

# **Kittitas County**

Chapter 17.58 AIRPORT ZONE\*

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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. 2007-22, 2007; 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. 2007-22, 2007; Ord. 2001-10 (part), 2001)

### 17.58.030 Definitions.

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

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

"Airport elevation" means 1,766 feet above mean sea level.

"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".2

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.

"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.

Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth and defined in KCC 17.58.040.

"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.

"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.

"Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

"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.

"Horizontal surface" means a horizontal plane 150 feet above the established airport elevation.

"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.

"Nonconforming use" means any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.

"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.

"Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in KCC 17.58.050.

"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.

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.

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.

"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.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

"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.

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.

"Tree" means any object of natural growth.

"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.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 2007-22, 2007; 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.

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:

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.

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.

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 90 degree angles to the extended runway centerline.

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.

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.

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:

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.

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.

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.

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.

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.

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. 2007-22, 2007; 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.

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) at 1,916 feet above mean sea level
- Easton State Airport at 2,221 feet above mean sea level
- DeVere Field at 1,838 feet above mean sea level
- Cle Elum Municipal at 1,945 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.

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:

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.

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.

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.

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.

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.

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. 2010-014, 2010; Ord. 2007-22, 2007)

17.58.050 Uses, development requirements and restrictions.

General Development Requirements and Restrictions Applicable to All Zones.

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.

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.

Height. All uses shall be subject at all times to the height restrictions set forth in KCC 17.58.040(A).

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.

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.

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.

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.

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.

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.

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.

Use Table.

Note: All aviation uses are acceptable only on airport property. Electric Vehicle Infrastructure is permitted in all zones. See KCC Chapter 17.66

| Airport Overlay<br>Zones                 | Applicable uses   |  |  |
|--|---|--|--|
| Zone 1<br>(Runway<br>Protection<br>Zone) | Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.)  |  |  |
|  | Schools, play fields, hospitals, nursing homes, and churches are prohibited.  |  |  |
| Zone 2                                   | Schools, play fields, hospitals, nursing homes, and churches are prohibited.  |  |  |
| (Inner Safety<br>Zone)                   | 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].   |  |  |
|  | 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                                   | Schools, play fields, hospitals, nursing homes, and churches are prohibited.  |  |  |
| (Inner Turning<br>Zone)                  | 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.   |  |  |
|  | 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].   |  |  |
|  | 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].                          |  |  |
|  | Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban<br>Residential or Rural Residential the average density will be one dwelling unit per one<br>acre on the property at the date of adoption of this ordinance [July 17, 2001]. |  |  |
| Zone 4                                   | Schools, play fields, hospitals, nursing homes, and churches are prohibited.  |  |  |
| (Outer Safety                            | Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will   |  |  |

| Zone)                           | be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].   |  |
|---------------------------------|---|--|
|                                 | Inside the existing Ellensburg Urban Growth Area (UGA) for lands zoned Urban<br>Residential or Rural Residential the average density will be one dwelling unit per one<br>acre on the property at the date of adoption of this ordinance [July 17, 2001]. |  |
| Zone 5                          | All aviation related uses are permitted.  |  |
| (Sideline Zone)                 | Schools, play fields, hospitals, nursing homes, and churches are prohibited.  |  |
| Zone 6                          | All aviation related uses are permitted within airport property.  |  |
| (Airport<br>Operations<br>Zone) | Outside of the existing Ellensburg Urban Growth Area (UGA) the average density will<br>be one dwelling unit per three acres on the property at the date of adoption of this<br>ordinance [July 17, 2001].   |  |
|                                 | Inside the existing Ellensburg Urban Growth Area (UGA) the average density will be<br>one dwelling unit per one acre on the property at the date of adoption of this<br>ordinance [July 17, 2001].  |  |

(Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

### 17.58.060 Permits.

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.

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.

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.

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.

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."

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.

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.

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 Hearing Examiner for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County airport manager by the Kittitas County Community Development Services department consistent with the notification procedures under KCC Title 15A.

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.

Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace". (Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

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)

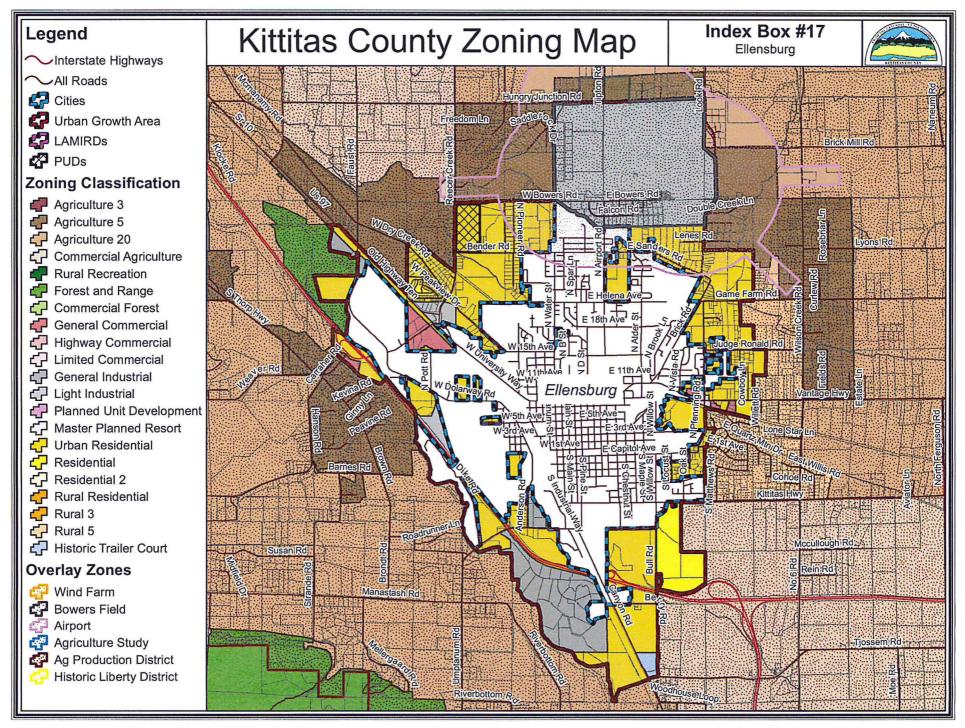
### 17.58.090 Appeals.

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 Hearing Examiner as provided in RCW 14.12.190. (Ord. 2012-009, 2012; Ord. 2001-10 (part), 2001)

17.58.100 Repealed. (Ord. 2013-001, 2013; Ord. 2012-009, 2012; 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)



# February 11, 2013

Ordinance No. 2013-001

**Exhibit D Zoning Maps** 

# **Kittitas County Code**

## Chapter 17.48 I-L LIGHT INDUSTRIAL ZONE\*

Sections 17.48.010 Purpose and intent. 17.48.020 Allowed uses. 17.48.030 Minimum lot size. 17.48.040 Front, side and rear yard requirements. 17.48.050 Setbacks. 17.48.060 Height restrictions. 17.48.070 Lot coverage.

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

17.48.010 Purpose and intent.

The light industrial zone 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 zones from encroachment by conflicting land uses. The regulations set out in this chapter shall apply to the light industrial zone. (Ord. 2013-001, 2013; Ord. 83-Z-2 (part), 1983)

17.48.020 Allowed uses.

Uses allowed in the light industrial district include those uses pursuant to KCC Chapter 17.15. (Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2011-013, 2011; Ord. 2010-014, 2010; Ord. 96-19 (part), 1996; Ord. 83Z-2 (part), 1983)

17.48.030 Minimum lot size. The minimum lot size in the City of Kittitas urban growth area is twenty (20) acres, unless the Director approves smaller lots after reviewing a land division plan or sketch that demonstrates the following:

The smaller lots do not result in inefficient use of land;

The smaller lots will not preclude future large-scale industrial development;

The smaller lots will not preclude the adequate access and infrastructure to future development; and

The lots are at least ten (10) acres.

(Ord. 2013-001, 2013; Ord. 93-1 (part), 1993)

17.48.040 Front, side and rear yard requirements.

There are no yard requirements, unless the property abuts a parcel of land of more restricted nature

such as a commercial zone, in which case the requirements on the abutting side shall be those of the abutting property. (Ord. 83-Z-2 (part), 1983)

## 17.48.050 Setbacks.

No building or permanent structure may be constructed closer than fifty-five (55) feet from the centerline of any public right-of-way. If any use in this zone abuts or faces any residential zone, a setback of fifty (50) feet on the side abutting or facing the residential zone shall be provided, with tree planting or other conditions necessary to preserve the character of the residential zone. The Director shall determine what these conditions shall be. (Ord. 2013-001, 2013; 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 (50%) percent of the total lot area. (Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 93-1 (part), 1993)

# **City of Ellensburg**

# Chapter 15.350 AIRPORT OVERLAY ZONE (A-O) STANDARDS

#### Sections:

| <u>15.350.010</u> | Purpose.   |
|-------------------|--|
| <u>15.350.020</u> | Statutory authority.                             |
| <u>15.350.030</u> | Airport overlay zone.                            |
| 15.350.040        | Uses, development requirements and restrictions. |
| 15.350.050        | Permits.   |

#### 15.350.010 Purpose.

A. The purpose of the <u>airport</u> overlay zone is to protect the viability of Kittitas County <u>Airport</u> (Bowers Field) as a significant resource to the community by encouraging compatible land uses and densities, reducing hazards to lives and properties, and ensuring a safe and secure flying environment.

B. The <u>airport</u> overlay zone and subdistricts therein are based on aircraft accident data from the National Transportation Safety Board (NTSB) as depicted in the <u>airport</u> master plan safety zones, the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces and FAA AC 150/5200-33A, Hazardous Wildlife Attractants on or near <u>Airports</u>.

C. As the name implies, this overlay zone is laid over the existing zoning districts. It is shown outside of the current <u>*city*</u> limits as advisory to adjacent jurisdictions.

D. The <u>airport</u> overlay zone modifies the density and land use requirements of the underlying zoning districts.
 These modifications are based on the guidelines within the WSDOT Aviation Division's "<u>Airports</u> and
 Compatible Land Use, Volume 1" and provide for maximum protection to the public, health, safety and general welfare of the community, <u>airport</u> users, and citizens working and residing within the <u>airport</u> protection district.
 [Ord. 4656 § 1 (Exh. O2), 2013.]

### 15.350.020 Statutory authority.

This chapter is adopted pursuant to RCW <u>36.70.547</u> and <u>36.70A.510</u> that require a county, <u>city</u> or town to enact <u>development</u> regulations to discourage the siting of incompatible land uses adjacent to general aviation <u>airports</u>. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### 15.350.030 Airport overlay zone.

In order to carry out the purpose of this chapter there is hereby created an <u>airport</u> overlay zone (A-O) that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by <u>airport</u> activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, <u>airport</u> safety zones, local circulation patterns and area <u>development</u> patterns. The boundaries of the <u>airport surface</u> and safety zones are shown on <u>airport</u> overlay zone (A-O) Map "B," "Safety Zones" (see Figure 15.300.060(D)) which shall be on file and open for inspection in the Kittitas County public works <u>department</u>, Kittitas County planning <u>department</u> and <u>city</u> of Ellensburg community <u>development</u> department. The surface and safety zones are overlaid on top of the existing underlying zoning that 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.

A. 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 <u>Airport</u> (Bowers Field). Such zones are shown on Kittitas County <u>Airport</u> (Bowers Field) Overlay Zone Map "A," "Part 77," as amended, which is on file and open for inspection in the Kittitas County public works <u>department</u>. Within each of the surface zones there are hereby established certain <u>height</u> restrictions for <u>structures</u> and <u>trees</u>. The surface zones are established and defined as follows:

1. <u>Runways</u> 07, 25, and 11 – Larger Than Utility with a Visibility Minimum Greater Than Three-Fourths-Mile Non-Precision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the <u>primary surface</u> and slopes 34 feet outward for each one foot upward beginning at the end of and at the same <u>elevation</u> as the <u>primary surface</u> and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended <u>runway</u> centerline. Its centerline is the continuation of the <u>runway</u> centerline as depicted on Map "A." <u>Height</u> 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 <u>elevation</u> as the <u>primary surface</u> and extending to a horizontal distance of 10,000 feet along the extended <u>runway</u> centerline.

 <u>Runway</u> 29 – Larger Than Utility with a Visibility Minimum Lower Than Three-Fourths-Mile <u>Precision Instrument Approach</u> Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the <u>primary surface</u>. 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.

3. 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 <u>elevation</u> as the <u>primary surface</u> and the approach surface, and extending to a <u>height</u> of 150 feet above the <u>airport elevation</u> which is 139 feet above mean sea level, as depicted on Map "A." <u>Height</u> 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 <u>elevation</u> as the approach surface, and extending to where they intersect the <u>conical surface</u>. Further, where the precision instrument <u>runway</u> approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feot upward beginning at the sides of and the same <u>elevation</u> as the approach surface of and the same <u>runway</u> approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feot upward beginning at the sides of and the same <u>elevation</u> as the approach surface of 5,000 feet measured at 90-degree angles to the extended <u>runway</u> centerline.

4. Horizontal Zone. This zone is established at 150 feet above the <u>airport elevation</u> or at a <u>height</u> of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all <u>runways</u> designated utility or visual and 10,000 feet for all other <u>runways</u> from the centers of the <u>primary</u> <u>surface</u> of each <u>runway</u> and connecting adjacent arcs by drawing lines tangent to those arcs, as depicted on Map "A." The horizontal zone does not include the approach and transitional zones. <u>Height</u> restrictions: no object shall penetrate the imaginary horizontal line created at 150 feet above the <u>airport elevation</u> or at a <u>height</u> above the <u>airport of 1,916 feet above mean sea level</u>.

5. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet as depicted in Map "A." <u>Height</u> restrictions: no object 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 <u>airport elevation</u> and extending to a <u>height</u> up to 3,500 feet above the surface of the land.

B. 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 <u>Airport</u> (Bowers Field), there are created

and established certain safety zones. Such safety zones are shown on Kittitas County <u>Airport</u> (Bowers Field) overlay zone Map "B," "Safety Zones," as amended and shall also be identified on the <u>city</u> of Ellensburg official <u>zoning map</u> by inclusion of the prefix "<u>Airport</u>" attached to the corresponding underlying zone name. Within each of the safety zones certain land use limitations are hereby established and certain <u>development</u> standards are hereby imposed in addition to the land uses and <u>development</u> standards of the underlying zoning district. 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:

<u>Runway</u> Protection Zone 1. An area extending beyond the centerlines of <u>Runways</u> 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 1). This zone begins from the outer boundaries of the <u>primary surface</u>, 200 feet from the ends of the <u>runways</u> and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the <u>runway</u> centerline.

2. Inner Safety Zone 2. An area extending beyond the centerlines of <u>Runways</u> 11, 29, 07 and 25 as depicted in Map "B" (shaded area No. 2). This zone begins at the end of the <u>runway</u> protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the <u>runway</u> centerline.

3. Inner Turning Zone 3. A fan-shaped area extending beyond the centerlines of <u>Runways</u> 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 3). This zone begins at the <u>primary</u> <u>surface</u>, 200 feet from the end of the <u>runway</u> centerline and extends out with a 60-foot radius arc on either side of the <u>runway</u> centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.

4. Outer Safety Zone 4. An area extending beyond the centerlines of <u>Runways</u> 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 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 <u>runway</u> centerline.

5. Sideline Zone 5. An area adjacent to <u>*Runways*</u> 11, 29, 07, and 25 as depicted on Map "B" (shaded area No. 5). This zone begins from the outer boundaries of the <u>*primary surface*</u>, and extends out 1,000 feet perpendicular to the <u>*primary surface*</u> and connects to the 60-degree sector of the inner turning zone.

<u>Airport</u> Operations Zone 6. This zone is depicted on Map "B" (shaded area No. 6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the <u>primary surface</u> and connects to the 60-degree sector of the inner turning zone. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### 15.350.040 Uses, development requirements and restrictions.

A. General <u>Development</u> Requirements and Restrictions Applicable to All Zones.

1. Underlying Zoning Requirements. In addition to the <u>airport</u> overlay zone (A-O) <u>development</u> requirements and restrictions set forth in subsections (A)(2) through (9) of this section and in Table 15.350.040, 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 <u>airport</u> overlay zone (A-O) safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.

 <u>Height</u>. All uses shall be subject at all times to the <u>height</u> restrictions set forth in ECC <u>15.350.030(A)</u>.

3. Signal and Radio Communication Interference. Electrical interference with navigational signals or radio communication between the <u>airport</u> and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and <u>Federal Aviation Administration</u> (FAA).

4. Lighting and <u>Glare</u>. Activities or uses that create lighting which makes it difficult for pilots to distinguish between <u>airport</u> lights and nonairport lights or that create <u>glare</u> in the eyes of pilots using the <u>airport</u> are prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by <u>Federal Aviation Administration</u> (FAA) regulations. All newly <u>installed</u> outdoor lighting <u>fixtures</u> shall be arranged and shielded so that area lighting shall not shine into the sky.

5. 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.

6. 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 *city*'s SEPA regulations as set forth in Chapter <u>15.270</u> ECC.

7. Flammable and Combustible Materials. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code (IFC) as adopted in ECC Title <u>3</u>.

 Noise Insulation. Noise insulation for new <u>structures</u> shall be in accordance with the International <u>Building</u> Code and the Washington State Energy Code as adopted in ECC Title <u>3</u>.

9. <u>Subdivision</u>. When any division of land including <u>short plats</u>, plats, <u>subdivisions</u>, planned unit <u>developments</u>, or <u>boundary line adjustments</u> occurs on any land within the <u>airport</u> overlay zone (A-O) safety zones 1 through 6, a note shall be recorded with the county auditor as follows: "This property is located within the <u>airport</u> overlay zone in which a variety of <u>airport</u> aviation activities occur. Such <u>airport</u> aviation activities may impact the use of your property."

B. Additional Safety Zone Uses, <u>Development</u> Requirements and Restrictions. In addition to the general <u>development</u> requirements and restrictions set forth in subsection (A) of this section, certain additional <u>development</u> requirements and restrictions are necessary in specific safety zone areas in order to protect the health, welfare, safety, and quality of life of the general public, property owners, <u>airport</u> operators, and aviation community, and also to ensure compatible land uses in the vicinity of the <u>airport</u>. Those additional <u>development</u> requirements and restrictions are set forth in Table 15.350.040.

| <u>Airport</u> Safety<br>Zones | Additional Safety Zone Uses, <u>Development</u> Requirements and Restrictions                           |  |
|--------------------------------|---|--|
| Zone 1                         | 1. Land uses, which by their nature will be relatively unoccupied by people, should be                  |  |
| (Runway                        | encouraged (mini-storage, small parking <i>lots</i> , etc.)   |  |
| Protection<br>Zone)            | 2. <u>Schools</u> , play fields, <u>hospitals</u> , <u>nursing homes</u> , and churches are prohibited. |  |
| Zone 2 (Inner                  | 1. <u>Schools</u> , play fields, <u>hospitals</u> , <u>nursing homes</u> , and churches are prohibited. |  |
| Safety Zone)                   | 2. Zoning changes on property within zone 2 that is within the unincorporated Ellensburg                |  |

Table 15.350.040. Additional safety zone uses, development requirements and restrictions.

| <u>Airport</u> Safety<br>Zones                            | Additional Safety Zone Uses, <u>Development</u> Requirements and Restrictions<br>urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an<br>average residential density after annexation that is consistent with the underlying<br>Kittitas County zoning on the property in effect at the date of annexation.  |
|---|---|
| Zone 3 (Inner<br>Turning Zone)                            | <ol> <li>Schools, play fields, hospitals, nursing homes, and churches are prohibited.</li> <li>Zoning changes on property within zone 3 that has annexed into the <u>city</u> limits prior to the date of adoption of the ordinance codified in this chapter shall maintain a maximum residential density of 6 <u>dwelling units</u> per gross acre with a planned unit <u>development</u> (PUD) option available but limited to that average maximum of 6 <u>dwelling units</u> per gross acre with no density bonuses available.</li> <li>Zoning changes on property within zone 3 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation, except that those properties which, as of the date of the ordinance codified in this chapter, have <u>frontage</u> on Sanders Road within zone 3 will be allowed to maintain a maximum density of one <u>dwelling unit</u> per acre after annexation to the <u>city</u> of Ellensburg.</li> </ol> |
| Zone 4 (Outer<br>Safety Zone)<br>Zone 5                   | <ol> <li><u>Schools</u>, play fields, <u>hospitals</u>, <u>nursing homes</u>, and churches are prohibited.</li> <li>Zoning changes on property within zone 4 that is within the unincorporated Ellensburg<br/>urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an<br/>average maximum residential density after annexation that is consistent with the<br/>underlying Kittitas County zoning on the property in effect at the date of annexation.</li> <li><u>Schools</u>, play fields, <u>hospitals</u>, <u>nursing homes</u>, and churches are prohibited.</li> </ol>   |
| (Sideline Zone)<br>Zone 6 (Airport<br>Operations<br>Zone) | <ol> <li>Zoning changes on property within zone 6 that has annexed into the <u>city</u> limits prior to<br/>the date of adoption of the ordinance codified in this chapter shall maintain an average<br/>maximum residential density of 6 <u>dwelling units</u> per gross acre with a planned unit</li> </ol>   |

Table 15.350.040. Additional safety zone uses, *<u>development</u>* requirements and restrictions.

| <u>Airport</u> Safety<br>Zones | Additional Safety Zone Uses, <u>Development</u> Requirements and Restrictions   |    |  |
|--------------------------------|---|----|--|
|                                | <u>development</u> (PUD) option available but limited to that average maximum of 6 <u>dwelling</u><br><u>units</u> per gross acre with no density bonuses available.  | g  |  |
|                                | 2. Zoning changes on property within zone 6 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an  | -  |  |
|                                | average maximum residential density of 3 <u>dwelling units</u> per gross acre after<br>annexation. The minimum <u>lot</u> size for future <u>subdivisions</u> after annexation shall be<br>7,000 gross square feet; however, whenever any future <u>subdivision</u> of such property                            |    |  |
|                                | creates a <u>lot</u> that is smaller in size than 14,520 square feet, a note shall be placed on<br>the face of the plat stating that there can be no further <u>subdivision</u> of any parcel create<br>by that <u>subdivision</u> while the property is situated within the <u>airport</u> overlay zone (A-O). | ed |  |

Table 15.350.040. Additional safety zone uses, <u>development</u> requirements and restrictions.

Note:

1. All aviation uses are permitted in all zones but only when located on property owned by the Kittitas County *Airport*.

2. When calculating densities and available <u>dwelling units</u> in accordance with the requirements set forth in Table 15.350.040, if the number of <u>dwelling units</u> available on a property is not a whole number, then it shall be rounded down to the nearest whole number if the fraction is 0.49 or less and rounded up to the nearest whole number if the fraction is 0.5 or greater.

3. Required <u>development</u> standards for public infrastructure shall be consistent with the established <u>city</u> standards in effect at the time of <u>development</u> permitting. An exception is made for those properties that are designated with a density of either three <u>dwelling units</u> per acre or one <u>dwelling unit</u> per acre as determined by Table 15.350.040. For those excepted properties, new local residential <u>streets</u> shall only be required to provide for sidewalk <u>improvements</u> on one side of a <u>street</u> and <u>street</u> lighting <u>improvements</u> at <u>street</u> intersections. All other standards, including but not limited to those for community arterial and collector <u>streets</u>, municipal utilities and any other required <u>improvements</u>, shall be consistent with the established <u>city</u> standards in effect at the time of <u>development</u> permitting.

[Ord. 4656 § 1 (Exh. O2), 2013.]

#### 15.350.050 Permits.

A. Future Uses and Supplemental <u>Permit</u> Review Requirements. In addition to compliance with LDC provisions for uses and <u>structures</u> in the underlying zone per ECC <u>15.110.050</u>, no material change shall be made in the use of land, no <u>structure</u> shall be erected or otherwise established, and no <u>tree</u> shall be planted in any zone created by this chapter unless a <u>permit</u> therefor has been applied for to the <u>city</u> of Ellensburg community <u>development</u> department and granted by the <u>reviewing authority</u>, except as specifically provided in subsections (A)(1), (2) and (3) of this section. <u>Permits</u> for such activities shall be processed as a Type I decision per Chapter <u>15.210</u> ECC, except where otherwise specified by applicable activity in underlying zone. Supplemental A-O zone <u>permit</u> requirements:

1. Hereafter, no use shall be conducted, and no *building*, *structure* and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of the LDC, and then only after securing all *permits* and approvals required hereby. It shall be unlawful to build or use any *building* or *structure* or to use *premises* in the *city* for any purpose or use other than the uses listed as being permitted in the zone in which such *building*, land, or *premises* is located;

2. 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;

3. A certificate from an engineer or land surveyor that clearly states that no airspace <u>obstruction</u> will result from the proposed use;

4. All construction on <u>airport</u> property and any construction that penetrates Federal Regulation Part 77 surfaces shall prepare and submit FAA form 7460; and

5. A site plan showing the following shall be submitted:

a. The location of the project in relation to the Kittitas County Airport.

 b. The location and <u>height</u> of all proposed <u>buildings</u>, <u>structures</u>, and natural vegetation as measured from the established <u>airport surface</u> elevation.

No <u>permit</u> for a use inconsistent with the provisions of this chapter shall be granted unless a <u>variance</u> has been approved in accordance with subsection (E) of this section.

#### B. Exceptions to *Permit* Requirements.

 In the area lying within the limits of the horizontal zone and conical zone, no <u>permit</u> shall be required for any <u>tree</u> or <u>structure</u> less than 75 feet of vertical <u>height</u> above the ground except when, because of terrain, land contour, or topographic features, such <u>tree</u> or <u>structure</u> would extend above the <u>height</u> limits prescribed for such zones.

2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the <u>runway</u>, no <u>permit</u> shall be required for any <u>tree</u> or <u>structure</u> less than 75 feet of vertical <u>height</u> above the ground, except when such <u>tree</u> or <u>structure</u> would extend above the <u>height</u> limit prescribed for such approach zones.

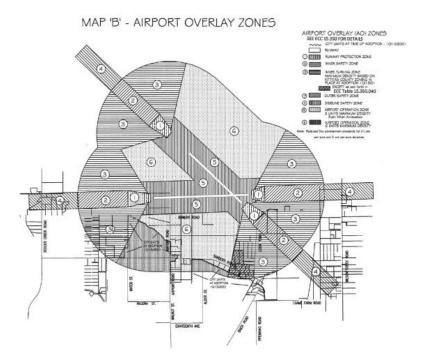
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no *permit* shall be required for any *tree* or *structure* less than 75 feet of vertical *height* above the ground, except when such *tree* or *structure*, because of terrain, land contour, or topographic features, would extend above the *height* limit prescribed for such transition zones.

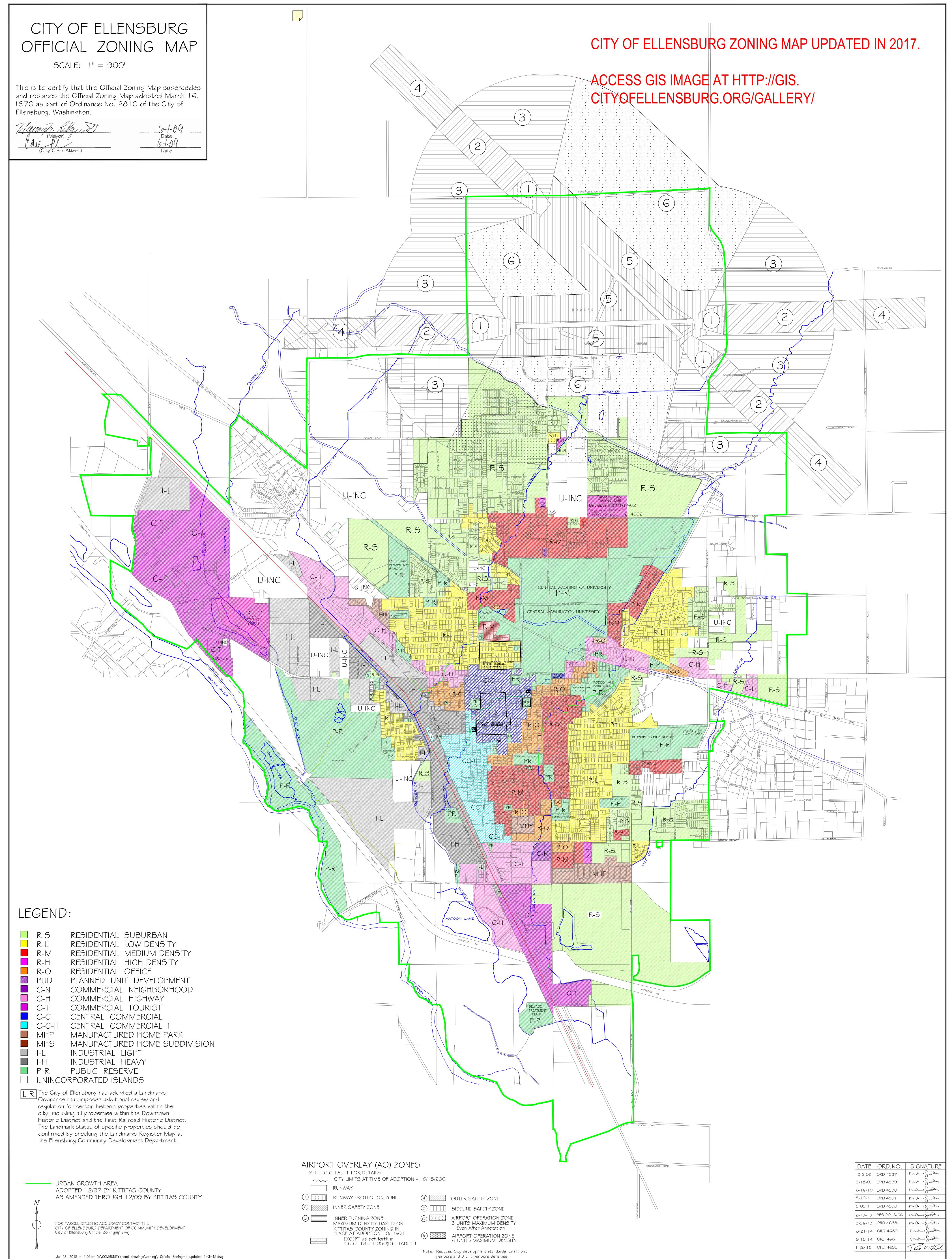
C. Existing Uses. No <u>permit</u> shall be granted that would allow the establishment or creation of an <u>obstruction</u> or <u>permit</u> a nonconforming use, <u>structure</u>, or <u>tree</u> to become a greater <u>hazard to air navigation</u> than it was on the effective date of the ordinance codified in this chapter, as amended, or than it is when the application for a <u>permit</u> is made.

D. Nonconforming Uses Abandoned or Destroyed. Whenever the <u>director</u> determines that a nonconforming <u>tree</u> or <u>structure</u> has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no <u>permit</u> shall be granted that would allow such <u>structure</u> or <u>tree</u> to exceed the applicable <u>height</u> limit or otherwise deviate from the zoning regulations.

E. <u>Variances</u>. Any <u>person</u> desiring to erect or increase the <u>height</u> of any <u>structure</u>, or <u>permit</u> the growth of any <u>tree</u>, or use property not in accordance with the regulations prescribed in this chapter may apply for a <u>variance</u> from such regulations per ECC <u>15.250.050</u>. Such a <u>variance</u> application shall be accompanied by a determination from the <u>Federal Aviation Administration</u> as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Prior to considering an application for <u>variance</u> to the requirements of this chapter, the board of adjustment (or other <u>decision-maker</u>) shall furnish a copy of the application to the Kittitas County <u>Airport</u> manager for advice as to the aeronautical effects of the <u>variance</u>. If the Kittitas County <u>Airport</u> manager does not respond to the application within 30 days after receipt,

the board of adjustment (or other <u>decision-maker</u>) may act on its own to grant or deny said application. [Ord. 4656 § 1 (Exh. O2), 2013.]



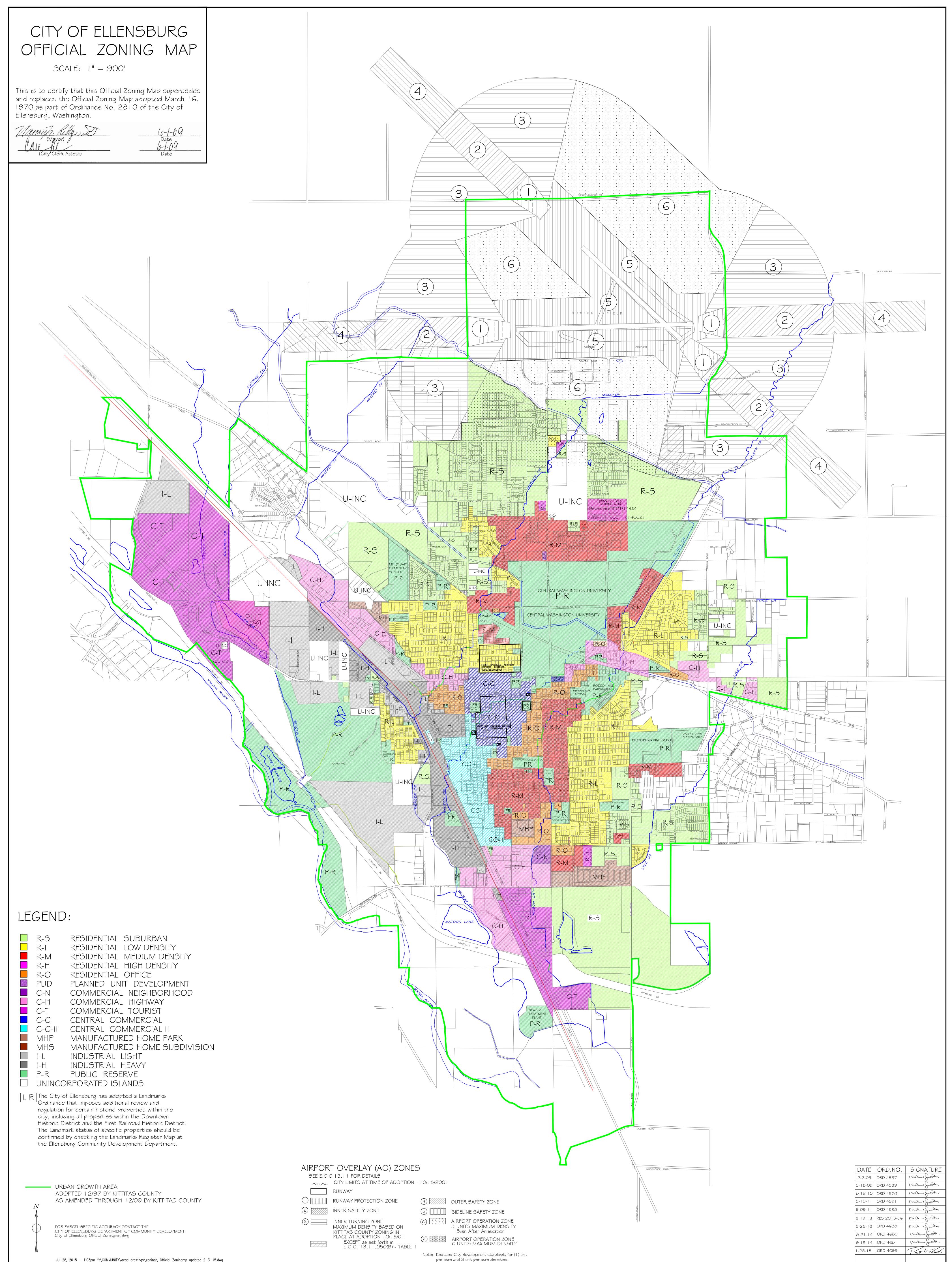




| R-S | RESIDENTIAL SUBURBAN      |
|-----|---------------------------|
| R-L | RESIDENTIAL LOW DENSITY   |
| R-M | RESIDENTIAL MEDIUM DENSIT |
| R-H | RESIDENTIAL HIGH DENSITY  |
| R-O | RESIDENTIAL OFFICE        |
| PUD | PLANNED UNIT DEVELOPMENT  |
| C-N | COMMERCIAL NEIGHBORHOO    |
| C-H | COMMERCIAL HIGHWAY        |



| DATE    | ORD.NO.     | SIGNATURE    |
|---------|-------------|--------------|
| 2-2-09  | ORD 4537    | thing a ring |
| 3-18-09 | ORD 4539    | wind only    |
| 8-16-10 | ORD 4570    | thing a ring |
| 5-10-11 | ORD 4591    | Atuf a ring  |
| 9-09-11 | ORD 4598    | And a ring   |
| 2-19-13 | RES 2013-06 | Atmy oring   |
| 3-26-13 | ORD 4638    | they aring   |
| 8-21-14 | ORD 4680    | min of find  |
| 9-15-14 | ORD 4681    | min frits    |
| 1-28-15 | ORD 4695    | Tar Vitak    |
|         |             |              |
|         |             |              |





| R-S | RESIDENTIAL SUBURBAN      |
|-----|---------------------------|
| R-L | RESIDENTIAL LOW DENSITY   |
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|         |             |              |
|         |             |              |

Figure 2. Future Land Use Map

