

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

Ordinance No. 2018- 018

An Ordinance Amending Kittitas County Code Title 17 for the Purpose of Creating Standards and Criteria for the Siting of Solar Power Production Facilities and Rescinding the Moratorium on Accepting Applications for Solar Projects That Qualify As Major Alternative Energy Facilities within Kittitas County

WHEREAS, This ordinance, revising Kittitas County Code, contains two sections of findings and two exhibits for amendments as follows:

Section I – Procedural Findings

Section II – Final Decision and Signatures

Exhibit A – New Kittitas County Code Chapter 17.61C

Exhibit B – Amendments to Other Sections of Kittitas County Code Associated with Solar Regulations

SECTION I – PROCEDURAL FINDINGS

WHEREAS, In 2016 strong interest developed in the creation of solar projects within Kittitas County and its agricultural areas; and

WHEREAS, Agricultural industry provides a large portion of the economic base within Kittitas County; and

WHEREAS, According to current Kittitas County Code, Major alternative energy facilities include hydroelectric plant, solar farm, or wind farm as indicated within KCC 17.61.010(9); and

WHEREAS, Concern was expressed in public hearings and public comments that solar projects that qualify as major alternative energy facilities are planned for lands used for agriculture; and

WHEREAS, RCW 36.70A.390 allows adoption of a moratorium on land use activities for sixty (60) days without holding a public hearing; and

WHEREAS, On January 10, 2017, the Board of County Commissioners unanimously called for an immediate moratorium on all applications for solar projects that qualify as major alternative energy facilities; and

- WHEREAS,** A public hearing must be held within sixty (60) days of the moratorium's enactment and findings of fact must be made to support the action; and
- WHEREAS,** After due notice the Board of Commissioners held a public hearing on March 9, 2017 at 6 p.m. where public testimony was received in regards to the moratorium; and
- WHEREAS,** After consideration of the staff report, public comment, and evidence submitted, the Board ordered that all applications for solar projects that qualify as major alternative energy facilities not be accepted for (6) months from January 10, 2017; and
- WHEREAS,** According to RCW 36.70A.390, a moratorium may be effective for up to one (1) year when a work plan is developed for related studies; and
- WHEREAS,** A work plan was developed and adopted with Ordinance No. 2017-004; and
- WHEREAS,** After due notice the Board of Commissioners held a public hearing on July 10, 2017 at 6 p.m. where public testimony was received regarding the moratorium and proposed work plan; and
- WHEREAS,** After consideration of the staff report and work plan, public comment, and evidence submitted, the Board decided that the moratorium for solar projects that qualify as major alternative energy facilities shall be extended for an additional six months.
- WHEREAS,** A Solar Facilities Citizen Advisory Committee was formed at Resolution No. 2017-133 in accordance with the adopted work plan; and
- WHEREAS,** The Solar Facilities Citizen Advisory Committee met several times and conducted one community open house in order to draft standards and criteria for siting of solar facilities, but the standards were not ready for hearing or adoption when the moratorium was set to expire on January 10, 2018; and
- WHEREAS,** After due notice the Board of Commissioners held a public hearing on January 3, 2018 at 6 p.m. where public testimony was received regarding the moratorium; and
- WHEREAS,** After consideration of the staff report, public comment, and evidence submitted, the Board decided that the moratorium for solar projects that qualify as major alternative energy facilities shall be extended until July 10, 2018; and

- WHEREAS,** The Solar Facilities Citizen Advisory Committee finished its work and recommended draft standards and criteria for siting of solar facilities on March 1, 2018; and
- WHEREAS,** The Board of County Commissioners conducted a work session with the Solar Facilities Citizen Advisory Committee on March 30, 2018 and directed staff to make certain revisions to the proposed standards and criteria; and
- WHEREAS,** Staff made the revisions and scheduled the proposed standards and criteria for a public hearing before the Kittitas County Planning Commission on May 22, 2018; and
- WHEREAS,** After due notice the Planning Commission held a public hearing on May 22, 2018 at 6:30 p.m. where public testimony was received; and
- WHEREAS,** After consideration of the staff report, public comment, and evidence submitted, the Planning Commission unanimously recommended approval of the proposed standards and criteria with amendments; and
- WHEREAS,** A public hearing was scheduled before the Board of County Commissioners to consider the recommendation from the Planning Commission and to consider whether or not to extend the moratorium, and
- WHEREAS,** After due notice the Board of County Commissioners held a public hearing on June 25, 2018 at 6:00 p.m. where public testimony was received; and
- WHEREAS,** After consideration of the staff report, Planning Commission recommendation, public comment, and evidence submitted, the Board of Commissioners directed staff to make further revisions to the proposed standards and criteria, and decided that the moratorium for solar projects that qualify as major alternative energy facilities shall be extended until January 10, 2019, or until standards and criteria are adopted, whichever occurs first; and
- WHEREAS,** Staff made the revisions and scheduled the proposed standards and criteria for a public hearing before the Board of Commissioners on September 10, 2018; and
- WHEREAS,** After due notice the Board of County Commissioners held a public hearing on September 10, 2018 at 6:00 p.m. where public testimony was received; and
- WHEREAS,** After consideration of the staff report, Planning Commission recommendation, public comment, and evidence submitted, the Board of Commissioners determined that the proposed regulations are consistent with and implement the Comprehensive Plan in accordance with RCW 36.70A.040 and KCC 15B.04.010 because the proposed regulations would create criteria and design standards for

the siting of solar facilities, preserve rural character, and protect and preserve resource lands; and

WHEREAS, The Board directed staff to prepare enabling documents with certain amendments to the proposed regulations.

SECTION II – FINAL DECISION AND SIGNATURES

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of County Commissioners, after due deliberation, hereby approves the amendments to Kittitas County Code regarding Solar Power Production Facilities as shown in the attached “Exhibit A” and “Exhibit B” which shall become effective at 5:00 p.m. on October 2, 2018; and

BE IT FURTHER ORDAINED, that the Community Development Services Director and Prosecutor’s Office are hereby authorized to make any corrections necessary to remedy any scrivener’s errors contained in the attached “Exhibit A” and “Exhibit B” without additional Board action; and

BE IT FURTHER ORDAINED, that the official Solar Power Production Facilities Overlay Map is hereby adopted as identified by the signature of the Chairperson of the Board and attested by the Clerk of the Board; and

BE IT FURTHER RESOLVED AND ORDAINED, that the moratorium enacted at Resolution No. 2017-027 on February 7, 2017 and Ordinance No. 2017-002 on March 13, 2017 and extended by Ordinance No. 2017-004 on July 18, 2017, Ordinance No. 2018-003 on January 3, 2018, and Ordinance No. 2018-013 on July 3, 2018 is hereby rescinded effective October 2, 2018 at 5:00 p.m.; and

BE IT FURTHER RESOLVED AND ORDAINED, that after 5:00 p.m. on October 2, 2018, applications for Solar Power Production Facilities may be accepted and processed by Kittitas County consistent with the requirement of the revisions to Kittitas County Code contained in the attached “Exhibit A” and “Exhibit B.”

ADOPTED this 2nd day of October, 2018.

BOARD OF COUNTY COMMISSIONERS KITTITAS COUNTY, WASHINGTON



Laura Osiadacz, Chairman



Obie O'Brien, Vice-Chairman


Cory Wright, Commissioner

ATTEST:

APPROVED AS TO FORM:

- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz



Neil Caulkins,
Deputy Prosecuting Attorney

Exhibit A
New Kittitas County Code Chapter 17.61C:

Chapter 17.61C
SOLAR POWER PRODUCTION FACILITIES

17.61C.010 Purpose.

The purpose and intent of this chapter is to establish a process for recognition and designation of properties in Kittitas County suitable for the location of Solar Power Production Facilities (SPPF), to protect the health, welfare, safety, and quality of life of the general public, to allow for development while protecting existing agricultural resources and rural character, to comply with the goals and requirements of the Washington State Growth Management Act, and to ensure compatibility with land uses in the vicinity of these facilities.

17.61C.020 Definitions

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

1. **“Glare”** means the effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
2. **“Operator”** means the person responsible for the overall operation and management of a solar energy project.
3. **“Owner”** means the person who owns all or a portion of a solar energy project.
4. **“Perimeter”** means the property lines for a lot, tract, or parcel that a Solar Power Production Facility is located on.
5. **“Photovoltaic”** means materials and devices that absorb sunlight and convert it directly into electricity.
6. **“Solar Array”** means a grouping of multiple solar modules with purpose of collecting or converting solar energy.
7. **“Solar Cell”** means smallest basic solar electric device which generates electricity when exposed to light.
8. **“Solar Equipment”** means Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

9. "Solar Module" means a grouping of solar cells with the purpose of collecting or converting solar energy.
10. "Solar Panel" means that part or portion of a Solar Power Production System containing one or more receptive cells or modules, the purpose of which is to convert solar energy to electricity.
11. "Solar Power Production Facilities" or "SPPF" means a utility on an area of land designated for the purpose of producing photovoltaic electricity with a nameplate capacity of over one hundred kilowatts (100 KW) and includes, but is not limited to, an assembly of solar panels and solar equipment that converts sunlight into electricity and then stores and/or transfers that electricity. Solar Power Production Facilities may include mechanical buildings and other uses that are typical to a SPPF, however offices and other commercial uses are prohibited.

17.61C.030 Adoption of Solar Power Production Facilities Overlay Map

1. The official Solar Power Production Facilities Overlay Map is adopted by reference and declared to be a part of this chapter. The official Solar Power Production Facilities Overlay Map shall be identified by the signature of the Chairperson of the Board and attested by the Clerk of the Board.
2. No changes of any nature shall be made to the Solar Power Production Facilities Overlay Map except in conformity with the procedures set forth in KCC Title 15B.

17.61C.040 Solar Overlay Zones

As a rural county, the protection of existing agricultural resources is a priority. The following solar overlay zones are established to preserve prime agricultural land by designating areas of the county that are appropriate for the siting of SPPFs:

1. Solar Overlay Zone 1 consists of lands designated by the Washington State Department of Agriculture as agricultural land uses on its agricultural land use geodatabase.
2. Solar Overlay Zone 2 consists of lands that are not designated by Washington State Department of Agriculture as agricultural land uses on its agricultural land use geodatabase.

17.61C.050 Permitting Requirements

Except as provided in 17.61C.060, the placement or construction of an SPPF on any properties identified as Solar Overlay Zone 1 on the Solar Power Production Facilities Overlay Map is prohibited. The placement or construction of an SPPF in Solar Overlay Zone 2 shall require conditional use permit approval.

17.61C.060 Permitting Exceptions

The placement or construction of an SPPF on properties in Solar Overlay Zone 1 may be allowed subject to conditional use permit approval, in the following locations:

- a. Lands that do not contain soils suited for agricultural uses as described by the United States Department of Agriculture and Natural Resource Conservation Service Soil Survey of Kittitas County Area, Washington.
- b. Lands that have been converted to roads, parking lots, runways, or similar uses prior to October 2, 2018.
- c. Rooftops of buildings existing prior to October 2, 2018.
- d. Airport Safety Zones.
- e. Powerline Rights-of-Way.
- f. Highway Interchanges.

17.61C.070 Submittal Requirements

The following shall be submitted for all SPPF applications:

1. A site plan drawn to an appropriate scale that identifies all existing and proposed structures, setbacks, access routes, proposed road improvements, residential uses within one quarter of a mile of the project perimeter, existing utilities, pipelines, transmission lines, proposed utility lines, utility and maintenance structures, existing and proposed drainage areas, topography, proposed grading/landscaping, areas of natural vegetation removal and any re-vegetation methods, weed control, dust and erosion controls, any critical areas (as defined in KCC 17A) on or abutting the property, and any other relevant items identified by Community Development Services.
2. An affidavit of agreement between lot owner and facilities owner or operator (when applicable) confirming that permission has been granted to propose, construct and/or operate an SPPF.
3. A written compliance narrative addressing how the proposal meets the approval criteria in KCC 17.60A.015 and KCC 17.61C.080, .090, and .100.
4. A noxious weed management plan outlining methods, maintenance schedules, and any potential soil viability impacts.
5. A stormwater management plan prepared in accordance with KCC 12.06 that includes any proposed ground disturbance and mitigation measures (such as reseeding with appropriate vegetation) to contain storm water runoff.
6. A decommissioning plan demonstrating compliance with KCC 17.61C.100(2).

7. A water rights retention plan, if applicable.

17.61C.080 Procedures

The following procedures shall be followed for all SPPF applications:

1. SPPF applications shall be processed in accordance with the applicable provisions of Kittitas County Code 15A.
2. Public notice of proposed SPPFs shall be provided to all property owners within one (1) mile of the proposed project site.

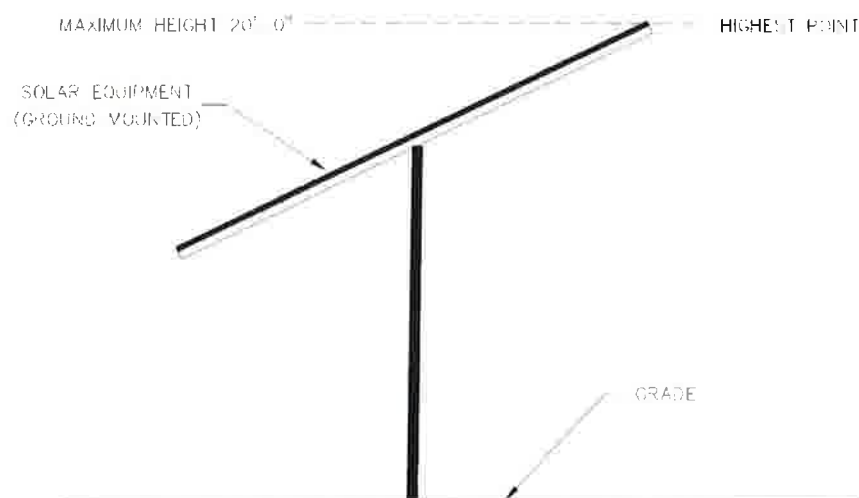
17.61C.090 Development Standards

SPPFs shall comply with the following developments standards:

1. SPPFs shall be screened or shall be enclosed by fencing a minimum of eight (8) feet in height. Screening and/or fencing shall be consistent with the surrounding character and utilize landscaping and/or native vegetation strategies to screen the facility from routine view of public right-of-ways or adjacent residential property. When fencing is used, the type and style of fencing shall also reflect any safety concerns specific to the general public and adjacent wildlife.
2. Glare shall not negatively impact surrounding properties, wildlife, or livestock.
3. Glare resistant panels shall be required for SPPFs located within an airport overlay zone.
4. Any lighting shall be shielded and downward-facing to contain light within the perimeter of the facility to the maximum extent possible.
5. All solar equipment associated with a SPPF shall meet the minimum zoning setbacks for the zoning district in which the SPPF is located, or 25 feet, whichever is greater.
6. SPPF solar equipment shall not exceed a maximum of 20 feet in height as measured from grade at the base of the equipment to its highest point during operation. (See Figure 17.61C-1)
7. The construction and operation of all SPPFs shall be consistent with applicable local, state, and federal regulations, including but not limited to, safety, construction, electrical, communication, and fire requirements. All solar equipment and other structures shall comply with local and state building codes.
8. Construction or maintenance activities shall not result in the unabated introduction or spread of noxious weeds and other undesirable weed species.

9. A Kittitas County Fire Marshal-approved fire management plan shall be provided by the applicant prior to building permit approval.
10. The manufacturers' or installers' identification and appropriate warning signage shall be posted at the site in a clear and visible manner at the entrance and along any fencing.
11. A sign consistent with KCC 17.70 shall be provided that shall identify the owner of the facility and provide a 24-hour emergency contact and phone number.
12. All solar equipment shall comply with the most current edition of the National Electrical Code.
13. Any water rights associated with the subject property for an SPPF shall be retained through the life of the facility.

Figure 17.61C-1



17.61C.100 Review Criteria

Kittitas County may approve an SPPF application only when the following requirements have been met:

1. The proposed SPPF is consistent with the conditional use permit review criteria contained in KCC 17.60.015.
2. The proposed SPPF is in compliance with the Kittitas County Critical Areas Ordinance (KCC Title 17A) and Shoreline Master Program (KCC Title 17B), and Voluntary Stewardship Program (VSP).

3. Environmental impacts including but not limited to wildlife habitat, migration routes and critical areas have been mitigated. If the project is found to have potential environmental impacts, the applicant shall provide sufficient mitigation strategies to the satisfaction of Kittitas County.
4. The proposed SPPF is in compliance with the Storm Water Management Standards of KCC 12.06.

17.61C.110 Abandonment and Decommissioning

1. Abandonment Requirements:

- a. SPPFs which have not generated electricity that is sold for commercial use within eighteen (18) months shall be removed at the owner/operator's expense. Owners/operators may be required to provide proof of electricity generation as requested by Kittitas County.
- b. The Planning Official, Building Official, Code Enforcement Officer or designee may issue a Notice of Abandonment to the owner/operator of the facility. The owner/operator shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Building Official, Code Enforcement Officer or designee may withdraw the Notice of Abandonment and notify the owner/operator that the Notice has been withdrawn if the owner/operator provides sufficient information to demonstrate that the facility has not been abandoned which may include documentation or certification by the owner/operator of the electrical grid that the SPPF has met the requirement of 17.61C.090 (1)(a).
- c. If the owner/operator fails to respond to the Notice of Abandonment or if after review by the Planning Official, Building Official, Code Enforcement Officer or designee it is determined that the facility has been abandoned or discontinued, the owner/operator of the facility shall remove the SPPF at the owner/operator's sole expense within 3-months of receipt of the Notice of Abandonment. If the owner/operator fails to physically remove the facility after the Notice of Abandonment procedure, the County shall have the authority to enter the subject property, physically remove the facility and recover costs associated with that removal from the property owner/operator.

2. Decommissioning Requirements:

- a. The site shall be restored within six (6) months of removal.
- b. Restoration of the site shall consist of the following:
 - i. Dismantle and removal of all photovoltaic solar power generation facilities including modules, mountings, foundations, gravel beds, inverters, wiring, and storage devices.
 - ii. Private access road areas shall be restored by removing gravel and restoring surface grade and soil, unless the landowner directs otherwise.

- iii. After removal of the structures and roads the area, if disturbed during SFFP construction and operation, shall be graded as close as is reasonable possible to its original contours or contours advantageous for agricultural operations and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with noxious weed control measures.

- c. Proponents of any SPPF shall demonstrate decommission assurances to Kittitas County in the form of a surety bond or escrow account to cover the cost of removal in the event the facility must be removed by Kittitas County. The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the County budget from an unanticipated, unwarranted burden to decommission a SPPF. The proponent shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified Washington State licensed engineer that is accepted by Kittitas County. The decommissioning funds shall be equivalent to 125% of the engineer's estimated cost for the purpose of guaranteeing completion of the work. The decommissioning assurance shall be reevaluated every five (5) years to ensure sufficient funds for decommissioning, and if deemed appropriate at that time, the amount of decommissioning funds shall be adjusted accordingly.

Exhibit B

Amendments to Other Sections of Kittitas County Code Associated with Solar Regulations

15A.03.060 Notice of application.

Kittitas County shall provide a notice of application to the public and the departments and agencies with jurisdiction. If Kittitas County has made a SEPA determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this subsection prevents a determination of significance and scoping notice from being issued prior to a notice of application.

1. The notice of application shall be provided within 14 days after the determination of completeness in the following method:
 - a. Publishing notice, including at least the project location in other than a legal description, brief description of project, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by Kittitas County. Additional legal notice may be published for development applications located in the upper county in newspapers published at least weekly, in addition to the legal publishing requirement in the official county paper of record.
 - b. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered.
 - c. Mailing to adjacent landowners. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 500 feet of any portion of the boundary of the proposal's tax parcel or lot of record (real property). If the owner of the real property which is proposed for activity owns another parcel or parcels of real property which lie adjacent to the real property proposed for activity, notice shall be given to owners of real property located within 500 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed for activity. Mailed notice for Solar Power Production Facilities shall be provided in accordance with KCC 17.61C.080(2).
 - d. Notifying the news media.
 - e. Posting notice via the Kittitas County Website.
 - f. Posting the site as outlined in KCC 15A.03.110.

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. Electric vehicle infrastructure, as provided for in Chapter 17.66, is not a "utility" or "utilities".
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; 7. Minor alternative energy 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 not more than 100 kW and subject to the development standards in [KCC 17.61 B.050](#), 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.~~15. "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.~~16. "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. 2012-009](#), 2012; [Ord. 2011-013](#), 2011; [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 KCC Chapter [17.61A](#);
 - b. All other major alternative energy facilities may be authorized as a conditional use.
5. Major thermal power plant facilities may be authorized as a conditional use in the Agriculture-20, forest and range, commercial agriculture, and commercial forest zones.
6. Special utilities may be authorized 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 as a conditional use in the general industrial zone (KCC Chapter [17.52](#)).
8. All conditional use requests and administrative appeals shall be reviewed pursuant to the procedures contained in KCC Title [15A](#), Project Permit Application Process, and the criteria contained in KCC Chapter [17.60](#), 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. 2013-001](#), 2013; [Ord. 2012-009](#), 2012; [Ord. 2007-22](#), 2007; [Ord. 2002-19](#) (part), 2002; [Ord. 2001-12](#) (part), 2001; [Ord. 2000-06](#) (part), 2000; [Ord. 99-14](#) (part), 1999; [Ord. 98-17](#) (part), 1998)

17.61.030 Review criteria - Special utilities and associated facilities.

1. The Hearing Examiner shall determine that adequate measures have been undertaken by the proponent of the special utility and/or associated facility to reduce the risk of accidents caused by hazardous materials.
2. The Hearing Examiner, as required by existing statutes, shall determine that the proposed special utility and/or associated facilities are essential or desirable to the public convenience and/or not detrimental or injurious to the public health or safety, or to the character of the surrounding neighborhood.
3. The Hearing Examiner shall determine that the proposed special utility and/or associated facilities will not be unreasonably detrimental to the economic welfare of the county and/or that it will not create excessive public cost for public services by finding that:
 - 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 Hearing Examiner shall consider industry standards, available technology, and proposed design technology for special utilities and associated facilities in promulgating conditions of approval.
6. The construction and installation of utilities and special utilities may necessitate the importation of fill material which may result in the displacement of native material. The incidental generation of earthen spoils resulting from the construction and/or installment of a utility or special utility, and the removal of said material from the development site shall not require a separate zoning conditional use permit.
7. The operation of some utilities and special utilities identified within this chapter may necessitate unusual parcel configurations and/or parcel sizes. Such parcels:
 - 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. 2012-009](#), 2012; [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 property line setback shall be 1.2 times the height of the structure. The lot line setback requirements of this title may be reduced 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 provided the applicant can provide evidence that it would not be possible for the tower to fall on neighboring properties. 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.
4. 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.
5. 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. 2018-001, 2018; Ord. 2007-22, 2007; Ord. 2001-12 (part), 2001; Ord. 2000-06 (part), 2000)

Chapter 17.15

ALLOWED USES

Sections

- 17.15.010** Categories of uses established.
- 17.15.020** Establishment of zoning use tables.
- 17.15.030** Interpretation of tables.
- 17.15.040** Zoning use tables.
- 17.15.050** Allowed uses in resource lands.
- 17.15.060** Allowed uses in rural non-LAMIRD lands.
- 17.15.070** Allowed uses in rural LAMIRD lands.
- 17.15.080** Allowed uses in urban lands.

17.15.010 Categories of uses established

This chapter establishes permitted, permitted administrative, administrative conditional use and conditional uses, by zone, for all properties within Kittitas County. All uses in a given zone are one (1) of four (4) types:

1. Permitted Use. Land uses allowed outright within a zone classification and subject to provisions within the Kittitas County Code.
2. Permitted Administrative Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter **17.60B**.
3. Administrative Conditional Use. Land uses which may be permitted within a zone classification following review under the provisions of KCC Chapter **17.60A**.
4. Conditional Use. Land uses which may be permitted within a zone classification following review and hearing under the provisions of KCC Chapter **17.60A**.

(Ord. 2016-023, 2016; Ord. 2013-012, 2013; Ord. 2013-001, 2013)

17.15.020 Establishment of zoning use tables

The allowed use tables in this chapter establish allowed uses in the various zoning classifications and whether the use is allowed as "Permitted," "Permitted Administrative," "Administrative Conditional" or "Conditional." The zone classification is located at the top of the table and the specific use is located on the far-left of the vertical column of these tables. (Ord. 2013-012, 2013; Ord. 2013-001, 2013)

17.15.030 Interpretation of tables.

1. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

P	Permitted Use
PA	Permitted Administrative Use
AC	Administrative Conditional Use
CU	Conditional Use

2. Definitions. Uses defined in KCC Chapter 17.08 are indicated with an asterisk (*).
3. Additional Use-Related Conditions. The small numbers (superscript) in a cell indicate additional requirements or detailed information for uses in specific zones. Those additional requirements can be found in the footnotes that follow each allowed use table. All applicable Federal, State and local requirements shall govern a use whether specifically identified in this chapter or not.
4. The Director has the authority to allow uses that are substantially similar to an allowed use listed on the table subject to the same review procedures as the substantially similar use. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days pursuant to Title 15A of this code, Project permit application process, except in the case of PUDs located inside the UGA where determination of substantially similar uses shall be made by the planning commission during review of the development plan required under KCC 17.36.030.
5. Accessory uses. The administrative official has the authority to permit uses that are customarily incidental to an allowed use listed on the table.

(Ord. 2013-012, 2013; Ord. 2013-001, 2013)

17.15.040

There are four (4) separate tables addressing the following general land use designations (Resource Lands, Rural Non-LAMIRD Lands, Rural LAMIRD Lands, Urban Lands) and zone classifications:

1. Resource Lands
 - a. Commercial Agriculture
 - b. Commercial Forest
2. Rural Non-LAMIRD Lands
 - a. Rural Residential
 - i. Agriculture 5
 - ii. Rural 5
 - iii. Planned Unit Development
 - b. Rural Working
 - i. Agriculture 20
 - ii. Forest and Range
 - c. Rural Recreation
 - i. Master Planned Resort

- ii. General Commercial
 - iii. Rural Recreation
 - iv. Planned Unit Development
3. Rural LAMIRD Lands
- a. Residential
 - b. Residential 2
 - c. Agriculture 3
 - d. Agriculture 20
 - e. Rural 3
 - f. Rural 5
 - g. Limited Commercial
 - h. General Commercial
 - i. Highway Commercial
 - j. Light Industrial
 - k. General Industrial
 - l. Forest Range
 - m. Planned Unit Development
4. Urban Lands
- a. Residential
 - b. Urban Residential
 - c. Agriculture 3
 - d. Rural 3
 - e. Rural 5
 - f. Limited Commercial
 - g. General Commercial
 - h. Highway Commercial
 - i. Light Industrial
 - j. General Industrial
 - k. Forest Range
 - l. Planned Unit Development

(Ord. 2013-001, 2013)

17.15.050 Allowed Uses in Resource Lands.

17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Resource	
	Commercial Agriculture	Commercial Forest

A. Agriculture		
Animal boarding*	P	P
Agricultural Enhanced Uses*	P ³⁰	P ³⁰
Agriculture processing*	CU ¹⁷	
Agriculture production*	P	P
Agriculture sales*, Produce Farm	P ¹⁶ / AC ²⁸	
Agriculture sales	CU	
Dairy	CU	CU
Feedlot*	CU	CU
Grazing*	P	P
Marijuana Processing*		
Marijuana Production*		
Marijuana, retail sales*		
Nurseries	P	
Riding academies	CU	
Small-scale event facility*	AC ²⁵ / CU	

U-Pick/U-Cut Operations*	AC ²⁹	AC ²⁹
Farm Visit*	AC ²⁹	
Commercial Activities associated with agriculture*	AC	
	Commercial Agriculture	Commercial Forest
B. Civic Cultural Uses		
Cemetery	P ¹³	
Clubhouses, fraternities and lodges*	AC ²⁴	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU ¹²	
Interpretive Center*		
	Commercial Agriculture	Commercial Forest

C. Commercial		
Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	AC	
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant		
Retail sales,* general		
Retail sales,* lumber and building materials		
Retail sales,* vehicles and equipment		
Services		

Shooting range*	CU ²³	CU ²³
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P ²²	
	Commercial Agriculture	Commercial Forest
D. Industrial		
Airport*	P ²⁰	P ²¹
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Impound/towing yard*		
Junkyard*		
Manufacturing*		

Mini-warehouse		
Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA ²⁷ /CU ²⁶	
Wholesale business		
	Commercial Agriculture	Commercial Forest
E. Recreation		
Campground*		CU ¹⁸
Golf course*		
Guest ranch or Guest Farm*	CU	
Parks and playgrounds*		P ¹⁵
Recreation, indoor*		
Recreation, outdoor*		P ¹⁸
Recreational vehicle storage		
Stadium		

Trails	PA	PA
	Commercial Agriculture	Commercial Forest
F. Residential		
Accessory dwelling unit*	P ⁴	
Accessory living quarters*	P ⁵	
Adult family home*	P ¹⁰	P ¹⁰
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU ²	
Group home*		
Home occupation*	P ⁸	P ⁸
Manufactured home*	P	P
Manufactured home park		

Mobile home	P ⁶	P ⁶
Special care dwelling*	P ⁷	P ⁷
Temporary trailers	P ¹¹	P ¹¹
	Commercial Agriculture	Commercial Forest
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU ¹⁴	P
Rock crushing*		P
	Commercial Agriculture	Commercial Forest
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P ³	P ³
Public facilities*	PA ¹⁹	PA ¹⁹
<u>Solar Power Production Facilities</u>	31	31
Utilities	P ¹ /ACU ¹ /CU ¹	P ¹ /ACU ¹ /CU ¹

Watershed management activities*	PA	PA
----------------------------------	----	----

17.15.050.2 Footnotes Associated with Resource Use Table.

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
 - a. ADUs shall be allowed as a permitted use within designated UGAs;
 - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
 - c. Only one ADU shall be allowed per lot;
 - d. Owner of the property must reside in either the primary residence or the ADU;
 - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
 - f. All setback requirements for the zone in which the ADU is located shall apply;
 - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
 - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - i. The ADU shall provide additional off-street parking;
 - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
 - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
 - a. Accessory Living Quarters shall be located within an owner occupied primary residence;
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
 - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
 - e. Accessory Living Quarters are to provide additional off-street parking;
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated

within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.

7. Subject to the following requirements:
The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
 - a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
 - b. Placement is subject to obtaining a building permit for the manufactured home;
 - c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
 - d. The Special Care Dwelling unit cannot be used as a rental unit;
 - e. The Special Care Dwelling unit must be removed when the need for care ceases;
 - f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
10. Pursuant to RCW [70.128.140](#).
11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.
13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
16. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
18. Limited to dispersed recreation and recreational facilities such as primitive campsites.
19. Pursuant to KCC Chapter [17.62](#), Public Facilities Permits.
20. When used primarily in conjunction with agricultural activities.
21. For emergency and forest related management uses and practices only.
22. Limited to farm implement repair and maintenance.
23. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
 - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.

- b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with [RCW 36.70A.177\(3\)](#) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
- 24. Limited to facilities that serve traditional rural or resource activities (such as granges).
 - 25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
 - 26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
 - 27. Limited to seasonal, non-structural hay storage.
 - 28. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
 - 29. When enhanced agricultural sales are provided.
 - 30. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.
 - 31. [Pursuant to KCC 17.61C.050 and 17.61C.060.](#)

(Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013)

17.15.060

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

Rural Non-LAMIRD		Rural Residential		Rural Working		Rural Recreation				Rural Residential & Rural Recreation			
		Ag 5 ⁴⁹	Rural 5 ⁴⁹	Ag 20 ⁴⁹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD				
P Permitted	PA Permitted Administrative												
CU Conditional Use	ACU Admin. Conditional Use												
* See KCC Chapter 17.08 Definitions													
A. Agriculture													
Agricultural Enhanced Uses*													
Animal boarding*		P	P	P	P ⁵⁵	P	P ⁵⁵				CU	CU	
Agriculture processing*		CU ²³		CU ²³		CU**					P		
Agriculture production*		P ²⁴	P	P	P ²⁴	P ²⁴					P ²⁴	P ²⁴	P ²⁴

Ordinance 2018-____
 October 2, 2018

	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹	P ²² / AC ⁵¹
Farm Stand,*										
Agriculture Sales,*	CU		CU							
Dairy	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Feedlot*					CU					
Grazing*	P	P	P	P	P	P	P	P	P	P
Marijuana processing*										
Marijuana production*										
Marijuana, retail sales*										
Nurseries	P				P	CU**			P	
Riding academies	CU				CU	CU	CU	CU	CU	CU

Ordinance 2018-____
 October 2, 2018

Libraries				CU ³				CU				
Meeting facilities							P					
Museums and galleries								CU				
Religious institutions		CU		CU	CU	CU	CU	CU	CU			
Schools, public or private*		P ²⁵			CU					CU		
Interpretive Center*				AC						AC		
		Ag 5 ⁵¹	Rural 5 ⁵¹	Ag 20 ⁵¹	Forest & Range	Master Planned		General Commercial	Rural Recreation		PUD	
C. Commercial												
Auction sales of non-agriculture products								CU				

Ordinance 2018-____
 October 2, 2018

Retail sales,* general				CU ³⁶	P	CU ¹⁸	CU ¹⁸		
Retail sales,* lumber and building materials									
Retail sales,* vehicles									
Services					P ²⁰	CU ⁵⁰			
Shooting range*			CU ³¹	CU ^{**31}			CU ³¹		
Tavern				CU ³⁶	P	CU			
Temporary sales office					P				
Vehicle/equipment service and repair*	P ¹⁶			CU ³⁶	P ⁴²	P ⁴²			
	Ag 5 ⁵¹	Rural 5 ⁵¹	Ag 20 ⁵¹	Forest & Range ⁵¹	Master Planned	General Commercial	Rural Recreation	PUD	

Electric vehicle infrastructure*	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ³²	P ²⁶
Public facilities*	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³	PA ⁵³
<u>Solar Power Production Facilities</u>	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ
Utilities	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ¹⁰ /ACU ¹⁰ /CU ¹⁰	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ¹¹ /ACU ¹¹ /CU ¹¹	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹	P ⁹ /ACU ⁹ /CU ⁹
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

** Publisher's Note: Footnote 37 was erroneously referenced in this section by Ordinance 2013-001

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).
4. Provided:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;

- d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.
 6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
 7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
 8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
 9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
 10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
 11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
 - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
 - d. Adequate and convenient vehicular access, circulation and parking should be provided;
 - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
 13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
 14. The following standards shall apply to the approval and construction of mini-warehouses:
 - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
 - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
 - d. Lease documents shall spell out all conditions and restrictions of the use;
 - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.

15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
16. Limited to farm implement repair and maintenance.
17. Limited to offices directly related to tourism and recreation.
18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
19. Limited to composting facilities.
20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
21. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
22. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
23. Hay processing, and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permit.
24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
26. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
27. Subject to the following requirements:
 - a. ADUs shall be allowed as a permitted use within designated UGAs;
 - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
 - c. Only one ADU shall be allowed per lot;
 - d. Owner of the property must reside in either the primary residence or the ADU;
 - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
 - f. All setback requirements for the zone in which the ADU is located shall apply;
 - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
 - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - i. The ADU shall provide additional off-street parking;
 - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
 - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
28. Subject to the following requirements:
 - a. Accessory Living Quarters shall be located within an owner-occupied primary residence;
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;

- c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
 - e. Accessory Living Quarters are to provide additional off-street parking;
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
30. Subject to the following requirements:
- a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
 - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
 - c. Placement is subject to obtaining a building permit for the manufactured home;
 - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
 - e. The Special Care Dwelling unit cannot be used as a rental unit;
 - f. The Special Care Dwelling unit must be removed when the need for care ceases;
 - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
- a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with [RCW 36.70A.177\(3\)](#) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

Ordinance 2018-
October 2, 2018

37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
41. Pursuant to RCW 70.128.140.
42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
43. Includes truck stop operations. Minor repair work permitted.
44. Limited to facilities that serve traditional rural or resource activities (such as granges).
45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
47. Limited to seasonal, non-structural hay storage.
48. Services limited to resource based industries
49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.
50. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
51. When enhanced agricultural sales are provided.
52. When approved as part of the PUD development plan.
53. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
54. Limited to primitive campgrounds.
55. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.
56. Only allowed as a conditional use when primary use of land is agriculture.
57. **Pursuant to KCC 17.61C.050 and 17.61C.060.**

(Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013)

Ordinance 2018-____
 October 2, 2018

	Residential	Residential 2	Residential 5	Residential 3	Commercial	Commercial	Commercial	Industrial	Industrial	Industrial	Special Industrial	Special & Range	District	Commercial	Commercial	Commercial	Industrial	
B. Civil and Cultural																		
Cemeteries			P ⁹	P ⁹								CU						
Clubhouses, and lodges*	CU		P	P ¹⁰								CU						
Cultural and education facilities	CU																	
Libraries	CU			CU			CU											
Meeting facilities																		
Museums and galleries	CU			CU	CU	CU						CU						CU

Ordinance 2018-____
 October 2, 2018

	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	Public	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
E. Recreation														
Campgrounds			CU ²¹	CU ²¹	CU ²¹	CU ²¹			CU ²¹ P ⁵⁷				CU ²¹	
Golf courses			CU	CU				CU	CU					
Guest ranch or guest farm			CU	CU				CU	CU					
Parks and playgrounds*	P	P	P	P	P	P			P	P	P	P	P	
Recreation, indoor*					P	P				P ³⁵		P	P	
Recreation,					CU	CU				P ³⁵		CU	CU	

Watershed management activities	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
---------------------------------	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.

- Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
- Limited to products produced on the premises.
- Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
- Slaughterhouses require a conditional use permit.
- Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
- As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Single family and mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
- When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
- 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.
- No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
- Not permitted in the Agriculture Study Overlay Zone.
- Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
- Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
- When the office activities are directly related to tourism and recreation.
- Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
- Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
- Not to exceed two (2) years.
- Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes
- Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.

Ordinance 2018-_____
October 2, 2018

19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
 - a. All chemical manufacture, storage and/or packaging;
 - b. Asphalt manufacture, mixing, or refining;
 - c. Automobile dismantling, wrecking or junk yards;
 - d. Blast furnaces or coke ovens;
 - e. Cement, lime, gypsum or plaster of Paris manufacture;
 - f. Drop forge industries;
 - g. Explosives, storage or manufacture;
 - h. Reduction or disposal of garbage, offal or similar refuse;
 - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
 - j. Rubber reclaiming;
 - k. Feed yards, livestock sales yards or slaughterhouses;
 - l. Smelting, reduction or refining of metallic ores;
 - m. Tanneries;
 - n. Wineries;
 - o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
 - p. Waste (refuse) recycling and processing;
 - q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:

- r. 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;
- s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors, and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.

21. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:

- a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
 - d. Adequate and convenient vehicular access, circulation and parking should be provided;
 - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
22. The following standards shall apply to the approval and construction of mini-warehouses:
- a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
 - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
 - d. Lease documents shall spell out all conditions and restrictions of the use;
 - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area; and
 - f. In Type 3 LAMIRDS, the use shall be conducted wholly within an enclosed building.
23. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
24. Subject to the following requirements:
- a. Only one (1) ADU shall be allowed per lot;
 - b. Owner of the property must reside in either the primary residence or the ADU;
 - c. The ADU shall not exceed the square footage of the habitable area of primary residence;
 - d. The ADU shall be designed to maintain the appearance of the primary residence;
 - e. All setback requirements for the zone in which the ADU is located shall apply;
 - f. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
 - g. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - h. The ADU shall provide additional off-street parking;
 - i. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
 - j. An ADU must have adequate acreage to meet maximum density within the zone classification.
25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. Provided that:
- a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;

- c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In Type 3 LAMIRDs, home occupations are allowed only in existing residences.
29. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to KCC Chapter 17.66.
36. Subject to the following requirements:
- a. Accessory Living Quarters shall be located within an owner occupied primary residence;
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
 - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
 - e. Accessory Living Quarters are to provide additional off-street parking;
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists; and
 - g. In Type 3 LAMIRDs, Accessory Living Quarters may only be allowed in an existing residence.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Subject to the following requirements:

- a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
 - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
 - c. Placement is subject to obtaining a building permit for the manufactured home;
 - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
 - e. The Special Care Dwelling unit cannot be used as a rental unit;
 - f. The Special Care Dwelling unit must be removed when the need for care ceases;
 - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
40. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. Shooting ranges in Type 1 LAMIRDS must be indoors. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
- a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177 (3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
41. Outdoor recreation activities that cause noise require a conditional use permit.
42. Subject to provisions of RCW 70.128.140.
43. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
44. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
45. Services limited to resource based industries, barbershops, beauty parlors, dry cleaning and laundry branch offices, self-service laundry and cleaning, shoe repair shops and physical culture and health services.*
46. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.*
47. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.*
48. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.*
49. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.i. RCW 36.07A.070(5)(d)(i).*

Ordinance 2018-____
 October 2, 2018

- 50. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.iii RCW 36.70A.070(5)(d)(iii).*
- 51. Allowed only in existing residences.*
- 52. Any new Type 3 LAMIRD is required to be at least one-half mile from another Type 3 LAMIRD, and will permit only one business and/or businesses associated with the primary business in the new LAMIRD Type 3. Type 3 LAMIRDS existing as of 2014 are not limited to one business.*
- 53. Permitted only within existing Type 3 LAMIRDS.*
- 54. Wholesale activity will not exceed 4000 square feet in space.*
- 55. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
- 56. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.
- 57. Limited to primitive campgrounds.
- 58. Subject to the following requirements:
 - a. Manufactured home parks shall require approval of a binding site plan pursuant to KCC Title 16.
 - b. Manufactured home park density shall not to exceed twelve (12) units per acre. A minimum of five (5) manufactured home spaces shall be required per park.
 - c. Manufactured home parks shall provide not less than ten percent (10%) of the gross area of the park for common open space for the use of its residents.
 - d. Each manufactured home space shall have direct frontage on a public or private street.
 - e. The minimum setbacks shall be consistent with the zoning classification they are located in.

59. [Pursuant to KCC 17.61C.050 and 17.61C.060.](#)

(Ord. 2018-001, 2018; Ord. 2015-010, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013)

17.15.080 Allowed Uses in Urban Lands

P Permitted PA Permitted Administrative CU Conditional	Urban											
	Residential	Urban Resident	Historic Trailer	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest &

Ordinance 2018-_____
 October 2, 2018

Group home*							CU	CU									CU	
Group Care Facility*							CU	CU									CU	
Home occupation*	P/CU ²⁷	P/CU ³⁸	P/CU ²⁸	P/CU ³⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸									P/CU ²⁸	P/CU ²⁸
Manufactured home*	P	P	P	P	P	P	P	P									P	
Manufactured home park	CU ³⁰	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰									CU ⁵⁰	CU ⁵⁰
Mobile home		P ³⁸	P ⁴⁰				P ³⁸	P ³⁸									P ³⁸	P ³⁸
Special care dwelling*	P ¹⁷	P ¹⁷	P ¹⁷				P ¹⁷	P ¹⁷									P ¹⁷	P ¹⁷
Temporary trailer	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹									P ²⁹	P ²⁹

Ordinance 2018-____
 October 2, 2018

	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
G. Resource													
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU ³⁰	CU ³¹	CU ³¹						P	
Rock crushing"						CU ³¹						P	
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD

activities*																				
-------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

17.15.080.2 Footnotes Associated with Urban Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Feed yards, livestock sales yards, and slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board review of said site plan and the proposal as a whole shall include, but not be limited to the following criteria:
 - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
 - d. Proposed shooting ranges in areas designated as agricultural land of long term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
7. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.

Ordinance 2018-_____
October 2, 2018

14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Subject to the following requirements:
 - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located.
 - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal.
 - c. Placement is subject to obtaining a building permit for the manufactured home.
 - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.
 - e. The Special Care Dwelling unit cannot be used as a rental unit.
 - f. The Special Care Dwelling unit must be removed when the need for care ceases.
 - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
 - a. All chemical manufacture, storage and/or packaging;
 - b. Asphalt manufacture, mixing, or refining;
 - c. Automobile dismantling, wrecking or junk yards;
 - d. Blast furnaces or coke ovens;
 - e. Cement, lime, gypsum or plaster of Paris manufacture;
 - f. Drop forge industries;
 - g. Explosives, storage or manufacture;
 - h. Reduction or disposal of garbage, offal or similar refuse;
 - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
 - j. Rubber reclaiming;
 - k. Feed yards, livestock sales yards or slaughterhouses;
 - l. Smelting, reduction or refining of metallic ores;
 - m. Tanneries;
 - n. Wineries;
 - o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;

Ordinance 2018-____
October 2, 2018

- p. Waste (refuse) recycling and processing;
- q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:

- r. 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;
 - s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
21. In considering proposals for location of such campgrounds, the Board shall consider at a minimum the following criteria:
- a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances.
 - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
 - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
 - d. Adequate and convenient vehicular access, circulation and parking should be provided.
 - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)
22. The following standards shall apply to the approval and construction of mini-warehouses:
- a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
 - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
 - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
 - d. Lease documents shall spell out all conditions and restrictions of the use;
 - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area;
23. Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one (1) acre is available. Excluding swine and mink.

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

- a. ADUs shall be allowed as a permitted use within designated UGAs.
- b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.

- c. Only one (1) ADU shall be allowed per lot.
 - d. Owner of the property must reside in either the primary residence or the ADU.
 - e. The ADU shall not exceed the square footage of the habitable area of primary residence.
 - f. The ADU shall be designed to maintain the appearance of the primary residence.
 - g. All setback requirements for the zone in which the ADU is located shall apply.
 - h. The ADU shall meet the applicable health department standards for potable water and sewage disposal.
 - i. No mobile homes or recreational vehicles shall be allowed as an ADU.
 - j. The ADU shall provide additional off-street parking.
 - k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
 - l. An ADU must have adequate acreage to meet maximum density within the zone classification.
25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. Provided that:
- a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. No sign advertising a home occupation shall exceed sixteen (16) square feet in size.
29. When used for temporary occupancy for a period not to exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.

Ordinance 2018-____
October 2, 2018

34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met.
36. Subject to the following requirements:
 - a. Accessory Living Quarters shall be located within an owner occupied primary residence.
 - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.
 - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.
 - d. Only one (1) Accessory Living Quarters shall be allowed per lot.
 - e. Accessory Living Quarters are to provide additional off-street parking.
 - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Outdoor recreation activities that cause noise require a conditional use permit.
40. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.
41. Pursuant to RCW 70.128.140.
42. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
43. Limited to seasonal, non-structural hay storage.
44. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.
45. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
46. When enhanced agricultural sales are provided.
47. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
48. Limited to primitive campgrounds.
49. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 10,000 square feet of total indoor floor area.
50. Subject to the following requirements:
 - a. Manufactured home parks shall require approval of a binding site plan pursuant to KCC Title 16.
 - b. Manufactured home park density shall not to exceed twelve (12) units per acre. A minimum of five (5) manufactured home spaces shall be required per park.
 - c. Manufactured home parks shall provide not less than ten percent (10%) of the gross area of the park for common open space for the use of its residents.
 - d. Each manufactured home space shall have direct frontage on a public or private street.

Ordinance 2018-____
October 2, 2018

e. The minimum setbacks shall be consistent with the zoning classification they are located in.

51. [Pursuant to KCC 17.61C.050 and 17.61C.060.](#)

(Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2015-010, 2015; Ord. 2015-002, 2015; Ord. 2014-015, 2014; Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013)