

KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

WA-09-00002

ZONING STRUCTURAL SETBACK VARIANCE APPLICATION

(To place a structure closer to property line than allowed)

KITTTAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SUBJECT PARCEL(S). IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THEN THE 500 FOOT AREA SHALL EXTEND FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS' OR ROAD ASSOCIATION, THEN PLEASE INCLUDE THE MAILING ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED BUILDINGS, POINTS OF ACCESS, ROADS, PARKING AREAS, SEPTIC TANK, DRAINFIELD, DRAINFIELD REPLACEMENT AREA, AREAS TO BE CUT AND/OR FILLED, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.

APPLICATION FEE:

\$350.00 payable to Kittitas County Community Development Services (KCCDS)

Current Zoning Setbacks:

Zone	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	Side (setback for side abutting the street)
Residential	15'	5'	25'	15'
Residential-2	15'	10' on one side and 5' on the other side	25'	15'
Suburban	25'	15'	25'	20'
Agriculture-3, Agriculture-20, and Commercial Ag	25'	5'	25'	15'
Rural-3	25'	15'	15'	-
Forest & Range	25'	10'	10'	15'
Commercial Forest	200'	200'	200'	-

FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
(CDS STAFF SIGNATURE)

T. Swanberg

DATE:

1.29.09

RECIPT #:

4042

RECEIVED



NOTES: _____

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: MC 10

Mailing Address: 206 W. 1st Street

City/State/ZIP: Cle Elum, WA 98922

Day Time Phone: (509) 674-6828

Email Address: _____

2. Name, mailing address and day phone of authorized agent, if different from land owner of record:

If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Same as above

Mailing Address: _____

City/State/ZIP: _____

Day Time Phone: _____

Email Address: _____

3. Street address of property:

Address: TBD

City/State/ZIP: Ronald, WA 98940

4. Legal Description of Property: See attached

5. Tax parcel number: Existing: 21-14-09061-0010

6. Property size: 3.41 (Lot 1)

7. Narrative project description: Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

See attached

8. Provision of zoning code for which this variance is requested and the way in which you wish to vary from the code:

See attached

9. A variance may be granted only when the following criteria are met. Please describe in detail how each criteria is met for this particular request (attach additional sheets as necessary):
- A. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.
See attached
 - B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.
See attached
 - C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
See attached
 - D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.
See attached
10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

Date:

X _____

Signature of Land Owner of Record
(REQUIRED for application submittal):

Date:

X _____

1/28/09

7) The subject property is lot 1 of the Timber Ridge Plat (P-07-41) located within Sec. 9, T.21N., R.14E., W.M. This plat was granted preliminary approval on January 15, 2008. As referenced in the plat, water will be via a non-expanding group A system and sewer will be individual on site sewer. See attached preliminary plat and scaled drawings for details. Exhibit

8) This request is for a variance to KCC 17.30.055 requiring a 200 ft. lot Commercial Forest buffer on all property lines adjoining the Commercial Forest zone (exhibit map). The request is to build within 25 ft of the northern lot line in accordance with KCC 17.57.050. As existing, the 200 ft. buffer would not allow a viable building area within the boundary of lot 1. We have determined that the most suitable location for any residential structure would be located in the northwest portion of the lot.

9a) There are two unusual circumstances that apply to this property that should make it uniquely eligible for a variance. The first, as mentioned in question eight, is the extent to which the 200 ft Commercial Forest buffer extends into this lot. As labeled in the exhibit maps, the portions of the property not encumbered by the buffer are not suitable for residential development. There simply is not enough room, considering the zoning setbacks, to build any residential structures. The second unusual circumstance is topography. The eastern ½ of lot 1 is located upon a steep hillside, making residential development extremely difficult. The proposed location of residential development has taken into consideration, road design and layout, driveway access and routing, topography and septic location. We are only requesting that a portion of the 200 ft. setback be reduced as to allow adequate room for residential construction and associated septic

9b) Lot 1 is the only lot within the development that is substantially affected by the 200 ft. Commercial Forest buffer. If granted, the future homeowner would be allowed partial use of his property that might otherwise be afflicted by the buffer. Lot 11 of the development is also affected by the 200 ft. buffer, but only 50% of that lot is encumbered by the Commercial Forrester buffer (exhibit map). Over 85% of the subject property would remain un-developable if a variance is denied.

9c) All adjacent lots within the development and all surrounding parcels will not be affected in any manner, if the variance is approved. Other than areas of steep slope, there are no critical areas that need to be protected and no reason to mitigate for any additional protection. No changes to the preliminary and final plat need to be made.

9c) No elements of this application will have any negative effect on the development pattern within this development or any other developments within the area. Many developments within Section 9 contain areas of steep slope. Existing landowners had to be creative when developing their property. The topography in the area is steep making access and residential development challenging, but obtainable. Furthermore, this request is not a violation of the Kittitas County development code, zoning code or comprehensive plan.

Phone: (509) 674-7433 Fax: (509) 674-7419

TO Kittitas County CDS
Ellensburg, WA

DATE	1-28-09	JOB NO.	07256
ATTENTION	Planning Staff		
RE:	Setback Variance Application		

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

Shop drawings Prints Plans Samples Specifications

Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION
1			Variance Application
1			additional sheets
1			preliminary plat map (Timber Ridge) exhibit 1L
1			lot 1 map, exhibit 2 not submitted
1			Associated zoning codes
1			Public disclosure form
1			Fees for application

THESE ARE TRANSMITTED as checked below:

For approval Approved as submitted Resubmit _____ copies for approval

For your use Approved as noted Submit _____ copies for distribution


As requested Returned for corrections Return _____ corrected prints

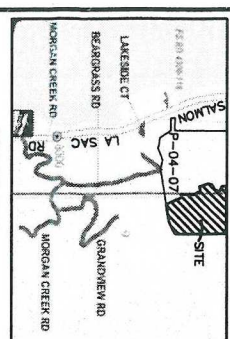
For review and comment _____

FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED: 



APPROVALS

KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS
 EXAMINED AND APPROVED THIS _____ DAY OF _____ A.D., 200__

KITTITAS COUNTY ENGINEER
 I HEREBY CERTIFY THAT THE TIMBER RIDGE PLAT HAS BEEN EXAMINED BY ME AND I FIND THAT THE SEWAGE AND WATER SYSTEM HEREIN SHOWN DOES MEET AND COMPLY WITH ALL REQUIREMENTS OF THE COUNTY HEALTH DEPARTMENT.
 DATED THIS _____ DAY OF _____ A.D., 200__

KITTITAS COUNTY PLANNING DIRECTOR
 I HEREBY CERTIFY THAT THE TIMBER RIDGE PLAT HAS BEEN EXAMINED BY ME AND I FIND THAT IT CONFORMS TO THE COMPREHENSIVE PLAN OF THE KITTITAS COUNTY PLANNING COMMISSION.
 DATED THIS _____ DAY OF _____ A.D., 200__

KITTITAS COUNTY TREASURER
 I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN WHICH THE PLAT IS NOW TO BE FILED.
 PARCEL NO. 21-14-09061-0010 (951355)
 DATED THIS _____ DAY OF _____ A.D., 200__

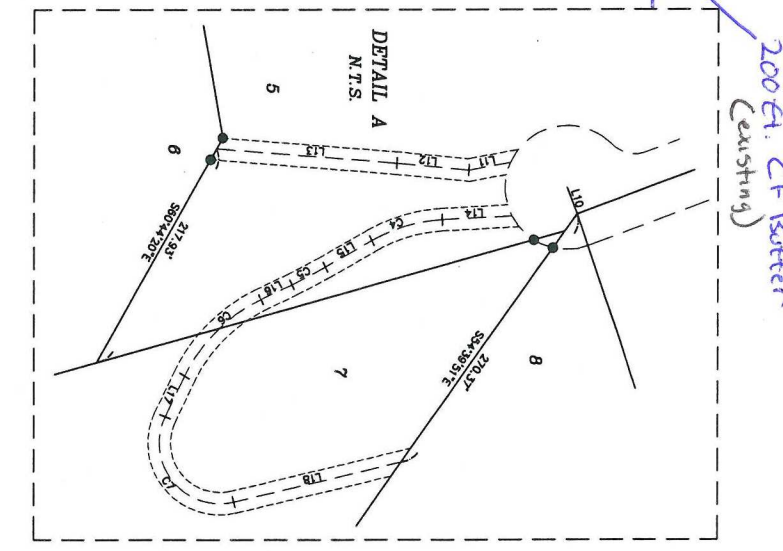
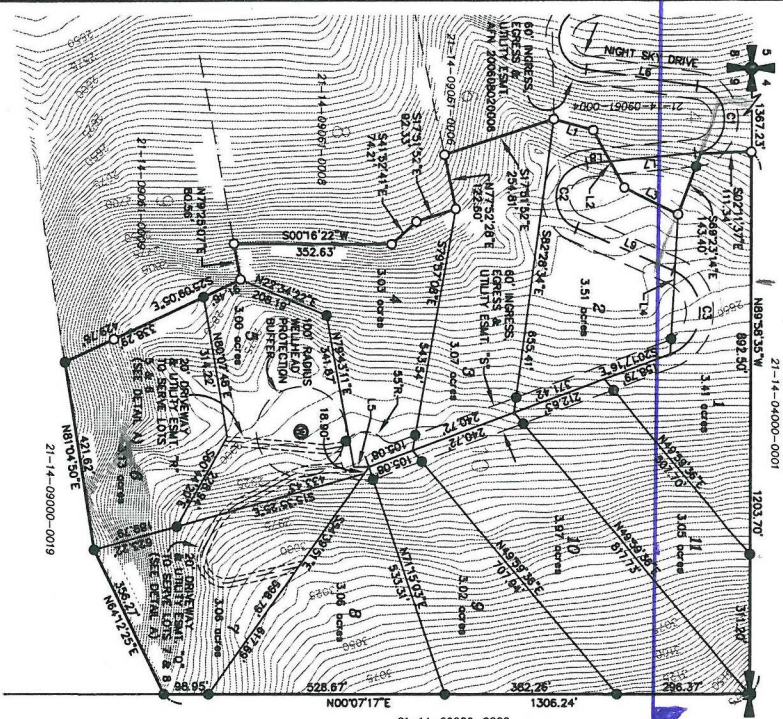
KITTITAS COUNTY ASSESSOR
 I HEREBY CERTIFY THAT THE TIMBER RIDGE PLAT HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN AN ACCEPTABLE CONDITION FOR PLATTING.
 PARCEL NO. 21-14-09061-0010 (951355)
 DATED THIS _____ DAY OF _____ A.D., 200__

KITTITAS COUNTY BOARD OF COMMISSIONERS
 EXAMINED AND APPROVED THIS _____ DAY OF _____ A.D., 200__

BOARD OF COUNTY COMMISSIONERS
 KITTITAS COUNTY, WASHINGTON
 BY: _____
 CHAIRMAN
 ATTEST: _____ CLERK OF THE BOARD
 NOTICE: THE APPROVAL OF THIS PLAT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED.

TIMBER RIDGE PLAT

PTN. NW 1/4 OF SECTION 9, T.24N., R.14E., W.M.
 KITTITAS COUNTY, STATE OF WASHINGTON



200 FT. C.F. Buffer (Existing)

LEGEND

- SECTION CORNER AS NOTED
- QUARTER CORNER AS NOTED
- SET BEARER & CAP 1 1/2" 18092
- NO BEARER & CAP
- EXISTING WELL

LINE TABLE

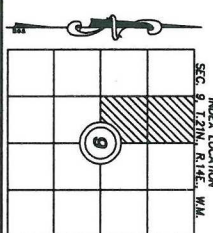
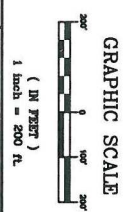
LINE	BEARING	DISTANCE
L1	S152°30'30"W	80.74
L2	S81°28'00"W	145.47
L3	S65°33'00"W	135.17
L4	N87°01'30"W	310.50
L5	S00°03'15"E	34.32
L6	N09°24'19"E	291.65
L7	S09°28'32"E	191.60
L8	S05°28'32"E	351.19
L9	S02°13'00"E	25.00
L10	S102°33'57"E	37.41
L11	S05°30'46"W	64.65
L12	S04°33'36"W	182.05
L13	S03°03'04"E	82.22
L14	S04°33'36"W	182.05
L15	S29°28'45"E	48.06
L16	S25°36'16"E	30.25
L17	S81°30'42"E	40.73
L18	N51°43'57"W	153.72

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	212.48	75.00	168°09'10"
C2	192.87	75.00	151°14'21"
C3	238.05	100.00	136°23'36"
C4	66.34	144.00	86°23'41"
C5	33.92	506.00	35°02'23"
C6	87.78	144.00	38°24'26"
C7	121.33	54.00	128°53'56"

SURVEY NOTES:

- BASES OF BEARINGS AND SECTION BREAKDOWN ARE PER A SURVEY BY BLUM & ASSOCIATES AS FILED IN BOOK 10 OF PLATS AT PAGES 127 & 128 UNDER AUDITOR'S FILE NUMBER 800000000. RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON AND THE SURVEYER HEREBY REFERENCED THEREON.
- THE PURPOSE OF THIS DOCUMENT IS TO PLAT LOT 1 OF THAT CERTAIN SURVEY AS RECORDED BY BLUM & ASSOCIATES NUMBER 800000000. BECAUSE OF THE COMPLICATED STATUS OF WASHINGTON TO THE CONVEYANCE SHOWN HEREON.
- KITTITAS COUNTY BEARS ON ITS RECORD THAT A SURVEY OF PORTABLE WATER SYSTEMS FOR THE DIVISION OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.



Encompass
 ENGINEERING & SURVEYING
 108 EAST 2ND STREET
 CLE ELUM, WA 98922
 PHONE: (509) 674-7433
 FAX: (509) 674-7419

TIMBER RIDGE PLAT

PTN. NW 1/4 OF SECTION 9, T.24N., R.14E., W.M.
 KITTITAS COUNTY, STATE OF WASHINGTON

DNM BY	DATE	JOB NO.
CHG BY	SCALE	SHEET
D. NELSON	1" = 200'	1 OF 2



RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 20__ at _____ M in book _____ of _____ of pages _____ at the request of _____
 DAVID P. NELSON
 Surveyor's Name

 County Auditor

 Deputy County Auditor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the State of Washington, 2007.
 DAVID P. NELSON
 Certificate No. 18092
 DATE _____

Exhibit 1

Chapter 17.30

R-3 - RURAL-3 ZONE

Sections

17.30.010 Purpose and intent.

17.30.020 Uses permitted.

17.30.030 Conditional uses.

17.30.040 Lot size required.

17.30.045 Development Standards.

17.30.050 Yard requirements.

17.30.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.

17.30.060 Sale or conveyance of lot portion.

17.30.070 Nonconforming uses.

17.30.080 Shoreline setbacks.

17.30.090 Administrative uses.

17.30.010 Purpose and intent.

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

17.30.020 Uses permitted.

Uses permitted. The following uses are permitted:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992)

17.30.030 Conditional uses.

The following uses are conditional:

1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
9. Mini-warehouses subject to conditions provided in Section 17.56.030. (Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 92-4 (part), 1992)

17.30.040 Lot size required.

The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting. (Ord. 2007-22, 2007; Ord. 92-4 (part), 1992)

17.30.050 Yard requirements.

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

17.30.055 Yard requirements - Zones Adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. (KCC 17. 57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2). (Ord. 2007-22, 2007)

17.30.060 Sale or conveyance of lot portion.

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

17.30.070 Nonconforming uses.

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

17.30.080 Shoreline setbacks.

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

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including

intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992)

17.30.090 Administrative uses.

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

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

Chapter 17.57
COMMERCIAL FOREST ZONE

Sections

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

17.57.010 Purpose and intent.

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

17.57.020 Uses permitted.

The following uses are permitted:

1. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto;
2. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel woods, cones, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs, and mushrooms;
3. Portable saw mills and chippers, log sorting and storage, and other uses involved in the harvesting and commercial production of forest products;

4. Grazing of animals, apiary, Christmas tree plantations, and the harvesting of indigenous floral vegetation;
5. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads and snow parks;
6. Mining and associated activities, extraction and processing of rock, sand, gravel, oil, gas, minerals and geothermal resources;
7. Aircraft landing fields and heliports for emergency and forest related management uses and practices only;
8. Storage of explosives, fuels and chemicals used for agriculture, mining, and forestry subject to all applicable local, state and federal regulations;
9. Watershed management facilities, including but not limited to diversion devices, impoundments, dams for water storage, flood control, fire control, and stock watering;
10. Forestry, environmental and natural resource research;
11. Home occupations which do not produce noise;
12. One single-family dwelling unit and associated outbuildings per parcel;
13. Washington State Natural Area Preserves and Natural Resource Conservation Areas;
14. All buildings and structures not listed above which existed prior to the adoption of the ordinance codified herein; and
15. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process. (Ord. 96-19 (part), 1996; Ord. 94-1 (part), 1994)

17.57.030 Conditional uses.

The following uses are conditional:

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

11. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code. (Ord. 94-1 (part), 1994)

17.57.040 Lot - Minimum size.

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

17.57.050 Yard requirements.

1. All structures shall maintain a minimum of two hundred feet setback from all front, rear and side yard lines, except for structures, uses and activities provided under Permitted Uses 5, 7 and 9, and Conditional Use 6. In the event this requirement reduces the buildable area of a parcel to a dimension that is less than one hundred feet in width and/or in depth, the setback requirement from all yard lines shall be reduced to a point that allows for a maximum building area of one hundred feet in width and/or one hundred feet in depth. For instances where the subject property is bordered by zones other than Commercial Forest, the two hundred foot setback shall be maintained at the property lines located bordering the Commercial Forest Zone.
2. No dwelling units or accessory structures shall be placed within two hundred feet of the Commercial Forest Zone boundary delineation unless this requirement together with standard front, rear, and side yard setbacks as identified in the underlying zoning district reduces the buildable area of the parcel to a dimension that is less than one hundred (100) feet in width and/or in depth. In this instance, the setback requirement from the Commercial Forest Zone boundary shall be reduced to a point that allows for a maximum building area of one hundred feet in width and/or one hundred feet in depth. (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)

17.57.060 Structure height.

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

17.57.070 Shorelines setbacks.

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

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

17.57.080 Fire protection.

All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district. (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)

17.57.090 Water supply.

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

17.57.100 Building location.

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

17.57.110 Access.

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

17.57.120 Road standards.

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

17.57.130 Nonconforming uses.

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

17.57.140 Resource activity notification.

All conveyance instruments, plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of land designated as Commercial Forest Zone lands contain the following notice: "The subject property is within or near designated natural resource land of long-term commercial significance on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." ([RCW 7.48.305](#)) (Ord. 2007-22, 2007; Ord. 94-1 (part), 1994)