

Kittitas County Code

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

17.04.010 Title.

The title of this document shall be "Kittitas County Zoning Code". (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.04.020 Interpretation.

1. In interpreting and applying the provisions of this title, the county shall be held to the minimum requirements for the promotion of public health, safety, morals and general welfare; therefore, when the title imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other laws, resolutions, rules or regulations, the provisions of this title shall control.
2. The administrator (Community Development Services director) may permit in a zone any use not described in this title and deemed to be of the same character and in general keeping with the uses authorized in such zone. In such cases, however, no permit shall be issued until adjacent property owners are notified by mail of the intent to issue a permit and are given opportunity to appeal such a decision pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.04.030 Repealed.

Appeal from planning commission decision. Repealed by Ord. 96-19. (Res. 83-10, 1983).

17.04.040 Administrative and enforcement officers.

1. It shall be the duty of the Community Development Services director or such other persons designated by the county commissioners to administer the provisions of this title. The prosecuting attorney may institute any necessary legal proceedings to enforce the provisions of this title.
2. The county sheriff and his authorized representatives shall have the authority to enforce the provisions of this title. (Ord. 88-2, 1988; Res. 83-10, 1983).

17.04.050 Penalty for violation.

Anyone violating or failing to comply with any of the provisions of this title shall, upon conviction thereof, be fined in a sum of not exceeding three hundred dollars or imprisonment in the county jail for a term not exceeding ninety days, or may be both so fined and imprisoned and each day that anyone shall continue to violate or fail to comply with any of the provisions of this title shall be considered a separate offense. (Res. 8310, 1983).

17.04.060 Natural Resource Lands Activity Notification.

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

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DEFINITIONS*

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

17.08.010 Generally.

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

17.08.020 Accessory or accessory building.

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

17.08.022 Accessory dwelling unit.

"Accessory Dwelling Unit" shall mean separate living quarters detached from the primary residence. No mobile home or recreational vehicle shall be an accessory dwelling unit. Accessory Dwelling units shall be subject to the requirements and conditions as set forth below:

Accessory Dwelling Unit (ADU) subject to the following requirements:

- A. ADUs shall be allowed as a permitted use within designated UGAs.
- B. ADU's shall be subject to obtaining an administrative use permit in areas outside of UGAs.
- C. ADUs must comply with the density limits of the zones in which they are proposed to be located. ADUs must be located on parcels that have adequate acreage in such that density limits are not increased as allowed in that zone.
- D. Only one ADU shall be allowed per lot.
- E. Owner of the property must reside in either the primary residence or the ADU
- F. The ADU shall not exceed the square footage of the habitable area of primary residence.
- G. The ADU shall be designed to maintain the appearance of the primary residence
- H. All setback requirements for the zone in which the ADU is located shall apply
- I. The ADU shall meet the applicable health department standards for potable water and sewage disposal
- J. No mobile homes or recreational vehicles shall be allowed as an ADU.
- K. The ADU shall provide additional off-street parking.
- L. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists. (Ord. O-2006-01, 2006)

17.08.023 Accessory living quarters.

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

Accessory Living Quarter subject to the following requirements:

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

17.08.030 Access road.

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

17.08.031 Adult family home.

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

17.08.040 Airport.

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

17.08.050 Alteration.

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

17.08.060 Amendment.

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

17.08.061 Animal Boarding Facility

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

17.08.070 Apartment house.

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

17.08.100 Auto wrecking yard.

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

17.08.105 Bed and breakfast business.

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

17.08.110 Board.

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

17.08.120 Board of adjustment.

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

17.08.130 Building.

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

17.08.140 Building line.

"Building line" means a line established at a minimum distance a building may be located from any property line as determined by the standards of this title. (Res. 83-10, 1983).

17.08.150 Business or commercial.

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

17.08.155 Campground.

"Campgrounds" means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. Typically the length of stay for a majority of the guests will range from one to fourteen days. The purpose of a campground use shall relate primarily to vacation, recreation and similar pursuits, and is not a place of permanent residence for the campers. A single-family residence may be allowed for the owner or caretaker. Very

limited service commercial activities may be allowed which are intended for campers of the campground and must be approved as part of a conditional use permit. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles.

17.08.156 Camp Site.

A specific area within an RV park or campground that is set aside for use by a camping unit.

17.08.157 Camping Unit.

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

17.08.160 Clinic.

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

17.08.170 Commission.

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

17.08.180 Conditional uses.

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

17.08.190 County arterial road.

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

17.08.191 Critter Pad.

Critter pad means livestock flood sanctuary areas.

17.08.195 Day care facilities.

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

17.08.197 Density.

Expressed in dwelling units per acre.

17.08.198 Designated manufactured home.

"Designated manufactured home" is a manufactured home which is comprised of at least two fully enclosed parallel sections; each section being a minimum of twelve feet wide and thirty-six feet long; and which was originally constructed with and currently has a composition, coated metal, or similar roof of not less than a 3:12 pitch. (Class A roofs

coverings are required in many areas of Kittitas County). The unit must have siding similar in appearance to siding materials commonly utilized on conventional site-built International Building Code single family residences and placed on a permanent perimeter foundation comprised of poured concrete or masonry which shall be twenty-four inches below finished grade when backfilled. A designated manufactured home shall have been constructed after January 1996 and to appropriate snow load requirements as determined by the Kittitas County building and fire safety department. Units shall be placed in accordance with Section 14.04.040(B) of this code. Designated manufactured homes shall be considered to be single-family residences. (Ord. 98-22 (part), 1998).

17.08.200 Dwelling.

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

17.08.210 Dwelling, multiple-family.

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

17.08.220 Dwelling, two-family.

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

17.08.225 Extremely hazardous waste.

"Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" may be used in this title to refer to those dangerous wastes which are extremely hazardous. (Ord. 93-1 (part), 1993).

17.08.230 Family.

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

17.08.240 Family dwelling.

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

17.08.250 Farm.

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

17.08.255 Farm labor shelter.

"Farm labor shelter" means an accessory dwelling unit used exclusively as temporary or seasonal housing of farm laborers who are doing farm labor on the farm on which the

shelters are located. This definition shall include all manufactured housing and travel trailers provided all trailers are served by the full range of utilities including water, sewerage and power. (Ord. 93-6 (part), 1993).

17.08.260 Feedlot.

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

17.08.261 Firing range.

"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 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. (Ord. 200113 (part), 2001).

17.08.262 Golf Course.

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

17.08.263 Group Care Facility.

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

17.08.265 Group home.

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

17.08.266 Guest House,

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

17.08.270 Guest ranch.

"Guest ranch" means a business or an organization providing overnight lodging, dining and recreational facilities in a rural setting. The purpose of a guest ranch use shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, churches and church camps, and other

similar uses. Events such as auctions, barbecues and similar gatherings which do not provide overnight lodging or which are not conducted on a continuous basis shall not be considered as guest ranches. (Ord. 93-21 (part), 1993; Ord. 83-Z-5, 1983).

17.08.280 Hazardous waste.

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

17.08.281 Hazardous waste facility.

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

17.08.282 Hazardous waste storage.

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

17.08.283 Hazardous waste treatment.

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

17.08.290 Home occupation.

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

17.08.300 Hospital.

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

17.08.310 Hospital, animal or veterinary.

"Animal or veterinary hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to animals and domestic pets. (Res. 8310, 1983).

17.08.320 Hotel.

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

17.08.321 Infill.

Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area.

17.08.322 Intervening Ownership.

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

17.08.329 Junk

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

17.08.330 Junkyard.

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

17.08.340 Kennel.

Kennel means a lot or building which four or more dogs or cats at least four months of age are kept commercially for board, propagation, training or sale.

17.08.360 Lot.

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

17.08.370 Lot line, front.

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

17.08.380 Lot line, rear.

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

17.08.390 Lot line, side.

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

17.08.391 Manufactured home.

"Manufactured home" is a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indication for such compliance. The unit must be transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body width in length, or when erected on site exceeds four hundred square feet and which is built on a permanent chassis. A manufactured home shall be affixed to a foundation system in accordance with Chapter 296-150M WAC as administered by the Washington State Department of Labor and Industries. The manufacturer's requirements shall be followed for placement and if there are no manufacturer instructions, the Kittitas County department of building and fire safety requirements shall be imposed. A manufactured home has a red insignia from the Department of Labor and Industries. (Ord. 9822 (part), 1998).

17.08.395 Mineral exploration.

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

17.08.396 Mini Storage Facility

A facility including buildings segregated into storage cubicles used exclusively for the storage of excess property and outdoor storage of vehicles and boats.

17.08.397 Mini warehouse.

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

17.08.398 Mobile home.

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

17.08.399 Modular home.

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

State Department of Labor and Industries shall be considered to be a single-family residence. (Ord. 98-22 (part), 1998: Ord. 93-21 (part), 1993).

17.08.400 Motel.

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

17.08.410 Nonconforming use.

Any existing use or structure which no longer conforms to current zoning or ordinances. For more information on "nonconforming use" see Section 17.08.550. (Res. 83-10, 1983).

17.08.420 Nursing home.

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

17.08.424 Off-site hazardous waste facilities.

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

17.08.427 On-site hazardous waste facilities.

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

17.08.430 Outdoor advertising signs and billboards.

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

17.08.431 Park model trailer.

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

17.08.440 Parking space.

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

17.08.445 Performance based cluster plat uses.

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

17.08.450 Planned unit development.

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

17.08.455 Planning commission or commission.

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

17.08.456 Produce Stands

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

17.08.460 Public office building.

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

17.08.465 Recreational vehicle.

"Recreational vehicle" is a vehicular type unit designated as temporary living quarters for recreation camping, travel or seasonal use which has its own power or is mounted on or towed by another vehicle. The vehicle has a gross floor area of not more than three hundred twenty square feet. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International

Building Code standards. A recreational vehicle has a green and silver insignia from the Department of Labor and Industries. (Ord. 98-22 (part), 1998).

17.08.470 Rezone.

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

17.08.480 School, public or parochial.

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

17.08.490 Single-family residence.

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

17.08.500 Special care dwelling.

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

Special Care Dwelling subject to the following requirements.

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

17.08.510 Structural alteration.

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

17.08.520 Structure.

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

17.08.530 Trailer.

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

17.08.535 Trailer home.

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

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

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

17.08.550 Use.

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

1. "Conditional use" means a use permitted subject to conditions.
2. "Nonconforming use" means a use to which a structure, building or land was lawfully put at the time this resolution became effective but which is not a permitted use in the area in which it is located.
3. "Prohibited use" means those uses not specifically enumerated as permitted uses. Prohibited uses are listed in this title for purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to the enumerated prohibited uses. (Res. 83-10, 1983).

17.08.560 Variance.

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

17.08.561 Winery

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

17.08.570 Yard.

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

17.08.580 Yard depth.

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

17.08.590 Yard, front.

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

17.08.600 Yard, rear.

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

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

17.08.610 Yard, side.

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

17.08.620 Yurt.

A circular, domed, portable tent for temporary use.

Chapter 17.11
URBAN GROWTH AREAS

17.11.010 Purpose and Intent.

17.11.020 Intergovernmental Review

17.11.030 Interlocal Agreements. (reserved)

17.11.040 Infrastructure.

17.11.050 Minimum Density.

17.11.010 Purpose and Intent.

The purpose and intent of the Urban Growth areas is to provide for areas that are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services, and to allow for alternative methods of development that allows for infill and development at urban levels.

17.11.020 Intergovernmental Review

Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city.

17.11.030 Interlocal Agreements. (reserved)

17.11.040 Infrastructure.

Development of infrastructure relating to municipal water and sewer services shall be referred to the requirements as outlined by the corresponding cities code. Joint review shall occur in the development of roads with both the city and county road standards.

17.11.050 Minimum Density.

The minimum density of developments located in urban growth areas shall be 4 units per acre. Density calculations shall be calculated based on lands available after removal of lands protected under Critical Areas as identified in Kittitas County Code Title 17A and lands used for the purpose of development and placement of roads.

Chapter 17.12
ZONES DESIGNATED - MAP

Sections

- 17.12.010 Zones designated.
- 17.12.020 Official county map.
- 17.12.030 Boundary determination.

17.12.010 Zones designated.*

The unincorporated territory of Kittitas County is divided into the following land use zones:

R	Residential
R-2	Residential II
RT	Rural Transition
UR	Urban Residential
A-3	Agricultural 3
A-5	Agriculture 5
A-20	Agricultural 20
R-3	Rural 3
R-5	Rural 5
CA	Commercial Agriculture
CF	Commercial Forest
C-L	Limited commercial
C-G	General commercial
C-H	Highway commercial
PUD	Planned Unit Development
I-L	Light Industry
I-G	General Industry
F-R	Forest and Range
RO-20	Rural Outlying-20
RO-80	Rural Outlying-80
HT-C	Historic Trailer court
L-H	Liberty historic zone

A	Airport
MPR	Master planned resort

(Ord. 2000-13, 2000; Ord. 88-4 § 1, 1988; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

* This section has been amended to reflect the provisions of Ords. Z-77-2, 80-Z-2, 89-10, and 90-6.

17.12.020 Official County Map.

The above zones or area classifications and the boundaries of such are established as shown on a series of quarter-section maps, and other county maps marked "Official Zoning Map" and all of which constitute the Official Zoning Map of Kittitas County, and which official map is by this reference made a part of this title. The zones or areas hereby established and shown on said maps, and boundaries thereof, are hereby defined. Said maps and all notation, references and other information shown thereon shall be as much a part of this title as if the matters and information set forth by said maps were all fully described herein. The same shall be available for inspection by the public, and as changes of zones and areas are made to any other use, the same shall immediately be shown on such maps. (Res. 83-10, 1983).

17.12.030 Boundary Determination.

Where uncertainty exists as to any of the zone boundaries as shown on the zoning map, the following rules apply:

1. Where such boundaries are indicated as approximately following the centerline of roads, highways, power lines, railroads, rivers or canals, the centerline shall be construed to be such boundaries.
2. Where such boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be such boundaries.
3. In un-subdivided land and where a zone boundary divides an ownership, the location of the boundary, unless it is indicated by dimensions shown on the map, shall be determined by scale measurement.
4. (Deleted by Ord. 83-Z-2).
5. Boundary lines along navigable rivers shall be pierhead or outer harbor lines. Where such pierhead or outer harbor lines are not established, then the zone boundary lines shall extend 500 feet from the natural shoreline. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

Chapter 17.13

TRANSFER OF DEVELOPMENT RIGHTS (RESERVED)

Chapter 17.14

PERFORMANCE BASED CLUSTER PLAT USES

Sections

17.14.010 Purpose and intent.

17.14.020 Uses permitted.

17.14.010 Purpose and intent.

The purpose and intent of the performance based cluster plat uses is to identify uses that qualify for calculation of points for density bonus under Title 16.09.090 Public Benefit Rating System. (Ord. 2005-35, 2005)

17.14.020 Uses permitted.

All uses identified in this section shall apply to the underlying zoning for use as qualifying points under Title 16.09.090 Public Benefit Rating System. For purposes of identification of uses related to passive, active and formal recreation, the following uses are permitted:

A. Passive Recreation

1. Conservation set-aside for bird watching and picnic areas;
2. Parks and playgrounds, non-motorized trails;
3. Uses customarily incidental to any of the uses set forth in this section; and
4. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process.

B. Active Recreation

1. Ball fields;
2. Tennis courts;
3. Motorized and non-motorized trails;
4. Outdoor riding arenas;
5. Uses customarily incidental to any of the uses set forth in this section; and
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process.

C. Formal Recreation

1. Swimming pools;
2. Club houses and golf courses (public and private);
3. Indoor riding arenas;
4. Uses customarily incidental to any of the uses set forth in this section; and
5. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to

appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project Permit Application Process

(Ord. 2005-35, 2005)

Chapter 17.15
TRANSITION ZONES (RESERVED)

Chapter 17.16
R - RESIDENTIAL ZONE*

Sections

- 17.16.010 Purpose and intent.
- 17.16.020 Uses permitted.
- 17.16.030 Minimum lot requirements.
- 17.16.040 Maximum lot coverage.
- 17.16.050 Maximum structure height.
- 17.16.060 Yard requirements - Front.
- 17.16.070 Yard requirements - Side.
- 17.16.080 Yard requirements - Rear.
- 17.16.085 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.16.090 Half streets.
- 17.16.100 Sale or conveyance of lot portion.
- 17.16.110 Off-street parking.
- 17.16.120 Conditional uses.

* Prior history: Ords. 76-3, 69-7, 2.

17.16.010 Purpose and intent.

The purpose and intent of the residential zone is to provide for and protect areas for home site development designed to meet contemporary building and living standards where public water and sewer systems are provided. (Ord. 83Z-2 (part), 1983).

17.16.020 Uses permitted.

In any residential zone only the following uses are permitted:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Uses customarily incidental to any of the uses set forth in this section;
5. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such

decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.

6. Accessory Dwelling Unit (if in UGA)
7. Accessory Living Quarters
8. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.16.030 Minimum lot requirements.

1. Minimum lot sizes in the R zone are as follows:
 - a. Single family dwelling, seven thousand two hundred square feet;
 - b. Two family dwelling, ten thousand square feet.
2. The minimum lot depth shall be one hundred feet.
3. The minimum average lot width shall be sixty-five feet.
4. In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot is greater than twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.16.040 Maximum lot coverage.

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

17.16.050 Maximum structure height.

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

17.16.060 Yard requirements - Front.

There shall be a front yard having a minimum depth of fifteen feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half the remaining distance to the required fifteen foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen feet. (Res. 83-10, 1983).

17.16.070 Yard requirements - Side.

There shall be a side yard of not less than five feet in width on each side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) On corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. (Res. 83-10, 1983).

17.16.080 Yard requirements - Rear.

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

17.16.085 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.16.090 Half streets.

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

17.16.100 Sale or conveyance of lot portion.

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

17.16.110 Off-street parking.

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Res. 83-10, 1983).

17.16.120 Conditional uses.

The following uses shall be permitted in any R zone subject to the conditions set forth in Chapter 17.56:

1. Apartment houses;
2. Boardinghouses and lodging houses, the accommodation not to exceed four persons in a single family dwelling;
3. Adult Family Home
4. Churches;
5. Clinic, provided that the conditional permit shall require that the minimum lot size be fifteen thousand square feet;
6. Electric substations;
7. Horses or cattle obtained for the personal enjoyment of the owner or occupant of the lot, provided that the lot contains one acre or more;
8. Hospitals and sanitariums except those for inebriates, the insane or those suffering from mental diseases; subject to the regulations of the health department;
9. Institutions, other than correctional, for educational, philanthropic or charitable uses including museums and galleries;
10. Noncommercial nurseries and greenhouses;
11. Private clubs, fraternities and lodges;
12. Public utility building;

13. Telephone exchanges;
 14. The offices of a physician, dentist or other professional person when located in his or her dwelling, also home occupations engaged in by individuals within their dwellings are permitted provided that no window display is made or any sign shown other than one not exceeding two square feet in area and bearing only the name and occupation of the occupant.
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Chapter 17.18

R-2 - RESIDENTIAL

Sections

- 17.18.010 Purpose and intent.
- 17.18.020 Uses permitted.
- 17.18.025 Conditional uses.
- 17.18.030 Minimum lot requirements.
- 17.18.040 Maximum lot coverage.
- 17.18.050 Maximum structure height.
- 17.18.060 Yard requirements - Front.
- 17.18.070 Yard requirements - Side.
- 17.18.080 Yard requirements - Rear.
- 17.18.085 Yard requirements- Zones Adjacent to Commercial Forest Zones.

17.18.010 Purpose and intent.

The purpose and intent of the residential zone is to provide for and protect areas for home site development designed to meet contemporary building and living standards where public water and sewer systems are provided. (Ord. 8910 (part), 1989).

17.18.020 Uses permitted.

In any residential zone only the following uses are permitted:

1. One-family or two-family dwellings;
2. Mobile homes,
3. Parks and playgrounds;
4. Home occupations;
5. Uses customarily incidental to any of the uses set forth in this section;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
7. Accessory Dwelling Unit (if in UGA)
8. Accessory Living Quarters

9. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 89-10 (part), 1989).

17.18.025 Conditional uses.

The following uses shall be permitted in any R-2 zone subject to the conditions set forth in Chapter 17.60:

1. Churches.

17.18.030 Minimum lot requirements.

1. Minimum lot sizes in the R2 zone are as follows:
 - a. Single-family dwelling, seven thousand two hundred square feet for any lots created after the date of the ordinance codified in this chapter; 5,000 square feet for all existing platted lots.
 - b. Two-family dwelling, ten thousand square feet.
2. The minimum lot depth shall be one hundred feet.
3. The minimum average lot width shall be sixty-five feet.
4. In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot is twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access. (Ord. 89-10 (part), 1989).

17.18.040 Maximum lot coverage.

The ground area covered by all buildings including accessory buildings shall not exceed thirty percent for lots 6,500 square feet or more in area (created after the date of the ordinance codified in this chapter) and forty percent for lots less than 6,500 feet in area. (Ord. 89-10 (part), 1989).

17.18.050 Maximum structure height.

Maximum structure height. No structure shall exceed two and one-half stories, or thirty-five feet, whichever is less in height. (Ord. 89-10 (part), 1989).

17.18.060 Yard requirements - Front.

There shall be a front yard having a minimum depth of fifteen feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half the remaining distance to the required fifteen foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen feet. (Ord. 89-10 (part), 1989).

17.18.070 Yard requirements - Side.

There shall be a side yard of not less than ten (10) feet on one side, and five (5) feet on

the opposite side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) On corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. (Ord. 89-10 (part), 1989).

17.18.080 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five feet to the main building. However one accessory structure may be constructed within five (5) feet of the rear lot line. (Ord. 8910 (part), 1989).

17.18.085 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

Chapter 17.20

RR – RURAL TRANSITION ZONE*

Sections

17.20.010 Purpose and intent.

17.20.015 Definitions.

17.20.020 Uses permitted.

17.20.030 Density.

17.20.040 Lot - Maximum coverage.

17.20.050 Maximum structure height.

17.20.060 Setbacks.

17.20.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.

17.20.070 Repealed.

17.20.080 Temporary stands.

17.20.110 Conditional uses.

17.20.120 Administrative uses.

17.20.130 Shadow Plat for Interim Development.

17.20.140 Acknowledgement of Urban Densities.

* Prior history: Ords. 76-7, 76-3, 74-5, 72-8, 72-5, 71-5, 69-7, 68-17, 2.

17.20.010 Purpose and intent.

The purpose and intent of the Rural Transition zone is to implement the Rural Transition Land Use Designation. It establishes a transitional area between urban growth areas surrounding cities and towns and lower density zoning districts. It serves to establish a future urban residential growth area; protect land that is desired for future urban expansion; encourage the development of areas targeted for urban growth; and help

ensure that land currently at the urban fringe will develop eventually at urban densities. It is also the intent of this zone to allow some low-density development now without precluding future development with urban services at urban densities.

17.20.015 Definitions.

Future urban residential growth area: A parcel or a collection of parcels within the path of future urban residential development associated with a city's urban growth area, and which is planned for urban densities by the city and/or county according to a comprehensive plan.

Shadow plat: A conceptual development plan that guides the future development of land at full urban densities for which non-urban density development is sought in the short term. Shadow plats shall show the major transportation routes and utility corridors necessary to attain future urban residential development at urban densities while allowing the placement of buildings and access in the interim.

Non-urban densities: Residential development from 1 dwelling unit per 3¹ acres or 1 dwelling unit per 5 acres as allowed in the Rural Transition Zone.

Urban densities: Residential development with a minimum of at least four (4) dwelling units per acre.

17.20.020 Uses permitted.

The following uses are permitted:

1. Single family homes not including mobile homes;
2. Duplexes, triplexes, fourplexes and residential accessory buildings;
3. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
4. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
5. Wholesale greenhouses and wholesale nurseries;
6. In home daycare services;
7. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.;
8. Bed and breakfast business that has less than or equal to three guest bedrooms;
9. Uses customarily incidental to the use 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 pursuant to Title 15A of this code, Project permit application process.
11. Accessory Dwelling Unit (if in UGA)
12. Accessory Living Quarters

¹ A stay has been issued by the Superior Court. (Case No. 07-2-00549-1)

13. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.20.030 Density

1. The maximum density shall be an average of 1 unit per 3² or 1 unit per 5 acres in the Rural Transition zone. The overall density of any residential development shall not exceed one dwelling for each three or five acres. Existing lots less than three or five acres in size shall be considered legally existing nonconforming lots except as allowed in other sections of this code. Developments in this zone shall make appropriate accommodations for future infrastructure including, but not limited to roads and utilities as outlined in Section 17.20.130: Development Standards.
2. The property may not be further divided once the average density allowed is reached, until such time as the property is included in the Urban Growth Area or developed through some other approved means, such as the use of innovative techniques including but not limited to: density shifting, clustering, and Planned Unit Developments, etc.
3. Development shall be clustered and the use of shadow platting shall be required in order to plan for future incorporation into the Urban Growth Area as provided in Section 17.20.130.

17.20.040 Lot - Maximum coverage.

The ground area covered by all buildings, including accessory buildings, shall be developed at urban standards consistent with adjacent city requirements.

17.20.050 Maximum structure height.

The height of all buildings, including accessory buildings, shall be developed at urban standards consistent with adjacent city requirements. **17.20.060 Yard requirements.**

The setbacks of all buildings, including accessory buildings, shall be developed at urban standards consistent with adjacent city requirements.

17.20.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.20.080 Temporary stands.

Accessory buildings may include one only temporary and movable stand, etc. (Res. 83-10, 1983).

17.20.110 Conditional uses.*

The following uses may be permitted in any Rural Residential zone subject to the conditions set forth in Chapter 17.60, providing that they are not in conflict with existing

² A stay has been issued by the Superior Court. (Case No. 07-2-00549-1)

or proposed development in a particular area; it is the intent of this code that such uses are subordinate to the primary residential and agricultural uses of this zone:

1. Multi-family units;
2. Retail Greenhouses, retail nurseries;
3. Home occupations which involve outdoor work or activities or which produce noise, such as engine repair, etc.;
4. Hospitals;
5. Museums;
6. Public utility substations;
7. Riding academies;
8. Schools, public and private;
9. Governmental uses essential to residential neighborhoods;
10. Churches;
11. Community clubs;
12. Convalescent homes;
13. Group homes;
14. Day care facilities;
15. Bed and breakfast business with more than three guest bedrooms.

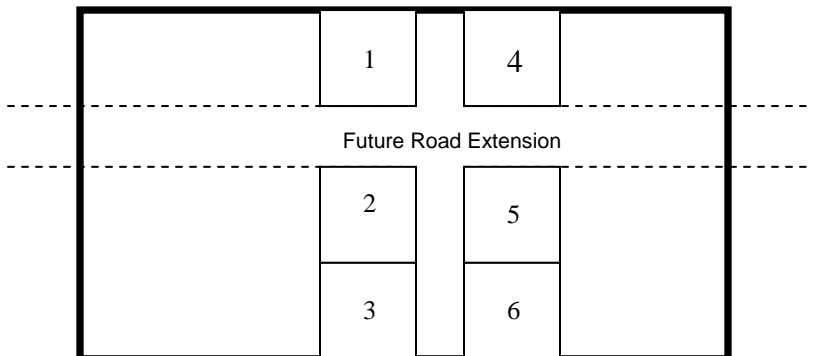
17.20.120 Administrative uses.

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

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

17.20.130 Shadow Plat.

A shadow plat shall be required prior to any development of the parcel. The design of the subdivision shown on the shadow plat shall provide for the future subdivision and access thereto so as to permit future development at urban densities. The shadow plat shall also be submitted to consider the county transportation plan and future transportation corridors extension(s).



Shadow plat: Six-lot plat recognizing future road extension.

17.20.140 Acknowledgement of Urban Densities.

At the time a subdivision plat, land use permit, building permit or occupancy permit is applied for in the Rural Transition zone for development at non-urban densities, applicants therefore shall be provided with an acknowledgment form. Prior to action on, and as a condition of, the issuance of said subdivision plat, land use permit, building permit or occupancy permit, the applicant for said permit shall be required to sign an acknowledgment form. The acknowledgment form shall indicate that the applicant understands that urban densities are planned for the subject property. All such acknowledgment forms executed by a landowner shall be a public record.

* Editor's note: Subsection letters in this subsection reflect the letters assigned by the document adopted by Res. 83-10, as amended by Ord. 83-Z-2.

Chapter 17.22 UR- URBAN RESIDENTIAL

Sections

- 17.22.010 Purpose and intent.
- 17.22.020 Uses permitted.
- 17.22.030 Lot - Size required.
- 17.22.040 Maximum lot coverage.
- 17.22.050 Maximum height permitted.
- 17.22.060 Yard requirements.
- 17.22.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.22.090 Grazing.
- 17.22.100 Conditional uses.
- 17.22.110 Repealed

* Prior history: Ord. Z77-2.

17.22.010 Purpose and intent.

The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available.

17.22.020 Uses permitted.

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

1. Single-family homes;

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

17.22.030 Lot - Size required.

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

17.22.040 Maximum lot coverage.

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

17.22.050 Maximum height permitted.

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

17.22.060 Yard requirements.

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

17.22.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.22.090 Grazing.

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

17.22.100 Conditional uses.*

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

1. Community clubs;
2. Convalescent homes;
3. Dairying and stock raising except the raising of swine commercially and the establishment of livestock feed lots, provided that no permit shall be issued for animal shed or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
4. Greenhouses, nurseries;
5. Home occupations;
6. Museums;
7. Public utility substations;
8. Riding academies;
9. School, public and private;
10. Governmental uses essential to residential neighborhoods;
11. (Deleted by Ord. 83-Z-2)
12. (Deleted by Ord. 90-6)
13. M through P. (Deleted by Ord. 83-Z-2)

* Editor's note: Subsection letters in this subsection reflect the letters assigned by the document adopted by Res. 83-10, as amended b Ord. 83-Z-2.

Chapter 17.24

H-T-C – HISTORIC TRAILER COURT ZONES*

Sections

17.24.010 Purpose and intent.

17.24.020A Existing Uses.

17.24.020B Nonconforming Uses

- 17.24.030 Minimum requirements.
- 17.24.040 Yard requirements.
- 17.24.045 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.24.050 Design standards.
- 17.24.060 Plot plan required.
- 17.24.070 Off-street parking.

* Prior history: Ords. 68-18, 2.

17.24.010 Purpose and intent.

The purpose and intent of the trailer court zone is to recognize established planned mobile home developments located within Kittitas County. No further expansion of these developments is allowed.

17.24.020A Existing Uses.

The following trailer court zone developments exist in Kittitas County: Millpond Manor, Twin Pines Trailer Park, Central Mobile Home Park, and Swiftwater.

17.24.020B Nonconforming uses.

No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses.

17.24.030 Minimum requirements.

The minimum lot area and yard requirements in a HTC zone are as follows:

1. Mobile Homes. The minimum area for a historic trailer (mobile home) court site shall be three thousand five hundred square feet times the number of individual trailer sites to be provided. Densities must have the approval of the county health office.
2. Single Family Home. The requirements are the same as the requirements of the Rural Residential district. (Res. 83-10, 1983).

17.24.040 Yard requirements.

No individual mobile home or single family dwelling shall be closer than thirty-five feet to any lot or street right-of-way or closer than fifteen feet from any other mobile home. (Res. 83-10, 1983).

17.24.045 Yard requirements – Zones Adjacent to Commercial Forest Zone

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

17.24.050 Design standards.

1. All access roadways, parking areas and service drives shall be bituminous surfaced or better.
2. No occupied mobile home shall remain in a mobile home park unless a mobile home space is available.
3. All streets and alleys within the mobile home subdivision should be excavated or filled within 0.3 (plus or minus) of a foot of the grade established by the county engineer. (Res. 83-10, 1983).

17.24.070 Off-street parking.

1. For each mobile home lot there shall be provided and maintained at least one parking space. Each such parking space shall contain a minimum area of one hundred eighty square feet (of dimensions nine feet by twenty feet, or ten feet by nineteen feet) and shall be hard surfaced. If central parking lots are provided, they shall be hard surfaced and each space separated by striping or other adequate means and identified to the official lot number of the occupant and reserved for his sole use.
2. Parallel parking may be permitted in driveways at the approval of the planning commission providing the improved driveway width is increased to a minimum of thirty-six feet.
3. Where lots exist on only one side of the driveway, parallel parking may be permitted on one side at the approval of the planning commission providing the driveway width is increased to a minimum of twenty-eight feet. (Res. 83-10, 1983).

Chapter 17.28
A-3 – AGRICULTURAL 3 ZONE*

Sections

- 17.28.010 Purpose and intent.
- 17.28.020 Uses permitted.
- 17.28.030 Lot size required.
- 17.28.040 Yard requirements - Front.
- 17.28.050 Yard requirements - Side.
- 17.28.060 Yard requirements - Rear.
- 17.28.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.28.080 Sale or conveyance of lot portion.
- 17.28.090 Off-street parking.
- 17.28.100 Access requirement.
- 17.28.110 Setback lines.
- 17.28.120 Prohibited uses. (Deleted by Ord. 87-11)
- 17.28.130 Conditional uses.
- 17.28.140 Administrative uses.

* Prior history: Ords. 82-Z-1, 79-Z-3, 79-Z-2, 76-2, 75-12, 75-9, 75-5, 73-7, 73-5, 73-3, 72-8, 71-5, 71-1, 709, 70-8, 69-7, 69-1, 68-17, 2.

17.28.010 Purpose and intent.

The purpose and intent of the agricultural (A-3) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 83-Z-2 (part), 1983).

17.28.020 Uses permitted.

Uses 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 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)
 21. Accessory Living Quarters
 22. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 88-4 § 3, 1988; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.28.030 Lot size required.

1. The minimum residential lot size shall be three acres in the Agricultural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provide for in Kittitas County Code 16.09, Performance Based Cluster Platting.
2. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.
3. The minimum average lot width shall be two hundred fifty feet.

17.28.040 Yard requirements - Front.

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

17.28.050 Yard requirements - Side.

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

17.28.060 Yard requirements - Rear.

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

17.28.065 Yard requirements – Zones Adjacent to Commercial Forest Zone

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

17.28.080 Sale or conveyance of lot portion.

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

17.28.090 Off-street parking.

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Res. 83-10, 1983).

17.28.100 Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot right-of-way or existing county road. (Res. 8310, 1983).

17.28.110 Setback lines.

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

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

17.28.120 Prohibited uses. (Deleted by Ord. 87-11)

(Deleted by Ord. 87-11). (Res. 83-10, 1983).

17.28.130 Conditional uses.*

The following uses may be permitted in any Agricultural-3 zone subject to the conditions set forth in Chapter 17.60; it is the intent of this code that such uses are subordinate to the primary agricultural uses of this zone:

1. 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 board of adjustment shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 - d. Adequate and convenient vehicular access, circulation and parking should be provided.
 - e. Economic and environmental feasibility;
 - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
22. 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:

- 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. Community Clubs.

17.28.140 Administrative uses.

The following uses may be permitted in any A-3 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

Chapter 17.28A
A-5 - AGRICULTURAL ZONE

Sections

- 17.28A.010 Purpose and intent.
- 17.28A.020 Uses permitted.
- 17.28A.030 Lot size required.
- 17.28A.040 Yard requirements - Front.
- 17.28A.050 Yard requirements - Side.
- 17.28A.060 Yard requirements - Rear.
- 17.28A.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.28A.080 Sale or conveyance of lot portion.
- 17.28A.090 Off-street parking.
- 17.28A.100 Access requirement.
- 17.28A.110 Setback lines.
- 17.28A.130 Conditional uses.
- 17.28A.140 Administrative uses.

17.28A.010 Purpose and intent.

The purpose and intent of the agricultural (A-5) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the

intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 2005-05, 2005).

17.28A.020 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. Uses customarily incidental to any of the uses set forth in this section;
5. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification pursuant to Title 15A of this code, Project permit application process.
6. Accessory Dwelling Unit (if in UGA)
7. Accessory Living Quarters
8. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).
9. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
10. Community clubhouses, parks and playgrounds, and public utility buildings, pumping plants and substations;
11. Commercial greenhouses and nurseries;
12. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
13. Existing cemeteries;
14. Airport;
15. Processing of products produced on the premises;
16. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
17. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.
18. Gas and oil exploration and construction;
19. Single family homes not including mobile homes or trailer houses;
20. Duplexes and residential accessory buildings;
21. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
22. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;

17.28A.030 Lot size required.

1. The minimum residential lot size shall be five acres in the agricultural zone. The overall density of any residential development shall not exceed one dwelling for each five acres.
2. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.
3. The minimum average lot width shall be two hundred fifty feet.

17.28A.040 Yard requirements - Front.

There shall be a minimum front yard of twenty-five feet. (Ord. 2005-05, 2005).

17.28A.050 Yard requirements - Side.

Side yard shall be a minimum of five feet. On corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. (Ord. 2005-05, 2005).

17.28A.060 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five feet to the main building. (Ord. 2005-05, 2005).

17.28A.065 Yard requirements – Zones Adjacent to Commercial Forest Zone

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

17.28A.080 Sale or conveyance of lot portion.

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this district. (Ord. 2005-05, 2005).

17.28A.090 Off-street parking.

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Ord. 2005-05, 2005).

17.28A.100 Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot right-of-way or existing county road. (Ord. 2005-05, 2005).

17.28A.110 Setback lines.

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

1. Within one and one-half miles:
 - a. (Publisher's note: this item intentionally left blank.)

- b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
 - ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use districts will be provided;
2. (Publisher's note: this item intentionally left blank.)
3. Within one hundred feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;
4. Feedlots containing fifty to one hundred head at a density of less than five hundred square feet per head for a period of six months or more shall be located no closer than three hundred feet to any existing home, school or park. (Ord. 2005-05, 2005).

17.28A.130 Conditional uses.

The following uses may be permitted in any agricultural zone subject to the conditions set forth in Chapter 17.60; it is the intent of this code that such uses are subordinate to the primary agricultural uses of this zone:

1. 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 board of adjustment shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 - d. Adequate and convenient vehicular access, circulation and parking should be provided.
 - e. Economic and environmental feasibility;
 - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
22. 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:
 - 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.
27. Accessory Dwelling Unit (if in UGA) (Ord. O-2006-01, 2006; Ord. 2005-05, 2005).

17.28A.140 Administrative uses.

The following uses may be permitted in any A-5 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).
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Chapter 17.29

A-20 - AGRICULTURAL ZONE*

Sections

- 17.29.010 Purpose and intent.
- 17.29.020 Uses permitted.
- 17.29.030 Conditional uses.
- 17.29.040 Lot size required.
- 17.29.050 Yard requirements - Front yard.
- 17.29.060 Yard requirements - Side yard.
- 17.29.070 Yard requirements - Rear yard.
- 17.29.075 Yard requirements- Zones adjacent to Commercial Forest Zone.
- 17.29.080 Yard requirements - Sale or conveyance restrictions.
- 17.29.090 Dimensional requirements.
- 17.29.100 Repealed.
- 17.29.110 Access.
- 17.29.120 Special setback requirements.

17.29.130 Administrative uses.* For provisions on the right to farm for protection of agricultural activities, see Ch. 17.74. For provisions on the commercial agricultural and commercial agricultural overlay zones, see Ch. 17A.55.

Prior history: Ords. 81-Z-1, 80-Z-2, 68-1.

17.29.010 Purpose and intent.

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

17.29.020 Uses permitted.

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 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)
 20. Accessory Living Quarters
 21. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 88-4 § 3, 1988; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).
 22. Hay processing and container storage. (Ord. 92-1 (part), 1992; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

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 board of adjustment shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances;
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
 - d. Adequate and convenient vehicular access, circulation and parking should be provided;
 - e. Economic and environmental feasibility;
 - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
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. (Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-1 (part), 1992; Ord. 90-10 (part), 1990; Res. 83-10, 1983).

17.29.040 Lot size required.

Minimum lot (home site) requirements in the agricultural (A-20) zone are:

1. Twenty acres for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; provided such parent lot is at least eight acres in size; and provided, that such divisions are in compliance with all other county regulations (e.g., on-site septic system). Parcels must be located within the Agriculture-20 zone at the date of the adoption of this code. Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision, while designated commercial agricultural zone. Onetime splits shall be completed via the short plat process. The following plat note shall be included for each completed one-time split: Per Kittitas County Code 17.29.040, this short plat has exhausted the use of the one-time split provision allowed per Kittitas County Code. No further one time splits are allowed for the subject parcels and subsequent parcels created via this short plat. The onetime parcel split provision should be encouraged where it is adjacent to ongoing commercial agricultural practices, especially since the intent of this provision is to encourage the development of home site acreage rather than removing commercial agricultural lands out of production. Further, one time splits may not increase the density of the parcel to more than 1 unit per 3 acres.
2. In no case shall there be more than two dwellings (residences) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-acre) size;
3. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.

17.29.050 Yard requirements - Front yard.

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

17.29.060 Yard requirements - Side yard.

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

17.29.070 Yard requirements - Rear yard.

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

17.29.075 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.29.080 Yard requirements - Sale or conveyance restrictions.

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

17.29.090 Dimensional requirements.

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

17.29.100 Division of nonconforming lots.

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

17.29.110 Access.

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

17.29.120 Special setback requirements.

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

1. Within one and one-half miles:
 - a. (Deleted by Ord. 88-5)
 - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provisions made that all other operations (subdivisions 1 and 2 of Section 17.28.110A1) shall be conducted in compliance with all state and county health regulations, and
 - ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. (Deleted by Ord. 87-11)
3. Within one hundred feet:
 - a. Barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.

4. Feed lots containing fifty to one hundred head at a density of less than five hundred square feet per head for a period of six months or more shall be located no closer than three hundred feet to any existing home, school or park. (Ord. 88-5 (part), 1988; Ord. 87-11 (part), 1987; Res. 83-10, 1983).

17.29.130 Administrative uses.

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

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

Chapter 17.30

R-3 –RURAL-3 ZONE

Sections

17.30.010 Purpose and intent.

17.30.020 Uses permitted.

17.30.030 Conditional uses.

17.30.040 Lot size required.

17.30.045 Development Standards.17.30.050 Yard requirements.

17.30.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.

17.30.060 Sale or conveyance of lot portion.

17.30.070 Nonconforming uses.

17.30.080 Shoreline setbacks.

17.30.090 Administrative uses.

17.30.010 Purpose and intent.

The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 92-4 (part), 1992).

17.30.020 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 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)
13. Accessory Living Quarters
14. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992).

17.30.030 Conditional uses.

The following uses are conditional:

1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
9. Mini-warehouses subject to conditions provided in Section 17.56A.030.

17.30.040 Lot size required.

1. The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for

- each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.
2. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.

17.30.050 Yard requirements.

There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet. (Ord. 92-4 (part), 1992).

17.30.055 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.30.060 Sale or conveyance of lot portion.

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 92-4 (part), 1992).

17.30.070 Nonconforming uses.

No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-4 (part), 1992).

17.30.080 Shoreline setbacks.

The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992).

17.30.090 Administrative uses.

The following uses may be permitted in any R-3 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).
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Chapter 17.30A

R-5 - RURAL-5 ZONE

Sections

- 17.30A.010 Purpose and intent.
- 17.30A.020 Uses permitted.
- 17.30A.030 Conditional uses.
- 17.30A.040 Lot size required.
- 17.30A.050 Yard requirements.
- 17.30A.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.30A.060 Sale or conveyance of lot portion.
- 17.30A.070 Nonconforming uses.
- 17.30A.080 Shoreline setbacks.
- 17.30A.090 Administrative uses.

17.30A.010 Purpose and intent.

The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 2005-05, 2005)

17.30A.020 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 pursuant to Title 15A of this code, Project permit application process.
11. Accessory Dwelling Unit (if in UGA)
12. Accessory Living Quarters
13. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

17.30A.030 Conditional uses.

The following uses are conditional:

1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
9. Mini-warehouses subject to conditions provided in Section 17.56A.030.
10. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 2005-05, 2005)

17.30A.040 Lot size required.

The minimum lot size for parcels created after the adoption of the ordinance codified in this chapter shall be:

1. Five acres for lots served by individual wells and septic tanks;
2. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.

17.30A.050 Yard requirements.

There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet. (Ord. 2005-05, 2005)

17.30A.055 Yard requirements – Zones Adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. (KCC 17. 57.050(1)). For properties where

such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2).

17.30A.060 Sale or conveyance of lot portion.

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 2005-05, 2005)

17.30A.070 Nonconforming uses.

No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 2005-05, 2005)

17.30A.080 Shoreline setbacks.

The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 2005-05, 2005)

17.30A.090 Administrative uses.

The following uses may be permitted in any R-5 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

Chapter 17.31
COMMERCIAL AGRICULTURE ZONE

Sections

17.31.010 Purpose and intent.

17.31.020 Uses permitted.

17.31.030 Conditional uses.

- 17.31.040 Lot size required.
- 17.31.050 Yard requirements - Front yard.
- 17.31.060 Yard requirements - Side yard.
- 17.31.070 Yard requirements - Rear yard.
- 17.31.075 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.31.080 Yard requirements - Sale or conveyance restrictions.
- 17.31.090 Dimensional requirements.
- 17.31.100 Access.
- 17.31.110 Special setback requirements.
- 17.31.120 Administrative uses.

17.31.010 Purpose and intent.

The commercial agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture. (Ord. 96-15 (part), 1996).

17.31.020 Uses permitted.

The following uses are permitted:

1. One-family or two-family dwellings;
2. Hay processing and container storage;
3. Agriculture, livestock, poultry or swine, or mink raising, and other customary agricultural uses; provided, that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Community clubhouse, schools and public utility buildings, pumping plants, and substations;
5. Commercial greenhouses and nurseries;
6. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of the public street or highway;
7. Existing cemeteries;
8. Private airplane landing strips used primarily in conjunction with agricultural activities;
9. Processing of products produced on the premises;
10. Home occupations that do not involve outdoor work or activities, or which do not provide noise;
11. Farm implement repair and maintenance.
12. Accessory Dwelling Unit (if in UGA)
13. Accessory Living Quarters
14. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-15 (part), 1996).

* Editor's note: Subsection letters in this subsection reflect the letters assigned by the document adopted by Ordinance O-2006-01, 2006.

17.31.030 Conditional uses.

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

1. Farm labor shelters; provided, that:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four per twenty-acre parcel;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building and health regulations;
2. Room and board lodging involves no more than four boarders or two bedrooms;
3. Feed mills, canneries and processing plants for agricultural products;
4. Kennels;
5. Livestock sales yard;
6. Stone quarries;
7. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
8. Auction sales of personal property, other than livestock;
9. Guest ranches;
10. Home occupations which involve out door work or activities or which produce noise;
11. Day care facilities;
12. Bed and breakfast business;
13. Riding academies;
14. Governmental uses essential to residential neighborhoods;
15. Churches.

17.31.040 Lot size required.

Minimum lot (home site) requirements in the commercial agriculture zone are:

1. Twenty acres for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; provided such parent lot is at least ten acres in size; and provided, that such divisions are in compliance with all other county regulations (e.g., on-site septic system). Parcels must be located within the Commercial Agriculture Zone at the date of the adoption of this code. Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision, while designated commercial agriculture. Onetime splits shall be completed via the short plat process. The following plat note shall be included for each completed one-time

split: “Per Kittitas County Code 17.31.040, this short plat has exhausted the use of the one-time split provision allowed per Kittitas County Code. No further one time splits are allowed for the subject parcels and subsequent parcels created via this short plat.” The one-time parcel split provision should be encouraged where it is adjacent to ongoing commercial agricultural practices, especially since the intent of this provision is to encourage the development of home site acreage rather than removing commercial agricultural lands out of production. Further, one time splits may not increase the density of the parcel to more than 1 unit per 3 acres.

2. Commercial Agricultural Zones. In no case shall there be more than two dwellings (residences) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-acre) size.

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 may grant a variance of up to ten feet. (Ord. 96-15 (part), 1996).

17.31.060 Yard requirements - Side yard.

Side yard shall be a minimum of five feet; on corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. (Ord. 96-15 (part), 1996).

17.31.070 Yard requirements - Rear yard.

There shall be a rear yard with a minimum depth of twenty-five feet to the main building. (Ord. 96-15 (part), 1996).

17.31.075 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.31.080 Yard requirements - Sale or conveyance restrictions.

No sale or conveyance of any portion of a lot for other than a public purpose shall leave a structure or the remainder of the lot with less than the minimum lot, yard, or setback requirements of this zone. (Ord. 96-15 (part), 1996).

17.31.090 Dimensional requirements.

The minimum average lot width shall be two hundred feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1. (Ord. 96-15 (part), 1996).

17.31.100 Access.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot right-of-way or existing county road. (Ord. 96-15 (part), 1996).

17.31.110 Special setback requirements.

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

1. Within one and one-half miles:
 - a. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provisions made that all other operations shall be conducted in compliance with all state and county health regulations, and
 - ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. Within one hundred feet:
 - a. Barns, shelters, or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.
3. Feed lots containing fifty to one hundred head at a density of less than five hundred square feet per head for a period of six months or more shall be located no closer than three hundred feet to any existing home, school or park. (Ord. 96-15 (part), 1996).

17.31.120 Administrative uses.

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

1. Accessory Dwelling Unit (if outside UGA) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

Chapter 17.32

C-L - LIMITED COMMERCIAL ZONE*

Sections

- 17.32.010 Purpose and intent.
- 17.32.020 Uses permitted.
- 17.32.030 Lot size required.
- 17.32.040 Yard requirements - Front.
- 17.32.050 Yard requirements - Side.
- 17.32.060 Yard requirements - Rear.
- 17.32.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.32.070 Maximum structure height.
- 17.32.090 Access requirement.
- 17.32.110 Setback for vehicle service businesses.

* Prior history: Ords. 76-3, 69-3, 2.

17.32.010 Purpose and intent.

The purpose and intent of the limited commercial zone is to provide a district with a limited range of shopping and service businesses consisting primarily of small retail shops, stores and eating establishments. (Ord. 83-Z-2 (part), 1983).

17.32.020 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. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
 - a. Antique shop,
 - b. Art gallery or store,
 - c. Bakery goods, retail only,
 - d. Barbershops,
 - e. Beauty parlor,
 - f. Confectionery store,
 - g. Delicatessen store,
 - h. Drugstore,
 - i. Dry cleaning and laundry branch offices or pickup agency, but not including plant and main office,
 - j. Garden supplies shop,
 - k. Gift shop,
 - l. Grocery, fruit or vegetable store,
 - m. Mini warehouse;
 - n. Restaurants,
 - o. Self-service laundry and cleaning,
 - p. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
 - q. Shoe repair shop,
 - r. Accessory buildings when located on the same lot;
5. Uses customarily incidental to any of the uses set forth in this section;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).
7. Accessory Dwelling Unit (if in UGA)
8. Accessory Living Quarters
9. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.32.030 Lot size required.

The minimum lot size for all dwelling units shall meet the requirements of the residential district. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district. (Res. 83-10, 1983).

17.32.040 Yard requirements - Front.

There shall be a front yard having a minimum depth of twenty feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required twenty-foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty feet long. (Res. 83-10, 1983).

17.32.050 Yard requirements - Side.

There are no side yard requirements, except property abutting a residential district, in which case the side yard on the abutting side shall be the same as that required for the abutting property. On a side abutting a street the setback shall be a minimum of ten feet for all structures. Side yards for dwelling units shall meet the requirements of the residential district. (Res. 83-10, 1983).

17.32.060 Yard requirements - Rear.

There are no rear yard requirements. However, if a rear yard is provided, the minimum depth shall be twelve feet. (Res. 83-10, 1983).

17.32.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.32.070 Maximum structure height.

The maximum height of any structure shall be two and one-half stories or thirty-five feet, whichever is less. (Res. 83-10, 1983).

17.32.090 Access requirement.

All lots in this district shall abut a public street, or shall have such other access as deemed suitable by the board. (Ord. 83-Z-2 (part), 1983; Res. 8310, 1983).

17.32.110 Setback for vehicle service businesses.

Setback regulations for drive-in businesses, or minimum site standards for vehicle service businesses shall conform to the diagram on the following page. (Res. 83-10, 1983).

17.36.010 Purpose and intent.

The purpose of this chapter is to provide for and encourage a harmonious mixture of land uses with greater flexibility in land use controls than is generally permitted by other sections of this title. (Ord. 90-6 (part), 1990: Res. 83-10, 1983). This includes:

- a. To allow greater flexibility and to encourage more innovative design for the development of residential areas that is generally possible under conventional zoning and subdivision regulations;
- b. To encourage more economical and efficient use of land, streets, and public services;
- c. To preserve and create usable open space and other amenities superior to conventional developments;
- d. To preserve important natural features of the land, including topography, natural vegetation, and views;
- e. To encourage development of a variety of housing types and densities;
- f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
- g. To encourage infill development of areas or site characterized by special features of geography, topography, size, shape, or historical legal nonconformity;
- h. To permit flexibility of design that will create desirable public and private open space, to vary the type, design and layout of buildings, and to utilize the potentials of individual sites and alternative energy services to the extent possible;

17.36.020 Uses permitted.

The following uses may be permitted:

1. All residential uses including multifamily structures;
2. Manufactured Home Parks;
3. Hotels, motels, condominiums;
4. Fractionally-owned units (for PUDs proposed within Urban Growth Areas);
5. Retail businesses;
6. Commercial-recreation businesses;
7. Restaurants, cafes, taverns, cocktail bars;
8. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter. Such determination shall be made during review of the development plan required under Section 17.36.030. (Ord. 90-6 (part), 1990: Res. 83-10, 1983).

17.36.025 Density.

The overall density of any PUD residential development shall be consistent with the County Wide Planning Policies.

17.36.030 Preliminary development plan.

Any persons or corporation applying for a planned unit development zone shall file a preliminary development plan with an application for zone change. The development plan shall include all of the following:

1. A vicinity map showing the location of the site and its relationship to surrounding areas;
2. A map of the site drawn to a scale, no smaller than two hundred feet to the inch showing the following:
 - a. Arrangement of land uses by type (residential, commercial, open spaces, etc.). A narrative on the approximate percentage of land in each category. The map should show proposed traffic circulation;
 - b. Names and dimensions of dedicated roads bounding or near the site;
 - c. Planned off-street parking areas including approximate number of spaces to be provided;
 - d. Elevation contours of no more than twenty-foot intervals;
 - e. Legal description of the subject property including section, township, range, parcel numbers and number of acres;
 - f. Name of proposed Planned Unit Development;
3. A Landscaping Plan.
4. A Phasing Plan with identified timelines.
5. A Development Plan addressing the following:
 - a. A narrative relating the development plan to adjacent development and natural areas;
 - b. A narrative of the developer's intent with regard to providing landscaping and retention of open spaces;
 - c. A narrative outlining future land ownership patterns within the development including homeowners associations if planned;
 - d. A narrative outlining the proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;
 - e. Documentation from the Community Development Services department that environmental review (SEPA) has been completed or will be completed;
 - f. An explanation and specification of any nonresidential uses proposed within the project;
 - g. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
 - h. The method proposed to insure the permanent retention and maintenance of common open space;
 - i. Proposed setbacks;
 - j. A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered, but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will serve as a guide in each successive stage of development until its completion;

- k. A narrative of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-way). (Ord. 90-6 (part), 1990; Res 83-10, 1983).

17.36.040 Final development plan.

Following approval of the preliminary development plan by the county and before lot sales or building construction commences, the developer (owner) shall submit a final development plan for approval by the board of county commissioners which shall include all of the following as listed below. Submittal shall be consistent with the process as outlined for Final Plat Development in Kittitas County Code 16.20.

1. A staging plan describing the timing or sequence of construction for all the elements of the plan. Subdivision lot sales may precede other elements of the development upon final plat approval;
2. A map or maps of the site drawn at a scale no smaller than one hundred feet to one inch showing the following:
 - a. Preliminary engineering plans including site grading, road improvements, drainage and public utilities extensions;
 - b. Arrangement of all buildings which shall be identified by type;
 - c. Preliminary building plans including floor plans and exterior design and/or elevation views;
 - d. Location and number of off-street parking areas including type and estimated cost of surfacing;
 - e. The location and dimensions of roads and driveways including type and estimated cost of surfacing and road maintenance plans;
 - f. The location and total area of common open spaces;
 - g. Proposed location of fire protection facilities;
 - h. Proposed storm drainage plan;
3. Certification from state and local health authorities that water and sewer systems are available to accommodate the development;
4. Provisions to assure permanence and maintenance of common open spaces;
5. Statement of intent including estimated cost for landscaping and restoration of natural areas despoiled by construction including tree planting. (Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983).

17.36.050 Permit issuance and conditions.

Building permits and other permits required for the construction or development of property under provision of this section shall be issued only when, in the opinion of the county building inspector, the work to be performed substantially conforms with the final development plan approved by the board of county commissioners. (Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983).

17.36.060 Required improvements.

All improvements including parking lots, driveways, landscaping, which are a part of the approved plan, but which do not otherwise require building permits, shall be completed or bonded before occupancy permits are issued by the building inspector. The amount of

the bond shall be determined by the building inspector on the basis of information presented with the final development plan. (Ord. 90-6 (part), 1990; Res. 83-10, 1983).

17.36.070 Inter-jurisdiction review.

Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city.

17.36.080 Planned Unit Development Alterations.

Proposed alterations to approved Planned Unit Developments shall be processed in a manner similar to the alteration of a subdivision.

17.36.090 Expiration.

Within a period of five years following the approval of the preliminary development plan by the Kittitas County Board of County Commissioners, the applicant shall file with Kittitas County Community Development Services a final development plan. The director of Community Development Services, for good cause, may extend for one year the period for filing of the final development plan. If the applicant fails to apply for final approval for any reason within the specified time frame, the rezone shall become void. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned unit development is submitted and approved.

Chapter 17.37

MASTER PLANNED RESORTS

Sections

17.37.010 Legislative findings, purpose and intent.

17.37.020 Definitions.

17.37.030 Uses permitted.

17.37.040 Applications/approvals required for master planned resorts.

17.37.010 Legislative findings, purpose and intent.

1. Kittitas County has a wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. Master planned resorts authorized by RCW 36.70A.360 offer an opportunity to utilize these special features for enjoyment and recreational use, while bringing significant economic diversification and benefits to communities. The purpose of this chapter is to establish a master planned resort zoning district to be applied to those properties the board of county commissioners determines are appropriate for development as a master planned resort consistent with county comprehensive plan policies and RCW 36.70A.360.
2. It is the county's intent that a master planned resort be located only on a site of at least 320 contiguous acres. (Ord. 2000-13, 2000).

17.37.020 Definitions.

The following definitions shall be used in conjunction with the administration of this chapter:

1. "Master planned resort," consistent with RCW 36.70A.360, means a self-contained and fully integrated planned unit development, located in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.
2. "Short-term visitor accommodations" means the following master planned resort accommodation units: (1) hotel or motel units; (2) time-share and fractionally owned units; (3) recreational vehicle sites with power and water; and (4) vacation and second homes as described below.

A master planned resort accommodation unit is a vacation or second home for purposes of this section unless its occupant(s) is either (1) registered to vote at such unit's resort address or (2) receive its/their Kittitas County annual property tax assessment for such unit at such unit's address, in which case such unit shall be considered a permanent residence for all purposes under this section. (Ord. 2000-13, 2000).

17.37.030 Uses permitted.

The following uses may be permitted within a master planned resort classification:

1. All residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations of all kinds, provided such uses are integrated into and support the on-site recreational nature of the master planned resort.
2. Short-term visitor accommodations, including, but not limited to, hotels, motels, lodges, and any residential use permitted under subsection A of this section that is made available for short-term rental; provided, however, short-term visitor accommodation units shall constitute greater than 50 percent of the total resort accommodation units.
3. Indoor and outdoor recreational facilities and uses, including, but not limited to, golf courses (including accessory structures and facilities, such as clubhouses, practice facilities, and maintenance facilities), tennis courts, swimming pools, marinas, alpine and/or cross country skiing, hiking and nature trails, bicycle paths, equestrian facilities, skating arenas, sports complexes, bowling alleys, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.
4. Campgrounds and recreational vehicle ("RV") sites with power and water; provided, however, campgrounds and recreational vehicle sites without power and water are conditional uses.

5. Visitor-oriented amenities, including, but not limited to (1) restaurants, cafes, delicatessens, pubs, taverns and cocktail bars and entertainment associated with such uses; (2) meeting facilities; (3) on-site retail businesses and services limited to those typically found on other destination resort properties and which are designed to serve the convenience needs of the users and employees of the master planned resort; and (4) recreation businesses and facilities. Retail and commercial services offered on the resort shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
6. Cultural and educational facilities of all kinds, including, but not limited to, interpretative centers and exhibits, and indoor and outdoor theaters.
7. Roadways and bridges, which, subject to any development agreement executed with the county pursuant to Chapter 15A.11 KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210, may include roadways and bridges that are privately owned and maintained.
8. Industrial uses and capital facilities, utilities and services to the extent necessary to maintain and operate the master planned resort.
9. Temporary and/or permanent structures to serve as sales offices.
10. Any other similar uses deemed by the Community Development Services director to be consistent with the purpose and intent of this chapter, the county comprehensive plan policies regarding master planned resorts, and RCW 36.70A.360. (Ord. 2000-13, 2000).

17.37.040 Applications/approvals required for master planned resorts.

1. A master planned resort may be authorized by the county only through approval of a master planned resort development permit in conjunction with approval by the board of county commissioners of a development agreement as authorized by Chapter 15A.11 KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210. Consistent with KCC 15A.11.020(B) and RCW 36.70B.170, the development agreement approved by the board of county commissioners must set forth the development standards applicable to the development of a specific master planned resort, which may include, but are not limited to: (1) permitted uses, densities and intensities of uses, and building sizes; (2) phasing of development, if requested by the applicant; (3) procedures for review of site-specific development plans; (4) provisions for required open space, visitor-oriented accommodations, short-term visitor accommodations, on-site recreational facilities, and on-site retail/commercial services; (5) mitigation measures imposed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and other development conditions; and (6) other development standards including those identified in KCC 15A.11.020(E) and RCW 36.70B.170(3).
2. Required Applications/Approvals. In addition to approval of a MPR development permit and a development agreement as set forth in subsection A of this section, a master planned resort shall require the following approvals from the county: (1) a site-specific amendment of the comprehensive plan land use designation map to master planned resort; provided, that the sub-area planning process described in Chapter 1 of the county comprehensive plan and Chapter 15B.03 KCC,

- Amendments to Comprehensive Plan, may be used if deemed appropriate by the applicant and county; and (2) a site-specific rezone of the county zoning map to master planned resort zoning district pursuant to Chapter 17.98 KCC, Amendments. The comprehensive plan amendment or subarea plan and rezone may be processed by the county concurrent with the master planned resort development permit and development agreement required for approval of a master planned resort.
3. **Planned Actions Authorized.** If deemed appropriate by the applicant and the county, a master planned resort project may be designated by the county as a planned action pursuant to the provisions of Chapter 15A.09 KCC, Planned Actions. (Ord. 2000-13, 2000).

Chapter 17.38 (Reserved)
FCC – Fully Contained Communities

Chapter 17.40
C-G - GENERAL COMMERCIAL ZONE*

Sections

- 17.40.010 Purpose and intent.
- 17.40.020 Uses permitted.
- 17.40.030 Lot size required.
- 17.40.040 Maximum lot coverage.
- 17.40.050 Maximum floor area.
- 17.40.060 Yard requirements.
- 17.40.070 Height restriction.
- 17.40.080 Off-street parking and loading.
- 17.40.090 Access requirement.
- 17.40.100 Half streets.
- 17.40.110 New residences.

* Prior history: Ords. 69-7, 2.

17.40.010 Purpose and intent.

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

17.40.020 Uses permitted.

Permitted uses are as follows:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Any of the following uses to be conducted wholly within a completely enclosed building except off-street parking and loading areas:
 - a. Antique shop,
 - b. Art gallery or store,
 - c. Bakery goods, retail only,
 - d. Barbershops,
 - e. Beauty parlor,
 - f. Confectionery store,
 - g. Delicatessen store,
 - h. Drugstore,
 - i. Dry cleaning and laundry branch offices or pickup agency, but not including plant and main office,
 - j. Garden supplies shop,
 - k. Gift shop,
 - l. Grocery, fruit or vegetable store,
 - m. Mini warehouse;
 - n. Restaurants,
 - o. Self-service laundry and cleaning,
 - p. Service stations, provided there shall be no repairing, repainting, reconstruction, or sale of motor vehicles from the premises,
 - q. Shoe repair shop,
 - r. Accessory buildings when located on the same lot;
5. Any of the following uses:
 - a. Amusement enterprises, including bowling alleys, dance halls, pool halls, and billiard halls and shooting galleries;
 - b. Auto and trailer sales;
 - c. Banks;
 - d. Cabinet shop;
 - e. Custom cannery;
 - f. Department store;
 - g. Frozen food lockers;
 - h. Garage or auto repair, when conducted wholly within a building;
 - i. Hospitals, general and accessory buildings;
 - j. Hotels;
 - k. Lumberyard and building materials, retail only. Any open storage shall be enclosed by a sight-obscuring fence not less than six feet nor more than seven feet high;
 - l. Office, governmental;
 - m. Physical culture and health services including reducing salons, masseurs and public baths;
 - n. Radio or television studio;
 - o. Retail stores of all descriptions where merchandise is displayed and sold within the building;

- p. School, private or parochial;
 - q. Sign shop;
 - r. Tavern;
 - s. Theater, auditorium or drive-in theater;
 - t. Tire shop;
 - u. Wholesale office and showrooms, merchandise on the premises limited to samples only;
 - v. Auction sales of personal property, other than livestock;
6. The following uses may be permitted if their location is first approved by the board of adjustment:
- a. Mortuary or funeral home;
 - b. Public camp;
 - c. Athletic stadium;
 - d. Animal hospital or boarding kennels;
 - e. Animal sales yard (livestock sales yard);
 - f. Hazardous waste on-site treatment or storage;
 - g. Junk yards;
7. Uses customarily incidental to any of the above uses when located on the same lot may be allowed provided that such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes;
8. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within 10 working days pursuant to KCC Title 15A, Project Permit Application Process. (Ord. 96-19 (part), 1996; Ord. 93-1 (part), 1993; Res. 83-10, 1983).
9. Accessory Dwelling Unit (if in UGA)
10. Accessory Living Quarters
11. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

17.40.030 Lot size required.

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

17.40.040 Maximum lot coverage.

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

17.40.050 Maximum floor area.

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

17.40.060 Yard requirements.

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

17.40.070 Height restriction.

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

17.40.080 Off-street parking and loading.

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

17.40.090 Access requirement.

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

17.40.100 Half streets.

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

17.40.110 New residences.

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

Chapter 17.44

C-H HIGHWAY COMMERCIAL ZONE

Sections

17.44.010 Purpose and intent.

17.44.020 Uses permitted.

17.44.030 Conditional uses.

17.44.040 Minimum lot size.

17.44.050 Setback requirements.

17.44.055 Setback requirements- Zones Adjacent to Commercial Forest Zone.

17.44.060 Building height.

17.44.070 Off-street parking.

17.44.080 Access.

17.44.010 Purpose and intent.

It is the purpose and intent of the highway commercial zone to provide for motorist-tourist dependent businesses having little interdependence and requiring convenient access to passing traffic. (Ord. 83-Z-2 (part), 1983).

17.44.020 Uses permitted.

In any highway commercial zone, only the following uses are permitted:

1. Motels;
2. Restaurants, cafes;
3. Commercial recreation establishments;
4. Retail sales of souvenirs, gifts, novelties, curios, and handicraft products;
5. Offices whose activities are directly related to tourism and recreation;
6. Public and commercial museums and art galleries;
7. Gas service stations including truck stop operations, with minor repair work permitted only;
8. Fruit stands;
9. Cocktail lounges;
10. Public transportation, deadhead stations;
11. Grocery stores, not to exceed four thousand (4,000) square feet gross area;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983).

17.44.030 Conditional uses.

Conditional uses are as follows:

1. Public utilities;
2. Public transportation, passenger terminals;
3. Recreation vehicle parks. (Ord. 83-Z-2 (part), 1983).

17.44.040 Minimum lot size.

It is the intent of this chapter that each business be situated on a site of sufficient size to provide all off-street parking, loading and necessary driveways. (Ord. 83-Z-2 (part), 1983).

17.44.050 Setback requirements.

1. Front Setback. There shall be a minimum front yard depth of fifteen feet. Off-street parking and maneuvering area shall not be considered as front yard;
2. Side Setback. Ten feet;
3. Rear Setback. Ten feet. (Ord. 83-Z-2 (part), 1983).

17.44.055 Setback requirements – Zones Adjacent to Commercial Forest Zone.

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

17.44.060 Building height.

The maximum height of any structure shall be two and one-half stories or thirty-five feet, whichever is less. (Ord. 83-Z-2 (part), 1983).

17.44.070 Off-street parking.

Off-street parking and loading shall be provided as required in Chapter 17.64.1 (Ord. 83-Z-2 (part), 1983).

17.44.080 Access.

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

Chapter 17.48

I-L LIGHT INDUSTRIAL ZONE*

Sections

17.48.010 Purpose and intent.

17.48.020 Permitted uses.

17.48.030 Conditional uses.

17.48.040 Front, side and rear yard requirements.

17.48.050 Setbacks.

17.48.060 Height restrictions.

17.48.070 Lot coverage.

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

17.48.010 Purpose and intent.

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

17.48.020 Permitted uses.

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

1. Wholesale business, storage buildings and warehouses;
2. Freighting and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;

6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;
7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use. (Ord. 96-19 (part), 1996; Ord. 83Z-2 (part), 1983).

17.48.030 Conditional uses.

Conditional uses are as follows:

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

17.48.040 Front, side and rear yard requirements.

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

17.48.050 Setbacks.

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

17.48.060 Height restrictions.

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

17.48.070 Lot coverage.

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

Chapter 17.52

I-G GENERAL INDUSTRIAL ZONE

Sections

17.52.010 Purpose and intent.

17.52.020 Uses permitted.

17.52.030 Conditional uses.

17.52.040 Front, side and rear yard requirements.

17.52.050 Setbacks.

17.52.060 Height restrictions.

17.52.080 Access.

17.52.010 Purpose and intent.

This district is intended to accommodate certain industrial structures and uses that could create serious problems of compatibility with other kinds of land uses and to protect such districts from encroachment by conflicting land uses. (Ord. 83-Z-2 (part), 1983).

17.52.020 Uses permitted.

Any use permitted in the I-L zone. (Ord. 83-Z-2 (part), 1983).

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

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

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:
 - a. All chemical manufacture, storage and/or packaging;
 - b. Asphalt manufacture, mixing, or refining;
 - c. Automobile dismantling, wrecking or junk yards;

- d. Blast furnaces or coke ovens;
 - e. Cement, lime, gypsum or plaster of paris manufacture;
 - f. Drop forge industries;
 - g. Explosives, storage or manufacture;
 - h. Reduction or disposal of garbage, offal or similar refuse;
 - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
 - j. Rubber reclaiming;
 - k. Feed yards, livestock sales yards or slaughterhouses;
 - l. Smelting, reduction or refining of metallic ores;
 - m. Tanneries;
 - n. Wineries;
 - o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
 - p. Waste (refuse) recycling and processing;
 - q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.
2. In considering the issuance of conditional use permits for the foregoing listed uses, the board of adjustment shall:
- a. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
 - b. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand feet from any church, school, park, playground or occupied dwelling as may exist on the same lot or parcel as such use. (Ord. 93-1 (part), 1993; Ord. 83-Z2 (part), 1983).

17.52.040 Front, side and rear yard requirements.

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

17.52.050 Setbacks.

If any use in this 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 shall determine what these conditions shall be. (Ord. 96-19 (part), 1996; Ord. 83-Z-2 (part), 1983).

17.52.060 Height restrictions.

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

17.52.080 Access.

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

**Chapter 17.56A
FOREST AND RANGE ZONE***

Sections

- 17.56A.010 Purpose and intent.
- 17.56A.020 Uses permitted.
- 17.56A.030 Conditional uses.
- 17.56A.040 Lot - Minimum size.
- 17.56A.050 Lot - Width.
- 17.56A.060 Yard requirements.
- 17.56A.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.56A.070 Structure height.
- 17.56A.080 Setbacks.
- 17.56A.090 Nonconforming uses.

* Prior legislation: Ords. 82-Z-1, 77-1Z, 76-3, 762,75-11, 74-6, 2.

17.56A.010 Purpose and intent.

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

17.56A.020 Uses permitted.

The following uses are permitted:

1. Single-family homes, mobile homes, cabins, duplexes;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. (Deleted by Ord. 92-6);
6. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
7. Mining and associated activities;
8. Quarry mining, sand and gravel excavation, and rock crushing operations;

9. (Deleted by Ord. 92-6);
10. Uses customarily incidental to any of the uses set forth in this section;
11. Home occupations which do not produce noise;
12. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
13. Cluster subdivisions, when approved as a platted subdivision. (Ord. 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).

17.56A.030 Conditional uses.

The following uses are conditional:

1. Campgrounds;
2. Private trail clubs (snowmobiles, motorbikes);
3. Airports;
4. Log sorting yards;
5. Sawmills;
6. Firing ranges;
7. Golf courses;
8. Cemeteries;
9. Asphalt plants (temporary only);
10. Feedlots;
11. Public sanitary landfill;
12. Trailers, for an extended period not to exceed one year, when used for temporary occupancy related to permanent home construction or to seasonal or temporary employment;
13. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
14. Greenhouses, nurseries;
15. Home occupations;
16. Hospitals;
17. Museums;
18. Public Utility substations and transmission towers;
19. Riding academies;
20. Schools, public and private;
21. Governmental uses essential to residential neighborhoods;
22. Churches;
23. (Deleted by Ord. 83-Z-2)
24. Community clubs;

25. Convalescent homes;
26. Day care facilities;
27. Bed and breakfast business.
28. Room and board lodging involving no more than four boarders or two bedrooms;
29. Feed mills, canneries and processing plants for agricultural products;
30. Kennels;
31. Livestock sales yard;
32. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
33. Golf courses;
34. Auction sales of personal property, other than livestock;
35. Private Campgrounds. In considering proposals for location of such campgrounds, the board of adjustment shall consider the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 - d. Adequate and convenient vehicular access, circulation and parking should be provided.
 - e. Economic and environmental feasibility;
 - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation);
36. Log sorting yard;
37. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations;
38. Mini-warehouses; provided, that the following standards shall apply to the approval and construction of mini-warehouses:
 - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - b. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
 - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
 - d. Lease documents shall spell out all conditions and restrictions of the use;
 - e. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area;
39. Guest ranches, group homes, retreat centers;
40. Home occupations which involve outdoor work or activities, or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;

41. Day care facilities;
42. Bed and breakfast business;
43. Gas and oil exploration and production; and
44. Farm labor shelters, provided that:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four per twenty acre parcel;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed. (Ord. 2001-13 (part), 2001; Ord. 93-6 (part), 1993; Ord. 92-6 (part), 1992; Ord. 90-15 §§ 2 (part), 3 (part), 1990; Ord. 90-10 (part), 1990; Ord. 90-6 (part), 1990; Ord. 88-4 § 6, 1988; Ord. 87-9 § 5, 1987; Ord. 85-Z-2 (part), 1985; Ord. 83-Z-2 (part), 1983; Res. 8310, 1983).

17.56A.040 Lot - Minimum size.

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

1. Twenty acres;
2. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.

17.56A.050 Lot - Width.

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

17.56A.060 Yard requirements.

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

17.56A.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.56A.070 Structure height.

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

17.56A.080 Setbacks.

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

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

17.56A.090 Nonconforming uses.

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

Chapter 17.56B
RURAL OUTLYING-20 ZONE

Sections

- 17.56B.010 Purpose and intent.
- 17.56B.020 Uses permitted.
- 17.56B.030 Conditional uses.
- 17.56B.040 Density and Lot Size.
- 17.56B.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.56B.070 Structure height.
- 17.56B.080 Nonconforming uses.
- 17.56B.090 Fire Protection.

17.56B.010 Purpose and intent.

These areas are remote or have been historically rural in character. Large tracts of undeveloped open space exist. It is recognized that this area may have agriculture or forest land practices of small scale and/or commercial significance. Area may also be adjacent to designated resource lands. In many cases public roads and infrastructure are not available to serve the area.

17.56B.020 Uses permitted.

The following uses are permitted:

14. Single-family homes;
15. Lodges and community clubhouses;
16. In home daycare services;
17. Bed and breakfast business that has less than or equal to three guest bedrooms;
18. 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.;
19. Greenhouses, nurseries;
20. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
21. Sawmills;
22. Log sorting yards;
23. Kennels;
24. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
25. Mining and associated activities;
26. Quarry mining, sand and gravel excavation, and rock crushing operations;
27. Uses customarily incidental to any of the uses set forth in this section;
28. Home occupations;
29. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
30. Cluster subdivisions, when approved as a platted subdivision.

17.56B.030 Conditional uses.

The following uses are conditional:

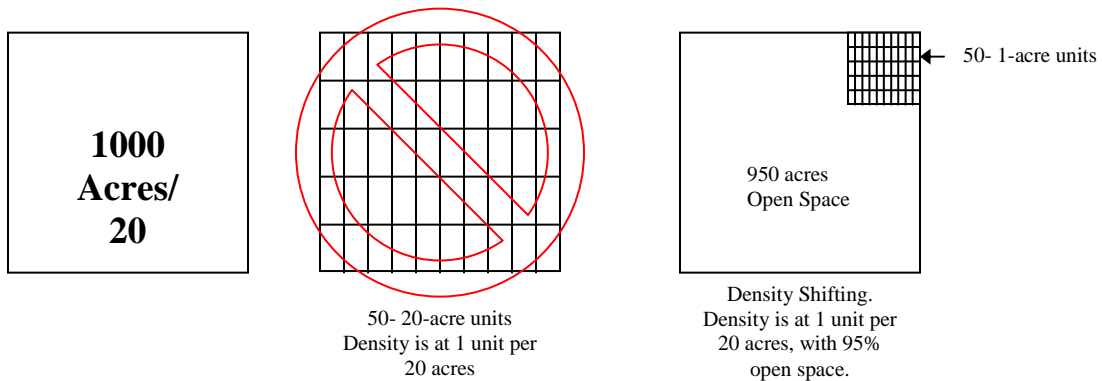
45. Campgrounds;
46. Private trail clubs (snowmobiles, motorcycles);
47. Airports;
48. Firing ranges;
49. Cemeteries;
50. Asphalt plants (temporary only);
51. Public sanitary landfill;

52. 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;
53. The commercial raising of fur bearing animals;
54. Feedlots;
55. Public Utility substations and transmission towers;
56. Riding academies;
57. Schools, public and private;
58. Governmental uses essential to residential neighborhoods;
59. Day care facilities;
60. Bed and breakfast business with more than three guest bedrooms;
61. Feed mills, canneries and processing plants for agricultural products;
62. Livestock sales yard;
63. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
64. Golf courses;
65. Auction sales of personal property, other than livestock;
66. 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;
67. Guest ranches, group homes, retreat centers;
68. Gas and oil exploration and production; and
69. 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.

17.56B.040 Density and Lot Size.

3. The maximum density shall be an average of 1 dwelling unit per 20 acres in the Rural Outlying-20 zone excluding non-conforming lots existing at the time of adoption of this ordinance.
4. The minimum lot size shall be 20 acres for lots created not using innovative techniques that is consistent with the density of 1 dwelling unit per 20 acres.

5. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.
6. Density Shifting. Implementation of density shifting can occur as long as the average density across the contiguous land shall not exceed 1 unit per 20 acres. Parcels may be created with a maximum lot size of 1 acre through density shifting.



Density Shifting Example

17.56B.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.56B.070 Structure height.

No structure shall exceed thirty-five feet in height. This limit does not apply to agricultural buildings or transmission structures.

17.56B.080 Nonconforming uses.

No structure or uses existing legally at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses.

17.56B.090 Fire protection.

All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district.

Chapter 17.56C

RURAL OUTLYING-80 ZONE

Sections

- 17.56C.010 Purpose and intent.
- 17.56C.020 Uses permitted.
- 17.56C.030 Conditional uses.
- 17.56C.040 Density and Lot Size.
- 17.56C.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.56C.070 Structure height.
- 17.56C.080 Nonconforming uses.
- 17.56C.090 Fire Protection.

17.56C.010 Purpose and intent.

These areas are remote or have been historically rural in character. Large tracts of undeveloped open space exist. It is recognized that this area may have agriculture or forest land practices of small scale and/or commercial significance. Area may also be adjacent to designated resource lands. In many cases public roads and infrastructure are not available to serve the area.

17.56C.020 Uses permitted.

The following uses are permitted:

31. Single-family homes,;
32. Lodges and community clubhouses;
33. In home daycare services;
34. Bed and breakfast business that has less than or equal to three guest bedrooms;
35. 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;
36. Greenhouses, nurseries;
37. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
38. Sawmills;
39. Log sorting yards;
40. Kennels;
41. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified in this chapter;
42. Mining and associated activities;
43. Quarry mining, sand and gravel excavation, and rock crushing operations;
44. Uses customarily incidental to any of the uses set forth in this section;
45. Home occupations which do not produce noise;

46. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners will be given official notification for an opportunity to appeal such decisions to the county board of adjustment within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
47. Cluster subdivisions, when approved as a platted subdivision.

17.56C.030 Conditional uses.

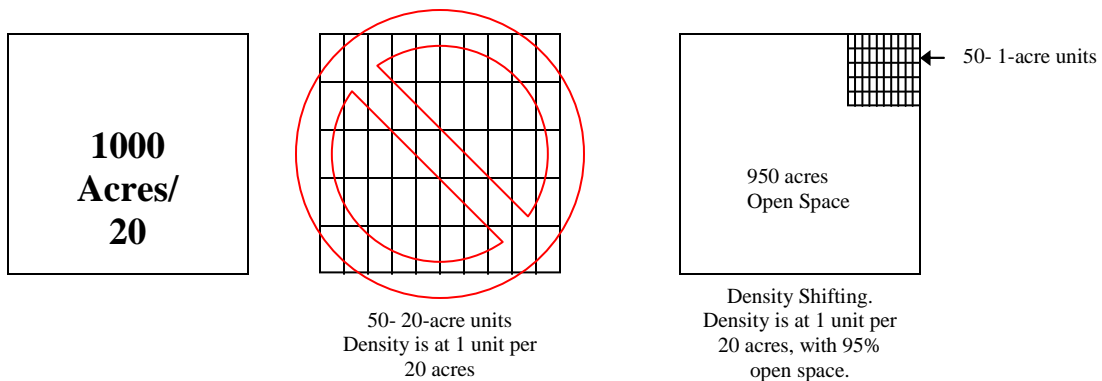
The following uses are conditional:

70. Campgrounds;
71. Private trail clubs (snowmobiles, motorcycles);
72. Airports;
73. Firing ranges;
74. Cemeteries;
75. Asphalt plants (temporary only);
76. Public sanitary landfill;
77. 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;
78. Feedlots;
79. The commercial raising of fur bearing animals;
80. Public Utility substations and transmission towers;
81. Riding academies;
82. Schools, public and private;
83. Governmental uses essential to residential neighborhoods;
84. Day care facilities;
85. Bed and breakfast business with more than three guest bedrooms;
86. Feed mills, canneries and processing plants for agricultural products;
87. Livestock sales yard;
88. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
89. Golf courses;
90. Auction sales of personal property, other than livestock;
91. 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;
92. Guest ranches, group homes, retreat centers;
93. 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;
94. Gas and oil exploration and production; and
95. 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.

17.56C.040 Density and Lot Size.

7. The maximum density shall be an average of 1 dwelling unit per 80 acres excluding non-conforming lots existing at the time of adoption of this ordinance in the Rural Outlying-80 zone.
8. Minimum lot size shall be 80 acres unless developed per section 3 below.
9. Maximum lot size is 1 acre for lots developed using innovative techniques unless otherwise determined by Environmental Health and Department of Health Requirements.
10. Density Shifting. Implementation of density shifting can occur as long as the average density across the contiguous land shall not exceed 1 unit per 80 acres. Parcels may be created with a maximum lot size of 1 acre through density shifting.



Density Shifting Example

17.56C.065 Yard requirements – Zones Adjacent to Commercial Forest Zone.

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

17.56C.070 Structure height.

No structure shall exceed thirty-five feet in height . This limit does not apply to agricultural buildings or transmission structures.

17.56C.080 Nonconforming uses.

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

17.56C.090 Fire protection.

All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district.

**Chapter 17.57
COMMERCIAL FOREST ZONE**

Sections

- 17.57.010 Purpose and intent.
- 17.57.020 Uses permitted.
- 17.57.030 Conditional uses.
- 17.57.040 Lot - Minimum size.
- 17.57.050 Yard requirements.
- 17.57.060 Structure height.
- 17.57.070 Shorelines setbacks.
- 17.57.080 Fire protection.
- 17.57.090 Water supply.
- 17.57.100 Building location.
- 17.57.110 Access.
- 17.57.120 Road standards.
- 17.57.130 Nonconforming uses.
- 17.57.140 Resource activity notification.

17.57.010 Purpose and intent.

The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which have been designated as commercial forest in the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter. (Ord. 94-1 (part), 1994).

17.57.020 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 snowparks;
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 pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 94-1 (part), 1994).

17.57.030 Conditional uses.

The following uses are conditional:

1. Public and private developed recreational facilities limited to parks, playgrounds,
2. Permanent sawmills and chippers, shake and shingle mills, log sorting yards, plywood mills and the production of green veneer, particle board plants and other products from wood residues, pole yards, buildings for debarking, drying kilns and equipment, accessory uses including but not limited to temporary crew quarters, storage and maintenance facilities, residue storage and disposal areas and other uses involved in the harvesting and commercial production of forest products;
3. Agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, and fur bearing animals, feed lots, feeding operations, nursery stock and other agricultural activities and structures accessory to farming and animal husbandry;
4. One accessory living unit in conjunction with a single family dwelling or mobile home, kitchen facilities may not be provided in accessory living units;
5. 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;
6. The erection, construction, or substantial alteration of private, public and semi-public gas, electric, water or telecommunication and utility facilities, including but not limited to fire stations, utility substations, pump stations, wells, hydroelectric generating facilities and transmission lines and facilities;
7. Treatment of waste water or application of sewage sludge where not a forest practice regulated by the state;
8. Asphalt plants (temporary only);
9. Temporary state correctional work camps to supply labor for forest management related work projects and for fire control;
10. Group homes, as defined by state law; and
11. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code. (Ord. 94-1 (part), 1994).

17.57.040 Lot - Minimum size.

The minimum lot size in the Commercial Forest Zone shall be eighty acres. (Ord. 94-1 (part), 1994).

17.57.050 Yard requirements.

1. All structures shall maintain a minimum of two hundred feet setback from all front, rear and side yard lines, except for structures, uses and activities provided under Permitted Uses 5, 7 and 9, and Conditional Use 6. In the event this requirement reduces the buildable area of a parcel to a dimension that is less than one hundred feet in width and/or in depth, the setback requirement from all yard lines shall be reduced to a point that allows for a maximum building area of one hundred feet in width and/or one hundred feet in depth. For instances where the subject property is bordered by zones other than Commercial Forest, the two hundred foot setback shall be maintained at the property lines located bordering the Commercial Forest Zone.
2. No dwelling units or accessory structures shall be placed within two hundred feet of the Commercial Forest Zone boundary delineation unless this requirement together with standard front, rear, and side yard setbacks as identified in the underlying zoning district reduces the buildable area of the parcel to a dimension that is less than one hundred (100) feet in width and/or in depth. In this instance, the setback requirement from the Commercial Forest Zone boundary shall be reduced to a point that allows for a maximum building area of one hundred feet in width and/or one hundred feet in depth. (Ord. 94-1 (part), 1994).

17.57.060 Structure height.

No structure shall exceed two and one-half stories or thirty-five feet in height, whichever is greater. This limit does not apply to agricultural buildings or transmission structures. (Ord. 94-1 (part), 1994).

17.57.070 Shorelines setbacks.

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

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for parcels abutting such waterways;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, and Kachess Lakes. (Ord. 94-1 (part), 1994).

17.57.080 Fire protection.

All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments". ; and/or (3) Urban Wildland Interface Code for structures outside a fire district (Ord. 94-1 (part), 1994).

17.57.090 Water supply.

1. When residential or other structural uses are intended to be supplied with potable water from off-site sources, recorded, written permission shall be obtained from the property owners supplying the water prior to plat approval or building permit issuance, as applicable.
2. New residential or recreational domestic water supplies shall be certified by the state of Washington and shall not be located within one hundred feet of adjacent property without recorded, written consent of the property owners. (Ord. 94-1 (part), 1994).

17.57.100 Building location.

No permanent buildings shall be located in a one hundred-year floodplain, in wetlands, or in geologically hazardous critical areas. (Ord. 94-1 (part), 1994).

17.57.110 Access.

Vehicular access to residential properties shall not traverse commercial forest lands unless legal access has been granted by the property owner of the forest commercial lands. Easements for permanent access shall be recorded with the county assessor by the property owner. (Ord. 94-1 (part), 1994).

17.57.120 Road standards.

1. Roads serving new residential, commercial or industrial building sites shall meet or exceed county road standards.
2. Private Driveways. Private driveways shall be a minimum of twelve feet in width providing curves are not too sharp, a minimum centerline radius of fifty-five feet for curves, a maximum grade of twelve percent up to fifteen percent for very short distances subject to approval by the county director of public works and county fire marshal (grades over twelve percent are required to be paved with asphalt cement or Portland cement concrete; any grade over twenty percent must be paved with Portland cement concrete), with functional turnouts intervisible, and a minimum of eighty feet diameter turn-around for dead ends. (Ord. 94-1 (part), 1994).

17.57.130 Nonconforming uses.

No structure or uses existing legally at the time of adoption of the ordinance codified herein shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 94-1 (part), 1994).

17.57.140 Resource activity notification.

All conveyance instruments, plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of land designated as Commercial Forest Zone lands contain the following notice: "The subject property is within or near designated natural resource land of long-term commercial significance on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural

resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305) (Ord. 94-1 (part), 1994).

Chapter 17.58 **AIRPORT ZONE***

Sections

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

17.58.010 Purpose and intent.

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

17.58.020 Statutory authority.

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

17.58.030 Definitions.

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

1. "Airport" means public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field).

2. "Airport elevation" means 1,766 feet above mean sea level.
3. "Airport overlay zoning district" shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map "B" - "Airport Safety Zones"¹ and numbered zones 1 through 6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulations (FAR) Part 77, as amended and depicted on Map "A" - "Part 77".³
 - ¹. Map "B", referenced throughout this chapter, is on file with the Kittitas County public works department.
 - ². Map "A", referenced throughout this chapter, is on file with the Kittitas County public works department.
4. "Airport surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in KCC 17.58.050. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth and defined in KCC 17.58.040.
6. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to one foot outward for a horizontal distance of 4,000 feet.
7. "Flammable and combustible liquids" shall be defined as the type and design of underground and aboveground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52 (5201.3.2(#1) Motor Vehicle Fuel - Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options 7904), Standard of the International Fire Code and all applicable codes.
8. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. "Height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district map "A", the datum shall be mean sea level elevation unless otherwise specified.
10. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation.
11. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
12. "Nonconforming use" means any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
13. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.

14. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in KCC 17.58.050.
15. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. "Person" includes a trustee, a receiver, an assignee, or a similar representative.
16. Precision Instrument Approach. The precision instrument approach is designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.
17. Precision Instrument Runway 29. The precision approach is a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.
18. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in KCC 17.58.040. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
20. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
21. Transitional Surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
22. "Tree" means any object of natural growth.
23. "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.
24. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 200110 (part), 2001).

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

In order to carry out the provisions of this chapter, there is hereby created an airport overlay zoning district that is composed of the following surface and safety zones for Kittitas County Airport (Bowers Field). The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zoning district Map "A" - "Part 77" and Map "B" - "Airport Safety Zones", which are attached hereto and incorporated by reference, and

which shall also be on file and open for inspection in the Kittitas County Community Development Services, Kittitas County Public Works department, and the city of Ellensburg community development department. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

1. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) overlay zoning map "A", as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follow:
 - a. Runways 07, 25, and 11, Larger than Utility with a Visibility Minimum Greater than Three-Fourth Mile Nonprecision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on map "A".

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

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

Height Restrictions: No object shall penetrate the imaginary line

created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90degree angles to the extended runway centerline.

- d. Horizontal Zone. The zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Height Restrictions: No object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.

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

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

2. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

- a. Runway Protection Zone 1. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
- b. Inner Safety Zone 2. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted in map "B" (shaded area #2). This zone

begins at the end of the runway protection zone 1 and extends out 2,800 feet, The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.

- c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
- d. Outer Safety Zone 4. Area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
- e. Sideline Zone 5. An area adjacent to runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
- f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60degree sector of the inner turning zone. (Ord. 2001-10 (part), 2001).

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

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

1. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on

Kittitas County Airport (Bowers Field) overlay zoning map "A", as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follow:

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

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

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

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

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

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

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

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

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

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

2. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

- a. Runway Protection Zone 1. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
- b. Inner Safety Zone 2. An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted in map "B" (shaded area #2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet, The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
- c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
- d. Outer Safety Zone 4. Area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The

zone measures 1,000 feet across, 500 feet on either side of the runway centerline.

- e. Sideline Zone 5. An area adjacent to runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
- f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. (Ord. 2001-10 (part), 2001).

17.58.050 Uses, development requirements and restrictions.

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

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

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

2. Use Table.

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

Airport Overlay Zones	Applicable uses
Zone 1 (Runway Protection Zone)	<ul style="list-style-type: none"> 1. Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.) 2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 2 (Inner Safety Zone)	<ul style="list-style-type: none"> 1. Schools, play fields, hospitals, nursing homes, and churches are prohibited. 2. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001]. 3. Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].
Zone 3 (Inner Turning Zone)	<ul style="list-style-type: none"> 1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.

2. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with Articles 52 and 79, the International Fire Code (IFC) standard, and applicable codes.
3. Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
4. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Agricultural - 3 the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
5. Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

Zone 4
(Outer Safety Zone)

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

Zone 5
(Sideline Zone)

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

Zone 6
(Airport Operations Zone)

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

(Ord. 2001-10 (part), 2001).

17.58.060 Permits.

1. Future Uses. Except as specifically provided in subsections (A)(1), (2), and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection D of this section.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
 - d. As a condition for approval of new development within the approach surfaces or safety zones a notice shall be recorded with the county auditor prior to final approval of new subdivisions, short subdivisions, building permits, conditional use permits, special use permit or other similar permits, unless said notice is already recorded on the property. Said notice shall state: "This property is located adjacent to an airport and routinely subject to overflight activity by aircraft using the airport; residents and tenants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aviation activities."
2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed. Whenever the airport manager, or his or her designee, determines that a nonconforming or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or

- decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County airport manager by the Kittitas County Community Development Services department consistent with the notification procedures under KCC Title 15A.
 5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. (Ord. 2001-10 (part), 2001).
 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".

17.58.070 Nonconforming use - Regulations not retroactive.

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

17.58.080 Violations and enforcement.

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

17.58.090 Appeals.

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

17.58.100 Judicial review.

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

17.58.110 Conflicting regulations.

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

Chapter 17.59
LIBERTY HISTORIC ZONE*

Sections

- 17.59.010 Purpose and intent.
- 17.59.020 Permitted uses.
- 17.59.030 Conditional uses.
- 17.59.040 Lot size required.
- 17.59.050 Yard requirements.
- 17.59.060 Building height.
- 17.59.070 Building restrictions.
- 17.59.080 Architectural standards.
- 17.59.090 Interpretation.

* Prior history: Ords. 80-Z-4, 68-1.

17.59.010 Purpose and intent.

It is the purpose of this chapter to provide a zoning code for the Liberty Townsite which is part of the Liberty historical district. The intent of the zoning is to permit a wide range of uses while preserving the historic mining-town character of the townsite. (Res. 83-10, 1983).

17.59.020 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 within 10 working days of notification pursuant to KCC Title 15A, Project Permit Application Process;
13. Mining and milling;

17.59.030 Conditional uses.

The following conditional uses are permitted: Grocery store, drug and variety store, auto-service station, cafe, tavern, museum, gift shop and similar retail businesses which have been determined by the board of adjustment to be consistent with the purposes of this chapter. (Ord. 96-19 (part), 1996; Res. 83-10, 1983).

17.59.040 Lot size required.

The minimum lot size shall be one acre with a minimum average lot width of one hundred fifty feet. All lots existing at the time of adoption of the ordinance codified in this chapter shall be considered as legal size for construction purposes. (Res. 83-10, 1983).

17.59.050 Yard requirements.

Yard requirements are as follows:

1. Front yard: twenty feet;
2. Side yard: five feet;
3. Rear yard: twenty-five feet;
4. Setback from USFS boundary: fifty feet.

17.59.060 Building height.

No building shall exceed two stories or thirty-five feet in height, whichever is greater. (Res. 83-10, 1983).

17.59.070 Building restrictions.

Building restrictions. Every structure erected or placed on a lot in this zoning district shall conform strictly to a uniform pattern of external appearance as defined in this chapter. The intent of this requirement is to assure that such external appearance be

substantially identical with the style and character of dwellings presently existing in the unincorporated townsite of Liberty in Kittitas County. (Res. 83-10, 1983).

17.59.080 Architectural standards.

In conformity with the foregoing, no dwelling, business, accessory building, fence or other structure shall be erected, placed or permitted on a lot unless its external appearance conforms to the following:

1. Exterior siding must be rough-sawed lumber or logs. Board or batten shakes or single siding is also permitted. All exterior surfaces must be natural or clear stain.
2. Windows. Wood frame windows are permitted. Window frames of other material may be permitted if it resembles wood.
3. Doors. All exterior doors must be wood with natural or clear stain permitted.
4. Chimneys. Brick or metal stovepipe chimneys shall be permitted.
5. Fences. Only natural wood fences are permitted.
6. Other. No plywood or metal siding is permitted. Metal roofing is permitted only if it is galvanized color. (Res. 83-10, 1983).

17.59.090 Interpretation.

Compliance with the intent of this chapter shall be the determination of the building inspector for Kittitas County. (Res. 83-10, 1983).

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 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 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 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. 88-4 § 11 (part), 1988; Res. 83-10, 1983).

17.60A.020 Conditions.

1. In permitting such uses the 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 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 board of adjustment and new conditions may be imposed where finding requires. (Ord. 88-4 § 11 (part), 1988).
4. All conditional uses in Rural, and Natural Resource land use designation shall be considered in a manner that is compatible and subordinate to the underlying land use designation and approved in a manner consistent with the zone.

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 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. 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. 88-4 § 11 (part), 1988; Res. 83-10, 1983).

17.60A.050 Affected area of use.

Repealed by Ord. 96-19. (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. 96-19 (part), 1996; Ord. 88-4 § 11 (part), 1988: Res. 83-10, 1983).

17.60A.070 Appeal.

Repealed by Ord. 96-19. (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.

17.60A.090 Expiration.

A conditional use permit shall become void five years after approval or such other time period as established by the 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.

Chapter 17.60B
ADMINISTRATIVE USES

- 17.60B.010 Applicability.
- 17.60B.020 Purpose.
- 17.60B.030 Administrative Authority.
- 17.60B.040 Fees.
- 17.60B.050 Administrative Review.
- 17.60B.060 Administrative Action.
- 17.60B.070 Permit Processing and Notice.
- 17.60B.080 Effect.
- 17.60B.090 Transfer of Ownership.
- 17.60B.100 Expiration.
- 17.60B.110 Appeal of Administrator's Decision.

17.60B.010 Applicability.

The provisions of this chapter shall apply to all uses listed as an administrative use in the applicable zoning district. Administrative uses are those uses subject to standards that are applicable for all permits and those that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review.

17.60B.020 Purpose.

The purpose of this chapter is to establish criteria and procedures for uses, which due to their unique qualities may require additional regulations or other special degrees of control. The administrative use process, which includes public notice and comment, is required to ensure that the activity, if established, will be in full compliance with the applicable regulations and that such uses are compatible with the comprehensive plan, adjacent uses, planned uses and the character of the vicinity.

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 Adjustment.

The Board of Adjustment 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.

17.60B.040 Fees.

The fees for such application shall be consistent with the most updated fee schedule as established annually by the board of county commissioners under separate action. Fees shall be payable to the Kittitas County Treasurer and shall not be refundable in any case.

17.60B.050 Administrative Review.

The development standards of this title shall be used by the applicant in preparing the administrative use permit application, and by the administrator in determining the acceptability of permitting a use in a certain location. The applicant has the burden of proving that the proposed use meets criteria set forth below in this section. An administrative use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

- (1) That the granting of the proposed administrative use permit approval will not:
 - (A) Be detrimental to the public health, safety, and general welfare;
 - (B) Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - (C) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
- (2) That the granting of the proposed administrative use permit is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.
- (3) That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
- (4) That the applicant has addressed all requirements for a specific use.

17.60B.060 Administrative Action.

A decision by the administrator shall include the following:

- (1) A statement of the applicable criteria and standards in the development codes and other applicable law.
- (2) A statement of the findings of the review authority, stating the applicant's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards.
- (3) The decision to approve or deny the application; if approved any decision must state all conditions of approval.
- (4) A statement that the decision is final unless appealed as provided in the respective governing regulation within fourteen calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.
- (5) A statement that the complete case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection.

17.60B.070 Permit Processing and Notice.

Administrative use permits shall be processed in accordance with the provisions contained in this chapter and the provisions of Title 15A, Project Permit Application Process of the Kittitas County Code.

17.60B.080 Effect.

In any case where an administrative use permit is granted under the terms of this title, no building or other permit shall be issued until the end of the appeal period allowed in Title 15A, Project Permit Application Process of the Kittitas County Code. An appeal of the decision shall automatically stay the issuance of building or other permits until such appeal has been completed.

17.60B.090 Transfer of Ownership.

The granting of an administrative use permit and the conditions set forth run with the land; compliance with the conditions of the administrative use permit is the responsibility of the current owner of the property, the applicant and successors.

17.60B.100 Expiration.

An administrative use permit shall become void three years after approval or such other time period as established by the administrator if no substantial construction or satisfying the conditions of approval has taken place.

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 Adjustment, 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.

Chapter 17.61 UTILITIES

Sections

17.61.010 Definitions.

17.61.020 Permitted and conditional uses.

17.61.030 Review criteria - Special utilities and associated facilities.

17.61.040 Communication facilities - Administrative review - General requirements.

17.61.010 Definitions.

1. "Utility" or "utilities" means the supply, treatment and distribution, as appropriate, of gas, gas meter stations, municipal domestic and irrigation water, sewage, storm water, electricity, telephone, fiber-optic and cable television. Such utilities consist of both the service activity along with the physical facilities necessary for the utilities to be supplied, except for associated facilities and special utilities as defined herein.
2. "Special utility" or "special utilities" shall mean the following:
 - a. Natural gas, synthetic fuel gas, or liquefied petroleum gas pipelines operating at a pressure which results in a hoop stress of 20 percent or more of the specified minimum yield strength;
 - b. Electrical transmission lines exceeding 115,000 volts;
 - c. Electrical substations;
 - d. Cellular, mobile or fiber-optic telecommunication facilities;
 - e. Geothermal power facilities;
 - f. Minor thermal power plant facilities;
3. "Antenna" or "antennas" means any system of poles, panels, rods, dishes, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.
4. "Associated facility" or "associated facilities" means a land use whose principal purpose involves the distribution, processing, storage, handling, or other related and supporting activities necessary for a special utility, not including administrative activities or offices.
5. "Communication facility" or "communication facilities" means any real property or portion thereof used for the reception, transmission and/or regeneration of electromagnetic and light signals, including but not limited to cellular, fiber-optic, microwave, mobile radio, radio, satellite, and television mediums. The term does not include poles or lattice-work towers supporting aboveground distribution or transmission lines for utility services such as electricity, telephone, or cable television. Communication facilities consist of all buildings, transmission

- structures, and other appurtenant improvements necessary for the support, shelter and operation of applicable communication equipment.
6. "Fuel cell" or "fuel cells" means a device which uses an electrochemical process to produce electrical energy using as its fuel source natural gas, methanol, propane, or like fuel.
 7. "Geothermal power facility" or "geothermal facility" means a facility used to produce electricity by extracting and converting the natural thermal energy of the earth. The term does not include ground-source heat pumps or the direct use of geothermal energy for the heating of buildings located on or adjacent to the subject property.
 8. "Hydroelectric plant" or "hydroelectric plants" means a facility used to produce electricity by converting the kinetic energy of flowing water to electric power. Hydroelectric facilities include but may not be limited to a dam, powerhouse apparatus (penstock, turbines and generators), step-up transformers, and any other buildings, support structures, or other related improvements necessary for the generation of electric power. The term does not include irrigation diversion dams, electrical distribution or transmission lines, or electrical substations otherwise regulated by this chapter.
 9. "Major alternative energy facility" means a hydroelectric plant, solar farm, or wind farm that is not a minor alternative energy facility.
 10. "Major thermal power plant facility" or "major thermal power plant facilities" means an electrical generating facility that utilizes nuclear or fossil fuels with output exceeding 10 mva.
 11. "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, 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.
 12. "Minor thermal power plant facility" or "minor thermal power plant facilities" means an electrical generating facility that utilizes nuclear or fossil fuels with an output of at least one mva but equal to or less than 10 mva.
 13. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction.
 14. "Utility corridor" or "utility corridors" means a lineal transportation route utilized by one or more special utilities.
 15. "Solar farm" or "solar farms" means a facility or area of land principally used to convert solar radiation to electricity. The term does not include devices or combination of devices which rely upon direct sunlight as an energy source for a minor alternative energy system.

16. "Wind farm" means a single wind turbine exceeding 120 feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining tax parcels. The term does not include turbines mounted to existing structures principally used for other lawful purposes (such as buildings or electric utility poles) provided the nacelle does not extend more than 20 feet above the uppermost portion of the structure to which it is mounted or attached.
17. "Wind turbine" or "wind turbines" means any of various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical and electrical energy. Wind turbines consist of the turbine apparatus (rotor, nacelle and tower) and any other buildings, support structures, or other related improvements necessary for the generation of electric power. The term does not include electrical distribution or transmission lines, or electrical substations otherwise regulated by this chapter. (Ord. 2001-12 (part), 2001; Ord. 2000-06 (part), 2000; Ord. 99-14 (part), 1999; Ord. 98-17 (part), 1998).

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:
 - a. Wind turbines shall not exceed a total height of 75 feet above grade; and
 - b. Rotors shall not exceed 30 feet in diameter.
3. Minor thermal power plant facilities may be authorized by the Community Development Services director as an administrative conditional use in all zoning districts, pursuant to the criteria and procedures of this chapter and KCC Title 15A.
4. Major alternative energy facilities may be authorized in the Agriculture-20, forest and range, commercial agriculture, and commercial forest zones as follows:
 - a. Wind farms may be authorized pursuant to the provisions of Chapter 17.61A KCC;
 - b. All other major alternative energy facilities may be authorized by the board of adjustment as a conditional use.
5. Major thermal power plant facilities may be authorized by the board of adjustment 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 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 as a conditional use in the general industrial zone (Chapter 17.52 KCC).
8. The board of adjustment 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. 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 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, 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 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:
 - a. 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
 - b. 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 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:
 - a. 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;
 - b. Are not eligible for any other use or any rights allowed to nonconforming lots in the event the utility or special utility use ceases;
 - c. 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).

17.61.040 Communication facilities - Administrative review - General requirements.

1. Communication 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 and KCC 17.60. An administrative conditional use permit is not required for the operation of amateur or noncommercial communication equipment as defined by FCC regulations under Part 95D and Part 97 CFR (i.e., citizen band, ham radio).
2. Construction of all improvements shall be completed within one year of the date of permit issuance except as provided for in subsections E and F of this section.
3. The lot line setback requirements of this title may be waived by the Community Development Services director, in order to improve the facilities' reception and/or transmission capabilities or to achieve greater levels of audible or visual screening than that which would be available by using the applicable zone's yard requirements.
4. Communication facilities shall be designed to blend with existing surroundings; provided, no conflicts exist with existing Federal Communications Commission and the Federal Aviation Administration regulations relating to aircraft safety. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands.
5. The co-location of antennas on both existing and proposed transmission structures is encouraged. Communication antennas shall be permitted outright in all zoning districts provided the following:
 - a. An antenna shall not extend more than six feet horizontally from any structure to which it is attached.
 - b. An antenna shall not extend vertically more than 15 feet above the uppermost portion of the structure to which it is mounted or attached.
6. Modifications to, including the expansion of, existing approved communication facilities shall be outright permitted; provided, there is no increase in the height of the transmission tower. For purposes of this subsection, "transmission tower" means a pole or lattice-work structure specifically designed and intended to

support antenna and related communication equipment. (Ord. 2001-12 (part), 2001: Ord. 2000-06 (part), 2000).

Chapter 17.61A

WIND FARM RESOURCE OVERLAY ZONE

Sections

- 17.61A.010 Legislative findings, purpose and intent.
- 17.61A.020 Definitions.
- 17.61A.030 Development uses, requirements, and restrictions.
- 17.61A.035 Pre-identified areas for siting.
- 17.61A.040 Approvals required for wind farm resource overlay zone.

17.61A.010 Legislative findings, purpose and intent.

The purpose and intent of this chapter is to establish a process for recognition and designation of properties located in areas of Kittitas County suitable for the location of wind farms, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind farms. (Ord. 2002-19 (part), 2002).

17.61A.020 Definitions.

The following definitions shall be used in conjunction with the administration of this chapter:

1. "Wind farm" means a single wind turbine exceeding 120 feet in height above grade or more than one wind turbine of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels.
2. "Wind turbine" means any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power. (Ord. 2002-19 (part), 2002).

17.61A.030 Development uses, requirements, and restrictions.

Development uses, requirements, and restrictions. All listed permitted uses in the underlying zoning district of this overlay zone are permitted. All listed conditional uses in the underlying zoning district of this overlay zone are subject to conditional use permit process and review. Wind farms are a permitted use in a wind farm resource overlay zoning district, subject to the additional approval requirements and restrictions set forth in KCC 17.61A.040. (Ord. 2002-19 (part), 2002).

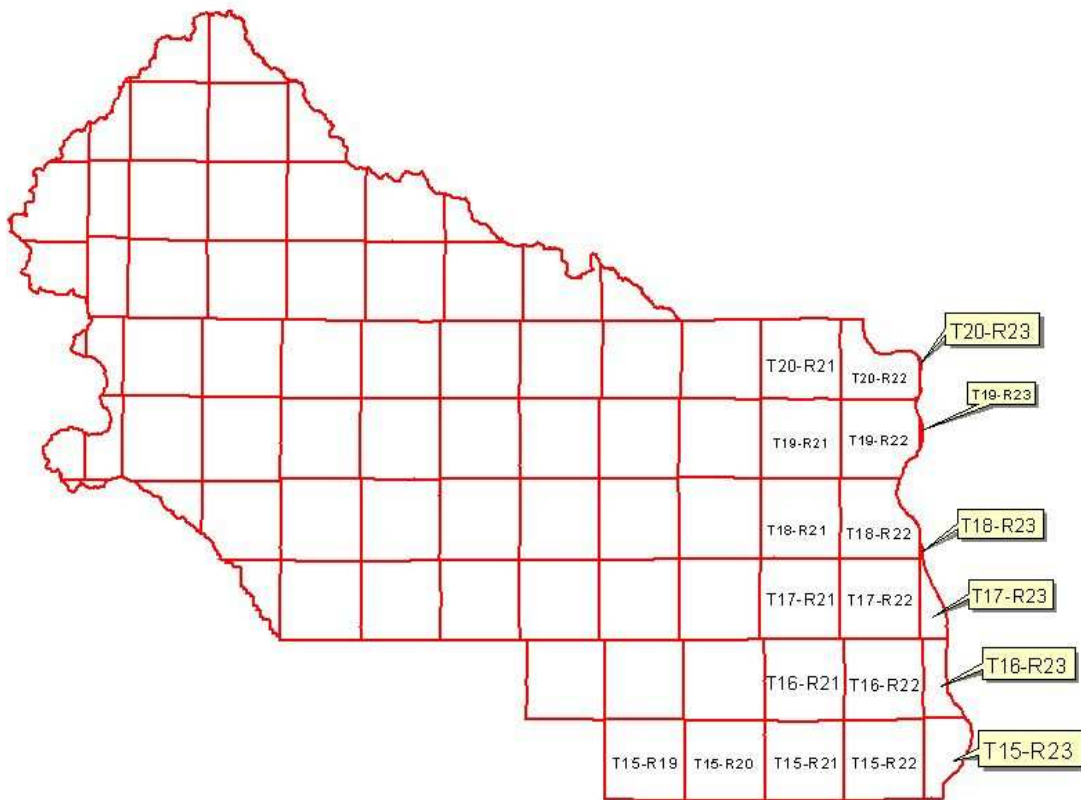
17.61A.035 Pre-identified areas for siting.

For proposed wind farms located in identified areas in Kittitas County meeting specific siting standards as identified in this code, a process separate from the requirement for

wind farm resource overlay zone as identified in Kittitas County Code 17.61A.40 can be undertaken.

The purpose of this code is to identify areas where environmental review and public process has already occurred, expediting the siting of proposed wind farm facilities. The intent of this code is to streamline the development process for such applications, separate from the process already allowed in 17.61A.40. It is recognized that lands contained within this area may be under federal, state and local ownership and may be subject to additional requirements per jurisdiction.

A map of the pre-identified areas identifies the following Townships and Ranges open to this process. This includes T.15N., Ranges 19E., 20E., 21E., 22E., 23E., T.16N., Ranges 21E., 22E., 23E., T.17N., Ranges 21E., 22E., 23E., T.18N., Ranges 21E., 22E., 23E., T.19N., Ranges 21E., 22E., 23E., T.20N., Ranges 21E., 22E., 23E. W.M. in Kittitas County.



The following siting standards are established for these areas: a minimum 1/2 mile setback from existing residences at the time of application shall apply. If not attainable, additional analysis shall be included to support the application. Further, analysis shall also include, but is not limited to, the following as part of the application: wildlife impact analysis, noise impact analysis, visual impact analysis, and traffic impact analysis.

A wind farm may be authorized by the county in these pre-identified areas only through approval of a site plan and development agreement by the board of county commissioners. The development agreement shall be consistent as authorized in Kittitas County Code 15A.11, Development Agreements.

17.61A.040 Approvals required for wind farm resource overlay zone.

1. Except as noted in 17.61A.035, a wind farm may be authorized by the county only through approval of a wind farm resource development permit in conjunction with approval by the board of county commissioners of a development agreement as authorized by Chapter 15A.11 KCC, Development Agreements, and RCW 36.70B.170 through 36.70B.210. Consistent with KCC 15A.11.020(B) and RCW 36.70B.170, the development agreement approved by the board of county commissioners must set forth the development standards applicable to the development of a specific wind farm, which may include, but are not limited to:
 - a. Densities, number, size, setbacks, and location of turbines;
 - b. Mitigation measures and such other development conditions as deemed appropriate by the board of county commissioners to be necessary including measures to protect the best interests of the surrounding property or neighborhood or the county as a whole; and
 - c. Other development standards including those identified in KCC 15A.11.020(E) and RCW 36.70B.170(3).
2. Required Applications/Approvals. In addition to approval of a wind farm resource development permit and a development agreement as set forth in subsection A of this section, a wind farm shall require the following approvals from the county:
 - a. A site-specific amendment of the comprehensive plan land use designation map to wind farm resource overlay district (the subarea planning process described in Chapter 1 of the county comprehensive plan and Chapter 15B.03 KCC, Amendments to Comprehensive Plan, may be used if deemed appropriate by the applicant and county);
 - b. A site-specific rezone of the county zoning map to wind farm resource overlay zoning district pursuant to Chapter 17.98 KCC, Amendments.
3. The approvals by the board of county commissioners set forth in subsections A and B of this section shall only be made if it determined that:
 - a. The proposal is essential or desirable to the public convenience;
 - b. The proposal is not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood; and
 - c. The proposed use at the proposed location(s) will not be unreasonably detrimental to the economic welfare of the county and it will not create excessive public cost for facilities and service.
4. A comprehensive plan amendment or subarea plan for a wind farm resource overlay district must be processed by the county concurrent with the rezone application, development permit, and development agreement required for approval of a wind farm. (Ord. 2002-19 (part), 2002).

Chapter 17.62

PUBLIC FACILITIES PERMITS

Sections

- 17.62.010 Definitions.
- 17.62.020 Purpose.
- 17.62.030 Procedures.
- 17.62.040 Decision criteria.
- 17.62.050 Minimum lot sizes.
- 17.62.060 Appeals.

17.62.010 Definitions.

1. "Public facility" means the capital improvements and systems of transportation, law enforcement, fire protection, and recreational facilities (i.e., parks and playgrounds). Public facilities may be sited in any zoning, classification, subject to the review and approval requirements of this chapter.
2. "Public facility permit" means a written decision by the Community Development Services department authorizing a public facility use to locate at a specific location. (Ord. 2002-03 (part), 2002).

17.62.020 Purpose.

The purpose of this chapter is to establish decision criteria and procedures for the permitting of public facilities and to provide coordinated review of the proposed project. Certain public facilities provide necessary services to other uses but are deemed unique due to factors such as siting criteria, size, technological processes, and requirements for comprehensive facility planning and budgeting. These uses require a certain degree of review to incorporate and document consistency with the comprehensive plan, facility plans, or capital improvement programs, and to assure compatibility with adjacent uses. (Ord. 2002-03 (part), 2002).

17.62.030 Procedures.

Public facilities permits shall be processed in the same manner as zoning administrative conditional uses are processed pursuant to KCC Title 15A, except as otherwise provided in this chapter. (Ord. 200203 (part), 2002).

17.62.040 Decision criteria.

The Community Development Services department shall review public facility permit applications in accordance with the provisions of this section and may approve, approve with conditions, or deny the public facility permit.

1. Required Findings. A public facility permit may be approved by the Community Development Services department only if all of the following findings can be made regarding the proposal and are supported by the record:

- a. That the granting of the proposed public facilities permit will not:
 - i. Be detrimental to the public health, safety, and general welfare;
 - ii. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; nor
 - iii. Adversely affect the established character of the surrounding vicinity.
 - b. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
 - c. That the granting of the proposed public facilities permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulations.
 - d. That the facility site and environmental designs:
 - i. Meet local and state siting criteria and design; and
 - ii. Have been reviewed and/or commented upon by local and state agencies responsible for issuing permits.
 - e. That all conditions to mitigate the site specific impacts of the proposed use which were identified can be monitored and enforced.
 - f. That all yards, open spaces, landscaping, walls and fences, and other buffering features are properly provided to mitigate the impacts of the facility to make it compatible with the character of the surrounding area.
 - g. That the proposed public facility will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
2. Approval. The Community Development Services department may approve an application for a public facilities permit or approve with additional requirements to comply with specified requirements or site conditions.
 3. Denial. The Community Development Services department may deny a public facility permit if the proposal does not meet or cannot be conditioned to meet the required findings. (Ord. 2002-03 (part), 2002).

17.62.050 Minimum lot sizes.

The operation of some public facilities may necessitate unusual parcel configurations and/or parcel sizes. Such parcels:

1. Need not conform with the applicable minimum lot size for the specific zone the public facility is to be located; provided, they comply with the procedures provided under KCC Title 16, Subdivisions, and so long as used for a public facility;
2. Are not eligible for any other use or any rights allowed to nonconforming lots in the event the public facility ceases to operate;
3. Shall continue to be subject to all other zoning and subdivision requirements applicable to the parent parcel;
4. For Chapter 17.29 KCC, A-20 Agricultural Zone, and Chapter 17.31 KCC, Commercial Agriculture Zone, the splitting of property for a public facility would

not be considered as a one-time split for that property. (Ord. 2002-03 (part), 2002).

17.62.060 Appeals.

Any aggrieved party with standing may appeal a decision to approve or deny a public facilities permit within 10 working days of the date of decision pursuant to KCC Title 15A. (Ord. 2002-03 (part), 2002).

Chapter 17.65
CLUSTER SUBDIVISION
REPEALED (Ord. 2005-35, 2005)

Chapter 17.72
SIGNS

Sections

- 17.72.010 Applicability.
- 17.72.020 Purpose.
- 17.72.030 Definitions.
- 17.72.040 Setback restrictions.
- 17.72.050 Erection or painting on natural features prohibited.
- 17.72.060 Obstruction of driver's view prohibited.
- 17.72.070 Flashing or moving lights prohibited.
- 17.72.080 Moving signs or parts prohibited.
- 17.72.090 Maintenance.
- 17.72.100 Encroachment of county property - Indemnity.
- 17.72.110 Near intersection, railroad crossing or centerline - Restrictions.
- 17.72.120 Distance from right-of-way edge - Measurement.
- 17.72.130 Height, length and area.
- 17.72.140 Erection over property or right-of-way - Owner permission required.
- 17.72.150 Removal when function or business ceases.
- 17.72.160 State or federal prohibition not overridden.
- 17.72.170 Produce stands - Exemptions and requirements.
- 17.72.180 Permitted signs - Protected or scenic areas.
- 17.72.190 Permitted signs - R and UR and RR zones.
- 17.72.200 Permitted signs - A, C or I zones.
- 17.72.210 Prohibited signs declared nuisance.
- 17.72.220 Removal notice - Noncompliance deemed misdemeanor - Remedies.
- 17.72.230 Removal notice - Owner not located - Property posting and sign abatement.
- 17.72.240 Existing signs deemed nonconforming.
- 17.72.250 Class 3 or 4 sign - Permit required - Application - Contents.
- 17.72.260 Class 3 or 4 sign - Permit - Expiration and renewal.
- 17.72.270 Class 3 or 4 sign - Permit - Application fees - Term - Report of changes - Revocation - Renewal withheld when.

17.72.010 Applicability.

This chapter shall apply to the entire county. (Res. 83-10, 1983).

17.72.020 Purpose.

The erection and maintenance of outdoor advertising signs should be controlled in order to promote the public health, safety and welfare; to promote the safety and recreational value of public travel; and to preserve the natural beauty of the county. (Res. 83-10, 1983).

17.72.030 Definitions.

1. "Centerline of the highway" means the line equidistant from the edges of the median separating the main traveled ways of the divided interstate highway, or the centerline of the main-traveled way of any highway.
2. "Commission" means the Kittitas County planning commission.
3. "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of an interstate highway from the general road system within a state, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.
4. "Erect" means to construct, build, raise, assemble, place, affix, create, paint, draw, or in any other way bring into being or establish.
5. "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of an interstate highway to reach a general road system within a state, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.
6. "Interstate system" means any highway which is or does become a part of a national system in interstate and defense highways as described in Section 103(d) of Title 23, United States Code, or which has been on the effective date of the ordinance codified herein, or which is after the effective date of the ordinance codified herein, established as such by the Washington State Highway Commission, pursuant to RCW 47.52.
7. "Legible" means capable of being read without visual aid by a person of normal visual acuity.
8. "Maintain" means to allow to exist.
9. "Off-premises sign" means a sign advertising goods, services or activities, manufactured, produced, conducted or available at a premises other than the premises where the sign is situated.
10. "On-premises sign" means a sign located on the premises, advertising goods, services or activities, manufactured, produced, conducted or available on the premises.
11. "Person" means this county or any public or private corporation, firm, partnership, association, as well as any individual or individuals.
12. "Protected area" means all lands adjoining or adjacent to the interstate system or any state highway or county road which has been or shall hereafter be so

- designated by the board of county commissioners and which is within two thousand six hundred forty feet of the edge of the right-of-way of said road.
13. "Scenic area" means all land adjoining or adjacent to a state highway and within two thousand six hundred forty feet of the edge of the right-of-way within any public park, federal forest area, public beach, or public recreation area, national monument, and any state highway or portion thereof outside the boundaries previously existing on March 11, 1961, of any incorporated city or town designated by the state legislature as a scenic area.
 14. "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or anything which is designed, intended or used to advertise or inform, or any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system, state highway or any other county road. Also included in the meaning of the term are the definitions at Chapter 17.08 under Outdoor Advertising Signs and Billboards.
 15. "State highway" means any primary or secondary state highway.
 16. "Electronic display systems" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities. (Ord. 90-11 § 1, 1990; Res. 83-10, 1983).

17.72.040 Setback restrictions.

All signs shall comply with setback restrictions pertaining to structures as set forth in each zone. (Res. 83-10, 1983).

17.72.050 Erection or painting on natural features prohibited.

Signs shall not be erected or maintained upon trees or painted or drawn upon rocks or other natural features. (Res. 83-10, 1983).

17.72.060 Obstruction of driver's view prohibited.

Signs shall not prevent the driver of a vehicle from having a clear and unobstructed view of official signs and encroaching or merging traffic. (Res. 83-10, 1983).

17.72.070 Flashing or moving lights prohibited.

Signs shall not contain, include or be illuminated by any flashing, intermittent or moving light or lights, except electronic display systems as defined in Section 17.72.030. (Ord. 90-11 § 2, 1990; Res. 83-10, 1983).

17.72.080 Moving signs or parts prohibited.

Signs shall not move or have any animated or moving parts. (Res. 83-10, 1983).

17.72.090 Maintenance.

All signs shall be maintained in their original condition and the display surface shall be neatly painted or posted at all times. (Res. 83-10, 1983).

17.72.100 Encroachment of county property - Indemnity.

When a sign projects over a right-of-way or in any other way encroaches upon county property, the owner of the sign shall file with the county planner a written agreement to save the county harmless on account of any damage or injuries sustained as a result of the negligent construction, operation or maintenance of such sign, and shall submit proof that he is protected by liability and property damage in a sum of not less than fifty thousand dollars property damage and three hundred thousand dollars for personal injuries. (Res. 8310, 1983).

17.72.110 Near intersection, railroad crossing or centerline - Restrictions.

Only signs of Class 1 and Class 2 shall be erected or maintained within three hundred feet of the intersection of any county road with another county road or any railroad crossing or within eighty feet of the centerline or right-of-way of any county road; provided that such signs when located within the above distances shall not exceed four square feet in area. (Res. 83-10, 1983).

17.72.120 Distance from right-of-way edge - Measurement.

Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway. (Res. 83-10, 1983).

17.72.130 Height, length and area.

No sign may be permitted to exceed thirteen feet in height or twenty-five feet in length or three hundred twenty-five square feet in area, including border and trim, but excluding supports, provided that on-premises signs are exempt from the provisions of this section but shall not exceed a total area of four hundred square feet. In no case shall more than two signs exceeding fifty square feet each in area be permitted on a lot. (Res. 83-10, 1983).

17.72.140 Erection over property or right-of-way - Owner permission required.

No sign shall be erected or maintained on or over private or public property or right-of-way without the written permission of the property owner or proprietor of the land. (Res. 83-10, 1983).

17.72.150 Removal when function or business ceases.

Any person who owns or leases a sign shall remove such sign when either the function or business it advertises has ceased. (Res. 83-10, 1983).

17.72.160 State or federal prohibition not overridden.

Nothing in Sections 17.72.040 through 17.72.150 shall be construed to permit the erection of signs which are prohibited by state or federal law or any amendment thereto. (Res. 83-10, 1983).

17.72.170 Produce stands - Exemptions and requirements.

Regardless of the provisions in Section 17.72.130, produce stands dealing primarily in fresh, perishable produce, for any continuous period not to exceed six months in any one calendar year, may have any number of signs; provided that:

1. The signs are affixed to the building within which the produce is sold;
2. No such single sign shall exceed four hundred square feet;
3. The premises shall be permitted one additional freestanding, two-sided sign not to exceed two hundred fifty square feet on each side and located not more than fifty feet from the building in which the produce is sold;
4. No sign on the building or the freestanding sign shall advertise any produce unless the produce is immediately available for sale on the premises; and
5. At the end of the six-month period all additional signs permitted by this section shall be promptly removed and stored out of view. (Res. 83-10, 1983).

17.72.180 Permitted signs - Protected or scenic areas.

Only the following signs may be erected or maintained in protected or scenic areas:

1. Class 1 - Official Signs. Direction or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in state or federal law, for the purpose of carrying out an official duty or responsibility are permitted.
2. Class 2 - For Sale or Lease and Other Miscellaneous Signs. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise the sale or lease of the real property where the signs are located, or advertise candidates for election to public office, or provide information relating to the premises on which they are located, are permitted.
3. Class 3 - Any on-premises or off-premises sign located upon property which has been affirmatively zoned commercial or industrial by the board is permitted.
4. Class 4 - Governmental Information Signs. Information signs may be erected and maintained by any city or town. Signs which comply with setback restrictions for county roads directed to travelers on such roads may be permitted. (Res. 83-10, 1983).

17.72.190 Permitted signs - R and UR and RR zones.

Only the following signs may be erected or maintained in R and UR and RR zones:

1. A sign advertising the sale or rental of a premises or a sign advertising material or workmanship used in constructing or repairing or improving a permitted structure, not artificially illuminated, of a temporary nature with a maximum area on each side of eight square feet when erected at least ten feet behind the property line;
2. A sign advertising the sale of a tract of land or legally approved subdivision or development, not artificially illuminated, of a temporary nature, with a maximum area on each side of thirty-two feet square when erected at least ten feet behind the property line;
3. A sign stating the name of the owner or occupant of the property, not artificially illuminated, with a maximum area of four square feet on one (each) side;
4. Upon property zoned for conditional use, or a trailer park or clinic, a sign pertaining to such use, limited to not more than ten square feet in area; a sign not exceeding four square feet in area giving direction or listing the name of physicians or dentists;

5. There shall be permitted upon any property in UR and RR zone, not more than two signs containing not more than six square feet per sign, advertising the sale of products grown upon the same property. (Res. 83-10, 1983).

17.72.200 Permitted signs - A, C or I zones.

The following signs only may be erected or maintained in A (agricultural), C (commercial) or I (industrial) zones: any sign conforming to the general regulations in Sections 17.72.040 through 17.72.170; provided that no sign shall be legible from any adjoining R (residential) UR (urban residential) or RR (rural residential) zone, nor shall it use any lighting which shall unreasonably interfere with any use permitted in such zones. (Res. 8310, 1983).

17.72.210 Prohibited signs declared nuisance.

Any sign erected or maintained contrary to the provisions of this chapter is a public nuisance and the commission or the county sheriff shall notify the permittee, or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with this chapter or be removed. (Res. 83-10, 1983).

17.72.220 Removal notice - Noncompliance deemed misdemeanor - Remedies.

If the permittee or owner, as the case may be, fails to comply with this chapter or remove such sign mentioned in Section 17.72.210 within fifteen days after being notified to remove such sign, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day such sign is maintained constitutes a separate offense. (Res. 83-10, 1983).

17.72.230 Removal notice - Owner not located - Property posting and sign abatement.

If the permittee or the owner of the sign or the owner of the property upon which the sign is located, as the case may be, is not found, or refuses receipt of the notice, the board or the county sheriff shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after posting, the board or the county sheriff shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so. (Res. 83-10, 1983).

17.72.240 Existing signs deemed nonconforming.

Any sign lawfully erected prior to the effective date of the ordinance codified herein which does not comply with this chapter constitutes a nonconforming sign subject to Section 17.72.040. (Res. 83-10, 1983).

17.72.250 Class 3 or 4 sign - Permit required - Application - Contents.

1. No Class 3 or 4 sign shall be erected without a permit from the county planner or such other person as the board of county commissioners shall designate.
2. No permit shall be issued except upon written application which shall contain:

- a. The name and address of the person who shall erect and/or maintain the sign, and the height of support;
- b. A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating he has consented thereto and agrees to keep the sign in a state of repair as required in the general regulations herein;
- c. A statement of the precise location where the sign is to be erected or maintained;
- d. A statement of the proposed size and shape of the design;
- e. Such other information as may be required by the commission. (Res. 83-10, 1983).

17.72.260 Class 3 or 4 sign - Permit - Expiration and renewal.

Additional signs provided for in Section 17.72.170 shall be subject to annual permit renewal. Failure to remove such signs promptly upon notification of permit expiration shall be basis for denial of subsequent permits. (Res. 83-10, 1983).

17.72.270 Class 3 or 4 sign - Permit - Application fees - Term - Report of changes - Revocation - Renewal withheld when.

1. Applications shall be accompanied by a fee in accordance with the following schedule:
 - a. One dollar per sign if advertising area does not exceed fifty square feet;
 - b. Two dollars per sign if advertising area exceeds fifty square feet.
2. Failure to renew permit within thirty days after expiration date, following written notification thereof, shall be cause for revoking of said permit, and removal by the county of affected sign and structure.
3. Changes in size, shape, position or copy of a permitted sign or replacement with a new sign shall be reported to the planning commission at least ten days before a change is to be made. Such changes will not require a new permit except where change in size of sign places sign in the higher permit fee bracket. (Res. 8310, 1983).

Chapter 17.74

**RIGHT TO FARM FOR THE PROTECTION OF AGRICULTURAL
ACTIVITIES**

Sections

17.74.005 Policies on agricultural land use.

17.74.010 Purpose and intent.

17.74.020 Definitions.

17.74.030 Agricultural activities - Presumed reasonable and not a nuisance.

17.74.040 Immunity from private action based on agricultural activity on certain lands -
Exceptions.

17.74.050 Reserved.

17.74.060 Notification and disclosure.

17.74.070 Severability.

17.74.005 Policies on agricultural land use.

Agriculture has priority in matters dealing with conflicting land uses in agricultural areas. (Ord. 96-5 (part), 1996).

17.74.010 Purpose and intent.

The history, economy, culture and the future of Kittitas County revolve around agricultural activities. The Kittitas County board of county commissioners finds that the agricultural areas of Kittitas County are increasingly subjected to nuisance lawsuits and that such lawsuits encourage and even force the premature removal of lands from agricultural uses. It is therefore the purpose of this chapter to provide:

1. That agricultural activities in Kittitas County on land used for agriculture be protected; and
2. Notice to individuals who locate on or near an area used for agriculture, that agricultural activities are allowed, encouraged and promoted as the acceptable use of land in those areas, and by locating in such areas they are doing so with this understanding.
3. This chapter is not intended to replace or diminish state code and is intended only to enhance its provisions for the right to farm. (Ord. 96-5 (part), 1996).

17.74.020 Definitions.

1. "Farm" means land, buildings, livestock, and machinery devoted primarily to the production for commercial purposes of agricultural commodities on lands used for agriculture outside urban growth areas and on lands used for existing and on-going agriculture within urban growth areas.
2. "Supporting facilities" include, but are not limited to, roads and waterways, storage, processing, conditioning and sale facilities within the county on lands used for agriculture outside urban growth areas and on lands used for existing and ongoing agriculture within urban growth areas.
3. "Agricultural activity" includes, but is not limited to, the growing or raising, harvesting, storage, disposal, transporting, conditioning, processing, sale, and research and development of, but not limited to, the following: horticultural crops, poultry, livestock, grain, mint, hay, forages and feed crops, apiaries, beekeeping, equine activities, leather, fur, wool, dairy products and seed crops. Agricultural activity may involve, but is not limited to, the following operations and conditions: on-farm and roadside marketing, dust, fumes, vapors, gases, smoke, odors, and noise from the farm or farm activities, open burning; operation of machinery; movement (including use of current county road ditches, streams, rivers, canals, and drains, etc.) and use of water for agricultural activities; ground and aerial seeding and spraying; application of fertilizers, conditioners, pesticides and associated drift of such materials; employment and use of labor, roadway

- movement of equipment and livestock, protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, etc. and maintenance of stream banks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry
4. "Generally accepted agricultural and management practices" means historic practices, and those practices as defined or recommended by the United States or Washington State Department of Agriculture, Agricultural Stabilization and Conservation Service, Soil Conservation Service, Washington State University Cooperative Extension, Kittitas County Conservation District and other professional and agricultural organizations. These practices may be modified to reflect varying conditions which include, but are not limited to, geographical location, weather, soil types and conditions, type of crop or livestock and management system.
 5. "Agricultural land" means land primarily devoted to the commercial production of horticulture, viticulture, floriculture, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock.
 6. "Agriculture" is the grazing, feeding, and watering of livestock, plowing, seeding, cultivation and harvesting for the production of crops and pasture; soil and water conservation practices; the creation and maintenance of farm or stock ponds, irrigation ditches, drainage ditches, underground drainage systems, fences and farm roads, the control of noxious weeds, and includes any associated structures, appurtenances, equipment or activities.
 7. "Lands used for agriculture" means lands where agriculture is allowed either as a permitted use or a conditional use or not prohibited by the zoning code. If ongoing and existing agricultural activities occur inside urban growth areas these shall be considered as "lands used for agriculture". (Ord. 96-5 (part), 1996).

17.74.030 Agricultural activities - Presumed reasonable and not a nuisance.

Notwithstanding any other provision of the Kittitas County Code, agricultural activities conducted on the farm, or supporting facilities if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and do not constitute a public or private nuisance unless the activity has a substantial adverse effect on the public health and safety.

If that agricultural activity is conducted under generally accepted agricultural and management practices and does not conflict with federal, state, and local laws and regulations, it is presumed to be a good agricultural practice not adversely affecting the public health and safety. Agricultural activity shall not be limited as to hours of the day nor days of the week. (Ord. 96-5 (part), 1996).

17.74.040 Immunity from private action based on agricultural activity on certain lands - Exceptions.

1. No agricultural activity, as described in Section 17.74.030, on lands used for agriculture outside urban growth areas and on lands used for existing and on-going agriculture within urban growth areas shall give rise to any private rights of action or claim for relief.
2. Subsection A of this section shall not apply to a right of action or claim for relief for damage to commercial agricultural products.
3. If the urban growth boundary is changed in such a way as to place an agricultural activity outside its limits, subsection A of this section applies to that agricultural activity after the date the urban growth boundary is changed. (Ord. 96-5 (part), 1996).

17.74.050 Reserved.

(Ord. 96-5 (part), 1996).

17.74.060 Notification and disclosure.

To facilitate cooperation between agricultural activities and nonagricultural activities, there will be resource activity notification and disclosure as follows:

1. All plats, short plats, development permits, and building permits issued for development activities on or within one thousand feet of land zoned Agriculture-3, Agriculture-20, Commercial Agriculture, or Forest and Range shall contain the following notice: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305).
2. Disclosure Statement. The disclosure statement required by this section shall be used under the following circumstances and in the following manners:
 - a. Copies of the disclosure statement notice substantially in the form as set forth in sub-part (2)(a) herein shall be posted for public view in appropriate locations in the Kittitas County Courthouse and other appropriate county public building locations. Copies of such disclosure statement notices shall also be transmitted to real estate agents, title companies and attorneys located in Kittitas County for their use in posting or such other use as they may deem appropriate to assist them in advising their clients of the existence of this chapter.
 - b. Upon the issuance of a development permit by Kittitas County Community Development Services including, but not limited to, subdivision permits and use permits, for use on or adjacent to lands zoned for agriculture, the development permit shall include a condition that the owners of the property shall be required to sign a statement of

acknowledgment containing the Disclosure set out in sub-part (2)(a) on forms provided, which shall then be recorded with Kittitas County.

- i. Disclosure Statement. "The County of Kittitas supports the continuation and development of properly conducted agricultural operations within the County and has enacted a Right to Farm For the Protection of Agricultural Activities Ordinance (KCC 17.74). If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences arising from such operations. Inconveniences may occur as a result of agricultural operations which are in conformance with existing laws and regulations and accepted customs and standards. These inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft), and the driving of machinery and/or livestock on public and private rights-of-way during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. If you live near an agricultural area, you should be prepared to accept such conditions as part of the custom of a county with a strong rural character and an active agricultural sector". (Ord. 96-5 (part), 1996).

17.74.070 Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances. (Ord. 96-5 (part), 1996).

Chapter 17.80
NONCONFORMING USES*

Sections

17.80.010 Changes to conform to district.

17.80.020 Destruction - Rebuilding to conform to district.

17.80.030 Discontinuance over three year - Reestablishment prohibited.

17.80.040 Maintenance.

* Prior history: Ords. 79-1, 68-17, 2.

17.80.010 Changes to conform to district.

A nonconforming structure or use may not be changed, altered, replaced, added to or expanded in any manner unless such change or alteration would bring the use into

conformity with the uses permitted in the district in which it is located. Such limitations and restrictions shall not apply to existing residential dwellings. (Res. 83-10, 1983).

17.80.020 Destruction - Rebuilding to conform to district.

In case of partial or complete destruction by fire or other causes requiring expenditures for repair in excess of one-half the assessed value as shown on the county assessor's records immediately prior to destruction, the structures, other than residential dwellings, shall not be rebuilt unless they conform to all requirements of the district in which they are located. (Res. 83-10, 1983).

17.80.030 Discontinuance over three year - Reestablishment prohibited.

If a nonconforming use is discontinued for any reason for more than three years, it shall not be reestablished. (Res. 83-10, 1983).

17.80.040 Maintenance.

Any nonconforming structure or use may be maintained with ordinary care. (Res. 83-10, 1983).

Chapter 17.84
VARIANCES*

Sections

17.84.010 Granted when.

* Prior history: Ord. 2.

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, 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 to exist. (Ord. 96-19 (part), 1996; Res. 83-10, 1983).

Chapter 17.92 **PERMITS***

Sections

- 17.92.010 Temporary permits.
17.92.020 Building permits.
17.92.030 Fee schedule.

* Prior history: Ords. 81-Z-2, 79-Z-4, 2.

17.92.010 Temporary permits.

The county planner, upon receiving a properly filed application, may approve temporary permits, valid for a period of not more than one year after issuance, for structures or uses which do not conform to this title, which are of a temporary nature such as:

1. Storage of equipment during the building of roads or other developments;
2. Real estate office used for the sale of lots or housing in subdivisions;
3. Temporary storage of structures or equipment (including boats and trailer houses);
4. Sheds used in conjunction with the building of a structure for such purposes as tool storage;
5. Temporary housing for use only during construction of a single family residence;
6. Other uses of a substantially similar nature.

Prior to the granting of a permit under this section, the owner shall record a notice to title which indicates the restrictions and removal requirements.

17.92.020 Building permits.

Building permits shall be required within the boundaries of the area affected by this title for the erection or the alteration of all structures or land uses. No building permit shall be issued for any structure which fails to conform to the provisions of this title or amendments hereto. (Res. 83-10, 1983).

17.92.030 Fee schedule.

Fees for zone changes, conditional uses and all special permits related to this code are established annually by resolution and may be obtained from the Community Development Services department. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983).

**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. 8310, 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. 8310, 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.
2. 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).

Chapter 17.98
AMENDMENTS*

Sections

17.98.010 Proposal.
17.98.020 Petitions.

* Prior history: Ord. 2.

17.98.010 Proposal.

Changes and amendments to this title may be proposed by:

1. The board of county commissioners;
2. The county planning commission;
3. Petition of the property owners affected, or their authorized agent. (Res. 83-10, 1983).

17.98.020 Petitions.

1. A petition to amend this title shall be filed with the administrator on forms prescribed by the Community Development Services Director. If the petition is for an amendment to the zoning map it shall include a legal description and location of the property to be reclassified.
2. A petition asking for a change from one zone to another must be signed by not less than seventy-five percent of the property owners and representing at least seventy-five percent of the assessed valuation of the area proposed for the zone reclassification.
3. Any member of the general public has the right to petition the board of county commissioners or planning commission for consideration of text amendments or change from one zone to another for general areas. Such consideration is not mandatory.
4. Petitions shall be processed pursuant to Title 15A of this code, Project permit application process.
5. Petitions shall conform to maximum acreage percentages as identified for the appropriate zones in Kittitas County Code 17.04.060.
6. A petition requesting a change on the zoning map for areas designated Rural in Kittitas County shall be processed consistently with the Annual Comprehensive Plan Docketing Process to address compliance with the goals, policies and objectives of the adopted comprehensive plan and cumulative impacts.
7. A petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:
 - a. The proposed amendment is consistent with and implements the comprehensive plan; and
 - b. The proposed amendment bears a substantial relation to the public health, safety or welfare; and
 - c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
 - d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property; and
 - e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
 - f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
 - g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. (Ord. 96-19 (part), 1996; Ord. 96-1, 1996; Res. 83-10, 1983).