070 Structure height.
No structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is greater. This limit does not apply to agricultural buildings. (Ord. 92-6 (part), 1992: Res. 83-10, 1983)

17.56.080 Setbacks.
The following setbacks shall be enforced for residential and accessory buildings constructed or placed on shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act:
1. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting such waterways;
2. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir. (Ord. 92-6 (part), 1992: Res. 83-10, 1983)

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

17.56.100 Administrative uses.
The following uses may be permitted subject to the requirements set forth in Chapter 17.60B:
1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2010-014, 2010)

Kittitas County Code, Chapter 17.57 CF Commercial Forest Zone as follows:

Chapter 17.57
COMMERCIAL FOREST ZONE

Sections
17.57.010 Purpose and intent.
17.57.020 Allowed uses permitted.
17.57.030 Conditional uses.
17.57.040 Lot - Minimum size.
17.57.050 Yard requirements.
17.57.060 Structure height.
17.57.070 Shorelines setbacks.
17.57.080 Fire protection.
17.57.090 Water supply.
17.57.100 Building location.
17.57.010 Purpose and intent.
The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter. (Ord. 94-1 (part), 1994)

17.57.020 Allowed Uses permitted.
Uses allowed in the commercial forest zone include those uses pursuant to KCC Chapter 17.15. The following uses are permitted:
1. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto;
2. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel woods, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms;
3. Portable saw mills and chippers, log sorting and storage, and other uses involved in the harvesting and commercial production of forest products;
4. Grazing of animals, apiary, Christmas tree plantations, and the harvesting of indigenous floral vegetation;
5. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads and snow parks;
6. Mining and associated activities, extraction and processing of rock, sand, gravel, oil, gas, minerals and geothermal resources;
7. Aircraft landing fields and heliports for emergency and forest related management uses and practices only;
8. Storage of explosives, fuels and chemicals used for agriculture, mining, and forestry subject to all applicable local, state and federal regulations;
9. Watershed management facilities, including but not limited to diversion devices, impoundments, dams for water storage, flood control, fire control, and stock watering;
10. Forestry, environmental and natural resource research;
11. Home occupations which do not produce noise;
12. One single-family dwelling unit and associated outbuildings per parcel;
13. Washington State Natural Area Preserves and Natural Resource Conservation Areas;
14. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified herein; and
15. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the Hearing Examiner pursuant to Title 15A of this code, Project permit application process.

17.57.030 Conditional uses.
The following uses are conditional:
1. Public and private developed recreational facilities limited to parks, playgrounds,
M. Permanent sawmills and chippers, shake and shingle mills, log sorting yards, plywood mills and the production of green veneer, particle board plants and other products from wood residues, pole yards, buildings for debarking, drying kilns and equipment, accessory uses including but not limited to temporary crew quarters, storage and maintenance facilities, residue storage and disposal areas and other uses involved in the harvesting and commercial production of forest products;

N. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, and fur bearing animals, feed lots, feeding operations, nursery stock and other agricultural activities and structures accessory to farming and animal husbandry;

O. One accessory living unit in conjunction with a single family dwelling or mobile home, kitchen facilities may not be provided in accessory living units;

P. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;

Q. The erection, construction, or substantial alteration of private, public and semi-public gas, electric, water or telecommunication and utility facilities, including but not limited to fire stations, utility substations, pump stations, wells, hydroelectric generating facilities and transmission lines and facilities;

R. Treatment of waste water or application of sewage sludge where not a forest practice regulated by the state;

S. Asphalt plants (temporary only);

T. Concrete batch plants;

U. Temporary state correctional work camps to supply labor for forest management related work projects and for fire control;

V. Group homes, as defined by state law;

1. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;


17.57.040 Lot - Minimum size.
The minimum lot size in the Commercial Forest Zone shall be eighty (80) acres. (Ord. 94-1 (part), 1994)

17.57.050 Yard requirements.
1. All structures shall maintain a minimum of two hundred (200) feet setback from all front, rear and side yard lines, except for structures, uses and activities provided under Permitted Uses 5, 7 and 9, and Conditional Use 6. In the event this requirement reduces the buildable area of a parcel to a dimension that is less than one hundred (100) feet in width and/or in depth, the setback requirement from all yard lines shall be reduced to a point that allows for a maximum building area of one hundred (100) feet in width and/or one hundred (100) feet in depth. For instances where the subject property is bordered by zones other than Commercial Forest, the two hundred (200) foot setback shall be maintained at the property lines located bordering the Commercial Forest Zone.

2. No dwelling units or accessory structures shall be placed within two hundred (200) feet of the Commercial Forest Zone boundary delineation unless this requirement together with standard front, rear, and side yard setbacks as identified in the underlying zoning district reduces the buildable area of the parcel to a dimension that is less than one hundred (100) feet in width and/or in depth. In this instance, the setback requirement from the Commercial Forest Zone boundary shall be reduced to a point that allows for a maximum building area of one hundred feet (100) in width and/or one hundred (100) feet in depth. (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)

17.57.060 Structure height.
No structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is greater. This limit does not apply to agricultural buildings or transmission structures. (Ord. 94-1 (part), 1994)
17.57.070 Shorelines setbacks.
The following setbacks shall be enforced for residential and accessory buildings constructed or placed on shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act:

1. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for parcels abutting such waterways;
2. One hundred (100) feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, and Kachess Lakes. (Ord. 94-1 (part), 1994)

17.57.080 Fire protection.
All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district. (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)

17.57.090 Water supply.
1. When residential or other structural uses are intended to be supplied with potable water from off-site sources, recorded, written permission shall be obtained from the property owners supplying the water prior to plat approval or building permit issuance, as applicable.
2. New residential or recreational domestic water supplies shall be certified by the state of Washington and shall not be located within one hundred (100) feet of adjacent property without recorded, written consent of the property owners. (Ord. 94-1 (part), 1994)

17.57.100 Building location.
No permanent buildings shall be located in a one hundred-year (100) floodplain, in wetlands, or in geologically hazardous critical areas. (Ord. 94-1 (part), 1994)

17.57.110 Access.
Vehicular access to residential properties shall not traverse commercial forest lands unless legal access has been granted by the property owner of the forest commercial lands. Easements for permanent access shall be recorded with the county assessor by the property owner. (Ord. 94-1 (part), 1994)

17.57.120 Road standards.
1. Roads serving new residential, commercial or industrial building sites shall meet or exceed county road standards.
2. Private Driveways. Private driveways shall be a minimum of twelve (12) feet in width providing curves are not too sharp, a minimum centerline radius of fifty-five (55) feet for curves, a maximum grade of twelve percent (12%) up to fifteen percent (15%) for very short distances subject to approval by the county director of public works and county fire marshal (grades over twelve percent (12%) are required to be paved with asphalt cement or Portland cement concrete; any grade over twenty percent (20%) must be paved with Portland cement concrete), with functional turnouts intervisible, and a minimum of eighty (80) feet diameter turn-around for dead ends. (Ord. 94-1 (part), 1994)

17.57.130 Nonconforming uses.
No structure or uses existing legally at the time of adoption of the ordinance codified herein shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 94-1 (part), 1994)

17.57.140 Resource activity notification.
All conveyance instruments, plats, short plats, development permits, and building permits issued for development activities on, or within five hundred (500) feet of land designated as Commercial Forest Zone lands contain the following notice: "The subject property is within or near designated..."
resource land of long-term commercial significance on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305) (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)

Kittitas County Code, Chapter 17.58 Airport Zone is amended as follows:

Chapter 17.58
AIRPORT ZONE*

Sections
17.58.010 Purpose and intent.
17.58.020 Statutory authority.
17.58.030 Definitions.
17.58.040A Airport overlay zoning district: Kittitas County Airport (Bowers Field).
17.58.040B Airport overlay zoning district: Easton State, Cle Elum Municipal, DeVere Field.
17.58.050 Uses, development requirements and restrictions.
17.58.060 Permits.
17.58.070 Nonconforming use - Regulations not retroactive.
17.58.080 Violations and enforcement.
17.58.090 Appeals.

17.58.100 Judicial review.
17.58.110 Conflicting regulations.

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

Kittitas County Code, Chapter 17.59 Liberty Historic Zone is amended as follows:

Chapter 17.59
LIBERTY HISTORIC OVERLAY ZONE*

Sections
17.59.010 Purpose and intent.
17.59.020 Allowed Permitted uses.
17.59.030 Conditional uses.
17.59.040 Lot size required.
17.59.050 Yard requirements.
17.59.060 Building height.
17.59.070 Building restrictions.
17.59.080 Architectural standards.
17.59.090 Interpretation.

* Prior history: Ords. 80-Z-4, 68-1.

17.59.010 Purpose and intent.
It is the purpose of this chapter to provide an overlay zone zoning code for the Liberty Townsite which is part of the Liberty historical district. The intent of the overlay zone zoning is to permit a wide range of uses while preserving the historic mining-town character of the townsite. (Res. 83-10, 1983)
17.59.020 **Allowed** uses. The following uses are permitted: Uses allowed in the Liberty Historic Overlay Zone include those uses allowed in the Forest and Range Zone pursuant to KCC Chapter 17.15:

1. Single-family homes, mobile homes, cabins, duplexes;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
6. Mining and associated activities;
7. Electricity, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
8. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
9. (Deleted by Ord. 92-6);
10. (Deleted by Ord. 92-6);
11. Home occupations which do not produce noise;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
13. Mining and milling;

17.59.030 Conditional uses. The following conditional uses are permitted: Grocery store, drug and variety store, auto-service station, cafe, tavern, museum, gift shop and similar retail businesses which have been determined by the Hearing Examiner to be consistent with the purposes of this chapter. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

17.59.040 Lot size required. The minimum lot size shall be one (1) acre with a minimum average lot width of one hundred fifty (150) feet. All lots existing at the time of adoption of the ordinance codified in this chapter shall be considered as legal size for construction purposes. (Res. 83-10, 1983)

17.59.050 Yard requirements. Yard requirements are as follows:

1. Front yard: twenty (20) feet;
2. Side yard: five (5) feet;
3. Rear yard: twenty-five (25) feet;
4. Setback from USFS boundary: fifty (50) feet.

17.59.060 Building height. No building shall exceed two (2) stories or thirty-five (35) feet in height, whichever is greater. (Res. 83-10, 1983)

17.59.070 Building restrictions. Every structure erected or placed on a lot in this zoning overlay zone district shall conform strictly to a uniform pattern of external appearance as defined in this chapter. The intent of this requirement is to assure that such external appearance be substantially identical with the style and character of dwellings presently existing in the unincorporated townsite of Liberty in Kittitas County. (Res. 83-10, 1983)
17.59.080 Architectural standards.
In conformity with the foregoing, no dwelling, business, accessory building, fence or other structure shall be erected, placed or permitted on a lot unless its external appearance conforms to the following:

1. Exterior siding must be rough-sawed lumber or logs. Board or batten shakes or single siding is also permitted. All exterior surfaces must be natural or clear stain.
2. Windows. Wood frame windows are permitted. Window frames of other material may be permitted if it resembles wood.
3. Doors. All exterior doors must be wood with natural or clear stain permitted.
4. Chimneys. Brick or metal stovepipe chimneys shall be permitted.
5. Fences. Only natural wood fences are permitted.
6. Other. No plywood or metal siding is permitted. Metal roofing is permitted only if it is galvanized color. (Res. 83-10, 1983)

17.59.090 Interpretation.
Compliance with the intent of this chapter shall be the determination of the building inspector for Kittitas County. (Res. 83-10, 1983)

Kittitas County Code, Chapter 17.60A Conditional Uses is amended as follows:

Chapter 17.60A
CONDITIONAL USES*

Sections
17.60A.010 Review criteria.
17.60A.020 Conditions.
17.60A.030 Application and accompanying data.
17.60A.040 Fees.
17.60A.050 Repealed.
17.60A.060 Hearings - Appeal.
17.60A.070 Repealed.
17.60A.080 Transfer of Ownership.
17.60A.090 Expiration.
17.60A.095 Modification.
17.60A.100 Revocation or modification limitation.

* Prior history: Ords. 71-5, 2.

17.60A.010 Review criteria.
The Hearing Examiner, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

1. The Hearing Examiner shall determine that the proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
2. The Hearing Examiner shall determine that the proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
   A. (1) the proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
   B. (2) that the applicant shall provide such necessary facilities; or
   A. (3) demonstrate that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)
3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.

5. The proposed use will ensure compatibility with existing neighboring land uses.

6. The proposed use is consistent with the intent and character of the zoning district in which it is located.

7. For conditional uses outside of Urban Growth Areas, the Board shall determine that the proposed use:
   A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
   B. Preserves “rural character” as defined in the Growth Management Act (RCW 36.70A.030(15));
   C. Requires only rural government services; and
   D. Does not compromise the long term viability of designated resource lands.

17.60A.020 Conditions.
In permitting such uses the Hearing Examiner Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, setback or yard dimensions;
2. Limiting the height of buildings or structures;
3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
4. Requiring the dedication of additional rights-of-way for future public street improvements;
5. Requiring the designation of public use easements;
6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
7. Limiting the number, size, height, shape, location and lighting of signs;
8. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
9. Designating sites for and/or the size of open space or recreational areas;
10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
11. Limiting hours and size of operation;
12. Controlling the sitting of the use and/or structures on the property;
13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads.

17.60A.030 Application and accompanying data.
Written application for the approval of the uses referred to in this chapter shall be filed in the Community Development Services department upon forms prescribed for that purpose. The application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes in an existing conditional use. The administrator, and/or Hearing Examiner and/or Board 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. (Ord. 2007-22, 2007; Ord. 88-4511 (part), 1988)
17.60A.040 Fees.
The fees for such application shall be as established annually by the Board of county commissioners under separate action. Fees shall be payable to the Kittitas County treasurer and shall not be returnable in any case. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988: Res. 83-10, 1983)

17.60A.050 Affected area of use.

17.60A.060 Hearings - Appeal.
Any such hearings shall be held pursuant to Title 15A of this code, Project permit application process. (Ord. 2007-22, 2007)

17.60A.070 Appeal.

17.60A.080 Transfer of Ownership.
The granting of a conditional use permit and the conditions set forth run with the land; compliance with the conditions of the conditional use permit is the responsibility of the current owner of the property, the applicant and successors. (Ord. 2007-22, 2007)

17.60A.090 Expiration.
A conditional use permit shall become void five (5) years after approval or such other time period as established by the Hearing Examiner if the use is not completely developed. Said extension shall not exceed a total of ten (10) years and said phases and timelines shall be clearly spelled out in the application. (Ord. 2007-22, 2007)

17.60A.095 Modification.
Any change, enlargement or alteration in such use shall require a review by the Board and new conditions may be imposed where finding requires.

17.60A.100 Revocation or modification limitation.
The Board of County Commissioners may hold a hearing to revoke or additionally limit a Conditional Use Permit granted pursuant to the provisions of this Chapter. Ten (10) days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered three (3) days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County.

A Conditional Use Permit may be revoked or modified limited by the Board if any one of the following findings can be made:
1. That circumstances have changed so that 1 or more of the Conditions of 17.60A.020 are no longer met;
2. That the Conditional Use permit was obtained by misrepresentation or fraud;
3. That one or more of the conditions of the Conditional Use Permit have not been met;
4. That the use for which the Conditional Use Permit was granted had ceased or was suspended for twelve or more consecutive calendar months;
5. That the actual or permitted use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the Conditional Use Permit is detrimental to the public health, safety or welfare or constitutes a nuisance.

The Board's decision shall be subject to judicial appeal under the provisions of KCC Chapter 15A.08 KCC.

The Board's decision shall not be effective for twenty-one (21) days after being entered. The Superior Court in reviewing the Board's decision to revoke a CUP may grant a stay during the pendency of any
appeal upon a finding that such a stay is necessary to avoid manifest injustice or upon stipulation by
the County. (Ord. 2009-22, 2009)

Kittitas County Code, Chapter 17.60B Administrative Uses is amended as follows:

Chapter 17.60B
PERMITTED ADMINISTRATIVE USES

Sections
17.60B.010 Applicability.
17.60B.020 Purpose.
17.60B.030 Administrative Authority.
17.60B.040 Fees.
17.60B.050 Administrative Review.
17.60B.060 Administrative Action.
17.60B.070 Permit Processing and Notice.
17.60B.080 Effect.
17.60B.090 Transfer of Ownership.
17.60B.100 Expiration.
17.60B.110 Appeal of Administrator's Decision.

17.60B.010 Applicability.
The provisions of this chapter shall apply to all uses listed as an administrative use in the applicable
zoning district. Administrative uses are those uses subject to standards that are applicable for all
permits and those that require the exercise of limited discretion about non-technical issues and about
which there may be limited public interest. The proposed development may or may not be subject to
SEPA review. (Ord. 2007-22, 2007)

17.60B.020 Purpose.
The purpose of this chapter is to establish criteria and procedures for uses, which due to their unique
qualities may require additional regulations or other special degrees of control. The administrative use
process, which includes public notice and comment, is required to ensure that the activity, if
established, will be in full compliance with the applicable regulations and that such uses are
compatible with the comprehensive plan, adjacent uses, planned uses and the character of the
vicinity. (Ord. 2007-22, 2007)

17.60B.030 Administrative Authority.
The Director of Community Development Services is authorized to approve, approve with the
conditions stated in this chapter and additional conditions deemed necessary to satisfy the purposes of
this chapter and the criteria found in Section 17.60B.050 an administrative use permit. Any additional
requirements obtained from other sections of the Kittitas County Code above those specified in this
title, or modification of the proposal to comply with specified requirements or local conditions is also
authorized.

At the discretion of the administrator or by request of interested parties, the request for an
administrative use permit can be heard by the Hearing Examiner.

The Hearing Examiner may deny an application for an administrative use permit if the use fails to
comply with specific standards set forth in this title and if any of the required findings in Section
17.60B.050 are not supported by evidence in the administrative record. (Ord. 2007-22, 2007)

17.60B.040 Fees.
The fees for such application shall be consistent with the most updated fee schedule as established
annually by the Board of County Commissioners under separate action. Fees shall be payable to the Kittitas County Treasurer and shall not be refundable in any case. (Ord. 2007-22, 2007)

17.60B.050 Administrative Review.
The development standards of this title shall be used by the applicant in preparing the administrative use permit application, and by the administrator in determining the acceptability of permitting a use in a certain location. The applicant has the burden of proving that the proposed use meets criteria set forth below in this section. An administrative use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
1. That the granting of the proposed administrative use permit approval will not:
   a. Be detrimental to the public health, safety, and general welfare;
   b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
   c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. That the granting of the proposed administrative use permit is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.
3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
4. That the applicant has addressed all requirements for a specific use. (Ord. 2007-22, 2007)

17.60B.060 Administrative Action.
A decision by the administrator shall include the following:
1. A statement of the applicable criteria and standards in the development codes and other applicable law.
2. A statement of the findings of the review authority, stating the applicant's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards.
3. The decision to approve or deny the application; if approved any decision must state all conditions of approval.
4. A statement that the decision is final unless appealed as provided in the respective governing regulation within fourteen (14) calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.
5. A statement that the complete case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection. (Ord. 2007-22, 2007)

17.60B.070 Permit Processing and Notice.
Administrative use permits shall be processed in accordance with the provisions contained in this chapter and the provisions of Title 15A, Project Permit Application Process of the Kittitas County Code. (Ord. 2007-22, 2007)

17.60B.080 Effect.
In any case where an administrative use permit is granted under the terms of this title, no building or other permit shall be issued until the end of the appeal period allowed in Title 15A, Project Permit Application Process of the Kittitas County Code. An appeal of the decision shall automatically stay the issuance of building or other permits until such appeal has been completed. (Ord. 2007-22, 2007)

17.60B.090 Transfer of Ownership.
The granting of an administrative use permit and the conditions set forth run with the land; compliance with the conditions of the administrative use permit is the responsibility of the current owner of the property, the applicant and successors. (Ord. 2007-22, 2007)

17.60B.100 Expiration.
An administrative use permit shall become void three (3) years after approval or such other time period
as established by the administrator if no substantial construction or satisfying the conditions of approval has taken place. (Ord. 2007-22, 2007)

17.60B.110 Appeal of Administrator’s Decision.
Action by the Administrator is final unless an appeal in writing is filed with the Board Hearing Examiner, together with the applicable fee, within the time allowed per KCC Title 15A, Project Permit Application Process of the Kittitas County Code. The request shall conform to the requirements of KCC Chapter 15A.07, Project Permit Application Process of the Kittitas County Code. (Ord. 2007-22, 2007)

Kittitas County Chapter 17.61.020 Permitted and conditional uses is amended as follows:

1. Utilities shall be a permitted use in all zoning districts.

2. Minor alternative energy facilities shall be a permitted use in all zoning districts, provided the following limitations shall apply to wind turbines located within urban growth areas:
   a. Wind turbines shall not exceed a total height of 75 feet above grade; and
   b. Rotors shall not exceed 30 feet in diameter.

3. Minor thermal power plant facilities may be authorized by the Community Development Services director as an administrative conditional use in all zoning districts, pursuant to the criteria and procedures of this chapter and KCC Title 15A.

4. Major alternative energy facilities may be authorized in the Agriculture-20, forest and range, commercial agriculture, and commercial forest zones as follows:
   a. Wind farms may be authorized pursuant to the provisions of KCC Chapter 17.61A-KCC;
   b. All other major alternative energy facilities may be authorized by the Hearing Examiner as a conditional use.

5. Major thermal power plant facilities may be authorized by the Hearing Examiner as a conditional use in the Agriculture-20, forest and range, commercial agriculture, and commercial forest zones.

6. Special utilities may be authorized by the Hearing Examiner as a conditional use in all zoning districts, except for minor thermal power plant facilities as provided in subsection C of this section, and communication facilities as provided in KCC 17.61.040. Normal maintenance and repair of existing developments shall be a permitted use for both nonconforming and lawfully established special utilities.

7. Associated facilities may be authorized by the Hearing Examiner as a conditional use in the general industrial zone (KCC Chapter 17.52-KCC).

8. The Hearing Examiner shall review all conditional use requests and administrative appeals pursuant to the procedures contained in KCC Title 15A, Project Permit Application Process, and the criteria contained in KCC Chapter 17.60-KCC, Conditional Uses, this chapter, and other applicable law.

9. Nothing in this chapter is intended to interfere with the storage and/or distribution of products associated with on-site natural resource activities, including but not limited to fossil fuels. (Ord. 2007-22, 2007; Ord. 2002-19 (part), 2002; Ord. 2001-12 (part), 2001; Ord. 2000-06 (part), 2000; Ord. 99-14 (part), 1999; Ord. 98-17 (part), 1998)
Kittitas County Code, Chapter 17.66 Electronic Vehicle Infrastructure is amended as follows:

Chapter 17.66

ELECTRONIC VEHICLE INFRASTRUCTURE

Sections
17.66.010 Allowed Uses.
17.66.020 Off Street Parking - Electric Vehicle Charging Stations.

17.66.010 Allowed Uses.

Table 17.66.010 Allowed Electric Vehicle Infrastructure Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning District</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Institutional</th>
<th>Resource</th>
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<tr>
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<td>Low-Density Residential</td>
<td>Mixed-Use</td>
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<td>Including: R; R-2; R-3;</td>
<td>Including:</td>
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<td>R-5; HT-C; L-H; and UR zones</td>
<td>CL; GC; and CH zones</td>
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<td>P</td>
<td>P</td>
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<tr>
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<td>P5</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P3</td>
</tr>
<tr>
<td>Battery Exchange Station</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P3</td>
</tr>
</tbody>
</table>

P: Use is permitted.
Absence of "P": Use is not allowed in the given zoning district.

Development Standards
1. Level 1 and Level 2 charging only.
2. Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.
3. Allowed only as accessory to a principal outright permitted use or permitted conditional use.
4. The term "Rapid" is used interchangeably with Level 3 and Fast Charging.
5. Only "electric vehicle charging stations - restricted" as defined in KCC Chapter 17.08 Definitions.

(Ord. 2011-013, 2011)

17.66.020 Off Street Parking - Electric Vehicle Charging Stations.
To ensure an effective installation of electric vehicle charging stations, the regulations in this subsection provide a framework for when a private property owner chooses to provide electric vehicle charging stations.

1. Electric Vehicle Charging Station Spaces
   (a) Purpose. For all parking lots or garages, except those that include restricted electric vehicle charging stations.
   (b) Number. No minimum number of charging station spaces is required.
   (c) Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
(d) Location and Design Criteria. The provision of electric vehicle parking will vary based on the
design and use of the primary parking lot. The following required and additional locational and
design criteria are provided in recognition of the various parking lot layout options.

1. Where provided, parking for electric vehicle charging purposes is required to include the
following:
   (a) Signage. Each charging station space shall be posted with signage indicating the space
       is only for electric vehicle charging purposes. Days and hours of operations shall be
       included if time limits or tow away provisions are to be enforced. Signage design shall
       comply with the signage examples in KCC 12.14.020.
   (b) Maintenance. Charging station equipment shall be maintained in all respects, including
       the functioning of the charging equipment. A phone number or other contact
       information shall be provided on the charging station equipment for reporting when the
       equipment is not functioning or other problems are encountered.
   (c) Accessibility. Where charging station equipment is provided within an adjacent
       pedestrian circulation area, such as a sidewalk or accessible route to the building
       entrance, the charging equipment shall be located so as not to interfere with
       accessibility requirements of WAC 51-50-005.
   (d) Lighting. Where charging station equipment is installed, adequate site lighting shall
       exist, unless charging is for daytime purposes only.

ii. Parking for electric vehicles should also consider the following:
   (a) Notification. Information on the charging station, identifying voltage and amperage
       levels and any time of use, fees, or safety information.
   (b) Signage. Installation of directional signs at the parking lot entrance and at appropriate
       decision points to effectively guide motorists to the charging station space(s).
   (c) Data Collection. To allow for maintenance and notification, the local permitting agency
       will require the owners of any private new electric vehicle infrastructure station that
       will be publicly available (see definition "electric vehicle charging station -public") to
       provide information on the station’s geographic location, date of installation,
       equipment type and model, and owner contact information. (Ord. 2011-013, 2011)

Kittitas County Code, Chapter 17.98 Amendments is amended as follows:

Chapter 17.98
AMENDMENTS*

Sections
17.98.010 Proposal.
17.98.020 Petitions.

* Prior history: Ord. 2.

17.98.010 Proposal.
Changes and amendments to this title may be proposed by:
1. The Board of county commissioners;
2. The county Planning Commission;
3. Petition of the property owners affected, or their authorized agent. (Res. 83-10, 1983)

17.98.020 Petitions.
1. A petition to amend this title shall be filed with the administrator on forms prescribed by the
   Community Development Services-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 of county commissioners 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. Petitions shall conform to maximum acreage percentages as identified for the appropriate zones in Kittitas County Code 17.04.060.

6. A petition requesting a change on the zoning map for areas designated Rural in Kittitas County shall be processed consistent with the Annual Comprehensive Plan Docketing Process, pursuant to KCC Title 15B to address compliance with the goals, policies and objectives of the adopted comprehensive plan and cumulative impacts, unless the petition is consistent with the Comprehensive Plan land use designation of the property and accompanied with a specific development application.

7. 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
EXHIBIT H

AMENDED CITY OF KITTITAS
URBAN GROWTH BOUNDARY MAP
AND
AMENDED TITLE 17.48.030, KITTITAS COUNTY CODE

February 11, 2013
GMA Compliance 2012
Description: Amend Kittitas County Code Section 17.48.030

*Kittitas County Code, Chapter 17.48 I-L Light Industrial Zone is amended as follows:

Chapter 17.48
I-L LIGHT INDUSTRIAL ZONE*

Sections
17.48.010 Purpose and intent.
17.48.020 Permitted uses.
17.48.030 Conditional uses. Minimum lot size.
17.48.040 Front, side and rear yard requirements.
17.48.050 Setbacks.
17.48.060 Height restrictions.
17.48.070 Lot coverage.

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

17.48.030 Conditional uses. Minimum lot size.
Conditional uses are as follows: The minimum lot size in the City of Kittitas urban growth area is twenty (20) acres, unless the Director approves smaller lots after reviewing a land division plan or sketch that demonstrates the following:

1. The smaller lots do not result in inefficient use of land;
2. The smaller lots will not preclude future large-scale industrial development;
3. The smaller lots will not preclude the adequate access and infrastructure to future development; and
4. The lots are at least ten (10) acres.

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

CITY OF KITTITAS

2006 URBAN GROWTH BOUNDARY MAP

February 11, 2013
Growth Management Act Compliance
Kittitas County Comprehensive Plan Compliance 2012

February 11, 2013
Ordinance No. 2013-001
Exhibit I 2006 City of Kittitas