

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**ORDINANCE NO. 2026 - \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 13.40 OF THE KITTITAS COUNTY CODE**

- WHEREAS,** the Kittitas County Board of Commissioners hereby adopts this Ordinance pursuant to and by the authority of Chapter 70.05 of the Revised Code of Washington and Article 11, §11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve public health; and
- WHEREAS,** the purpose of this ordinance is to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this Ordinance; and
- WHEREAS,** the provisions of this Ordinance shall be liberally construed for the accomplishment of its purpose; and
- WHEREAS,** nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the Board of Commissioners, Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 13.40 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of the Board of Commissioners, Kittitas County, or any of its officers, employees, or agents; and
- WHEREAS,** a public hearing was held on September 17, 2026, and the public was provided due notice and opportunity to provide testimony on the proposed Ordinance; and
- WHEREAS,** the Kittitas County Board of Commissioners believes that adopting this Ordinance is in the best interest of Kittitas County; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Kittitas County that Chapter 13.40 of the Kittitas County Code is hereby amended to read as follows:

**Chapter 13.40 MITIGATION AND METERING PROGRAM**

- § 13.40.010 Eligibility.**
- § 13.40.020 Water usage packages.**
- § 13.40.030 Metering requirements.**
- § 13.40.040 Well requirements.**
- § 13.40.050 Septic requirements.**
- § 13.40.060 Monitoring and enforcement.**

**§ 13.40.010 Eligibility.**

1. Standard program.

- a. Applicants for short-plat subdivisions and residential building permits requiring mitigation may use the publicly operated Kittitas County Water Bank if certain qualifications are met. To be eligible to mitigate through the Kittitas County Water Bank, an applicant must meet the following requirements:
    - i. Be located within an area in which the Kittitas County Water Bank can provide adequate water mitigation, and
    - ii. Require a quantity of water consistent with available mitigation packages, and
    - iii. Submit an application for a residential building permit or Group B public water system meeting standards identified in KCC 13.30 within two (2) years of issuance of the mitigation certificate. Commercial uses are not eligible; or
    - iv. Submit a short plat application. Commercial uses are not eligible.
  - b. Applicants must submit a mitigation application, all applicable documentation, and all applicable fees to Kittitas County Public Works prior to submitting an Adequate Water Supply Determination application. Applicants will also be required to legally record the mitigation certificate and any applicable agreements on the title record associated with the property parcel.
2. Special use program.
- a. Whenever it is in best interests of the county and its people that water rights be allocated to mitigate water uses outside the terms of the standard program, the Board of County Commissioners may authorize the permanent or temporary use of water rights managed through the publicly operated Kittitas County Water Bank. Board approval of the uses program under the Special Use Program shall consider:
    - i. Current water right holdings and the ability for the water bank to serve the long-term needs under the standard program and fulfill the transfer proposed in the special use program;
    - ii. Whether the proposed use of water is consistent with and advances the Kittitas County Comprehensive Plan;
    - iii. Whether the proposed use of water permits local governmental entities to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage;
    - iv. Cost reimbursement;
    - v. Temporary authorizations for drought or emergency response.
- (Ord. 2015-007, 2015; Ord. 2017-007, 2017; Ord. 2018-009, 2018; Ord. 2023-005, 2023)

**§ 13.40.020 Water usage packages.**

Applicants with access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package A, which consists of an annual average of 275 gallons per day of indoor domestic use only. The daily maximum withdrawal allowed on any given day is 825 gallons per day, as long as the annual average is not exceeded.

Applicants without access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package B which consists of an annual average of 275 gallons per day or indoor domestic use only and up to an annual average of 25 gallons per day for outdoor irrigation of up to 500 square feet. The daily maximum withdrawal allowed on any given day is 900 gallons per day, as long as the annual average is not exceeded.

Applicants using a cistern water system as the potable water source will be allowed to purchase mitigation Package C, which consists of an annual average of 150 gallons per day of indoor

domestic use only. Cistern users may purchase other water use packages as per design specifications as submitted and signed by a licensed engineer.  
(Ord. 2015-007, 2015; Ord. 2017-007, 2017)

**§ 13.40.030 Metering requirements.**

All new uses of groundwater for domestic purposes in Kittitas County (within the Yakima River Basin) using wells as their potable water source will be required to meter their mitigated water usage and pay an annual fee associated with the administration of a metering and monitoring program.

Participants will be responsible for the installation of meters and metering equipment and any associated costs as determined by the County's specifications. Meter installation must meet the following specifications and will be subject to inspection and applicable inspection fees:

1. The meter must be installed on the mainline prior to any residential lateral connections, or spigots.
2. Meters must be accessible.
3. The meter must be installed according to manufacturer specifications despite varying pipe-fitting, pipe size, well location and landscape conditions
4. Meter installation must have an even velocity profile. Installer must ensure proper design and installation.
5. Meter must be installed in an accessible, weather resistant, meter structure, such as a meter box or equivalent, and be appropriate for location and geographic area.

Proper installation of metering equipment and functional water flow must be completed prior to the inspection and issuance of the Certificate of Occupancy.

If metering equipment requires maintenance, repair, and/or replacement, the property owner is responsible for ensuring proper equipment functionality. If the property owner does not comply with any needed maintenance, repair, and/or replacement of the metering equipment, Kittitas County shall perform the necessary maintenance, repair, or replacement of the water meter at the cost of the property owner through either an invoice for costs or a lien on the property.

Participants in the Kittitas County Water Bank using a cistern water system will submit records of all potable water deliveries to Kittitas County Public Health Department as referenced in KCC § 13.25.090.

(Ord. 2015-007, 2015; Ord. 2017-007, 2017; Ord. 2018-009, 2018; Ord. 2023-005, 2023)

**§ 13.40.040 Well requirements.**

Wells being mitigated through the Kittitas County Water Bank that are drilled after 12/2/15 must meet the following conditions:

For wells 600 feet or closer to Type 1 and Type 2 stream and rivers, and natural wetlands, creeks, lakes, and ponds. Wells must be set back 100 feet or more from the surface water body when feasible and adhere to the following:

1. Well must be cased a minimum depth of 5 feet into the first consolidated layer or formation, or until the casing is refused by the formation (casing refusal); and
2. Wells must be drilled past the first consolidated layer or formation and into a water-bearing zone; and
3. Wells shall have a minimum bentonite or other equivalent seal of 18 feet or be constructed in an equivalent manner consistent with Chapter 173-160 WAC.

In instances where the 100-foot minimum set back requirement cannot be met, in addition to (1) and (2), the well shall have a bentonite or other equivalent seal down to the first consolidated layer.

(Ord. 2015-007, 2015)

**§ 13.40.050 Septic requirements.**

Kittitas County Water Bank applicants must record with the Kittitas County Auditor's Office a property covenant that restricts or prohibits trees or shrubs over a septic drain field on the parcel.

(Ord. 2015-007, 2015)

**§ 13.40.060 Monitoring and enforcement.**

Water usage will be monitored for annual average daily use, maximum daily use, outdoor usage, and intentional violations such as meter tampering, falsifying documents, etc. Violations of water usage restrictions may result in enforcement actions such as Orders to Correct Violations, Notices of Violation and Abatement, and/or Notices of Infraction per KCC Title 18.

(Ord. 2015-007, 2015)

**ADOPTED** this 17th day of September 2026, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON

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Brett Wachsmith, Chairman

Attest:

☐ Clerk of the Board- Julie Kjorsvik

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Laura Osiadacz, Vice-Chairman

☐ Deputy Clerk of the Board- Mandy Buchholz

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Commissioner