



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

### MEMORADNDUM

TO: Kittitas County Planning Commission

FROM: Kittitas County Community Development Services, Staff

DATE: March 10, 2015 Public Hearing

SUBJECT: Emergency Amendment to County Code

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Kittitas County Community Development Services proposes amending portions of KCC Title 17.15.080 & 13.25 to allow existing industrial uses to become conforming within industrial zones, and to permit cisterns to serve residential uses outside of the regular docket cycle due to the emergent situations of each item.

#### i. Title 17.15.080

It has come to the attention of staff that airports are not allowed within the Code in Light Industrial Zones which impedes airport activities. Upon review of the Light Industrial Zoning Code staff found that the Light Industrial Code does not allow for the expansion of existing industrial uses within the airport, which is a detriment to the County and its inhabitants.

Staff proposes to amend Title 17.15.080 to permit Vehicle/ equipment service and repair and to allow Airports as conditional uses in Light Industrial Zones.

#### ii. Title 13.25

Potential drought from the current weather conditions brings the need for water delivery assurance to residences. The Cascades are at 30% of normal snow pack, which brings concern of water shortages within Kittitas County in the summer and autumn months. The proposed amendments to KCC 13.25 providing criteria for cisterns allows for existing residences to have assurance for access to potable water in occurrence a draught.

Staff proposes to allow the trucking of mitigated water to cisterns due to the variable weather in the region and the Counties susceptibility to draught and fire.

## Exhibit A

Revisions to Kittitas County Code Title 17 Zoning are proposed as follows:

### Title 17 Zoning

### Chapter 17.15 ALLOWED USES

#### 17.15.080 Allowed Uses in Urban Lands

P Permitted PA Permitted Administr ative CU Condition al Use  *See KCC Chapter 17.08 Definition s	Urban												
	Residenti al	Urban Residenti al	Histori c Trailer Court	Agricultur e 3	Rural 3	Rural 5	Limited Commerci al	General Commerci al	Highway Commerci al	Light Industri al	General Industri al	Forest & Range	PUD
	Animal boarding*	CU <sup>1</sup>		CU				CU				CU	
	Agricultur e processin g*			P <sup>2</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agricultur e productio	CU <sup>1</sup>	CU <sup>5</sup>		P <sup>5</sup>	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
	n*												
	Farm stand			P <sup>7</sup> /AC <sup>45</sup>					P			P <sup>7</sup> /A <sup>45</sup>	
	Agriculture sales	CU		CU				CU				CU	
	Dairy												
	Feedlot*			CU <sup>8</sup>								CU <sup>8</sup>	
	Grazing*	P		P	P	P	P	P	P	P	P	P	
	Marijuana Processing*									P <sup>44</sup>			
	Marijuana Production*									P <sup>44</sup>			

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
Marijuana, retail sales*													
Nurseries	CU	CU		P								CU	
Riding Academies		CU		CU		CU						CU	
Small-scale event facility*				AC <sup>42</sup> / CU	AC <sup>42</sup> / CU	AC <sup>42</sup> / CU						AC <sup>42</sup> / CU	
U-Cut/U-Pick operation*				P/AC <sup>4</sup> 6									
Farm Visit*				CU	CU	CU	CU	CU	CU			CU	
	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

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
	B. Civic and Cultural												
	Cemetery			P <sup>9</sup>		P <sup>9</sup>						CU	
	Clubhouses, fraternities and lodges*	AC	AC	P	P	P						AC	
	Cultural and educational facilities	CU											
	Libraries			CU			P	P					
	Meeting facilities												
	Museums and	CU	CU	CU				P <sup>11</sup>	P			CU	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban													
	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	
	galleries													
	Religious institutions*	CU	CU		CU								CU	
	Schools, public or private*		CU		CU			P	P				CU	
		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
	C. Commercial													
	Auction sales of non-agriculture products				CU				P				CU	
	Bank								P	P				

P Permitted PA Permitted Administr ative CU Condition al Use  *See KCC Chapter 17.08 Definition s	Urban												
	Residenti al	Urban Residenti al	Histori c Trailer Court	Agricultur e 3	Rural 3	Rural 5	Limited Commerci al	General Commerci al	Highway Commerci al	Light Industri al	General Industri al	Forest & Range	PUD
Bed and breakfast*				AC		AC						AC	
Clinic*	CU <sup>12</sup>												
Day care facilities*				CU			CU	CU	CU			CU	
Funeral home/mor tuary								CU					
Hospital*	CU			CU				P				CU	
Hospital, animal or veterinary *								CU					
Hotel/mot el								P	P				P
Office*								P	P <sup>13</sup>				

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
Restaurant							P	P	P				P
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				P
Retail sales,* lumber and building materials								P <sup>15</sup>					P
Retail sales,* vehicles								P					P
Services							P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>				
Shooting range*								CU <sup>6</sup>				CU <sup>6</sup>	
Tavern								P	P				P



P Permitted PA Permitted Administr ative CU Condition al Use  *See KCC Chapter 17.08 Definition s	Urban													
	Residenti al	Urban Residenti al	Histori c Trailer Court	Agricultur e 3	Rural 3	Rural 5	Limited Commerci al	General Commerci al	Highway Commerci al	Light Industri al	General Industri al	Forest & Range	PUD	
	Temporar y sales office													
	Vehicle/ equipmen t service and repair*						P <sup>18</sup>	P <sup>11</sup>	P <sup>19</sup>	P <sup>19</sup>				
		Residenti al	Urban Residenti al	Histori c Trailer Court	Agricultur e 3	Rural 3	Rural 5	Limited Commerci al	General Commerci al	Highway Commerci al	Light Industri al	General Industri al	Forest & Range	PUD
	D. Industrial													
	Airport*				CU				CU		CU		CU	
	Asphalt/C oncrete plants												CU	
	Forest product processin				P	P	P						P	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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* (portable)												
	Forest product processing* (permanent)			CU								CU	
	Freighting and trucking yard or terminal*							CU		P	P	CU	
	Hazardous waste storage*							CU		CU	CU <sup>20</sup>		
	Hazardous waste treatment*							CU		CU	CU <sup>20</sup>		
	Impound/Towing Yard*							ACU	ACU	P	P		

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
Junkyard*								CU			CU <sup>20</sup>		
Manufacturing*								P		P	P <sup>20</sup>		
Mini-Warehouse					CU <sup>22</sup>	CU <sup>22</sup>	P <sup>11</sup>	P <sup>11</sup>		P		CU <sup>22</sup>	
Refuse disposal/recycle*										CU	CU <sup>20</sup>	CU	
Research laboratories										P	P		
Wastewater treatment													
Warehousing and distribution	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	P	P	PA <sup>43</sup>	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban													
	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	
	Wholesale business							P		P	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
	E. Recreation													
	Campground*				CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>		CU <sup>21</sup>	CU <sup>21</sup>			CU <sup>21</sup>	
	Golf course*				CU	CU	CU						CU	
	Guest ranch or guest farm*				AC	AC	AC						AC	
	Parks and playground	P	P		P	P	P	P	P				P	P

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban													
	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	
	ds*													
	Recreation, indoor*			CU	CU	CU		P	P			CU	P <sup>35</sup>	
	Recreation, outdoor*			AC	AC	AC		P <sup>39</sup>	P <sup>39</sup>			AC	P <sup>35</sup>	
	Recreational vehicle park*													
	Recreational vehicle storage												P	
	Stadiums							CU						
	Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
		Resid	Urban Resid	Historic	Agricu	Rura	Rura	Limited	General	Highway	Light Indu	General	Forest &	PU

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
	Residential	Residential	Trailer Court	Agriculture 3	Rural 3	Rural 5	Commercial	Commercial	Commercial	Industrial	Industrial	Range	D
F. Residential													
Accessory dwelling unit*	P <sup>24</sup>	P <sup>24</sup>		P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>		P <sup>25</sup>					P <sup>24</sup>
Accessory living quarters*	P <sup>36</sup>	P <sup>36</sup>		P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>		P <sup>25</sup>					P <sup>36</sup>
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>			P <sup>41</sup>	P <sup>41</sup>
Boarding house	CU <sup>37</sup>			CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent												CU	

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home													
Dwelling, single-family*	P	P	P <sup>40</sup>	P	P	P	P	P <sup>25</sup>				P	P
Dwelling, two-family*	P	P		P			P	P <sup>25</sup>				P	P
Dwelling, multiple-family*	AC												P
Farm labor shelter*				CU <sup>26</sup>								CU <sup>26</sup>	
Group home*					CU	CU						CU	
Home occupation*	P/CU <sup>27</sup>	P/CU <sup>28</sup>		P/CU <sup>28</sup>	P/C <sup>28</sup>	P/C <sup>28</sup>						P/C <sup>28</sup>	P/C <sup>28</sup>

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
Manufactured home*	P	P	P	P	P	P	P	P				P	P
Mobile home		P <sup>38</sup>	P <sup>40</sup>		P <sup>38</sup>							P <sup>38</sup>	P <sup>38</sup>
Special care dwelling*	P <sup>17</sup>	P <sup>17</sup>		P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>						P <sup>17</sup>
Temporary trailer	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>		CU <sup>29</sup>
	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													



P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	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
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU <sup>30</sup>	CU <sup>31</sup>	CU <sup>31</sup>						P	
Rock crushing"					CU <sup>31</sup>	CU <sup>31</sup>						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
H. Utilities and Public Facilities													
Electric vehicle infrastructure	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>

P Permitted PA Permitted Administrative CU Conditional Use  <i>*See KCC Chapter 17.08 Definitions</i>	Urban												
	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
	Public facilities*	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>32, 47</sup>	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup>
	Utilities	P <sup>33</sup>	P <sup>33</sup>		P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	

### 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.
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;
    - 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.
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. Marijuana production and processing operations must:
  - a. Meet all criteria and regulations found in WAC 314.55 and RCW 69.50.
  - b. Meet all International Fire Code and International Building Code requirements.
  - c. Agree to an annual fire protection inspection.
  - d. Take place within a fully enclosed secure indoor facility.
45. Allowed marijuana production and processing must be operated within an entirely enclosed structure.
46. 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.
47. When enhanced agricultural sales are provided.
48. Pursuant to KCC Chapter 17.62, Public Facilities Permits.

(Ord. 2014-005, 2014; Ord. 2014-004, 2014; Ord. 2013-012, 2013; Ord. 2013-008, 2013; Ord. 2013-001, 2013;)

## Exhibit B

### Chapter 13.25 CISTERN WATER SYSTEM REQUIREMENTS

#### Sections

[13.25.010](#) Authority.

[13.25.020](#) Applicability.

[13.25.030](#) Licensing of Commercial Potable Water Haulers.

[13.25.040](#) Water Hauler Equipment and Treatment Requirements.

[13.25.050](#) Initial Water Hauler License Period.

[13.25.060](#) Ongoing Water Hauler License Requirements.

[13.25.070](#) Suspension, Revocation, and Denial of Water Hauler License.

[13.25.080](#) Cistern System: Source Requirements.

[13.25.090](#) Cistern System: Design and Treatment Requirements.

#### **[13.25.010](#) Authority.**

The following Chapter is adopted per [Chapter 70.05 RCW](#) and [Chapter 19.27 RCW](#). ([Ord. 2011-006](#), 2011)

#### **[13.25.020](#) Applicability.**

[Chapter 13.25 KCC](#) applies to all truck transportation of bulk potable water, and cistern system construction and maintenance in Kittitas County. ~~Cistern systems are only permissible as a water source for single dwelling unit residences upon a showing that no other potable water source is available upon the property as detailed in Section 13.25.080 KCC.~~ No potable water hauling or cistern system shall be permitted for two or more dwelling units served by a common storage and piping system, and no potable water hauling or cistern system shall be permitted for any commercial use, including use of a single dwelling unit for day care, bed and breakfast, group home, hair stylist, food producer under a [WA Dept. Washington State Department](#) of Agriculture license, or other commercial use. An application for subdivision ~~shall cannot~~ use cisterns to demonstrate [suitable provision of water supply. that appropriate provisions for potable water supplies are provided for.](#) ([Ord. 2011-006](#), 2011)

#### **[13.25.030](#) Licensing of Commercial Potable Water Haulers.**

1. Initial License Requirements. All persons engaged in the commercial transporting of bulk potable water shall obtain a license from [Kittitas County Public Health Department](#) (KCPHD). In order to receive a license, the following shall be submitted to KCPHD:
  - a. A completed application and fee, including a notarized signed statement that:
    - i. The equipment to be used meets the requirements in this Section;
    - ii. The applicant understands and will comply with the treatment requirements in this Section; and
    - iii. The applicant understands that the source for all water ~~to be~~ delivered to water storage systems is a Group A [public](#) water system [in green or yellow operating permit status.](#)
  - b. Proof of Insurance:

- i. Commercial, ~~g~~General ~~L~~Liability and ~~a~~Auto ~~i~~Insurance in the amount of one million per incident and two million dollars aggregate; ~~and~~
    - ii. ~~Pollution Liability Insurance in the amount of one million dollars per incident and two million aggregate.~~
  - c. A passing inspection by KCPHD of the equipment within 60 days ~~of prior to~~ the submission date of the completed water hauler application. A passing inspection includes but is not limited to: a passing water quality test after the initial holding tank disinfection, passing equipment test, and the ability to fill a truck container through an air gap or a backflow prevention device.
2. A license is not required of any person who performs labor or services under the direct supervision of a licensed potable water hauler, any private water system owner who performs work on the private water system serving his or her dwelling house, or any person who aids the owner with this work without compensation. However, persons exempt from licensing under this paragraph shall comply with all applicable sections of this chapter. For purposes of this Chapter, "direct supervision" means that a licensed potable water hauler instructs and controls the person claimed to be supervised and that the licensed water system contractor is responsible for the actions of that person and is reasonably available if and when ~~needed~~, needed, even though such licensed potable water hauler may not be physically present at the work site.
3. Every licensee shall maintain and submit to KCPHD such complete and accurate records as may be required for determining compliance with all applicable rules of this Chapter. (Ord. 2011-006, 2011)

#### **13.25.040 Water Hauler Equipment and Treatment Requirements.**

All potable water haulers shall comply with the requirements of this rule, regardless of the licensing requirement in Section 13.25.030 KCC.

1. Equipment.
  - a. The holding tank on the truck to be utilized shall only be used to transport potable water, and shall not have been used to transport any other substance. The holding tank shall not have been previously used to transport a noxious, hazardous, or a toxic substance or liquid;
  - b. Each holding tank shall display the name, water hauler license number and telephone number of the licensed water hauler;
  - c. The holding tank shall be completely enclosed and tightly sealed, with lockable hatches or lids. The inlet or opening to every holding tank shall be so constructed to prevent the entrance of insects, rodents or other foreign material that may cause contamination of water. With the exceptions of cleaning or filling the tank, the inlet openings shall be kept closed at all times;
  - d. All holding tanks shall be filled or emptied through an air gap or approved double-check valve assembly, in accordance with Section 246-290-490 WAGWAC 246-290-490;
  - e. All equipment used in this distribution of water shall be clean and sanitary and protected from contamination at all times; and
  - f. Flexible connector ends shall be protected and capped at all times except during filling or emptying of the transportation equipment.



2. Initial Truck Disinfection.
  - a. All equipment that is being used for the first time to transport potable water shall be disinfected using the procedures in this section.
  - b. The holding tank shall be scrubbed.
  - c. All rust and sediment shall be rinsed or flushed from the holding tank.
  - d. The holding tank shall be visually inspected to ensure that the tank is clean, in good condition and free of contaminants.
  - e. The holding tank shall be completely filled with water containing at least 50 parts per million (ppm) of chlorine (disinfection solution). The chlorine shall be added to the tank in proportion to the water in order to ensure adequate mixing.
  - f. The disinfection solution shall be held in the holding tank for at least twenty- four contiguous hours. All hoses, pumps and other equipment used in handling water shall be disinfected the same way.
  - g. It is the responsibility of the water hauler to ensure that the disinfecting solution is disposed of according to state and local waste disposal regulations.
  - h. Once the holding tank is empty of the initial disinfecting solution, the tank shall be refilled with the water to be transported and tested for coliform bacteria. If coliforms are present, the tank shall not be used unless the disinfection process is completed again, and the end test result is free of coliforms is provided.
3. Potable Water Treatment.
  - a. Each tank load of water shall be dosed with a sufficient amount of chlorine to produce a minimum chlorine residual of two tenths parts per millionppm at delivery of the water and shall not exceed a maximum chlorine residual of four-one (4.0) parts per millionppm at delivery of the water.
  - b. A water hauler shall keep equipment to test the free residual of chlorine in the tank and shall test the tanks of water that are delivered. If less than two tenths ppm is detected then the hauler shall add sufficient chlorine to obtain the residual chlorine concentration required by Section 13.25.040 (3)(a) KCC.
4. Handling Equipment.
  - a. All handling equipment used in the operation shall be stored off the ground at all times.
  - b. All handling equipment shall be thoroughly flushed, disinfected with the procedures in Section 13.25.040(2) KCC, and then flushed again with the source water prior to each use.
  - c. All hoses shall be capped at both ends when not in use.
  - d. All handling equipment shall be regularly inspected, and disinfected or replaced as needed.
  - e. All handling equipment shall be designed for potable water, and shall be capable of being disinfected.
5. Annual Inspection.
  - a. All transportation equipment used in the distribution of water by licensed water haulers shall be inspected for compliance with this rule annually by KCPHD.
6. Records.

- a. Both the licensed water hauler and owner of the receiving cistern system shall keep a record of all deliveries of water. The records shall be made available to KCPHD upon request. Records shall include:
    - i. The quantity delivered per trip;
    - ii. The approved water source(s) used;
    - iii. Dates and times of delivery and free chlorine residual at point of delivery;
    - iv. The chlorine dose at the fill point and the free chlorine residual after filling; and
    - v. Any notes regarding the receiving cistern system.
  - b. Licensed water haulers shall keep the following records in all trucks approved for water hauling at all times. The log shall include:
    - i. A record of any current water in the tank, including the community Group A public water system where the water originated from, ~~where the water is going~~ the destination of the water, and the free chlorine residual directly after filling the tank;
    - ii. The date the truck, holding tank and handling equipment was last inspected by KCPHD; and
    - iii. The date the holding tank and handling equipment was last disinfected using the procedures in Section 13.25.040(2) KCC, and the coliform test results after disinfection.
7. Ongoing Equipment Maintenance.
- a. The water contact surfaces and equipment shall be cleaned and disinfected:
    - i. Before it is put into use;
    - ii. When the system or any of its parts have been dismantled or replaced for purpose of repair, maintenance or alteration;
    - iii. Any time contamination is suspected; and
    - iv. ~~Yearly~~ Annually for license renewal.
8. Monthly Reporting Requirements.
- a. Every month, all licensed water haulers shall submit to KCPHD:
    - i. The passing results of a coliform test performed that month for each delivery vehicle used to transport water; and
    - ii. All delivery records maintained per Section 13.25.040(6) KCC.
9. KCPHD may order any water hauler to cease water deliveries or the use of any water transportation equipment for violation of this rule or if KCPHD suspects contamination of the water hauling equipment or the hauled water. ~~(Ord. 2011-006, 2011)~~

### **13.25.050 Initial Potable Water Hauler License Period.**

The initial ~~L~~ license is valid for one year, and will automatically lapse at the end of the year unless the ~~w~~ Water ~~h~~ Hauler follows the ongoing license requirements in Section 13.25.060 KCC. ~~(Ord. 2011-006, 2011)~~ ~~(Ord. 2011-006, 2011)~~

### **13.25.060 Ongoing Water Hauler License Requirements.**

In order to maintain a potable w Water ~~l~~ License, ~~an annual-yearly~~ an annual renewal application, fee and passing ~~annual~~ annual inspections for all equipment shall be submitted to KCPHD. A passing inspection includes but is not limited to: a passing ~~water quality~~ water quality test (Section 13.03.190)

~~KCC~~test after the initial tank disinfection, passing equipment test, and the ability to fill a truck container through an air gap or a backflow prevention device. ([Ord. 2011-006](#), 2011)

### **13.25.070 Suspension, Revocation, and Denial of Water Hauler License.**

1. KCPHD may suspend, revoke, or deny any potable water hauler license for violation of the requirements of this chapter.
2. Grounds for suspension, revocation, or denial of a potable water hauler's license shall include, but not be limited to:
  - a. A material misstatement or falsification of facts in the application for a license or obtaining a license through fraud or misrepresentation;
  - b. A material misstatement or falsification of facts in any records kept for the purposes of complying with Kittitas County Code;
  - c. A violation of the conditions of the potable water hauler's license;
  - d. A violation of any applicable rule of this chapter;
  - e. Failure to maintain a valid commercial drivers~~driver's~~ license;
  - f. Failure to maintain insurance as required under this rule;
  - g. Conviction in any criminal proceeding or failure to comply with a judgment or order that is issued by the court in any civil proceeding in connection with a private cistern system;
  - h. Aiding or abetting an unpermitted business or person to evade the requirements of this Chapter, allowing one's permit to be used by an unpermitted person, or acting as an agent, partner or associate of an unpermitted person with the intent to evade the provisions of this Chapter;
  - i. A demonstrated incompetency to act in the business or businesses for which a license is held; or
  - j. The transportation of water from a source other than a Group A public water system.
3. Upon the revocation, suspension, or denial of a license, the water hauler may appeal through the appeal process in [Chapter 13.85 KCC](#). ([Ord. 2011-006](#), 2011)

### **13.25.080 Cistern System: Source Requirements.**

1. Prior to approval for an Adequate Water Supply Determination for a proposed cistern system, the applicant shall provide proof of the following:
  - a. A notarized statement that:
    - ~~i. There are no other potable water sources available on the property;~~
    - ~~ii. Water budget neutrality is not available for the property; or an application for water budget neutrality was submitted and no response was received approving water budget neutrality within 45 days; and~~
    - ~~iii.i. That t~~he water to be transported to the cistern system shall originate from a community Group A public water system that is in green or yellow status with the Washington State~~state~~ Department of Health (DOH).
  - b. A letter from the water purveyor of the community Group A public water system in which the water purveyor:

- i. Agrees to supply the minimum amount of water per month as determined in [Section 13.25.090\(1\)\(c\) KCC](#); and
  - ii. ~~Is capable of supplying water to cisterns because the water purveyor has either~~ Complies with WAC 246-291-107 regarding the expansion of place of service.:
    - 1. ~~Obtained an amendment to the water system plan which includes a change of service area from DOH Department of Health. The change of service area shall allow for the distribution of water to cisterns, and comply with Section 246-290-107 WAC regarding the expansion of place of use; or~~
    - 2. ~~Obtained a place of use amendment from Department of Ecology which allows the community Group A public water system to provide water to cisterns in the cistern location.~~
  - c. A Notice of an Alternative (Non-standard) Water Source is filed with the County Auditor's office for the property where the cistern system will be located. The Notice shall include the following details:
    - i. Potable water is supplied via a cistern system on the property;
    - ii. The number of people the dwelling unit is designed for;
    - iii. The gallons per day that will be available to each person;
    - iv. The estimated number of days between storage unit refills if the cistern system is used as designed and the dwelling unit is used as a primary residence; and
  - d. That the owner of the property is required to maintain the cistern according to the Operations and Maintenance Plan filed by the system operator with the County Auditor's office.
2. ~~Rainwater.~~ Rainwater is an acceptable supplemental source of water when the requirements in [Section 13.25.080\(1\) KCC](#) are met. Rainwater is not permitted as the sole water source for a property. ([Ord. 2011-006](#), 2011)

### 13.25.090 Cistern System: Design and Treatment Requirements.

- 1. **Design Standards.**
  - a. All applications for an Adequate Water Supply Determination that includes a cistern system shall be submitted by a professional engineer and bear the engineer's seal and signature. This includes all rainwater components of a cistern water system.
  - b. The capacity of the booster pump and storage tank for the water system shall be adequate to meet the intended needs of the household and shall be designed by a licensed engineer.
  - a. ~~All applications for an Adequate Water Supply Determination that include a cistern system shall be submitted by a professional engineer and bear the engineer's seal and signature. This includes all rainwater components of a cistern water system.~~
  - e. ~~The capacity of the storage unit for the cistern water system shall be adequate to meet the intended needs of the household. No storage of less than two thousand five hundred gallons capacity per dwelling unit shall be installed.~~
  - e.c. The minimum amount of water that is needed by the dwelling unit on a monthly basis shall be calculated by the following formula:

~~(the number of people the dwelling unit is designed for) x (75 gallons/day) x (30 days) using the formula found in Section 13.25.090(1)(c) KCC~~<sup>[HM1]</sup>. The minimum amount is not required to be delivered by truck to the dwelling ~~unit, unit~~; however, the water purveyor shall agree to provide at least that amount to the dwelling unit.

~~b-d.~~ Water obtained from cistern water systems shall be continuously treated as prescribed in [Section 13.25.090\(2\) KCC](#).

~~e-e.~~ Prior to approval of Adequate Water Supply Determination, an Operations and Maintenance Plan with specific schedules based on manufacturers' recommendations shall be recorded with the County Auditor by the applicant. The schedules shall include potable water quality testing, operations and maintenance, equipment testing, and equipment replacement.

~~e-f.~~ Any rainwater components of the cistern water system shall be designed in accordance with all State ~~Department of Ecology and Health~~<sup>local</sup> policies, rules and regulations regarding rainwater use for potable water. Rainwater is a surface water for the purposes of determining treatment standards.

~~e-g.~~ KCPHD may require outdoor signage denoting the location of the cistern ~~dependant~~<sup>dependent</sup> on where the cistern is located and other site specific factors.

2. **Potable Water Treatment Requirements.** Cistern water systems shall be provided with continuous treatment, as provided in this Section.

a. All treatment systems and Operations and Maintenance Plans shall be submitted by a professional engineer and bear the engineer's seal and signature and conform to all applicable treatment standards necessary for potable water. Possible treatment systems may include, but are not limited to chlorination, iodination, ultraviolet, ozone, filtration or reverse osmosis. All water withdrawn from the cistern for use inside the dwelling shall be suitably treated.

b. All treatment systems shall ensure the protection of the health of the persons served by that system.

c. An owner of a cistern system that has treatment shall maintain a test kit or appropriate testing equipment to determine the treatment residuals and shall periodically test the water for residual levels after treatment has occurred. With all treatment systems, the owner shall also test for total coliforms on a ~~regular~~<sup>quarterly</sup> basis. ~~The~~<sup>[HM2]</sup> testing schedules shall be documented in the Operations and Maintenance Plan recorded with the County Auditor.

3. **Signage Requirements.** In all situations where water is supplied from a cistern system, a permanent sign shall be posed in a prominent position inside the dwelling in close proximity to the main water faucet that:

a. Describes the type of water source;

b. Describes the type of continuous treatment system; and

c. Warns users of the possible health risks.

4. **Record Keeping.** All owners of a cistern system shall keep the following records and submit the records to KCPHD ~~yearly~~<sup>annually</sup>.

a. Records of all maintenance performed on the cistern system, including the storage and treatment portions;

- b. Records of the dates and results of all tests performed to determine treatment residuals and presence of any harmful contaminants such as coliforms.
  - c. Records of all potable water deliveries, including the date, the water hauler who made the delivery, the amount of water delivered, the source of the water, and the chlorine residual in the storage unit after delivery.
  - d. A ~~n annual~~ quarterly passing water quality test (see [Section 13.03.130 KCC](#)).
5. **Inspections.**
- a. Prior to use, a cistern system shall be inspected by KCPHD. At a minimum, the inspection will require:
    - i. ~~Submittal of a complete A~~ as-built drawing to are is complete and submitted to KCPHD;
    - ii. A passing water quality test (see [Section 13.03.130 KCC](#));
    - iii. A passing physical inspection of the system.; ~~and~~
    - ~~iv. That S~~ signage is present in the home.
  - b. After the initial inspection, all cistern systems shall be inspected by KCPHD at time of sale. It is the responsibility of the owner of the cistern system to schedule the initial and time of sale inspections with KCPHD. Failure to obtain an inspection and pay the inspection fee may result in KCPHD closing the system from use. ([Ord. 2011-006](#), 2011)