

KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Attachment A 2012 Comprehensive Plan Docket Summary

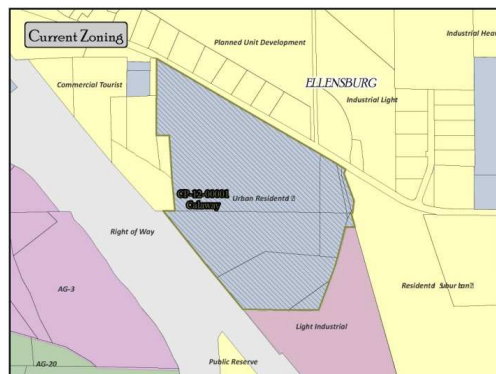
Access to the entire record via: <http://www.co.kittitas.wa.us/cds/complan.asp>

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-01	Jeff & Valerie Calaway	Non-project rezone from Urban Residential to Highway Commercial at 2106 W. Dollarway, Ellensburg (in UGA)	Applicant	CDS	Docket

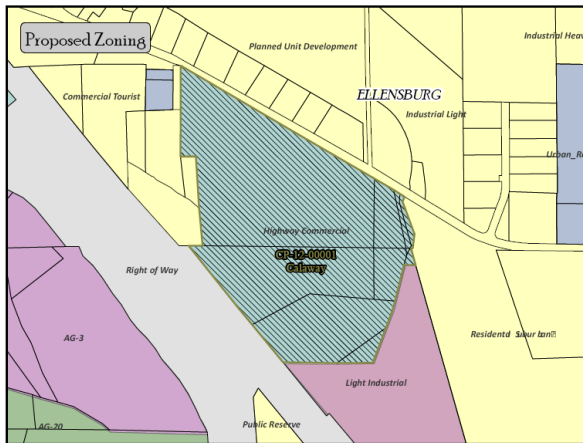
On June 27 2012, Kittitas County Community Development Services received an application from Jeff & Valerie Calaway for proposed amendments to the County’s zoning map from Urban Residential (UR) to Highway Commercial (H-C). See the attached application. These proposed amendments were docketed with CDS prior to the June 30th docketing deadline.

The “Official Zoning Map”, KCC 17.12.020, is proposed to be amended as follows

EXISTING ZONING (Urban Residential)



PROPOSED ZONING (Highway Commercial)



Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-02	Ron Larson, agent for, Brother's Venture LP	Amendment to KCC 17.58.050(2) Airport Overlay Zone)	Applicant	CDS	Docket

On June 27, 2012, Kittitas County Community Development Services received an application from Ron Larson, agent for, Brother's Venture LP for proposed amendments to KCC 17.58.050(2). This proposed amendment was docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter 17.58.050(2), AIRPORT ZONE is as follows:

KCC 17.58.050(2) Zone "3"

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

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

KCC 17.58.050(2) Zone “4”

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

Kittitas County Code, Chapter 17.58.050(2), AIRPORT ZONE proposed amendment is as follows:

KCC 17.58.050(2) Zone “3”

3. “Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property.”
4. “Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property.”
5. “Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one unit per on acre on the property.”

KCC 17.58.050(2) Zone “4”

2. “Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property.”
- 3.. “Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban Residential the average density will be one dwelling unit per one acre on the property.”

REDLINE VERSION OF PROPOSED AMENDMENT TO THE EXISTING CODE:

KCC 17.58.050(2) Zone “3”

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

KCC 17.58.050(2) Zone “4”

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

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-03	Hazard Mitigation Plan	Adopt HMP by reference into the Comp Plan	Staff	PW	Docket

Kittitas County Community Development Services is requesting adopting the Hazard Mitigation Plan as an element of the Comprehensive Plan. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Comprehensive Plan ADOPTS BY REFERENCE the following:

2.2.8 Hazard Mitigation Plan

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:

- 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.

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-04	KCC 14.08 Flood Damage Prevention	Consistency with state and federal requirements	Staff	PW	Docket

Kittitas County Community Development Services is amending KCC 14.08 Flood Damage Prevention Ordinance to be consistent with state and federal requirements. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter 14.08, FLOOD DAMAGE PREVENTION, is amended to add new standards as follows:

The following definition is added to KCC 14.08.020:

Elevation Certificate

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

The following definition is revised within KCC 14.08.020:

Flood (or "flooding")

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

14.08.040 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Kittitas County," dated November 5, 1980, and any revisions thereto, with an accompanying flood insurance rate map (FIRM) and Flood Boundary and Floodway Map, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the Community Development Services Department. The best available information for flood hazard area identification as outlined in KCC 14.08.120 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under KCC 14.08.120.

14.08.130 Information to be obtained and maintained.

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

2. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in KCC 14.08.120:
 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed; and
 2. Maintain the flood-proofing certifications required in KCC 14.08.110(3).
3. Maintain for public inspection all records pertaining to the provisions of this chapter.
4. Professional land surveyors shall be authorized to prepare elevation certificates for compliance with this chapter and the National Flood Insurance Program. Professional land surveyors, engineers and architects shall be authorized to prepare floodproofing certificates for compliance with this chapter and the National Flood Insurance Program.

14.08.170 Conditions for variances.

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

14.08.260 Detached accessory buildings (garages and small storage sheds).

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

14.08.280 Critical facility.

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

1. Critical facilities shall have the lowest floor elevated three feet or more above the base flood elevation, or the height of the 500-year flood, whichever is higher; and
2. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters; and
3. Access routes to critical facilities shall be elevated to or above the base flood elevation to or above the base flood elevation to the extent possible.

14.08.300 Floodways.

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

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 1. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.
3. If subsection (1) of this section is satisfied, all new construction and substantial improvements, except for construction and reconstruction of residential structures, shall comply with all applicable flood hazard reduction provisions of KCC 14.08.180 through 14.08.310, provisions for flood hazard reduction.
4. Filling in the floodway is prohibited except for residential maintenance. Residential maintenance is considered the importing of bark or top soil for flower beds and gardens. The quantity of material must be able to be hauled in a pick up truck and not require the use of a commercial dump truck. The total amount of material shall not exceed one load per calendar year.
5. Traditional agricultural practices are exempt.

14.08.320 Standards for AE and A1-30 Zones with Base Flood Elevations but No Floodways.

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

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-05	KCC 15.04: SEPA	Amend for consistency with 2012 state legislation (SSB 6406)	Staff	CDS	Docket

Kittitas County Community Development Services prepared proposed amendments for Kittitas County's SEPA regulations. The amendments include changes to the SEPA regulations constant with 2012 state legislation (SSB 6406). These amendments were docketed with CDS prior to the June 30th docketing deadline.

SEPA Reforms go into effect – 7/10/12

This last legislative session there was achieving reforms to the State Environmental Policy Act (SEPA) to help modernize this environmental review statute and make it work better for local governments. [SB 6406](#) passed during the special session and included many reforms to SEPA that go into effect today. These reforms include:

- Temporary expansion of categorically exempt projects
- Removing the requirement for SEPA review on certain administrative actions
- New flexibility with the SEPA checklist
- Improvements to upfront SEPA tools

Details here.

1. **Flexible exemption thresholds for minor new construction projects:** Certain minor projects are exempted from SEPA review because they will not cause any significant environmental impact. Currently local governments have the authority to pass an ordinance to extend this exemption to certain larger development activities within a range set by state WAC. SB 6406 requires Ecology to update the rules to increase the ranges of activities that are exempted from SEPA review. Until that rulemaking is completed, the bill provides the authority to local governments to utilize the highest optional threshold without having to pass an ordinance and provides a mechanism for local governments to go back down to the lower levels if they desire.
2. **Non-project actions exempt from SEPA review:** One item that was heard loud and clear from local government was a concern that SEPA review was not adding value to certain minor administrative code changes. Today a number of administrative actions are now categorically exempted from SEPA review which should provide immediate cost and time savings to local government. The following local ordinances are exempt from SEPA review:
 - a. Development regulations required to ensure consistency with an adopted comprehensive plan or shoreline master program.
 - b. Amendments to development regulations that will provide increased environmental protection, and includes one of the following:
 - Increased protections for critical areas, such as enhanced buffers or setbacks;
 - Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and
 - Increased vegetation retention or decreased impervious surface areas in critical areas;

Amendments to building, energy and electrical codes adopted to ensure consistency with minimum standards contained in state law.

SEPA Checklist flexibility: Current law requires a jurisdictions to use the standard SEPA checklist as written and doesn't provide the flexibility to tailor it to local circumstances. New authority is provided for local governments to "pre-answer" questions on the SEPA checklist. For instance, local governments may provide applicants information regarding how existing regulations cover certain questions that are asked on the checklist. This will provide local governments a tool to help mom-and-pop applicants through the permitting process, reduce redundancy, and make sure that the checklist focuses attention on the unique aspects of a project. The bill has several specific conditions regarding implementation of this new flexibility:

Enhancements to planned action authority: The types of development that may qualify as a planned action are expanded to include essential public facilities that are associated with a residential, office, school, commercial, recreational, service, or industrial development and planned actions are authorized to cover a full jurisdiction. Public notice and hearing requirements are specified and should be reviewed by local governments proposing new planned actions.

Infill exemption: The "infill" authority allows jurisdictions to set new categorical exemption thresholds for certain types of development in order to fill in urban growth areas where current density is lower than called for in the comprehensive plan. Currently, the types of development eligible for the exemption are residential and mixed use (residential along with other uses, such as commercial). SB 6406 expanded this authority to include commercial-only development up to 65,000 sq. ft (this cannot include retail development). The bill also provided that the required environmental impact statement (EIS) can be done on a subarea rather than the current requirement that the entire comprehensive plan have been subjected to an EIS.

Kittitas County Code, Chapter 15.04, SEPA REGULATIONS is amended as follows:

15.04.090 Flexible thresholds for categorical exemptions.

1. The county establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:
 - a. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to **9 20** residential dwelling units.
 - b. For agricultural structures in WAC 197-11-800(1)(b)(ii):
 - i. up to 10,000 square feet of ground coverage within the boundaries of an urban growth area; or
 - ii. up to 30,000 square feet of ground coverage outside the boundaries of an urban growth area. This exemption shall not apply to feed lots ;
 - c. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to **8,000 12,000** square feet with associated parking up to 40 parking spaces;
 - d. For parking lots in WAC 197-11-800(1)(b)(iv): up to 40 parking spaces;
 - e. For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 500 cubic yards.
2. Whenever the county establishes new exempt levels under this Section, it shall send them to the Department of Ecology , Headquarters Office, Olympia, Washington 98504 under WAC 197-11-800(1)(c). (Ord. 2011-013, 2011)

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-06	KCC 15A.07	Replace closed record with Administrative to reflect changes to the Administrative Decisions Appeal process.	Prosecutor's Office	CDS	Docket

Kittitas County Community Development Services prepared proposed amendments to Title 15A.07, Replace closed record with Administrative to reflect changes to the Administrative Decisions Appeal process. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter 15A.07, ADMINISTRATIVE DECISIONS APPEALS, is amended to add new standards as follows:

Chapter 15A.07

ADMINISTRATIVE DECISIONS APPEALS

Sections

- 15A.07.010 Appeal of determination or decision
- 15A.07.020 Procedures for Administrative closed record appeals
- 15A.07.030 Repealed.
- 15A.07.040 Repealed
- 15A.07.050 Appeal of decision – Scope of authority

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-07	KCC 17.12 Zoning Map	Changed zoning at intersection of Pfenning Road & Vantage from Limited Commercial to General Commercial to reflect existing uses. Property is located in Urban Growth Area	Staff	CDS	Docket

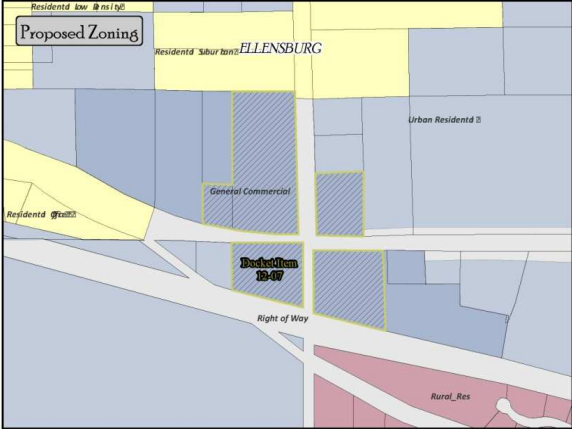
Kittitas County Community Development Services prepared proposed amendments to KCC 17.12 Zoning Map to change zoning at intersection of Pfenning Road & Vantage from Limited Commercial to General Commercial to reflect existing uses. Property is located in Urban Growth Area. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter 17.12, OFFICIAL ZONING MAP is amended as follows:

EXISTING



PROPOSED



Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-08	KCC 17.61.010 (11)(1) Utilities	Place a maximum power output for minor alternative energy facility for wind turbines	Staff	CDS	Docket

Kittitas County Community Development Services prepared proposed amendments to KCC 17.61.010 (11)(1) to place a maximum power output for minor alternative energy facility for wind turbines . These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter 17.61.010 (11)(1), UTILITIES, is amended to add new standards as follows:

**Chapter 17.61
UTILITIES**

Sections

17.61.010 Definitions.

1. Minor alternative energy facility" or "minor alternative energy system" means a fuel cell or a facility for the production of electrical energy that:
 - a.
 - i. Uses as its fuel either solar, wind not more than XX kW, or hydropower;
 - ii. Is located on the power beneficiary's premises;
 - iii. Is intended primarily to offset part or all of the beneficiary's requirements for electricity; and
 - iv. Is secondary to the beneficiary's use of the premises for other lawful purpose(s);
or
 - b. Is intended to mitigate electrical system improvement requirements.

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-09	Comp Plan; Capital Facilities Plan	Annual update to Chapter 5 Capital Facilities Plan	Staff	PW	Docket

Capital Facilities element of the Comprehensive Plan. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Comprehensive Plan, Chapter 5. Capital Facilities Plan, is amended as follows on the attached pages:



Capital Facilities Plan

Introduction

Purpose of the CFP and CIP

The purpose of the Capital Facilities Plan (CFP) is to plan for adequate public facilities within the County’s financial capability. The CFP provides the framework for this planning effort and adopts by reference a six-year list of proposed projects and financing plan called the Kittitas County’s Capital Improvement Program (CIP). Projects proposed in the CIP are public facility improvements needed to shape and maintain our quality of life. All of the public facility improvements identified in the CIP must be consistent with the land use element of the Comprehensive Plan and scheduled to be in place concurrently with development impacts to maintain or exceed adopted standards for levels of service.

Kittitas County public facilities include County owned buildings, land, parks and roads. Other public facility plans that are not under Kittitas County ownership are also listed or included by

reference, such as plans for water, sewer, fire, schools, and parks. A capital project may include a newly constructed facility, a renovated facility, a major repair, or reconstruction of damaged or deteriorating facilities. This plan does not cover routine maintenance, furniture, or equipment.

Statutory Requirements

The Growth Management Act (GMA), adopted by the Washington State Legislature, requires comprehensive planning to guide growth and development. The CFP is one of six mandatory planning elements that GMA requires in each County's Comprehensive Plan (RCW 36.70A.070 (3)). The CFP must identify specific facilities, include a realistic financing plan, and adjust the plan if funding is inadequate. Washington Administrative Code (WAC 365-196-415) provides requirements and recommendations for the CFP element.

Relationship with Other Documents

There is a direct relationship between the CFP and the land use element of the Comprehensive Plan. The land use element determines where and at what density population and employment growth will be located. The CFP identifies the thresholds of growth when new and expanded public facilities will be needed, and indicates the County's priority system for constructing the identified public facilities. Although some public facilities are provided by government agencies or private entities other than the County, the County is responsible to show that these services are available.

Identified improvements to public facilities that are owned or operated by Kittitas County shall also be included in the County's annual budget. Any identified public facility improvements that are not owned or operated by the County, but by independent districts or private organizations, should be included in the annual budgets and Capital Improvements Programs of the entities which provide those public facilities.

State, local government, and district plans that are affected by proposed public facility improvements will be considered prior to inclusion of the improvements in the CIP. This includes considering a city's comprehensive plan when evaluating proposed improvements that affect that city's Urban Growth Area.

CFP Update Process

Any updates to the CFP element of the Comprehensive Plan will be considered concurrently with other proposed amendments that are docketed for the annual Kittitas County's Comprehensive Plan amendment review. Kittitas County's Capital Improvement Program (CIP), adopted by reference, is a dynamic document that will be updated annually to reflect new cost information, funding information, project list changes, and existing facility updates. The annual updates to the CIP will be done prior to the annual budget process so that CIP projects can be included in the annual budget.

Capital Project Selection Procedures

Levels of Service Standards

The County's levels of service standards for public facilities are as follows:

<i>Facility Category</i>	<i>Type</i>	<i>Standard for Level of Service*</i>
1. Transportation	Roads	LOS C in rural areas and LOS D in federal urban
2. Parks and Recreation	Regional parks	5 acres per 1,000 pop.
3. Solid Waste Disposal	Solid Waste	4.0 lbs. per capita per day

* "per capita" or "per 1,000 population" means population of the jurisdiction that provides the public facility, unless otherwise indicated.

Application of Levels of Service Standards

The County and public facility providers will use the levels of service standards shown in Table 5.2.1 for identifying improvements needed to:

- Address existing deficiencies.
- Preserve existing capacity.
- Provide for new development.
- Enhance quality of life.
- Meet other community needs not related to growth.

The County will evaluate whether or not these levels of service standards are being met when updates to the Comprehensive Plan are performed according to the deadlines in RCW 36.70A.130(1), when urban growth areas are reviewed according to RCW 36.70A.130(3), and when major changes are made to the CFP. If these standards are not being met and public facilities are inadequate, the County will consider one or more of the following strategies:

- Reduce public facility demand.
- Reduce level of service standards.
- Increase revenue.
- Reduce the cost of the needed public facilities.
- Reallocate or redirect population and employment growth to make better use of existing facilities.
- Phase growth or adjust the timing of development if the lack of public facilities is a short term issue.

- Revise countywide population forecasts within the allowable range.

The County will also evaluate if proposed development activities would reduce the levels of service of public facilities below the adopted standards. If a proposal is expected to impact a transportation facility (item 1 in Table 5.3.1), lowering its levels of service below the standard, then preliminary development approval will not be granted unless improvements or strategies are made concurrent with the development that will maintain the levels of service standards (see glossary for definition of concurrency). All other types of public facilities with level of service standards listed above do not have the specific concurrency requirement that transportation facilities have, but they do require the provision of adequate public facilities as a condition of project approval.

Project Criteria Other Than Levels of Service Standards

Public facility improvements that are not needed for maintaining levels of service standards can be programmed if they are:

- Facility repairs.
- Remodeling.
- Renovation.
- Replacement of obsolete or worn out structures.
- Improvements that do not reduce financing for other improvements needed to achieve or maintain the standards for levels of service.
- Improvements that do not contradict, limit or substantially change the goals and policies of any element of this Comprehensive Plan.

Public facility improvements may also provide capacity in excess of what would be required to achieve or maintain levels of service standards (i.e., the minimum capacity of a capital project is larger than the capacity required to provide the level of service). Excess capacity is beneficial if it results in economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date. However, these projects should be given a lower priority than projects needed to maintain levels of service standards.

Analysis of Future Development

The County will estimate the type and amount of public facilities needed to accommodate future growth by evaluating previously issued development permits and determining future growth patterns.

Future development will be required to pay its fair share of the capital improvements needed to address the impact of such development and the portion of the cost of the replacement of obsolete or worn out facilities. The different methods of payment allowed for these capital improvements include:

- Voluntary contributions for the benefit of any public facility.
- SEPA mitigation payments.
- Dedications of land.
- Provision of public facilities.

Future development will not be required to pay fees for needed public facilities to reduce or eliminate existing deficiencies.

The growth forecasts, to be used for planning purposes and the specific growth targets for each UGA, are developed using the Kittitas County population projections established by the State of Washington Office of Financial Management (OFM). The OFM prepares high, medium and low forecasts for each county, with the middle range representing the most likely scenario. Kittitas County jurisdictions determined that the high forecast best represents growth trends in this area.

In 2010, the Kittitas County Conference of Governments (KCCOG) updated the Kittitas County population allocation based on the 2002 OFM high forecast, which assumes a total population of 52,810 in 2025. This allocation is for all of the municipal UGAs and the unincorporated rural County. This allocation is shown in Table 5.2.2.

Table 5.2.2 Kittitas County Population Allocation for 2025 (high forecast)				
<i>Jurisdiction</i>	<i>% of Total</i>	<i>Population Allocation</i>	<i>Reserve Population Allocation</i>	<i>Total</i>
Roslyn and UGA	3%	1,584	159	1,743
South Cle Elum and UGA	1.5%	792	79	871
Kittitas and UGA	4.26%	2,056	194	2,250
Cle Elum and UGA	19%	10,034	1,008	11,042
Ellensburg and UGA	45%	23,764	2,387	26,151
Kittitas County – Rural	18.5%	9,771	982	10,753
Reserve Population Allocation*	8.74%			
TOTAL:	100%	48,001	4,809	52,810
* The Reserve Population Allocation is the balance of population reallocated from the former Urban Growth Nodes to cities/UGAs and Kittitas County rural based on existing distribution percentages, excluding the City of Kittitas. Population reserve allocations should be incorporated into local government comprehensive plans after further detailed planning is conducted consistent with GMA and SEPA, addressing topics such as land use, capital facilities, and environmental conditions. This review would occur as part of a local government's docket or Comprehensive Plan review process.				

Siting Public Facilities

There are types of public facilities that cannot be located in rural areas of the County, but must remain in the City or Urban Growth Areas (UGA). These include new municipal urban public

facilities for residential development such as sewage collection and treatment, urban street infrastructure, and storm water collection facilities. The County may coordinate planning and development of public facilities in UGAs with municipalities and public facility providers by entering into interlocal/joint planning agreements, contracts, memorandums of understanding or joint ordinances.

Capital facilities and utilities may be constructed and operated by outside public service providers on rural properties if they are within the boundaries of a Master Planned Resort (MPR), LAMIRD, or Fully Contained Community which is approved pursuant to County Comprehensive Plan policies and development regulations. Electric and natural gas transmission and distribution facilities may be sited throughout Kittitas County both inside and outside of municipal boundaries, UGAs, MPRs, LAMIRDs, and Fully Contained Communities.

The County will coordinate with the Kittitas County Conference of Governments and/or municipalities within the County when siting regional and community facilities. This coordination may include developing an inventory of essential facilities, determining a fair share allocation of essential facilities, determining needed facilities and the jurisdiction responsible for each facility, conducting public involvement strategies, and assuring protections for the environment, public health, and public safety.

Improvements to Public Facilities Identified in Other Plans

Various plans have been prepared that identify potential capital projects that can be included in a future six-year plan. The County will consider these projects as funding becomes available or when it is determined that public facilities have inadequate levels of service. The following plans will be considered:

- Swiftwater Corridor Vision Plan. It was prepared by a citizen's advisory committee in 1997 to identify unique and special features within the State Route 10 corridor. This plan recommends strategies and capital improvements that are focused on economic development and tourism programs.
- Kittitas County Outdoor Recreation Inventory. It was completed June 1, 2004 by the Recreation Advisory Committee to identify recreation activities and services. The recreation opportunities and facilities include parks, trails, river access, public lands access, campgrounds and picnic facilities.
- Economic Development Strategic Plan, prepared for the Kittitas County Economic Group in July, 2009. It is a framework for investment decisions and providing guidance in growth for the County's economic future.

Prioritizing Public Facility Projects

Prioritization of projects and programs can be difficult, so the County established the following general guidance in prioritizing public facility projects, from highest to lowest priorities:

1. Repair existing public facilities to achieve or maintain adopted level of service(s).
2. Construct new or expanded public facilities to achieve or maintain adopted level of service(s).
3. Repair existing public facilities or construct new public facilities to eliminate hazards.
4. Construct new or expanded public facilities to achieve or maintain adopted level of service(s) as forecasted during the next six-years.
5. Repair existing public facilities or construct new public facilities to reduce the operating cost of providing a public service or facility.
6. Construct new facilities to provide excess capacity that will be needed beyond the next six-years.
7. All other facilities the County is obligated to complete that do not meet the criteria above.

Financing

Funding Sources for Public Facility Projects

Identifying funding sources for public facility projects is critical to the success of the Kittitas County's Capital Improvement Program (CIP). It requires coordination among County Departments and a thorough understanding of the fiscal capacity of the County to finance these facilities.

Public facility projects are often very expensive, requiring multi-year commitments of financial resources. It is important to understand that a CIP does not represent a financial commitment or guarantee that the projects will be implemented. County approval does not automatically authorize funding. It does approve the program in concept and provides validity to the planning process.

In an attempt to stretch money as far as possible, many different funding sources are considered. The financing of some projects relies on outside grant resources. If grants are not received the projects may be delayed, removed, or financed with dedicated revenues, general revenues, excess surplus funds, or bond financing. The various methods of financing are as follows:

1. County enterprise funds have been established for certain County Departments such as the Solid Waste Department. Enterprise funds are financing from:
 - Debt to be repaid by user fees and charges and/or connection or capacity fees for enterprise services.
 - Current assets (i.e., reserves, equity or surpluses, and current revenue, including grants, loans, donations and interlocal agreements).
 - A combination of debt and current assets.
2. Non- enterprise funds are financed from:
 - Current assets: (i.e., current revenue, fund equity and reserves)
 - Debt (see County's debt management policy)

- Combination of current assets and debt.

The County is guided by the following three principles in selecting a funding source for public facility improvements:

1. **Equity:** Whenever appropriate, the beneficiaries of a project or service will pay for it. For example, if a project is a general function of government that benefits the entire community, such as a school, police station, or library, the project will be paid for with general tax revenues or financed with general obligation bonds. If, however, the project benefits specific users, such as water and sewer facilities, the revenues will be derived through user fees or charges, targeted taxes, and assessments.
2. **Effectiveness:** In selecting a source or sources for financing projects, the County will select one or more that effectively funds the total cost of the project. For example, funding a capital project, or the debt service on a project, with a user fee that does not provide sufficient funds to pay for the project is not an effective means of funding the project.
3. **Efficiency:** If grants or current revenues are not available to fund a project, the County will select a financing technique that provides for the lowest total cost consistent with acceptable risk factors and principals of equity and effectiveness. These methods currently consist of fixed-rate general obligation or revenue bonds issued by the County, special funding programs funded by state or federal agencies, or special pool financing.

When public facility improvements are located both in the City and Urban Growth Areas, the County and City can jointly sponsor the formation of Local Improvement Districts, Road Improvement Districts, and other benefit areas for the construction or reconstruction of infrastructure to a common standard.

When Funding is Unavailable

If revenues that require voter approval in a local referendum that has not been held or is held and is not successful, the CIP will be revised at the next annual amendment to adjust for the lack of such revenues, in any of the following ways:

- Reduce the level of service for one or more public facilities;
- Increase the use of other sources of revenue;
- Decrease the cost, and therefore the quality of some types of public facilities while retaining the quantity of the facilities that is inherent in the standard for level of service;
- Decrease the demand for and subsequent use of public facilities;
- A combination of the above alternatives.

The County shall require all development permits, that require public facility improvements, to have secured financing for these improvements as a condition of final approval.

Maintenance Financing

The County intends to set aside sufficient revenue to finance ongoing maintenance needs and to provide periodic replacement and renewal of public facilities. This is necessary to keep public

facilities in good repair and to maximize their useful life. The County should not provide a public facility, or accept the provision of a public facility by others, if the County or other provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

Six-Year Plan

The County shall provide, or arrange for others to provide, the public facility improvements planned to take place in the next six-year period, with projected beginning and completion dates, estimated costs, and proposed methods of financing. This information is detailed in Kittitas County's Capital Improvement Program (CIP) and is considered the six-year plan.

The six-year plan is reviewed and updated annually in conjunction with the annual budget process for corrections, updates, and modifications concerning costs, revenue sources, identified public facilities, and schedule. Each update to the six-year plan in the CIP is adopted by reference.

Existing Facility Inventory

Kittitas County's Capital Improvement Program (CIP) includes an inventory of the public facilities in Kittitas County. The CIP's existing public facility inventory is updated annually and each update is adopted by reference.

The purpose of maintaining a current inventory of existing public facilities is to show what facilities are currently available to County residents, what condition they are in, and whether they have sufficient capacity to address long-term community needs.

Goals, Policies, and Objectives

GPO 5.1 Application of Standards. The County shall establish standards for levels of service for public facilities. The levels of service shall be cooperatively defined by all segments of the public and private sector involved in providing a particular service.

GPO 5.2 Determining Public Facility Needs. The County shall determine the quantity of capital improvements that is needed.

GPO 5.3 Priorities. The relative priorities among capital improvements projects are as follows:

GPO 5.3A Priorities Among Types of Public Facilities. Legal restrictions on the use of many revenue sources limit the extent to which types of facilities compete for priority with other types of facilities because they do not compete for the same revenues. All capital improvements that are necessary for achieving and maintaining a standard for

levels of service adopted in this Comprehensive Plan are included in the financially feasible schedule of capital improvements contained in this Capital Facilities Plan. The relative priorities among types of public facilities (i.e., roads, sanitary sewer, etc.) were established by adjusting the standards for levels of service and the available revenues until the resulting public facilities needs became financially feasible. This process is repeated with each update of the Capital Facilities Plan, thus allowing for changes in priorities among types of public facilities.

GPO 5.3B Priorities of Capital Improvements Within a Type of Public Facility. Capital improvements within a type of public facility are to be evaluated on the following criteria and considered in the order of priority listed below. The County shall establish the final priority of all capital facility improvements using the following criteria as general guidelines. Any revenue source that cannot be used for a high priority facility shall be used beginning with the highest priority for which the revenue can legally be expended.

- a. Reconstruction, rehabilitation, remodeling, renovation, or replacement of obsolete or worn out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Comprehensive Plan.
- b. New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand. Expenditures in this priority category include equipment, furnishings, and other improvements necessary for the completion of a public facility (i.e., recreational facilities and park sites).
- c. New public facilities, and improvements to existing public facilities, that eliminate public hazards if such hazards were not otherwise eliminated by facility improvements prioritized according to Policies a or b, above.
- d. New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next six fiscal years, as updated by the annual review of this Capital Facilities Plan. The County may acquire land or right-of-way in advance of the need to develop a facility for new development. The location of facilities constructed pursuant to this Policy shall conform to the Land Use Element, and specific project locations shall serve projected growth areas within the allowable land use categories. In the event that the planned capacity of public facilities is insufficient to serve all applicants for development permits, the capital improvements shall be scheduled to serve the following priority order:
 1. Previously approved permits for redevelopment.
 2. Previously approved permits for new development.
 3. New permits for redevelopment.
 4. New permits for new development.
- e. Improvements to existing facilities, and new facilities that significantly reduce the operating cost of providing a service or facility, or otherwise mitigate impacts of public facilities on future operating budgets.
- f. New facilities that exceed the adopted levels of service for new growth during the next six fiscal years by either:
 - providing excess public facility capacity that is needed by future growth beyond the next six fiscal years, or
 - providing higher quality public facilities than are contemplated in the County's normal design criteria for such facilities.

- g. Facilities not described in Policies a through f, above, but which the County is obligated to complete, provided that such obligation is evidenced by a written agreement the County executed prior to the adoption of this Comprehensive Plan.

GPO 5.4 All facilities scheduled for construction or improvement in accordance with this Policy shall be evaluated to identify any plans of State or local governments or districts that affect, or will be affected by, the proposed County capital improvement.

GPO 5.5 Project evaluation may also involve additional criteria that are unique to each type of public facility, as described in other elements of this Comprehensive Plan.

GPO 5.6 Kittitas County shall consider recreation needs and the services, which the County is able to provide from the countywide recreation plan and in coordination with other agencies and jurisdictions within Kittitas County. Recreation opportunities and facilities include, but are not limited to parks, trails, river access, public lands access, campgrounds and picnic facilities.

GPO 5.7 Kittitas County shall consider the applicable adopted city's comprehensive plan for capital facilities and its relation to the identified Urban Growth Areas.

GPO 5.8 Provide needed public facilities that are within the ability of the County to fund the facilities, or within the County's authority to require others to provide the facilities.

GPO 5.9 Financial Responsibility. Existing and future development shall both pay for the costs of needed capital improvements.

GPO 5.10 Existing development.

- a. Existing development may be required to pay for the capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and may pay a portion of the cost of capital improvements needed by future development.
- b. Existing development's payments may take the form of user fees, charges for services, special assessments and taxes.

GPO 5.11 Future development:

- a. Future development may be required to pay its fair share of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities. Upon completion of construction, "future" development becomes "existing" development, and shall contribute to paying the costs of the replacement of obsolete or worn out facilities.
- b. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, mitigation payments, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, charges for services, special assessments and taxes. Future development shall not pay fees for the portion of any public facility that reduces or eliminates existing deficiencies.

GPO 5.12 Existing and future development may both have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

GPO 5.13 Financing Policies. Capital improvements shall be financed, and debt shall be managed as follows:

- a. Capital improvements financed by County enterprise funds (i.e., solid waste) shall be financed by:
 1. Debt to be repaid by user fees and charges and/or connection or capacity fees for enterprise services.
 2. Current assets (i.e., reserves, equity or surpluses, and current revenue, including grants, loans, donations and interlocal agreements).
 3. A combination of debt and current assets.
- b. Capital improvements financed by non- enterprise funds shall be financed from either current assets: (i.e., current revenue, fund equity and reserves), or debt, or a combination thereof. Financing decisions shall include consideration for which funding source (current assets, debt, or both) will be a) most cost effective, b) consistent with prudent asset and liability management, c) appropriate to the useful life of the project(s) to be financed, and d) the most efficient use of the County's ability to borrow funds.
- c. Debt financing shall not be used to provide more capacity than is needed within the schedule of capital improvements for non-enterprise public facilities unless one of the following conditions are met:
 1. The excess capacity is an integral part of a capital improvement that is needed to achieve or maintain standards for levels of service (i.e., the minimum capacity of a capital project is larger than the capacity required to provide the level of service).
 2. The excess capacity provides economies of scale making it less expensive than a comparable amount of capacity if acquired at a later date.
 3. The asset acquired is land that is environmentally sensitive, or designated by the County as necessary for conservation, or recreation.
 4. The excess capacity is part of a capital project financed by general obligation bonds approved by referendum.

GPO 5.14 Operating and Maintenance Costs. The County shall not provide a public facility, nor shall it accept the provision of a public facility by others, if the County or other provider is unable to pay for the subsequent annual operating and maintenance costs of the facility.

GPO 5.15 Revenues Requiring Referendum. In the event that sources of revenue require voter approval in a local referendum that has not been held, and a referendum is not held, or is held and is not successful, this Comprehensive Plan shall be revised at the next annual amendment to adjust for the lack of such revenues, in any of the following ways:

- a. Reduce the level of service for one or more public facilities.
- b. Increase the use of other sources of revenue.
- c. Decrease the cost, and therefore the quality of some types of public facilities while retaining the quantity of the facilities that is inherent in the standard for level of service.
- d. Decrease the demand for and subsequent use of capital facilities.

e. Combination of the above alternatives.

GPO 5.16 Uncommitted Revenue. All development permits issued by the County which require capital improvements that will be financed by sources of revenue which have not been approved or implemented (such as future debt requiring referenda) shall be conditioned on the approval or implementation of the indicated revenue sources, or the substitution of a comparable amount of revenue from existing sources.

GPO 5.17 Shared Funding. The County and Cities may jointly sponsor the formation of Local Improvement Districts, Road Improvement Districts, and other benefit areas for the construction or reconstruction of infrastructure to a common standard, which are located in the City and the Urban Growth Areas.

GPO 5.18 Provide adequate public facilities by constructing needed capital improvements which (1) repair or replace obsolete or worn out facilities, (2) eliminate existing deficiencies, and (3) meet the needs of future development and redevelopment caused by previously issued and new development permits. The County's ability to provide needed improvements will be demonstrated by maintaining a financially feasible schedule of capital improvements in this Capital Facilities Plan.

GPO 5.19 Schedule of Capital Improvements. The County shall provide, or arrange for others to provide, the capital improvements listed in the schedule of capital improvements in this Capital Facilities Plan. The schedule of capital improvements may be modified as follows:

- a. The schedule of capital improvements shall be updated annually beginning in conjunction with the annual budget process.
- b. Pursuant to the Growth Management Act, the schedule of capital improvements may be amended one time during any calendar year.
- c. The schedule of capital improvements may be adjusted by ordinance not deemed to be an amendment to the Comprehensive Plan for corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the plan; or the date of construction (so long as it is completed within the 6-year period) of any facility enumerated in the schedule of capital improvements.

GPO 5.20 Budget Appropriation of Capital Improvement Projects. The County shall include in the capital appropriations of its annual budget all the capital improvements projects listed in the schedule of capital improvements for expenditure during the appropriate fiscal year, except that the County may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year. The County may also include in the capital appropriations of its annual budget additional public facility projects that conform to GPO 5.19(B) and GPO 5.22(F).

GPO 5.21 Adequate Public Facility Concurrency. The County Commission finds that the impacts of development on public facilities within the County occur at the same time as occupancy of development authorized by a final development permit. The County shall issue development permits only after a determination that there is sufficient capacity of the public facilities to meet the standards for levels of service for existing development and the impacts of the proposed

development concurrent with the proposed development. For the purpose of this policy and the County's land development regulations, "concurrent with" shall be defined as follows:

- a. The availability of public facility capacity to support development concurrent with the impacts of such development shall be determined in accordance with the following:
 1. For roads:
 - The necessary facilities and services are in place at the time a development permit is issued; or
 - The necessary facilities are under construction at the time a development permit is issued, and the necessary facilities will be in place when the impacts of the development occur; or
 - Development permits are issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - The County has in place commitments to complete the necessary public facilities within six years.

GPO 5.22 No final development permit shall be issued by the County unless there shall be sufficient capacity of public facilities available to meet the standards for levels of service for existing development and for the proposed development.

GPO 5.23 No preliminary development permit shall be issued by the County unless the applicant complies with one of the following policies:

- a. The applicant may voluntarily request a determination of the capacity of public facilities as part of the review and approval of the preliminary development permit, including the requirements of GPO 5.24.
- b. The applicant may elect to request approval of a preliminary development permit without a determination of capacity of public facilities provided that any such order is issued subject to requirements in the applicable land development regulation or to specific conditions contained in the preliminary development permit that:
 1. Final development permits for the subject property are subject to a determination of capacity of public facilities, as required by GPO5.21.
 2. No rights to obtain final development permits, nor any other rights to develop the subject property have been granted or implied by the County's approval of the preliminary development permit without determining the capacity of public facilities.

GPO 5.24 Development permits issued pursuant to GPO 5.22 and GPO 5.23(A) shall be subject to the following requirements:

- a. The determination that facility capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development permit.
- b. The determination that facility capacity is available shall be valid for the same period of time as the underlying development permit, including any extensions of the underlying development permit.
- c. The standards for levels of service of public facilities shall be applied to the issuance of development permits on the following geographical basis: Roads: applicable roads and areas impacted by the proposed development.

GPO 5.25 Manage the land development process to insure that all development receives public facility levels of service equal to the standards adopted by the County Commissioners by implementing the schedule of capital improvements contained in this Capital Facilities Plan, and by using the fiscal resources provided for in Goal 2 and its supporting policies.

GPO 5.26 Consistency. All public facility capital improvements shall be consistent with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan. The location of, and level of service provided by projects in the schedule of capital improvements shall maintain adopted standards for levels of service for existing and future development in a manner and location consistent with the Land Use Element of this Comprehensive Plan.

GPO 5.27 Integration and Implementation. The County shall develop, adopt and use implementation programs which integrate its land use planning and decisions with its planning and decisions for public facility capital improvements.

GPO 5.28 Develop criteria and cooperative and structured processes through the Kittitas County Conference of Governments for siting regional facilities.

GPO 5.29 Designation of Land. The County may identify lands useful for public purposes and incorporate such designations in the comprehensive plan.

GPO 5.30 Regional Facilities. The County and each municipality in the County may establish a countywide process for siting essential public facilities of region-wide significance. This process may include:

- a. An inventory of needed facilities.
- b. A method of fair share allocation of facilities.
- c. Economic and other incentives to jurisdictions receiving such facilities.
- d. A method of determining which jurisdiction is responsible for each facility.
- e. A public involvement strategy.
- f. Assurance that the environmental and public health and safety are protected.

GPO 5.31 County, Regional, State and Federal Facilities. Essential public facilities, which are identified by the County, by regional agreement, or by State or Federal government, may be subject to local approval by the County and each municipality in the County.

GPO 5.32 Ensure public involvement when siting of essential public facilities through the use of timely press releases, newspaper notices, public information meetings, and public hearings.

GPO 5.33 Consistency with Comprehensive Plan. The County may develop and adopt regulations that ensure that the facility siting is consistent with the adopted County comprehensive plan, including:

- a. The future land use map.
- b. The Capital Facilities Plan Element and budget.
- c. The Utilities Element.
- d. The Transportation Element.

- e. The Housing Element.
- f. The Rural Element.
- g. The Economic Development Element.
- h. The comprehensive plans of adjacent jurisdictions that may be affected by the facility siting.
- i. Regional general welfare considerations.

GPO 5.34 Siting of Public Facilities Outside of UGAs. Essential public facilities sited outside of urban growth areas must be self-supporting and not require the extension, construction, or maintenance of urban services and facilities.

GPO 5.35 Coordination. The County's policies and regulations on facility siting may be coordinated with and advance other planning goals including, but not necessarily limited to, the following:

- a. Promotion of economic development and employment opportunities.
- b. Protection of the environment.
- c. Positive fiscal impact and on-going benefit to the host jurisdiction.
- d. Serving population groups needing affordable housing.
- e. Receipt of financial or other incentives from the State and/or other local governments.
- f. Fair distribution of such public facilities throughout the County.
- g. Requiring State and Federal projects to be consistent with this policy.

GPO 5.36 Provide adequate public facilities to urban growth areas.

GPO 5.37 Urban Growth Areas. The County and each municipality in the County shall designate urban growth areas and encourage adequate public facilities and services concurrent with development.

GPO 5.38 Levels of Service. Levels of service for public facilities in the unincorporated portion of the urban growth areas shall be the same as the County's adopted standards.

GPO 5.39 Public Facilities Outside of Urban Growth Areas. New municipal urban public facilities (central sewage collection and treatment, public water systems, urban street infrastructure and stormwater collection facilities) will not be extended beyond urban growth area boundaries for residential development. Water service - public or private - may be provided beyond urban growth area boundaries. This policy does not apply to storm water drainage.

GPO 5.40 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), LAMIRD, or Fully Contained Community to the extent elsewhere permitted), 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 5.41 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, LAMIRDS, and Fully Contained Communities, including to and through rural areas of Kittitas County.

GPO 5.42 Financing Providers of public facilities are responsible for paying for their facilities. Providers may use sources of revenue that require users of facilities to pay for a portion of the cost of the facilities. As provided by law, some providers may require new development to pay impact fees or mitigation payments for a portion of the cost of public facilities.

GPO 5.43 Planning Coordination. The County may enter into interlocal-joint planning agreements, contracts, memorandums of understanding or joint ordinances with municipalities and other providers of public facilities to coordinate planning for and development of the Urban Growth Area.

GPO 5.44 Fiscal Coordination. The County and each municipality in the County will address fiscal issues including tax revenue sharing, the provision of regional services and annexations through the development of interlocal agreements.

GPO 5.45 Libraries: As growth continues to occur both in the urban and rural areas of Kittitas County, there are and will be increased impacts on existing library services and an increasing demand for additional library services.

GPO 5.46 To recognize the Swiftwater Corridor Vision Plan as a planning tool that provides recommendations for specific strategies to improve, enhance, and sustain the corridor's unique intrinsic qualities and the many enjoyable experiences it offers. Selected projects within the vision plan shall not place additional management policies or regulations on private property or adjacent landowners beyond those that already exist under federal, state, regional, and local plans and regulations.

Definitions

Capital improvements: Land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment. Capital improvements have an expected useful life of at least 10 years. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered to be minor capital expenses in the County's annual budget, but such items are not "capital improvements" for the purposes of the Comprehensive Plan, or the issuance of development permits.

Concurrency: All public facilities needed to serve new development and/or a growing service area population must be in place at the time of initial need. If the facilities are not in place, a financial commitment must have been made to provide the facilities within six years of the time of the initial need. Such facilities must be of sufficient capacity to serve the service area population and/or new

development without decreasing service levels below locally established minimum standards, known as Levels of Service (LOS). The impacts of development on public facilities within the County occur at the same time as occupancy of development authorized by a final development permit.

The County shall issue development permits only after a determination that there is sufficient capacity of public facilities to meet the standards for levels of service for existing development and the impacts of the proposed development concurrent with the proposed development. "Concurrent with" shall be defined as follows: The availability of public facility capacity to support development concurrent with the impacts of such development shall be determined in accordance with the following: For roads: The necessary facilities and services are in place at the time a development permit is issued; or

- a. The necessary facilities are under construction at the time a development permit is issued, and the necessary facilities will be in place when the impacts of the development occur; or
- b. Development permits are issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- c. The County has in place commitments to complete the necessary public facilities within six years.

Development permit:

Any document granting, or granting with conditions, an application for a land use designation or redesignation, zoning or rezoning, subdivision plat, short plat, site plan, building permit, special exception, variance, or any other official action of the County having the effect of authorizing the development of land.

Final development permit:

A building permit, site plan approval, final subdivision approval, short subdivision approval, variance, or any other development permit which results in an immediate and continuing impact upon public facilities.

Preliminary development permit:

A land use designation or redesignation, zoning or rezoning, or subdivision preliminary plat.

Public facility:

The capital improvements and systems of each of the following:

- a. Airport
- b. County administrative offices
- c. County fairgrounds
- d. Emergency medical services
- e. Juvenile Detention
- f. Library services

- g. Maintenance shop, storage facilities, and parking
- h. Parks and recreation
- i. Probation services
- j. Regional justice center
- k. Roads
- l. Sanitary sewer
- m. Schools
- n. Solid waste
- o. Surface water management
- p. Transit
- q. Water

Docket No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
12-10	KCC 15A & 17.60A & 17.96 Permit Application Process	Consistency and clarity amendments; amendments for permit review efficiencies, including eliminating or reducing Board of Adjustment review and decisions.	Staff	CDS	Docket

Kittitas County Community Development Services prepared proposed amendments to KCC 15A & 17.60A & 17.96 Permit Application Process for consistency and clarity amendments; amendments for permit review efficiencies, including eliminating or reducing Board of Adjustment review and decisions. These amendments were docketed with CDS prior to the June 30th docketing deadline.

Kittitas County Code, Chapter KCC 15A & 17.60A & 17.96, PERMIT APPLICATION PROCESS, is amended to add new standards as follows:

**PROPOSED 2012 REVISIONS TO KITTITAS COUNTY CODE
FOR TRANSFER OF BOARD OF ADJUSTMENT RESPONSIBILITIES TO HEARING
EXAMINER**

Section 1. Kittitas County Code Chapter 15A.01, Administration, Purpose and Objective, last amended by Ord. 2000-37, is amended as follows:

**Chapter 15A.01
ADMINISTRATION, PURPOSE AND OBJECTIVE**

15A.01.040 Roles and responsibilities.

The regulation of land development is a cooperative activity including many different elected

and appointed bodies and county staff. The specific responsibilities of these bodies is set forth below and outlined in Table A at the end of this title.

..... 4. Hearing Examiner. The Hearing Examiner shall review and make recommendations to the board of county commissioners on the following applications and subjects:

A. All Quasi judicial review processes including:

1. applications for preliminary plats
2. Rezone applications.

B. Other actions requested or remanded by the board of county commissioners.

C. Development agreements.

D. Appeals of administrative determinations on certain zoning conditional uses, and variances from the standards and dimensional regulations of the zoning code, KCC Title 17, such as setback and yard restrictions.

E. Conditional use permits pursuant to the zoning code, KCC Title 17.

F. Shoreline permits, including variances, conditional uses, and shoreline substantial development permits pursuant to the shoreline master program.

⊖

G. _____ Open record appeals of administrative SEPA actions when the Hearing Examiner makes decision on, or hears appeals of, the underlying action.

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~~.....5. Board of Adjustment. The board of adjustment shall review and act on the following subjects:~~

~~A. Appeals of administrative determinations on certain zoning conditional uses, and variances from the standards and dimensional regulations of the zoning code, KCC Title 17, such as setback and yard restrictions.~~

~~B. Conditional use permits pursuant to the zoning code, KCC Title 17.~~

~~C. Shoreline permits, including variances, conditional uses, and shoreline substantial development permits pursuant to the shoreline master program.~~

~~D. Open record appeals of administrative SEPA actions when the board of adjustment makes decision on, or hears appeals of, the underlying action.~~

Section 2.
follows:

Kittitas County Code Chapter 15A.01, Table A at the end of the Title, is amended as

Step 1 Step 2 Step Step 4 Step 5 Step 6

Public Comment Period	Open Record Hearing	3 Open Decision Appeal	Open Record Appeal	Closed Record Appeal	Judicial Appeal*
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ADMINISTRATIVE

Zoning Variance:	15 days	None	Staff HEBOA	None	Sup. Court
Zoning Administrative Conditional Uses5:	15 days	None	Staff HEBOA	None	Sup. Court
Short Plats:	15 days	None	Staff BCC	None	Sup. Court
Segregations/Lot Line Adjustments:	None	None	Staff BCC	None	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff BOA /HE	None BCC	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS1:	15 days	None	Staff HEBOA /	None BCC2	Sup. Court
Independent administrative rulings:	None	None	Staff HEBOA /	None BCC3	Sup. Court

QUASI-JUDICIAL

Zoning Conditional Uses:	15 days	HEBOA	HEB None	None	Sup. Court
Long Plats:	15 days	HE	BCCNone	None	Sup. Court
Shorelines Substantial Development/Cnd. Use:	15 days	HEBOA	HEB None	None	Shorelines Board
Shorelines Setback Variance:	15 days	HE	HEB None	None	Shorelines Board

Site-Specific Rezone to Zoning Map (Including PUD)4:	30 days	HE	HEB None CC	None	Sup. Court
Development Agreement:	30 days	BCC	Non None e	None	Sup. Court

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 BOA~~ for all actions associated with a project before ~~him/her/them~~, 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 ~~HEBOA~~ 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 ~~HEBOA~~'s decision on the underlying application shall be quasi-judicial.

Legend:

BCC - Board of County Commissioners

~~BOA—Board of Adjustment~~

HE - Hearing Examiner

PC - Planning Commission

Staff - County administration

~~NOTE: In the case of combined applications which require public hearings before the planning commission and the board of adjustment, a joint hearing shall be held, and the board of adjustment decision shall be final and the planning commission recommendation transmitted to the board of commissioners for decision.~~

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.

Section 3. Kittitas County Code Title 17, Table of Contents, is amended as follows:

-
- 17.92 Permits
- ~~17.96 Board of Adjustment~~
- 17.98 Amendments

Section 4. Kittitas County Code Definitions for Title 17 is amended as follows:

Chapter 17.08
DEFINITIONS*

Sections

-
- 17.08.110 Board.
- ~~17.08.120 Board of adjustment.~~
- 17.08.130 Building.

~~17.08.120 Board of adjustment.~~

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~~"Board of adjustment" means a group of people similar to the planning commission who act as a separate group charged with the responsibility of interpreting and making certain decisions as specified in this title.~~

17.08.261 Firing range.

"Firing range" means a business or an organization providing shooting facilities for handgun, rifle, shotgun and archery. Firing ranges may also include camping facilities or other appropriate overnight accommodations authorized by the ~~Hearing Examiner~~~~board of adjustment~~, and classroom facilities for firearm, hunter safety, or other applicable instruction courses. A single-family residence may be allowed for the owner or caretaker.

Section 5. Kittitas County Code Chapter 17.28, A-3 – Agricultural 3 Zone, is amended as follows:

Chapter 17.28

A-3 - AGRICULTURAL 3 ZONE*

.....

17.28.020 Uses 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. 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. 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;
12. Existing cemeteries;
13. Airport;
14. Processing of products produced on the premises;
15. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
16. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.
17. Gas and oil exploration and construction;
18. Uses customarily incidental to any of the above uses;
19. 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~~county board of adjustment within ten working days of notification pursuant to Title 15A of this code, Project permit application process.

- 20. Accessory Dwelling Unit (if in UGA or UGN)
- 21. Accessory Living Quarters
- 22. Special Care Dwelling

.....

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. 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;
- 2. Hospitals;
- 3. Museums;
- 4. Public utility substations;
- 5. Riding academies;
- 6. Governmental uses essential to residential neighborhoods;
- 7. Churches;
- 8. (Deleted by Ord. 83-Z-2)
- 9. Convalescent homes;
- 10. Day care facilities;
- 11. Bed and breakfast business.
- 12. Room and board lodging involving no more than four boarders or two bedrooms;
- 13. Feed mills, canneries and processing plants for agricultural products;
- 14. Kennels;
- 15. Livestock sales yard;
- 16. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit;
- 17. Stone quarries;
- 18. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
- 19. Golf courses;
- 20. Auction sales or personal property, other than livestock;
- 21. Private Campgrounds. In considering proposals for location of such campgrounds, the ~~Hearing Examiner~~board of adjustment shall consider at a minimum the following criteria:

1. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 2. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 3. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 4. Adequate and convenient vehicular access, circulation and parking should be provided.
 5. Economic and environmental feasibility;
 6. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
22. Log sorting yard;
23. 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;
24. Guest ranches;
25. Home occupations which involve outdoor work or activities or which produce noise, such as engine repair, etc.;
26. Farm labor shelters, provided that:
1. 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;
 2. The shelters must conform with all applicable building and health regulations;
 3. The number of shelters shall not exceed four per twenty acre parcel;
 4. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 5. 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;
 6. Community Clubs.

Section 6. Kittitas County Code Chapter 17.28A, A-5 – Agricultural Zone, is amended as follows:

Chapter 17.28A

A-5 - AGRICULTURAL ZONE

.....

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. 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;
2. Hospitals;
3. Museums;
4. Public utility substations;
5. Riding academies;
6. Governmental uses essential to residential neighborhoods;
7. Churches;
8. (Deleted by Ord. 83-Z-2)
9. Convalescent homes;
10. Day care facilities;
11. Bed and breakfast business.
12. Room and board lodging involving no more than four boarders or two bedrooms;
13. Feed mills, canneries and processing plants for agricultural products;
14. Kennels;
15. Livestock sales yard;
16. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit;
17. Stone quarries;
18. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
19. Golf courses;
20. Auction sales or personal property, other than livestock;
21. Private Campgrounds. In considering proposals for location of such campgrounds, the ~~Hearing Examiner~~board of adjustment shall consider at a minimum the following criteria:
 1. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 2. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 3. Landscaping or appropriate screening should be required and maintained where necessary for buffering.

4. Adequate and convenient vehicular access, circulation and parking should be provided.
 5. Economic and environmental feasibility;
 6. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation);
22. Log sorting yard;
23. 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;
24. Guest ranches;
25. Home occupations which involve outdoor work or activities or which produce noise, such as engine repair, etc.;
26. Farm labor shelters, provided that:
1. 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;
 2. The shelters must conform with all applicable building and health regulations;
 3. The number of shelters shall not exceed four per twenty acre parcel;
 4. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 5. 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.
 6. Accessory Dwelling Unit (if in UGA-~~or~~ UGN).

Section 7. Kittitas County Code Chapter 17.29, A-20 – Agricultural Zone, is amended as follows:

Chapter 17.29

A-20 - AGRICULTURAL ZONE

.....

17.29.020 Uses permitted.

The following uses are permitted:

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. 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;
8. Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;
9. Commercial greenhouses and nurseries;
10. 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;
11. Existing cemeteries;
12. Airport;
13. Processing of products produced on the premises;
14. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
15. Home occupations that do not involve outdoor work or activities, which do not produce noise.
16. Gas and oil exploration and construction;
17. Uses customarily incidental to any of the above uses;
18. Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the county ~~Hearing Examiner~~~~board of adjustment~~ within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
19. Accessory Dwelling Unit (if in UGA ~~or UGN~~)
20. Accessory Living Quarters
21. Special Care Dwelling
22. Hay processing and container storage.

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. 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;
2. Hospitals;
3. Museums;

4. Public utility substations;
5. Riding academies;
6. Governmental uses essential to residential neighborhoods;
7. Churches;
8. Convalescent homes;
9. Day care facilities;
10. Bed and breakfast business;
11. Room and board lodging involving no more than four boarders or two bedrooms;
12. Feed mills, canneries and processing plants for agricultural products;
13. Kennels;
14. Livestock sales yard;
15. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit;
16. Stone quarries;
17. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
18. Golf courses;
19. Auction sales of personal property, other than livestock;
20. Private Campgrounds. In considering proposals for location of such campgrounds, the ~~Hearing Examiner~~board of adjustment shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
 - d. Adequate and convenient vehicular access, circulation and parking should be provided;
 - e. Economic and environmental feasibility;
 - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation);
21. Log sorting yard;
22. 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;
23. Guest ranches;

24. Home occupations which involve outdoor work or activities, which produce noise;
25. Farm implement repair and maintenance business of a commercial nature, not to include automobiles, trucks or bikes;
26. 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.
27. Firing ranges.

Section 8. Kittitas County Code Chapter 17.30, R-3-Rural-3 Zone, is amended as follows:

Chapter 17.30

R-3 - RURAL-3 ZONE

17.30.020 Uses permitted.

Uses 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 ~~board of adjustment~~[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 (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992)

Section 9. Kittitas County Code Chapter 17.30A, R-5-Rural-5 Zone, is amended as follows:

Chapter 17.30A

R-5 - RURAL-5 ZONE

.....

17.30A.020 Uses permitted.

Uses 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 ~~board of adjustment~~[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 (Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

Section 10. Kittitas County Code Chapter 17.31, Commercial Agriculture Zone, is amended as follows:

Chapter 17.31

COMMERCIAL AGRICULTURE ZONE

.....

17.31.050 Yard requirements - Front yard.

There shall be a minimum front yard of twenty-five feet unless previous building lines less than the required minimum exist, in which case the ~~board of adjustment~~[Hearing Examiner](#) may grant a variance of up to ten feet. (Ord. 96-15 (part), 1996)

Section 11. Kittitas County Code Chapter 17.40, C-G-General Commercial Zone, is amended as follows:

Chapter 17.40

C-G - GENERAL COMMERCIAL ZONE

17.40.020 Uses permitted.

Permitted uses are as follows:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
 1. Antique shop,
 2. Art gallery or store,
 3. Bakery goods, retail only,
 4. Barbershops,
 5. Beauty parlor,
 6. Confectionery store,

7. Delicatessen store,
 8. Drugstore,
 9. Dry cleaning and laundry branch offices or pickup agency, but not including plant and main office,
 10. Garden supplies shop,
 11. Gift shop,
 12. Grocery, fruit or vegetable store,
 13. Mini warehouse;
 14. Restaurants,
 15. Self-service laundry and cleaning,
 16. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
 17. Shoe repair shop,
 18. Accessory buildings when located on the same lot;
5. Any of the following uses:
1. Amusement enterprises, including bowling alleys, dance halls, pool halls, and billiard halls and shooting galleries;
 2. Auto and trailer sales;
 3. Banks;
 4. Cabinet shop;
 5. Custom cannery;
 6. Department store;
 7. Frozen food lockers;
 8. Garage or auto repair, when conducted wholly within a building;
 9. Hospitals, general and accessory buildings;
 10. Hotels;
 11. 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;
 12. Office, governmental;
 13. Physical culture and health services including reducing salons, masseurs and public baths;
 14. Radio or television studio;
 15. Retail stores of all descriptions where merchandise is displayed and sold within the building;
 16. School, private or parochial;

17. Sign shop;
 18. Tavern;
 19. Theater, auditorium or drive-in theater;
 20. Tire shop;
 21. Wholesale office and showrooms, merchandise on the premises limited to samples only;
 22. Auction sales of personal property, other than livestock;
6. The following uses may be permitted if their location is first approved by the [board of adjustment](#) [Hearing Examiner](#):
1. Mortuary or funeral home;
 2. Public camp;
 3. Athletic stadium;
 4. Animal hospital or boarding kennels;
 5. Animal sales yard (livestock sales yard);
 6. Hazardous waste on-site treatment or storage;
 7. Junk yards;
7. Uses customarily incidental to any of the above uses when located on the same lot may be allowed provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes;
8. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within 10 working days pursuant to KCC Title 15A, Project Permit Application Process.
9. Accessory Dwelling Unit (if in UGA or UGN)
10. Accessory Living Quarters
11. Special Care Dwelling (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 93-1 (part), 1993; Res. 83-10, 1983)

Section 12. Kittitas County Code Chapter 17.48, I-L Light Industrial Zone, is amended as follows:

Chapter 17.48

I-L LIGHT INDUSTRIAL ZONE

17.48.020 Permitted uses.

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

1. Wholesale business, storage buildings and warehouses;

2. Freighting and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county [board of adjustment](#)[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. (Ord. 96-19 (part), 1996; Ord. 83Z-2 (part), 1983)

17.48.050 Setbacks.

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

Section 13. Kittitas County Code Chapter 17.52, I-G General Industrial Zone, is amended as follows:

Chapter 17.52

I-G GENERAL INDUSTRIAL ZONE

17.52.020 Uses permitted.

Any use permitted in the I-L 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 ~~board of adjustment~~[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. (Ord. 2007-22, 2007; Ord. 83-Z-2 (part), 1983)

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 ~~board of adjustment~~[Hearing Examiner](#):
 1. All chemical manufacture, storage and/or packaging;
 2. Asphalt manufacture, mixing, or refining;
 3. Automobile dismantling, wrecking or junk yards;
 4. Blast furnaces or coke ovens;
 5. Cement, lime, gypsum or plaster of Paris manufacture;
 6. Drop forge industries;
 7. Explosives, storage or manufacture;
 8. Reduction or disposal of garbage, offal or similar refuse;
 9. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
 10. Rubber reclaiming;
 11. Feed yards, livestock sales yards or slaughterhouses;
 12. Smelting, reduction or refining of metallic ores;
 13. Tanneries;
 14. Wineries;

15. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
 16. Waste (refuse) recycling and processing;
 17. 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 ~~board of adjustment~~Hearing Examiner shall:
1. 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;
 2. 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-Z2 (part), 1983)

17.52.050 Setbacks.

If any use in this district abuts or faces any residential, Rural Residential or Urban Residential district, a setback of fifty feet on the side abutting or facing the residential district shall be provided, with tree planting or other conditions necessary to preserve the character of the residential district. The ~~board of adjustment~~Hearing Examiner shall determine what these conditions shall be. (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983)

Section 14. Kittitas County Code Chapter 17.56, Forest and Range Zone, is amended as follows:

Chapter 17.56

FOREST AND RANGE ZONE

17.56.020 Uses permitted.

The following uses are permitted:

1. Single-family homes, mobile homes, cabins, duplexes;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all

state and/or county health regulations and with regulations contained in this title related to feedlots;

4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. (Deleted by Ord. 92-6);
6. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
7. Mining and associated activities;
8. Quarry mining, sand and gravel excavation, and rock crushing operations;
9. (Deleted by Ord. 92-6);
10. Uses customarily incidental to any of the uses set forth in this section;
11. Home occupations which do not produce noise;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county ~~board of adjustment~~[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. (Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Ord. 88-4 § 5, 1988; Ord. 87-9 § 4, 1987; Ord. 85-Z-2 (part), 1985; Res. 83-10, 1983)

17.56.030 Conditional uses.

The following uses are conditional:

1. Campgrounds;
2. Private trail clubs (snowmobiles, motorbikes);
3. Airports;
4. Log sorting yards;
5. Sawmills;
6. Firing ranges;
7. Golf courses;
8. Cemeteries;
9. Asphalt plants (temporary only);
10. Feedlots;
11. Public sanitary landfill;
12. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;

13. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
14. Greenhouses, nurseries;
15. Home occupations;
16. Hospitals;
17. Museums;
18. Public Utility substations and transmission towers;
19. Riding academies;
20. Schools, public and private;
21. Governmental uses essential to residential neighborhoods;
22. Churches;
23. (Deleted by Ord. 83-Z-2)
24. Community clubs;
25. Convalescent homes;
26. Day care facilities;
27. Bed and breakfast business.
28. Room and board lodging involving no more than four boarders or two bedrooms;
29. Feed mills, canneries and processing plants for agricultural products;
30. Kennels;
31. Livestock sales yard;
32. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
33. Golf courses;
34. Auction sales of personal property, other than livestock;
35. Private Campgrounds. In considering proposals for location of such campgrounds, the ~~board of adjustment~~Hearing Examiner shall consider 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);
36. Log sorting yard;
37. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations;
38. Mini-warehouses; provided, that the following standards shall apply to the approval and construction of mini-warehouses:
1. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 2. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
 3. No commercial or manufacturing activities will be permitted within any building or storage unit;
 4. Lease documents shall spell out all conditions and restrictions of the use;
 5. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area;
39. Guest ranches, group homes, retreat centers;
40. Home occupations which involve outdoor work or activities, or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
41. Day care facilities;
42. Bed and breakfast business;
43. Gas and oil exploration and production; and
44. Farm labor shelters, provided that:
1. 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;
 2. The shelters must conform with all applicable building and health regulations;
 3. The number of shelters shall not exceed four per twenty acre parcel;
 4. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 5. 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. (Ord. 2007-22, 2007; Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-6 (part), 1992; Ord. 90-15 §§ 2 (part), 3 (part), 1990; Ord. 90-10 (part), 1990; Ord. 90-6 (part), 1990; Ord. 88-4 §

6, 1988; Ord. 87-9 § 5, 1987; Ord. 85-Z-2 (part), 1985; Ord. 83-Z-2 (part), 1983; Res. 8310, 1983)

Section 15. Kittitas County Code Chapter 17.57, Commercial Forest Zone, is amended as follows:

Chapter 17.57

COMMERCIAL FOREST ZONE

17.57.020 Uses permitted.

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 county ~~board of adjustment~~Hearing Examiner pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 94-1 (part), 1994)

Section 16. Kittitas County Code Chapter 17.58, Airport Zone, is amended as follows:

Chapter 17.58

AIRPORT ZONE

17.58.060 Permits.

1. Future Uses. Except as specifically provided in subsections (A)(1), (2), and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection D of this section.
 1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
 4. As a condition for approval of new development within the approach surfaces or safety zones a notice shall be recorded with the county auditor prior to final approval of new subdivisions, short subdivisions, building permits, conditional use permits, special use permit or other similar permits, unless said notice is already recorded on the property. Said notice shall state: "This property is located adjacent to an airport and routinely subject to overflight activity by aircraft using

the airport; residents and tenants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aviation activities."

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed. Whenever the airport manager, or his or her designee, determines that a nonconforming or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the ~~board of adjustment~~[Hearing Examiner](#) for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County airport manager by the Kittitas County Community Development Services department consistent with the notification procedures under KCC Title 15A.
5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.
6. Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace". (Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

17.58.090 Appeals.

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

17.58.100 Judicial review.

Any person aggrieved, or any taxpayer affected, by any decision of the ~~board of adjustment~~[Hearing Examiner](#), 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)

Section 17. Kittitas County Code Chapter 17.59, Liberty Historic Zone, is amended as follows:

Chapter 17.59

LIBERTY HISTORIC ZONE

17.59.020 Permitted uses.

The following uses are permitted:

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

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 ~~board of adjustment~~[Hearing Examiner](#) to be consistent with the purposes of this chapter. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

Section 18. 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.

* Prior history: Ords. 71-5, 2.

17.60A.010 Review criteria.

The ~~Hearing Examiner Board of Adjustment~~, 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 Board of Adjustment~~ 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 Board of Adjustment~~ 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 (1) it 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 (2) that the applicant shall provide such facilities or (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)

17.60A.020 Conditions.

1. In permitting such uses the ~~Hearing Examiner board of adjustment~~ 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.
2. Uses subject to conditions which exist in an R or S zone on the effective date of the ordinance codified herein shall not be changed, expanded nor structures used in

connection therewith altered without first applying to the ~~Hearing Examiner board of adjustment~~ for review and under provisions of this chapter.

3. Any change, enlargement or alteration in such use shall require a review by the ~~Hearing Examiner board of adjustment~~ and new conditions may be imposed where finding requires. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)

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 board of adjustment~~ 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. 96-19 (part), 1996; Res. 83-10, 1983)

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.

Repealed by Ord. 96-19. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

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.

Repealed by Ord. 9619. (Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

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 years after approval or such other time period as established by the ~~Hearing Examiner Board of Adjustment~~ if the use is not completely

developed. Said extension shall not exceed a total of ten years and said phases and timelines shall be clearly spelled out in the application. (Ord. 2007-22, 2007)

Section 19. Kittitas County Code Chapter 17.60B, Administrative Uses, is amended as follows:

Chapter 17.60B

ADMINISTRATIVE USES

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 [Board of AdjustmentHearing Examiner](#).

The [Board of AdjustmentHearing 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.110 Appeal of Administrator's Decision.

Action by the Administrator is final unless an appeal in writing is filed with the [Board of AdjustmentHearing Examiner](#), together with the applicable fee, within the time allowed per Title 15A, Project Permit Application Process of the Kittitas County Code. The request shall conform to the requirements of Section 15A.07, Project Permit Application Process of the Kittitas County Code. (Ord. 2007-22, 2007)

Section 20. Kittitas County Code Chapter 17.61, Utilities, is amended as follows:

Chapter 17.61

UTILITIES

17.61.020 Permitted and conditional uses.

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:
 1. Wind turbines shall not exceed a total height of 75 feet above grade; and
 2. 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:
 1. Wind farms may be authorized pursuant to the provisions of Chapter 17.61A KCC;
 2. All other major alternative energy facilities may be authorized by the ~~board of adjustment~~[Hearing Examiner](#) as a conditional use.
5. Major thermal power plant facilities may be authorized by the ~~board of adjustment~~[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 ~~board of adjustment~~[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 ~~board of adjustment~~[Hearing Examiner](#) as a conditional use in the general industrial zone (Chapter 17.52 KCC).
8. The ~~board of adjustment~~[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 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)

17.61.030 Review criteria - Special utilities and associated facilities.

1. The ~~board of adjustment~~[Hearing Examiner](#) shall determine that adequate measures have been undertaken by the proponent of the special utility and/or associated facility to reduce the risk of accidents caused by hazardous materials.
2. The ~~board of adjustment~~[Hearing Examiner](#), as required by existing statutes, shall determine that the proposed special utility and/or associated facilities are essential or

desirable to the public convenience and/or not detrimental or injurious to the public health or safety, or to the character of the surrounding neighborhood.

3. The ~~board of adjustment~~Hearing Examiner shall determine that the proposed special utility and/or associated facilities will not be unreasonably detrimental to the economic welfare of the county and/or that it will not create excessive public cost for public services by finding that:
 1. It will be adequately serviced by existing services such as highways, roads, police and fire protection, emergency response, and drainage structures, refuse disposal, water and sewers, and schools; or
 2. The applicant shall provide such services or facilities.
4. Special utilities and/or associated facilities as defined by this chapter shall use public rights-of-way or established utility corridors when reasonable. Although Kittitas County may map utility corridors, it is recognized and reaffirmed that the use of such corridors is subject to conditional use approval and just compensation to the landowner for the use of such corridor. While a utility corridor may be used for more than one utility or purpose, each utility or use should be negotiated with the landowner as a separate easement, right-of-way, or other agreement, or other arrangement between the landowner and all owners of interests in the property. Any county map which shows utility corridors shall designate such corridors as "private land closed to trespass and public use" where such corridors are on private land. Nothing in this paragraph is intended to conflict with the right of eminent domain.
5. The ~~board of adjustment~~Hearing Examiner shall consider industry standards, available technology, and proposed design technology for special utilities and associated facilities in promulgating conditions of approval.
6. The construction and installation of utilities and special utilities may necessitate the importation of fill material which may result in the displacement of native material. The incidental generation of earthen spoils resulting from the construction and/or installment of a utility or special utility, and the removal of said material from the development site shall not require a separate zoning conditional use permit.
7. The operation of some utilities and special utilities identified within this chapter may necessitate unusual parcel configurations and/or parcel sizes. Such parcels:
 1. Need not conform with applicable zoning requirements; provided, they comply with the procedures provided in KCC Title 16, Subdivisions, and so long as used for a utility or special utility;
 2. Are not eligible for any other use or any rights allowed to nonconforming lots in the event the utility or special utility use ceases;
 3. Shall continue to be aggregated to the area of the parent parcel for all other zoning and subdivision requirements applicable to the parent parcel. (Ord. 2001-12 (part), 2001: Ord. 2000-06 (part), 2000; Ord. 99-14 (part), 1999: Ord. 98-17 (part), 1998)

Section 21. Kittitas County Code Chapter 17.84, Variances, is amended as follows:

Chapter 17.84

VARIANCES

17.84.010 Granted when.

Pursuant to Title 15A of this code, Project permit application process, the administrator, upon receiving a properly filed application or petition, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;
4. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place;
5. Pursuant to Title 15A of this code, the ~~board of adjustment~~[Hearing Examiner](#), upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the ~~board of adjustment~~[Hearing Examiner](#) to exist. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

Section 22. Kittitas County Code Chapter 17.96, Board of Adjustment, is amended as follows:

~~Chapter 17.96~~

~~BOARD OF ADJUSTMENT*~~

~~Sections~~

~~17.96.010 Members.~~

~~17.96.020 Terms.~~

~~17.96.030 Vacancies.~~

~~17.96.040 Removal.~~

~~17.96.050 Organization.~~

~~17.96.060 Meetings.~~

~~17.96.065 Rules and record.~~

~~17.96.070 Authority and duties.~~

~~17.96.080 Quasi-judicial powers.~~

~~17.96.090 Appeals—By whom made—Time limit.~~

~~17.96.100 Hearings—Notice of time and place.~~

~~17.96.110 Appeal—Time and place—Notice.~~

~~17.96.120 Appeal—Scope of board's authority.~~

~~17.96.130 Action final.~~

~~17.96.140 Order to include finding of fact.~~

~~* Prior history: Ords. 71-5, 68-13, 2.~~

~~17.96.010 Members.~~

~~A board of adjustment, composed of five members shall be appointed by the chairman of the board of county commissioners with the approval of the majority of the board; provided that each member of the board shall submit to the chairman a list of nominees residing in his commissioner district, and that as nearly as mathematically possible, each commissioner district shall be equally represented on the board of adjustment. Not more than one member of the board of adjustment may be an appointed member of the planning commission. (Res. 83-10, 1983)~~

~~17.96.020 Terms.~~

~~Of the members first appointed, one shall be appointed for one year, one for two years, and one for three years. Thereafter, the terms shall be for six years and until their successors are appointed and qualified. (Res. 83-10, 1983)~~

~~17.96.030 Vacancies.~~

~~Vacancies on the board of adjustment shall be filled by appointment in the same manner in which the members of the county planning commission are appointed as provided in Section 8, Chapter 201 of the Laws of 1959. Appointments shall be made for the unexpired portion of the term. (Res. 83-10, 1983)~~

~~17.96.040 Removal.~~

~~Any member of the board of adjustment may be removed by the chairman of the board of county commissioners with the approval of the board for inefficiency, neglect of duty or malfeasance in office. (Res. 83-10, 1983)~~

~~17.96.050 Organization.~~

~~The board of adjustment shall elect a chairman and vice chairman from among its members. The board of adjustment shall appoint a secretary who need not be a member of the board. (Res. 83-10, 1983)~~

~~17.96.060 Meetings.~~

~~The board of adjustment shall hold not less than one regular meeting in each month of each year; provided that if no issues over which the board has jurisdiction are pending upon its calendar a meeting may be canceled. (Res. 83-10, 1983)~~

~~17.96.065 Rules and record.~~

~~The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. (Res. 83-10, 1983)~~

~~17.96.070 Authority and duties.~~

~~The board of adjustment, subject to the provisions of this title, and the provisions of state law shall hear and decide as pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

~~17.96.080 Quasi-judicial powers.~~

~~The board of adjustment may also exercise such other quasi-judicial powers as may be granted by this title. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

~~17.96.090 Appeals—By whom made—Time limit.~~

~~Appeals may be taken to the board of adjustment by any person aggrieved, by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

~~17.96.100 Hearings—Notice of time and place.~~

~~Upon the filing of an application for a conditional use permit or appeal to an administrative determination for approval or denial on a variance as set forth in Chapters 17.60, 17.80 and 17.84, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

~~17.96.110 Appeal—Time and place—Notice.~~

~~Upon the filing of an appeal from an administrative determination, the board of adjustment shall set the time and place at which the matter will be considered pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

~~17.96.120 Appeal—Scope of board's authority.~~

~~In exercising the power granted herein, the board of adjustment may, in conformity with this title and Chapter 201 of the Laws of 1959, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned, and in making its determination the board of adjustment may hear any pertinent facts bearing on the case. (Res. 8310, 1983)~~

~~17.96.130 Action final:~~

- ~~1. The action of the administrator on the application for a variance is final and conclusive unless appealed to the board of adjustment pursuant to Title 15A of this code, Project permit application process.~~
- ~~1. The action of the board of adjustment on the application for a conditional use permit or a variance shall be final and conclusive unless appeal is filed by land use petition in a timely fashion. (Ord. 96-19 (part), 1996; Ord. 87-1, 1987; Res. 83-10, 1983)~~

~~17.96.140 Order to include finding of fact:~~

~~The administrator and board of adjustment shall, in making an order, requirement, decision or determination, include in a written record of the case, the findings of fact upon which the action is based. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)~~

Section 23. Kittitas County Code Chapter 17A.96, Critical Areas, is amended as follows:

17A.03.040 Processing of critical areas checklist and information.

Processing of critical areas checklist and information. The Kittitas County planning department shall serve as the administrative agency for this chapter. All discretionary decisions hereunder shall be made by the planning director or his designee. The director may consult with other official sources, including the landowner, to determine the presence of critical areas. Utilization of outside data and information by either the director or the applicant is permitted by the Kittitas County critical areas policy document, and may be utilized to verify or dispute the designation or existence of critical areas on any property.

The critical areas checklist shall be processed concurrently with all other development permits requested concerning the site. After the application is complete, the director shall make a binding determination as to whether the parcel contains critical areas. The written determination shall include findings setting forth the basis for the determination. The written determination shall be made within fifteen business days of submittal of a complete checklist, together with receipt of the complete application as to any other related land use permit being requested for the parcel.

The director's decision may be appealed by the applicant to the Kittitas County board of commissioners, except that if the underlying permits require processing by any other decisionmaker, such as the Kittitas County planning commission, ~~zoning adjuster~~, or Hearing Examiner~~board of adjustment~~, the appeal shall lie to that body. That body shall either make a final decision, or a recommendation to the board of commissioners, consistent with the nature of the underlying permit, concerning the critical areas designation and related mitigation. The decision or recommendation shall be coordinated with the decisionmaker's final decision or recommendation on the underlying permit. If the board of county commissioners does not have jurisdiction to review the underlying permit, such as a conditional use permit granted by a Hearing Examiner~~board of adjustment~~ and appealable directly from that board to superior court, the board of county commissioners shall nevertheless have jurisdiction of all appeals under this critical areas ordinance which de novo appeal shall be heard prior to the need to file an appeal on the underlying permit in superior court. (Ord. 94-22 (part), 1994).