

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

ORDINANCE

NO. 2026 - 004

**2026 – 2046 COMPREHENSIVE PLAN PERIODIC UPDATE CRITICAL AREA AND
IMPLEMENTING DEVELOPMENT REGULATIONS.**

Whereas, this ordinance, revising Kittitas County Code contains two sections of findings and two exhibits, as follows:

Section I -	Procedural Findings
Section II -	Board of County Commissioners Findings
Section III -	Final Decision and Signatures
Section IV -	Effective Date
Exhibit A	Critical Area Regulations
Exhibit B	Development Regulations

SECTION I – PROCEDURAL FINDINGS

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996, by the Kittitas County Board of County Commissioners; and
- Whereas,** The Growth Management Act requires counties and cities to revise their comprehensive plans and development regulations every 10 years. (RCW 36.70A.130); and
- Whereas,** The Growth Management Act requires counties to designate and protect critical areas using best available science (RCW 36.70A.170 and RCW 36.70A.172); and
- Whereas,** Development regulations, including critical area regulations, must be reviewed and updated as part of the periodic update process (RCW 36.70A.130); and
- Whereas,** The Growth Management Act requires counties and cities to provide early and continuous public participation program in the development and amendment of Comprehensive Plans (RCW 36.70A.140); and
- Whereas,** On May 1, 2025, Community Development issued its first of three newsletters informing the community of engagement opportunities and general comprehensive plan update information; and
- Whereas,** Kittitas Community Development Services Department (KCCDS) issued a community survey on May 12th, 2025, which was advertised in the Newspaper of Record, County social media and was emailed to the County Comprehensive Plan stakeholder list to gather public input; and
- Whereas,** KCCDS and the County’s Consultant conducted a Lower County outreach at the City of Ellensburg’s Unity Park during the Ellensburg Farmers Market on May 17th, 2025; and
- Whereas,** KCCDS and the County’s Consultant conducted an Upper County outreach at the City of Cle Elum’s Senior Center on May 17th, 2025; and
- Whereas,** On September 9, 2025, the Planning Commission held a public meeting to consider and take public comment on draft policies for the Land Use Element, Rural and Resource Lands Element, and the Housing Element; and
- Whereas,** KCCDS issued a 30-day comment period on September 11, 2025, to solicit feedback on the proposed draft policies for the Land Use, Rural and Resource, and Housing elements of the Comprehensive Plan. The comment period was advertised in the County newspaper of record and County social media; and
- Whereas,** On September 23, 2025, KCCDS attended the “Bite of the Burg” event in downtown

Ellensburg to solicit feedback and engage the public on their vision and priorities for growth in Kittitas County.

Whereas, On October 10, 2025, KCCDS attended the Cle Elum vs Kittitas football game in Cle Elum to engage with the public and solicit feedback on the priorities of Kittitas County citizens.

Whereas, On October 14th, 2025, the Planning Commission held a public meeting to consider and take public comment on draft policies for the Transportation Element, Capital Facilities Element, Utilities Element, and the Easton Sub-area plan; and

Whereas, KCCDS issued a 30-day comment period on October 16, 2025, to solicit feedback on the proposed draft policies for the Transportation Element, Capital Facilities Element, Utilities Element, and the Easton Sub-area plan elements of the Comprehensive Plan. The comment period was advertised in the County newspaper of record and County social media;

Whereas, On November 12th, 2025, the Planning Commission held a public meeting to consider and take public comment on the Environment Element, Park & Open Space Element, Economic Development Element, and the Climate & Resiliency Element; and

Whereas, KCCDS issued a 30-day comment period on November 13, 2025, to solicit feedback on the proposed draft policies for the Environment, Park & Open Space, Economic Development, and the Climate & Resiliency Elements of the Comprehensive Plan. The comment period was advertised in the County newspaper of record and County social media; and

Whereas, On October 29, 2025, KCCDS held three stakeholder meetings with local agencies and stakeholder groups including: KRD, the Kittitas County Farm Bureau, the Kittitas County Cattlemen's Association, Kittitas Conservation District, Kittitas Audubon, Mountain to Sound Greenway, Habitat for Humanity, WDFW, Yakama Nation and the City of Ellensburg Housing Program to discuss housing, agriculture, and climate resiliency policies. The groups discussed pressing issues and potential policies to address these issues; and

Whereas, On November 17, 2025, KCCDS issued its second newsletter which noted upcoming engagement opportunities and provided a status update on the draft plan; and

Whereas, On December 15, 2025, The Kittitas County Planning Commission and Board of County Commissioners met at a joint study session to review and prioritize the draft policies developed through community outreach efforts and Planning Commission Public Meetings; and

Whereas, On January 5, 2026, KCCDS held an additional stakeholder meeting with the Government Affairs Director of the Central Washington Homebuilders Association to further discuss housing issues and potential policy solutions; and

Whereas, Following review of the draft policies developed through public collaboration, BOCC and Planning Commission feedback, stakeholder feedback, and an examination of statutory requirements as expressed in the Washington State Department of Commerce Periodic Update Checklist, KCCDS issued a full draft of the Comprehensive Plan Periodic Update and proposed Critical Area regulations on January 29, 2026; and

- Whereas,** KCCDS issued a 30-day comment period for the full draft plan and critical area regulations on January 29, 2026. Notice of the comment period was provided through County social media, two county newspapers, and the County Comprehensive Plan email list service. Thirteen comments were submitted during this comment period; and
- Whereas,** On January 29, 2026, a 60-day Notice of Intent to Adopt was filed with the Department of Commerce. The notice included the Comprehensive Plan and critical areas regulation drafts. The Washington State Department of Commerce submitted their comments on March 27, 2026; and
- Whereas,** On January 29, 2026, KCCDS issued its third Newsletter informing the public of upcoming engagement opportunities and the tentative adoption schedule; and
- Whereas,** On February 10, 2026, the Kittitas County Planning Commission and Board of Commissioners met for a joint public meeting and study session to review and discuss the draft plan; and
- Whereas,** At the February 10, 2026, joint public meeting, the Planning Commission reviewed the draft plan element-by-element, discussed implementation strategies, sustainable development definitions, agricultural land viability, open-space/density trade-offs for rural character, and economic opportunities (including the emerging Community Economic Development Strategy between Kittitas and Yakima Counties). Commissioners emphasized the need for aggressive economic growth to avoid a “county of renters,” greater business tax base contributions, and subarea planning tailored to community-specific needs and visions; and
- Whereas,** The Planning Commission held a public hearing on March 17th, 2026, and accepted oral testimony at the public hearing and allowed additional written comments on the 2026 Comprehensive Plan document for inclusion in the record forwarded to the Board of County Commissioners; and
- Whereas,** The Planning Commission finds that Kittitas County has already taken significant action in relation to the protection of water and water users; and
- Whereas,** At the March 17, 2026, Planning Commission Public Hearing the Planning Commissioners deliberated on the draft Comprehensive Plan and comment letters submitted by the public, State agencies and other interested groups. The Planning Commission voted 5-0 for a motion to recommend approval of the 2026 Comprehensive Plan Periodic Update to the Kittitas Board of County Commissioners with six (6) amendments; and
- Whereas,** On March 26, 2026, Community Development initiated a SEPA consultation 30-day comment period which included the draft Comprehensive Plan with critical area and development regulation updates. The comment period concluded on April 27, 2026.
- Whereas,** On March 26, 2026, Community Development submitted a 60-day notice to Commerce for the proposed development regulations.

Whereas, On March 30, 2026, the BOCC discussed the outcome of the Planning Commission Hearing Recommendation at their regularly scheduled CDS Study Session. It was later determined that the public hearing would be scheduled before the BOCC on June 2, 2026; and

Whereas, On April 14, 2026, The Kittitas County Planning Commission hosted a Joint Study Session with the Board of County Commissioners to review the proposed critical area and development regulations.

Whereas, Kittitas County Community Development Services issued a SEPA Determination of Non-Significance on April 30, 2026; and

Whereas, To ensure procedural compliance, Kittitas County reissued the SEPA Determination of Non-Significance on May 7, 2026. The determination was published in the County Newspaper of Record on May 7 and May 14, 2026 and sent to all parties of record. No appeals were filed; and

Whereas, On May 12, 2026, the Planning Commission held a Public Hearing to consider the Critical Area and Development Regulations associated with the 2026 Comprehensive Plan Periodic Update. After deliberation the Planning Commission recommended approval of the regulations with two (2) amendments to the critical area regulations; and

Whereas, The proposed amendments included:

Amendment #1

Add language to the “Qualified Professional” definition in 17A.02.620(1) to read, “For wetlands, Professional Wetland Scientist Certification, or other documents of expertise, and five years of experience is required.”

Amendment #2

Remove the following language from KCC 17A.07.020(2). “as new wetland areas are identified and.” Leaving the associated sentence to read, “The County shall update the maps periodically as new wetland information becomes available.” and;

Whereas, After due notice and publication on official website and the NKC Tribune on May 21 and May 28, 2026, the Kittitas County Board of County Commissioners held an open public hearing on June 2, 2026, during which public oral and written testimony was taken from those persons wishing to be heard regarding the proposed amendments; and

Whereas, After deliberation, the Board of County Commissioners unanimously, with a vote of 3-0, approved the proposed amendments as recommended by staff, with an amendment to the Planning Commission’s recommendation, Amendment #1,

instructing staff to remove the Planning Commission's recommendation to add a requirement of 5 years of experience for a wetland "Qualified Professional" in Title 17A.02.620(1), and instructed County staff to prepare enabling documents for their signature to adopt the development and critical area regulations associated with the 2026-2046 Comprehensive Plan Periodic Update; and

Whereas, The Kittitas County Board of County Commissioners considered enabling documents before the public on June 16, 2026.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

1. The Kittitas County Board of County Commissioners held a public hearing on June 2, 2026 to hear testimony and accept written comments regarding the proposed amendments to the critical area and development regulations associated with the Periodic Comprehensive Plan Update. All members of the public who wanted to testify were allowed to speak and/or submit written correspondence into the record.
2. The BOCC determined that after review of the Kittitas County development and critical area regulations, updates were necessary to comply with Chapter 36.70A RCW and the amended Comprehensive Plan. The proposed critical area and development regulations associated with the Periodic Comprehensive Plan Update were reviewed concurrently with the proposed Comprehensive Plan changes and found adequate to ensure consistency with RCW 36.70A and the amended Comprehensive Plan.
3. The Kittitas County Board of County Commissioners held a closed record public hearing on June 16, 2026, to consider and approve the critical area and development regulation enabling documents associated with the 2026-2046 Periodic Comprehensive Plan update. The approval included one amendment as indicated in the "Section 1 – Procedural Findings" of this document.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the associated critical area and development regulations associated with the Comprehensive Plan, as shown in **Exhibits A and B**.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the critical area and development regulations as shown in Exhibits A and B attached hereto and incorporated by reference. Information Services is hereby directed to reflect these changes on the County website. The Community Development Services Director and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

SECTION IV – EFFECTIVE DATE

This Ordinance shall take effect and be in full force ninety (90) days after adoption by the Board of County Commissioners.

Adopted this 16th day of June, 2026, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON**

ABSENT

Cory Wright, Chairman

Brett Wachsmith, Vice-Chairman

Laura Osiadacz, Commissioner



APPROVED AS TO FORM:

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

Stephanie Hartung, Deputy Prosecuting Attorney
signing for Gregory L. Zempel Prosecuting Attorney

Exhibit A

June 2026 Critical Area Regulations

Title 17A

CRITICAL AREAS

**Chapter 17A.01
GENERAL PROVISIONS**

§ 17A.01.010.	Purpose and intent.
§ 17A.01.020.	Authority.
§ 17A.01.030.	Applicability.
§ 17A.01.040.	Regulated alterations and development.
§ 17A.01.050.	Exemptions.
§ 17A.01.060.	Exceptions.
§ 17A.01.070.	Non-conforming structures and uses.
§ 17A.01.080.	Critical areas reports.
§ 17A.01.090.	General protective measures.
§ 17A.01.100.	Critical areas mitigation.
§ 17A.01.110.	Review process.
§ 17A.01.120.	Relationships to other regulations.
§ 17A.01.130.	Best available science.
§ 17A.01.150.	Critical areas report review and determination.
§ 17A.01.170.	Enforcement.
§ 17A.01.190.	Severability.

**Chapter 17A.02
DEFINITIONS**

§ 17A.02.010.	Generally.
§ 17A.02.020.	Adjacent.
§ 17A.02.030.	Agricultural activities.
§ 17A.02.040.	Agricultural activities, high intensity.
§ 17A.02.050.	Agricultural land.
§ 17A.02.060.	Alluvial fan.
§ 17A.02.070.	Alteration.
§ 17A.02.080.	Anadromous fish.
§ 17A.02.090.	Applicant.
§ 17A.02.100.	Aquifer.
§ 17A.02.102.	Arborist.
§ 17A.02.104.	Area of special flood hazard.

§ 17A.02.110.	Avalanche hazard.
§ 17A.02.120.	Avulsion.
§ 17A.02.125.	Bank (of a water body).
§ 17A.02.130.	Best available science.
§ 17A.02.140.	Buffer.
§ 17A.02.150.	Channel migration zone.
§ 17A.02.155.	Clearing.
§ 17A.02.160.	Critical aquifer recharge areas.
§ 17A.02.170.	Critical areas.
§ 17A.02.200.	Cumulative impacts.
§ 17A.02.210.	Dam.
§ 17A.02.220.	Development.
§ 17A.02.230.	Director.
§ 17A.02.240.	Dry well.
§ 17A.02.250.	Ecological functions.
§ 17A.02.260.	Emergency activities.
§ 17A.02.270.	Enhancement.
§ 17A.02.280.	Erosion.
§ 17A.02.290.	Erosion hazard areas.
§ 17A.02.300.	Feasible.
§ 17A.02.310.	Feedlot.
§ 17A.02.320.	Fill.
§ 17A.02.330.	Fish and wildlife habitat conservation areas.
§ 17A.02.335.	Floodplain.
§ 17A.02.340.	Floodway.
§ 17A.02.345.	Forester.
§ 17A.02.347.	Forest land.
§ 17A.02.350.	Frequently flooded areas.
§ 17A.02.360.	Geologically hazardous areas.
§ 17A.02.370.	Geotechnical analysis or geotechnical report.
§ 17A.02.380.	Grading.
§ 17A.02.390.	Groundwater.
§ 17A.02.400.	Habitats of local importance.
§ 17A.02.405.	Hazard tree.
§ 17A.02.406.	Hazard tree determination report.
§ 17A.02.410.	Hazardous substances.

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§ 17A.02.430.	Hydric soil.	§ 17A.02.820.	Waters of the State.
§ 17A.02.440.	Hyporheic zone.	§ 17A.02.830.	Wellhead protection area.
§ 17A.02.450.	Impervious surface.	§ 17A.02.840.	Wetland.
§ 17A.02.460.	In-stream structure.		
§ 17A.02.470.	Landslide hazard areas.		
§ 17A.02.480.	Mine hazard areas.		
§ 17A.02.490.	Mining.		
§ 17A.02.500.	Mitigation sequencing.		
§ 17A.02.510.	Monitoring.	§ 17A.03.010.	Purpose and intent.
§ 17A.02.520.	Native growth protection area.	§ 17A.03.020.	Designation, and mapping.
§ 17A.02.530.	Native vegetation.	§ 17A.03.030.	Applicability.
§ 17A.02.540.	Naturally occurring ponds.	§ 17A.03.040.	Protection standards.
§ 17A.02.550.	Nonconformity.	§ 17A.03.050.	Reporting.
§ 17A.02.560.	Ordinary high water mark (OHWM).		
§ 17A.02.570.	Permeability.		
§ 17A.02.590.	Priority habitat.		
§ 17A.02.600.	Priority species.		
§ 17A.02.610.	Public facilities.		
§ 17A.02.620.	Qualified professional.		
§ 17A.02.630.	Rehabilitation.		
§ 17A.02.640.	Repair or maintenance.		
§ 17A.02.650.	Restore or restoration.		
§ 17A.02.660.	Riparian.		
§ 17A.02.665.	Riparian management zone(s).		
§ 17A.02.670.	Seismic hazard areas.		
§ 17A.02.680.	Setback.		
§ 17A.02.690.	Shorelines of the state.		
§ 17A.02.700.	Shorelines of statewide significance.		
§ 17A.02.710.	Shrub-steppe.		
§ 17A.02.712.	Significant adverse impact.		
§ 17A.02.715.	Site Potential Tree Height (SPTH).		
§ 17A.02.720.	Soft armoring.		
§ 17A.02.730.	Species of local importance.		
§ 17A.02.740.	Streams.		
§ 17A.02.750.	Stream or water type.		
§ 17A.02.760.	Structure.		
§ 17A.02.770.	Unavoidable.		
§ 17A.02.780.	Volcanic hazard areas.		
§ 17A.02.790.	Watercourse.		
§ 17A.02.800.	Water quality.		
§ 17A.02.810.	Water system.		

Chapter 17A.03

CRITICAL AQUIFER RECHARGE AREAS (CARAS)

Chapter 17A.04

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Chapter 17A.05

FREQUENTLY FLOODED AREAS

Chapter 17A.06

GEOLOGICALLY HAZARDOUS AREAS

CRITICAL AREAS

§ 17A.06.020.	Designation, classification, and mapping.		Chapter 17A.07 WETLANDS
§ 17A.06.030.	General protection standards.		
§ 17A.06.040.	Landslide hazard area standards.	§ 17A.07.010.	Purpose and intent.
§ 17A.06.050.	Erosion hazard area standards.	§ 17A.07.020.	Designation, mapping, delineation, and categorization.
§ 17A.06.060.	Alluvial fan hazard standards.	§ 17A.07.030.	Buffers.
§ 17A.06.070.	Seismic hazard standards.	§ 17A.07.040.	General protection standards.
§ 17A.06.080.	Volcanic hazard areas.	§ 17A.07.050.	Alterations and development permitted without a critical areas report.
§ 17A.06.090.	Mine hazard areas.		
§ 17A.06.100.	Reporting.	§ 17A.07.060.	Reporting.
		§ 17A.07.070.	Mitigation requirements.

CHAPTER 17A.01
GENERAL PROVISIONS

§ 17A.01.010. Purpose and intent.

The purpose of this Title is to establish regulations pertaining to development which protect designated critical areas, as defined by the Washington State Growth Management Act (GMA) (RCW 36.70A). The GMA requires the use of "best available science," also as defined in that law, in developing policies and development regulations to protect the functions and values of critical areas, in addition to, giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. GMA-designated critical areas, all of which are present in Kittitas County, include: Critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands. The regulations of this Title are intended to:

1. Provide for no net loss of the function and values of critical areas;
 2. Conserve, protect, and; where feasible, restore critical areas and their functions and values;
 3. Protect unique, fragile and/or valuable elements of the environment, including ground and surface waters, anadromous fish species, and other fish and wildlife and their habitats;
 4. Protect the public health, safety, and general welfare from hazards associated with critical areas;
 5. Further the goals and objectives of the Kittitas County Comprehensive Plan and all of its elements;
 6. Implement the goals and requirements of the Washington Growth Management Act (RCW Chapter 36.70A);
 7. Allow for reasonable use of all properties in Kittitas County.
- (Ord. 2021-016, 2021)

§ 17A.01.020. Authority.

1. As provided herein, the Director or his/her designee is given the authority to interpret and apply, and the responsibility to enforce this Title to accomplish the stated purpose.
 2. The County may withhold, condition, or deny permits and/or approvals for development and alterations to ensure that the proposed development is consistent with this Title.
- (Ord. 2021-016, 2021)

§ 17A.01.030. Applicability.

1. Except as provided in subsection 3 and 4 below, the provisions of this Title shall apply to any alteration or development within the unincorporated portion of Kittitas County, and outside of Shoreline jurisdiction, as determined by the Shoreline Master Program (KCC Title 17B). No development shall be constructed, located, extended, modified, converted, or altered, or land subdivided without full compliance with this Title.
2. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other Federal, State, or local law or regulation.
3. Private lands where existing agricultural activities are conducted, as defined in RCW 90.58.065, within the Upper Yakima and Alkali-Squilchuck WRIAs are managed by the Kittitas County Voluntary Stewardship Program (VSP), and not regulated by this Title.
4. Any activities, alterations or development located within any Shoreline of the State within the

unincorporated portion of Kittitas County are subject to the provisions of the Shoreline Master Program (KCC Title 17B) and not this Title.
(Ord. 2021-016, 2021)

§ 17A.01.040. Regulated alterations and development.

The following development and alterations are regulated within critical areas and their riparian management zones and/or buffers, unless exempt by KCC § 17A.01.050:

1. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
 2. Dumping, discharging, or filling;
 3. Draining, flooding, or disturbing the water level or water table;
 4. Driving piling or placing obstructions, including placement of utilities;
 5. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure;
 6. Altering the character and/or functions and values of a regulated area by destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading, or planting;
 7. The division of land pursuant to KCC Title 16; and
 8. The creation of impervious surfaces regulated under KCC Chapter 12.06.
- (Ord. 2021-016, 2021)

§ 17A.01.050. Exemptions.

1. Exemption request and review process. The proponent of the alteration or development may submit a written request for Determination of exemption eligibility to the director that describes the alteration or development and states the exemption listed in this section that applies. The purpose of a Determination of exemption eligibility is to provide, at the applicant's request, a written record documenting that a proposed alteration or development is, in fact, an exempt activity under the provisions of this Chapter. The director shall review the exemption request to verify that it complies with this chapter and approve, approve with conditions, or deny the exemption. If the exemption is approved, it shall be placed on file with KCCDS. If the exemption is denied, the proponent may continue in the review process and shall be subject to the requirements of this chapter.
2. Exempt alterations and development and impacts to critical areas. All exempted alterations or development shall use reasonable methods to avoid potential impacts to critical areas and their buffers. To be exempt from this Title does not give permission to degrade a critical area or its buffer or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area or its buffer ~~that is not a necessary outcome of the exempted alteration or development~~ shall be restored, rehabilitated, or replaced at the responsible party's expense.
3. Exempt alterations and development. The following alterations and developments and uses shall be exempt from the provisions of this Title:
 - a. Emergencies. Those alterations or developments necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventive action in a timeframe too short to allow for compliance

with the requirements of the critical areas regulations, provided that:

- i. The emergency action shall have the least possible impacts to the critical area and its buffer as is reasonably judged in real time while still adequately addressing the emergency situation;
 - ii. The person or authorized representative of the agency undertaking such action shall notify the County within one (1) working day following commencement of the emergency alteration or development. Within thirty (30) days, the Director shall determine if the action taken was within the scope of the emergency actions allowed in this Subsection. If the Director determines that the action taken, or any part of the action, was beyond the scope of an allowed emergency action, then the enforcement provisions of KCC § 17A.01.150 shall apply; and
 - iii. After the emergency, the person or authorized representative of the agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical areas report and mitigation plan, as described in 17A.01.080. The person or authorized representative of the agency undertaking the action shall apply for review, and the alteration, critical areas report, and mitigation plan shall be reviewed by the County in accordance with the review procedures contained herein. Restoration and/or mitigation activities must be initiated within one (1) year of the date of the emergency alteration or development and completed in a timely manner.
- b. Operation, maintenance, or repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, that do not require construction permits, if the alteration or development does not further change or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of ongoing maintenance, do not expand further into the critical area or buffer, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.
- c. Passive outdoor activities. Recreation, education, and scientific research activities that do not alter or degrade the critical area or buffer, including fishing, hiking, and bird watching.
- ~~d.~~ Forest practices. Forest practices conducted in accordance with the requirements of the Forest Practice Act (Chapter 76.09 RCW) and its rules, except for the conversion of forest land to a use other than commercial forestry (Class IV conversions).
- ~~d-e.~~ Removal or Control of Terrestrial Noxious Weeds. Removal of terrestrial weeds that are included on the State noxious weed list (WAC 16-750) or other invasive plant species as identified by Kittitas County. Control may be conducted by clipping, pulling, over-shading with native tree and shrub species, or non-mechanized removal including herbicide or other methods applicable to weed control.
- ~~e-f.~~ Removal or control of aquatic noxious weeds. Removal or control of aquatic noxious weeds, as defined in RCW 17.26.020, using an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Washington State Department of Agriculture or the Washington State Department of Ecology jointly with other state agencies under RCW Chapter 43.21C.

f.g. Enhancement actions. Habitat enhancement actions implemented through RCW 77.55.181.

g.h. Maintenance of existing structures. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "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 including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to critical areas or their buffers. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to critical areas or their buffers.

h.i. Site exploration and investigation activities. Site exploration and investigation activities that are prerequisite to preparation of an application for development, when all the following conditions are met:

- i. The activity will have no significant adverse impact on the environment including, but not limited to, fish; wildlife; fish or wildlife habitat; water quality; and aesthetic values; and
- ii. The activity does not involve the installation of any structure, and upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity.

i.j. Tree removal.

- i. Hazard Tree Removal in Fish and Wildlife Habitat Conservation Areas, Wetlands, Frequently Flooded Areas and Geologically Hazardous Areas.
 - (a) The removal of a hazard tree, including removal for compliance with KCC Chapter 20.10, Wildland Urban Interface Code, may be allowed when trimming or topping is not sufficient to address the hazard. If a tree in close proximity to a stream or river qualifies as a hazard tree in accordance to this Title it should be felled in a manner that creates instream habitat, when it is possible to do so while also addressing the original hazardous situation. Where the hazard is not immediately apparent to the Director, the Director may require the applicant to submit a Hazard Tree Determination Report (KCC § 17A.02.406) prepared by a qualified arborist (KCC § 17A.02.102) or forester (KCC § 17A.02.345). The removal of nonhazardous trees is not an exempt action in the critical areas listed under KCC § 17A.01.050.3.h.i, except when regulated under the provisions of the Forest Practice Act (Chapter 76.09 RCW).
- ii. Tree Removal in Critical Aquifer Recharge Areas.
 - (a) The removal of any tree is an exempt action when the tree is solely within a Critical Aquifer Recharge Area and not also within a different overlapping critical area, riparian management zone, or buffer. This action does not require an exemption request or review by the director, unless it is associated with a regulated activity

identified in KCC § 17A.03.030.

j-k. Utility line work. Public and private utility line work (new construction, maintenance, and repair) within improved surfaces (e.g., driveways, parking lots, concrete or asphalt surfaces, gravel roads and road shoulders, and hard surface-earthen rights-of-way or easements).

l. Harvesting of wild crops. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or its buffer by changing existing topography, water conditions, or water sources.

k-m. Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

(Ord. 2021-016, 2021)

§ 17A.01.060. Exceptions.

1. Public agency and utility. If the application of this Title would prohibit a proposed development by a public agency or public utility, the agency or utility may apply for an exception pursuant to the following:
 - a. Exception request and review process. An application for a public agency and utility exception shall be made to the County and shall include a critical areas report, as described in KCC § 17A.01.080, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The application shall follow the administrative project permit review process outlined in KCC Chapter 15A.03.
 - b. Director review. The Director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all the reasonable use exception criteria in Subsection 2(c).
 - c. Public agency and utility review criteria. The criteria for review and approval of public agency and utility exceptions are as follows:
 - i. There is no other practical alternative to the proposed development with less impact on the critical area and its buffer;
 - ii. The application of this Title would unreasonably restrict the ability to provide utility and/or agency services to the public;
 - iii. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - iv. The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science; and
 - v. The proposal is consistent with other applicable regulations and standards.
 - d. Burden of proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision must be made on the application.
2. Reasonable use. If the application of this Title would deny all reasonable economic use of the subject property, the County shall determine if the property owner may apply for an exception pursuant to

the following:

- a. Exception request and review process. An application for a reasonable use exception shall be made to the County and shall include a critical areas report, as described in KCC § 17A.01.080, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW and rules thereunder in Chapter 197-11 WAC). The application shall follow the administrative project permit review process outlined in KCC Chapter 15A.03. In determining what is considered reasonable use of an undeveloped parcel, the Director may consider additional information such as zoning, and comparable structure sizes and land uses of the surrounding area.
- b. Director review. The Director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all the reasonable use exception criteria in Subsection 2(c).
- c. Reasonable use review criteria. Criteria for review and approval of reasonable use exceptions include:
 - i. The application of this Title would deny all reasonable economic use of the property;
 - ii. No other reasonable economic use of the property has less impact on the critical area and its buffer;
 - iii. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
 - iv. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Title;
 - v. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 - vi. The proposal will result in no net loss of critical area functions and values consistent with the best available science;
 - vii. The proposal is consistent with other application regulations and standards.
- d. Burden of proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision must be made on the application.

(Ord. 2021-016, 2021)

§ 17A.01.070. Non-conforming structures and uses.

The following provisions apply to lots, structures and uses lawfully established prior to the effective date of this Title, or amendments thereto, which do not conform to the current regulations or standards of this Title. The following provisions do not apply to lots, structures or uses that were unlawfully established.

1. Non-conforming lots:
 - a. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of this Title but which does not conform to the present lot size

standards may be developed as permitted by the land use regulations of the local government so long as such development conforms to all other requirements of the Growth Management Act (GMA).

2. Non-conforming structures:

- a. Nonconforming structures may ~~remain and be maintained and~~ repaired pursuant to KCC 17A.01.050.3.m.; Nonconforming structures may be renovated, and remodeled, provided such activity does not enlarge or expand the structure beyond the allowances in this section.
- b. Nonconforming structures may be enlarged or expanded one time, provided:
 - i. The enlargement does not extend closer to the critical area than the existing primary structure or farther into the minimum side yard setback;
 - ii. The enlargement does not expand the footprint of the existing structure by more than 200 square feet in a lateral direction;
 - iii. The enlargement does not cause new direct wetland or stream impact; and
 - iv. Mitigation of impacts to disturbed critical areas or buffers is provided in accordance with this title. The County may consult with agencies of expertise to ensure plan adequacy.
- c. Nonconforming single-family residences may increase their height within the existing structural footprint up to maximum of thirty-five (35) feet.
- d. A nonconforming structure which is moved any distance must be brought into conformance with this Title and the Act.
- e. Damaged nonconforming structures outside frequently flooded areas may be reconstructed to those configurations existing immediately prior to the time the development was damaged. Reconstruction of nonconforming development located in frequently flooded areas shall comply with reconstruction regulations contained within the Kittitas County Flood Prevention Ordinance (KCC Chapter 14.08-December 2014).

3. Nonconforming uses:

- a. Nonconforming uses may be continued consistent with their lawfully established scale and range of uses pursuant to KCC 17A.01.050.3.m.
- b. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon written approval by the Director and may be approved only upon a finding that:
 - i. No reasonable alternative conforming use is practical because of the configuration of the structure and/or the property;
 - ii. The proposed use will be at least as consistent with the policies and provisions of the Act and this Title and as compatible with the uses in the area as the pre-existing use
 - iii. The use or development is enlarged, intensified, increased or altered only to the minimum amount necessary to achieve the intended functional purpose;
 - iv. The structure(s) associated with the nonconforming use shall not be expanded in a manner that increases the extent of the non-conformity, including encroachment into areas such as setbacks, and any critical areas and/or associated buffers where new structures, use, or development would not be allowed;

- v. The buffer and/or Riparian Management Zone standards of this Title are met;
- vi. The change in use, remodel, or expansion will not create adverse impacts to critical areas or their associated buffers and riparian management zones;
- vii. Uses which are specifically prohibited or which would thwart the intent of the Act or this Title shall not be authorized; and
- viii. Conditions necessary to assure that the use will not become a nuisance or a hazard have been attached to the development permit and preliminary site analysis.

Redevelopment of nonconforming rights-of-way and associated transportation structures, such as railroad trestles, may be permitted for purposes of facilitating the development of public trails; provided, that such redevelopment shall be otherwise consistent with the provisions of this Title.

(Ord. 2021-016, 2021)

§ 17A.01.080. Critical areas reports.

1. When required. An applicant shall submit a critical areas report when required by § 17A.01.110.2 and the reporting section of the applicable critical area chapter of this Title. Critical areas reports are valid for five years from the date of completion, or date of the corresponding delineation documentation, if applicable.
2. Preparation by qualified professional. The critical areas report shall be prepared by a qualified professional as defined in KCC § 17A.02.620.
3. Incorporation of best available science. The critical areas report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance to evaluate the proposed development and all probable impacts to critical areas in accordance with the provisions of this Title. The report shall reference the source(s) of science used.
4. Minimum report contents. At a minimum, the report shall contain the following:
 - a. The name and contact information of the applicant and a description of the proposal;
 - b. The site plan for the proposed development, including a map drawn to scale depicting critical areas, buffers and/or setbacks, the proposed development, and any areas to be cleared or altered;
 - c. The names and qualifications of the persons preparing the report;
 - d. Documentation of any fieldwork performed on the site;
 - e. Documentation that consultation, when deemed appropriate, was initiated with agencies of expertise;
 - f. Field identification and characterization of all critical areas and buffers on and adjacent to the proposed development;
 - g. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 - h. A discussion of the performance standards applicable to the critical area and proposed development;

- i. A mitigation plan in accordance with KCC § 17A.01.100 if mitigation is required; and
- j. Any additional report information required for the critical area as specified in KCC § 17A.01.80 through KCC § 17A.01.100.

(Ord. 2021-016, 2021)

§ 17A.01.090. General protective measures.

1. Land divisions. All the following shall apply to the creation of new lots or parcels:
 - a. All critical areas and their buffers and/or riparian management zones and any associated setbacks shall be mapped prior to the approval of a land division.
 - b. All new lots or parcels shall contain sufficient area outside of the wetland and/or wetland buffer, fish and wildlife habitat conservation area and/or fish and wildlife habitat conservation area riparian management zones and buffers, floodway, channel migration zone, or landslide hazard area and/or landslide hazard area buffer to accommodate the use or development.
 - c. Open space or conservation area lots may be established without a site that is suitable for development provided there is a note on the face of the plat or other recorded document which indicates the purpose of the lot.
2. Native growth protection areas.
 - a. Native growth protection areas shall be used in development proposals for land division to delineate and protect those contiguous critical areas and buffers listed below:
 - i. All landslide hazard areas and buffers;
 - ii. All wetlands and buffers;
 - iii. All floodplains, floodways, and channel migration zones;
 - iv. All fish and wildlife habitat conservation areas and associated riparian management zones and buffers; and
 - v. All other lands to be protected from alterations as conditioned by project approval.
 - b. Native growth protection areas shall be recorded on all documents of title of record for all affected lots.
 - c. Native growth protection areas shall be designated on the face of the plat or recorded drawing in a format approved by the County assessor. The designation shall include the following restrictions:
 - i. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
 - ii. The right of the County to enforce the terms of the restriction.
3. Temporary or permanent field identification. Prior to a regulated alteration or development taking place within or adjacent to a critical area, the County may require temporary or permanent field markers delineating the critical area boundary and associated buffer. The type of field markers to be

used will be determined by the Director depending on site conditions and inspection requirements. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Director. The location of field markers must be shown on all site plans and final plats associated with the proposed development. Field markers shall remain in place until any required final inspections are completed and approved. Field markers may be waived by the Director if an alternative to field marking achieves the same objective, or if the development and construction activity(ies) is located at a sufficient distance so that impacts to the critical area and its buffer are unlikely to occur. The Director may require permanent, wildlife-passable fencing and/ or signage if necessary to protect a critical area and its buffer from adjacent land uses.

4. Building setbacks. Unless otherwise provided, buildings and other structures shall be set back a distance of fifteen (15) feet from the edges of all critical area buffers, RMZs, or from the edges of all critical areas, except CARAs, if no buffers are required. The following are allowed in the building setback area:
 - a. Landscaping;
 - b. Uncovered decks;
 - c. Building overhangs, if such overhangs do not extend more than eighteen (18) inches into the setback area; and
 - d. Impervious ground surfaces, such as driveways and patios.
5. Notice on title. Any property on which a development proposal requiring a critical areas report is submitted shall have filed with the Kittitas County Auditor:
 - a. A notice on title of the presence and location of the critical area and/or buffer;
 - b. A statement as to the applicability of this Title to the property; and
 - c. A statement describing possible limitations on action in or affecting critical areas or buffer as approved by the Director. The Applicant shall record such documents and will provide a copy of the recorded notice to the County. Development proposals which are defined as normal repair and maintenance of existing structures or developments, including, but not limited to, roof repair, interior remodeling, wood stove permits, and on-site sewage disposal systems repairs, are exempt from this requirement.

(Ord. 2021-016, 2021)

§ 17A.01.100. Critical areas mitigation.

1. Mitigation sequence. Adverse impacts caused by new alterations and developments shall be mitigated using the following actions in order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;

- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation project and taking appropriate corrective measures
2. Mitigation plans. When mitigation is required, the applicant shall submit a mitigation plan. The mitigation plan shall include all the following:
- a. Mitigation sequencing. A description of reasonable efforts made to apply mitigation sequencing pursuant to KCC § 17A.01.100.1 to avoid, minimize, and mitigate impacts to critical areas and buffers;
 - b. Mitigation details.
 - i. Documentation of consultation/coordination with appropriate agencies of expertise, as applicable;
 - ii. A description of the anticipated impacts to the critical area and buffer, including impacts to critical area functions and values;
 - iii. The mitigating actions proposed, including: type of mitigation proposed (e.g., on-site or off-site); site selection criteria; identification of compensation goals; and identification of critical area functions.
 - iv. The environmental goals and objectives of the mitigation, together with specific measurable criteria and performance standards for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained;
 - v. An analysis of the likelihood of success of the mitigation project based on best available science.
 - c. Construction details. The mitigation plan shall include written specifications, descriptions, and drawings of the mitigation proposed, including:
 - i. Construction sequence, timing, and duration;
 - ii. Grading and excavation details;
 - iii. Erosion and sediment control features; and
 - iv. Planting plan specifying plant species, quantities, locations, size, spacing, density, and measures to protect and maintain plants until established. All plant species must be native to the region.
 - d. Monitoring details.
 - i. A program for monitoring construction and assessing the outcome of the mitigation project, including the schedule for site monitoring (for example, describe how monitoring may occur in years 1, 2, 3, 5, 7 and 10 after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. Monitoring reports shall be submitted to the County to document milestones, successes, problems, and contingency actions of the compensation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than ten (10) years. Mitigation monitoring shall be the

responsibility of the applicant, and monitoring reports will be reviewed by County staff to ensure that performance standards are being met.

- ii. A contingency plan with courses of action and corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met, including a possible extension of the monitoring period until it can be shown that performance standards are being met.
- iii. The mitigation plan shall include financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures in accordance with KCC § 17A.01.100.3.
- iv. The mitigation plan shall address any additional mitigation requirements relevant to the specific critical area as specified in the following chapters.

3. Financial guarantees.

- a. When mitigation is required for a proposed development but is not completed prior to the County's final permit approval, such as final plat approval or final building inspection, the applicant shall post a financial guarantee to ensure work will be completed and meet the stated environmental objectives. Where financial guarantees are required by other state or federal agencies for specific mitigation features, additional financial guarantees for those features are not required under this provision.
- b. The financial guarantee shall be in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions and/or the estimated cost of restoring the functions and values of the critical area(s) that is at risk. The guarantee amount shall be based on an itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, monitoring, and other costs.
- c. The financial guarantee may be in the form of a surety bond, performance bond, assignment of savings account, an irrevocable letter of credit guaranteed by an acceptable financial institution, or other form acceptable to the Director, with terms and conditions acceptable to the Kittitas County attorney.
- d. The financial guarantee shall remain in effect until the Director determines, in writing, that the standards bonded for have been met. Financial guarantees for wetland or stream compensatory mitigation shall be held for a minimum of five (5) years after completion of the work to ensure that the required mitigation has been fully implemented and demonstrated to function and may be held for longer periods when necessary.
- e. Public development proposals shall be relieved from having to comply with the bonding requirements of this Section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- f. Any failure to satisfy critical area requirements established by law or condition, including but not limited to the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan, shall constitute a default, and the Director may demand payment of any financial guarantees or require other action authorized by Kittitas County code or any other law.
- g. Any funds recovered pursuant to this Section shall be used to complete the required mitigation. Such funds shall not be deposited in the County General Fund, but rather provided with a

separate account. The County will use such funds to arrange for completion of the project or mitigation, and follow-up corrective actions.

- h. Depletion, failure, or collection of financial guarantees shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
4. Mitigation banking and in-lieu fee mitigation. The County may approve mitigation banking and/or in-lieu fee mitigation as a form of compensatory mitigation for wetland and fish and wildlife habitat conservation area impacts when the provisions of this Title require mitigation and when the use of a mitigation bank/in-lieu fee program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee-responsible mitigation. Mitigation banks and in-lieu fee program shall only be used when it can be demonstrated that they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat linkages, and when they are documented to provide a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals. Mitigation banks and in-lieu fee programs shall not be used unless they are certified in accordance with applicable federal and state mitigation rules and expressly authorized through County legislative action.

(Ord. 2021-016, 2021)

§ 17A.01.110. Review process.

1. Administrative procedures and rules. The administrative procedures followed during the critical area review process shall conform to the standards and requirements of all development and alterations. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by this Title.
2. General requirements.
 - a. Submittal. Prior to the county's consideration of any proposed alteration or development not found to be exempt under KCC § 17A.01.050, the applicant shall submit to the County complete information regarding the critical area on the application for the underlying development, on forms provided by the county.
 - b. As part of critical areas review, the County shall:
 - i. Verify the information submitted by the applicant;
 - ii. Evaluate the project area and vicinity for critical areas and buffers;
 - iii. Determine whether the applicant is required to seek additional critical area consultation with qualified professionals and/or agencies, which may include a joint site visit with county staff, agency staff, and/or qualified professionals; (1) This additional consultation may be required for, but is not limited to, areas which contain unmapped critical areas and/or difficult mitigation circumstances.
 - iv. Determine whether the proposed development is likely to impact the functions or values of critical areas; and
 - v. Determine if the proposed development avoids impacts or adequately addresses the impacts to the critical area and buffer associated with the alteration or development.
 - c. Make a review determination:

- i. No critical areas present. If after a site visit the director's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed alteration or development is unlikely to degrade the functions or values of a critical area, then the director shall rule that the critical area review is complete and note on the underlying application the reasons that no further review is required. A summary of this information shall be included in any staff report or decision on the underlying permit.
 - ii. Critical areas present, but no impact - Waiver. If the director determines there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed alteration or development is unlikely to degrade the functions or values of the critical area(s) or buffer(s), the director may waive the requirement for a critical areas report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:
 1. There will be no alteration of the critical area or associated riparian management zone or buffer;
 2. The development proposal will not negatively impact a critical area or buffer.
 - iii. Critical areas may be affected by proposal. If the director determines that a critical area or areas or buffer(s) may be affected by the proposal, then the director shall notify the applicant that a critical areas report must be submitted prior to further review of the project, as described in KCC § 17A.01.080. The director may use the following indicators to assist in determining the need for a critical areas report:
 1. Indication of a critical area on the county critical areas maps that may be impacted by the proposed alteration or development;
 2. Information and scientific opinions from appropriate agencies, including but not limited to the Washington State Departments of Fish and Wildlife and Ecology;
 3. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area; or
 4. A finding by a qualified professional, or a reasonable belief by the director, that a critical area may exist on or adjacent to the site of the proposed alteration or development.
 - d. Effect of director's determination. A determination regarding the apparent absence of one or more critical areas by the director is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.
3. Request for technical assistance. The Director may engage technical consultants or agencies with expertise to provide third party review and interpret critical area data and findings submitted by or on behalf of the applicant in instances where County staff lack the resources or expertise to review these materials. An applicant may be required to pay for or reimburse the County for the review costs incurred.
 4. Pre-qualification of consultants. The Director may prepare and maintain a list of qualified technical consultants and firms that meet the qualified professional standards detailed in KCC § 17A.01.610.

Any proposed consultant whose name is not on the list may submit a statement of qualifications including information on experience in the preparation of critical area studies, years of experience, and sample work. Upon approval of the submitted qualifications, the Director shall add the name to the list of qualified consultants. The Director may reject data and findings from non-pre-qualified consultants or require a third-party review per KCC § 17A.01.110.3.

(Ord. 2021-016, 2021)

§ 17A.01.120. Relationships to other regulations.

1. This Title shall apply as an overlay and in addition to zoning and other regulations adopted by the County.
2. Any individual critical area adjoined by another type of critical area shall have the buffer and meet the requirements that provide the most protection to the critical areas involved. When any existing regulations, easement, covenant, or deed restriction conflicts with this Title that which provides more protection to the critical area shall apply.
3. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted.
4. Compliance with the provisions of this Title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Hydraulic Project Approval [HPA] permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Title.

(Ord. 2021-016, 2021)

§ 17A.01.130. Best available science.

Critical areas reports and decisions to alter critical areas shall be based on the most current best available science to protect the functions and values of critical areas in Kittitas County, consistent with RCW 36.70A.172.

(Ord. 2021-016, 2021)

§ 17A.01.150. Critical areas report review and determination.

1. The director shall make a determination as to whether the proposed alteration or development and associated mitigation, if any, is consistent with the provisions of this Title. The director's determination shall be based on the following criteria:
 - a. The proposal minimizes the impact on critical areas in accordance with KCC § 17A.01.100, Critical Areas Mitigation;
 - b. The proposal is consistent with the general purposes of this Title;
 - c. Any alterations permitted to the critical area(s) are mitigated in accordance with this Title's mitigation requirement sections depending on the type of critical area(s) impacted;
 - d. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values; and
 - e. The proposal is consistent with other applicable regulations and standards.

2. The county may condition the proposed alteration or development as necessary to mitigate impacts to critical areas and to conform to the standards required by this Title.
3. Determination. The Director will determine if the proposed alteration or development meets the criteria in KCC § 17A.01.150(1) and complies with the applicable provisions of this Title. The Director shall prepare a written notice of determination and identify any required conditions of approval.
 - a. If a proposed alteration or development is approved under this Title a notice of determination and conditions of approval shall be included in the project file, be considered in the next phase of the County's review of the proposed alteration or development in accordance with any other applicable codes and regulations, and shall be attached to the underlying permit or approval.
 - i. Any subsequent changes to the conditions of approval shall void the previous determination pending re-review of the proposal and conditions of approval by the director.
 - ii. A favorable determination should not be construed as endorsement or approval of any underlying permit or approval.
 - b. If a proposed alteration or development is rejected due to not adequately mitigating its impacts on the critical area(s) and/or does not comply with the criteria in KCC § 17A.01.150(1), and the provisions of this Title, the Director shall prepare a written notice of the determination that includes findings of noncompliance.
 - i. No proposed alteration, development, or permit shall be approved or issued if it is determined that the proposed activity does not adequately mitigate its impacts on the critical area(s) and/or does not comply with the provisions of this Title.
 - ii. Upon receiving a notice of determination that includes findings of noncompliance, the applicant may request consideration of a revised critical areas report.
 - iii. If the revision is found to be substantial and relevant to the critical area review, the Director may reopen the critical area review and make a new determination based on the revised report.
4. The County's determination regarding critical areas pursuant to this Title shall be concurrent with the final decision to approve, condition, or deny the development proposal or other alteration involved. (Ord. 2021-016, 2021)

§ 17A.01.170. Enforcement.

1. Generally. When a critical area or its buffer has been altered in violation of this Title, all ongoing development work shall stop, and the critical area and buffer shall be restored. The County shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Title.
2. Requirement for restoration plan. All development work shall remain stopped until a restoration plan is prepared and approved by the County. Such a plan shall be prepared by a qualified professional using best available science and shall describe how the actions proposed meet the minimum requirements described below. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal. The County may consult with agencies of expertise to ensure plan adequacy.

3. Minimum performance standards for restoration.

- a. For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - i. The pre-violation structural and functional values shall be restored, including water quality, hydrology and habitat functions;
 - ii. The historic soil types and configuration of the altered area shall be replicated;
 - iii. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species type and densities. The historic functions and values should be replicated at the location of the alteration; and
 - iv. Information demonstrating compliance with the requirements in KCC § 17A.01.100 shall be submitted to the Director.
- b. For alterations to frequently flooded areas and geologically hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - i. The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;
 - ii. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
 - iii. The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

4. Site investigations. The Director is authorized to make site inspections and take such actions as are necessary to enforce this Title, pursuant to KCC § 18.01.060.

5. Penalties. Penalties for violating the provisions of this Title are specified in KCC Chapter 18.05. (Ord. 2021-016, 2021)

§ 17A.01.190. Severability.

If any clause, sentence, paragraph, section, or part of this Title or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

CHAPTER 17A.02
DEFINITIONS**§ 17A.02.010. Generally.**

Certain terms and words used in this title are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory.

(Ord. 2021-016, 2021)

§ 17A.02.020. Reserved**§ 17A.02.030. Agricultural activities.**

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie dormant; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline and/or critical area than the original facility; and maintaining agricultural lands under production or cultivation.

(Ord. 2021-016, 2021)

§ 17A.02.040. Agricultural activities, high intensity.

"High intensity agricultural activities" are defined as: dairies, animal feed lots, nurseries, greenhouses, and like uses which are commercially operated.

(Ord. 2021-016, 2021)

§ 17A.02.050. Agricultural land.

"Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *84.33.100 RCW through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(Ord. 2021-016, 2021)

§ 17A.02.060. Alluvial fan.

"Alluvial fan" or "Alluvial fan hazard area" means a low, outspread, relatively flat-to-gentle sloping

landscape surface composed of eroded alluvial materials deposited by a stream at the transitional area between valley floodplains and steep mountain slopes. Channel pattern in the alluvial fan is highly variable, often dependent on substrate size and age of the landform. Channels may change course frequently, resulting in a multi-branched stream network. Channels can also be deeply incised within highly erodible alluvial material.

(Ord. 2021-016, 2021)

§ 17A.02.070. Alteration.

"Alteration" means any human induced change in an existing condition of a critical area or its buffer. Alteration includes, but is not limited to, grading, filling, channelizing dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

(Ord. 2021-016, 2021)

§ 17A.02.080. Anadromous fish.

"Anadromous fish" means fish that spawn and rear in fresh water and migrate to the ocean to mature in the marine environment until returning to freshwater to spawn. In Kittitas County, these include Pacific salmon, steelhead, bull trout, and Pacific lamprey.

(Ord. 2021-016, 2021)

§ 17A.02.090. Applicant.

"Applicant" means person who files an application for permit under this Title and who is either the owner of the land on which that proposed development would be located, a contract purchaser, or the authorized agent of such a person.

(Ord. 2021-016, 2021)

§ 17A.02.100. Aquifer.

"Aquifer" means geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

(Ord. 2021-016, 2021)

§ 17A.02.102. Arborist.

"Arborist" is defined as a person with a minimum 2-year degree in arboriculture or equivalent discipline such as forestry, horticulture, or biology. Membership and certifications from International Society of Arboriculture as well as documented work experience may be substituted for formal degrees at the discretion of the Director.

(Ord. 2021-016, 2021)

§ 17A.02.104. Area of special flood hazard.

"Area of special flood hazard" is defined as the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A. Also referred to as "100-year floodplain" and "special flood hazard area."

(Ord. 2021-016, 2021)

§ 17A.02.110. Avalanche hazard.

"Avalanche hazard" means an area susceptible to a large mass of snow or ice, sometimes accompanied by other material, moving rapidly down a mountain slope.

(Ord. 2021-016, 2021)

§ 17A.02.120. Avulsion.

"Avulsion" means a sudden cutting off or separation of land by a flood breaking through a meander or by a sudden change in current whereby the stream deserts its old channel for a new one, such as occurs in Channel Migration Zones.

(Ord. 2021-016, 2021)

§ 17A.02.125. Bank (of a water body).

"Bank" means any land surface landward of the ordinary high water line next to a body of water and constrains the water except during floods. The term "bank" also includes all land surfaces of islands within a body of water that are below the flood elevation of the surrounding body of water.

(Ord. 2021-016, 2021)

§ 17A.02.130. Best available science.

"Best available science" means scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

(Ord. 2021-016, 2021)

§ 17A.02.140. Buffer.

"Buffer" means an area that is contiguous to and protects a critical area, and which is required for the continued maintenance, function, and/or structural stability of a critical area.

(Ord. 2021-016, 2021)

§ 17A.02.150. Channel migration zone.

"Channel migration zone (CMZ)" means the area along a watercourse, but not always within the flood zone, within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

(Ord. 2021-016, 2021)

§ 17A.02.155. Clearing.

"Clearing" means significant vegetation removal including the removal or alteration of trees, shrubs, and/or ground cover by grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

(Ord. 2021-016, 2021)

§ 17A.02.160. Critical aquifer recharge areas.

"Critical aquifer recharge areas" are areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

(Ord. 2021-016, 2021)

§ 17A.02.170. Critical areas.

"Critical areas" include the following areas and ecosystems: (a) wetlands; (b) critical aquifer recharge areas; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(Ord. 2021-016, 2021)

§ 17A.02.200. Cumulative impacts.

"Cumulative impacts" or "cumulative effects" means the combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

(Ord. 2021-016, 2021)

§ 17A.02.210. Dam.

"Dam" means a barrier or controlling and appurtenant works across a stream or river that does or can confine, impound or regulate flow, or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

(Ord. 2021-016, 2021)

§ 17A.02.220. Development.

"Development" means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the County that binds land to specific patterns of use, including but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:

1. Interior building improvements.
2. Exterior structure maintenance activities, including painting and roofing
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning, and weeding.
4. Maintenance of the following legally existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

(Ord. 2021-016, 2021)

§ 17A.02.230. Director.

"Director" means the director of the Kittitas County Community Development Services or designee.

(Ord. 2021-016, 2021)

§ 17A.02.240. Dry well.

"Dry well" means a hole in the ground filled with gravel or rubble intended to receive treated or otherwise unpolluted drainage water and allow it to percolate into the ground. A dry well is typically engineered and

designed to infiltrate individual home roof runoff in a subdivision.
(Ord. 2021-016, 2021)

§ 17A.02.250. Ecological functions.

"Ecological functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of aquatic and terrestrial environments that constitute the natural ecosystem.
(Ord. 2021-016, 2021)

§ 17A.02.260. Emergency activities.

"Emergency activities" means activities necessary to prevent an immediate threat to public health, safety, or welfare - or an immediate risk of damage to private property - that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Title.
(Ord. 2021-016, 2021)

§ 17A.02.270. Enhancement.

"Enhancement" means actions performed within an existing degraded critical area and/or buffer to intentionally increase or augment one or more ecological functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover; increasing wildlife habitat and structural complexity (snags, woody debris); installing environmentally compatible erosion controls; removing non-indigenous plant or animal species; or removing human-made structures or fill that are degrading ecological functions or values.
(Ord. 2021-016, 2021)

§ 17A.02.280. Erosion.

"Erosion" means the process whereby wind, rain, water, and other natural agents mobilize and transport particles of soil or rock.
(Ord. 2021-016, 2021)

§ 17A.02.290. Erosion hazard areas.

"Erosion hazard areas" are areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. These areas contain soils that may experience significant erosion, including any or all of the following:

1. Soil areas identified by the Natural Resources Conservation Service as having "severe" or "very severe" erosion hazard; or
2. Slopes forty percent (40%) or steeper with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock; or
3. Concave slope forms equal to or greater than fifteen percent (15%) with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock; or
4. Channel migration zones.] Ord. 2021-016, 2021;

§ 17A.02.300. Feasible.

"Feasible" means, for the purpose of this Title, that an action, such as a development activity, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose;
3. The action does not physically preclude achieving the activity's primary intended legal use; and
4. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

(Ord. 2021-016, 2021)

§ 17A.02.310. Feedlot.

"Feedlot" means the use of structures or pens for the concentrated feeding or holding of animals or poultry including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry and normal farming practices.

(Ord. 2021-016, 2021)

§ 17A.02.320. Fill.

"Fill" means any solid or semi-solid material that when placed, changes the grade or elevation of the receiving site, including the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark (OHWM), in wetlands, or on shorelands in a manner that raises the ground surface elevation or creates dry land.

(Ord. 2021-016, 2021)

§ 17A.02.330. Fish and wildlife habitat conservation areas.

"Fish and wildlife habitat conservation areas" means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. These are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; areas with high relative population density or species richness; and also, locally important habitats and species designated by the County, and state priority habitats and species as identified by the WA Department of Fish and Wildlife. "Fish and wildlife habitat conservation areas" do not include artificial features or constructs created in what were originally upland areas, such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(Ord. 2021-016, 2021)

§ 17A.02.335. Floodplain.

"Floodplain" is synonymous with one hundred-(100)-year floodplain and means that land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

(Ord. 2021-016, 2021)

§ 17A.02.340. Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(Ord. 2021-016, 2021)

§ 17A.02.345. Forester.

"Forester" is defined as a person with a minimum 2-year degree in forestry or equivalent discipline such as arboriculture, horticulture, or biology. Membership and certifications from International Society of American Foresters as well as documented work experience may be substituted for formal degrees at the discretion of the Director.

(Ord. 2021-016, 2021)

§ 17A.02.347. Forest land.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future.

(Ord. 2021-016, 2021)

§ 17A.02.350. Frequently flooded areas.

"Frequently flooded areas" means lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater and those lands that provide important flood storage, conveyance, and attenuation functions. These areas include, but are not limited to, streams, rivers, lakes, wetlands, and areas where high groundwater forms ponds on the ground surface. As designated and classified determined by a local government in accordance with WAC 365-190-110. Classifications of frequently flooded areas include, at a minimum, the one hundred- (100)-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

(Ord. 2021-016, 2021)

§ 17A.02.360. Geologically hazardous areas.

"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(Ord. 2021-016, 2021)

§ 17A.02.370. Geotechnical analysis or geotechnical report.

"Geotechnical analysis" or "geotechnical report" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts

to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.
(Ord. 2021-016, 2021)

§ 17A.02.380. Grading.

"Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the existing contour of the land.
(Ord. 2021-016, 2021)

§ 17A.02.390. Groundwater.

"Groundwater" means all the water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.
(Ord. 2021-016, 2021)

§ 17A.02.400. Habitats of local importance.

"Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found and/or designated to be locally important by the County.
(Ord. 2021-016, 2021)

§ 17A.02.405. Hazard tree.

"Hazard tree" means a tree with a structural defect, combination of defects or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of the tree in a manner that will:

1. Damage a residential structure or accessory structure, or a place of employment or public assembly;
2. Damage an approved road, utility, or public facility;
3. Prevent emergency access in the case of medical hardship; or
4. Endanger pedestrians or users of a recreational area.

(Ord. 2021-016, 2021)

§ 17A.02.406. Hazard tree determination report.

"Hazard tree determination report" means a written document prepared by an arborist or forester containing the following elements:

1. Parcel, address, and name of landowner of site where tree(s) are located,
2. Description of size, health, and species of tree(s) evaluated,
3. Description of factors related to potential impacts to human health or structures posed by evaluated tree(s),
4. Alternative methods (pruning, cabling, etc.) considered,
5. Location of nearby critical areas (wetlands, streams, steep slopes, landslides, floodplains,

shorelines, etc.),

6. Proposed methods for removal,
7. Size and species of replacement trees, if any,
8. Site map showing parcel lines, structures, evaluated trees, critical areas, utilities, and other pertinent information described in the report,
9. Date of field evaluation and signature of arborist or forester,
10. Qualifications of arborist or forester authoring the report.

(Ord. 2021-016, 2021)

§ 17A.02.410. Hazardous substances.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

(Ord. 2021-016, 2021)

§ 17A.02.430. Hydric soil.

"Hydric soil" means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

(Ord. 2021-016, 2021)

§ 17A.02.440. Hyporheic zone.

"Hyporheic zone" means the saturated zone located beneath and adjacent to streams that contains some portion of surface waters, serves as a filter for nutrients, and maintains water quality.

(Ord. 2021-016, 2021)

§ 17A.02.450. Impervious surface.

"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil surface and subsoils, such as would occur under natural conditions prior to development, or which causes water to run off the surface in greater quantities or at an increased rate of flow relative to natural conditions prior to development. Common impervious surfaces include, but are not limited to: rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

(Ord. 2021-016, 2021)

§ 17A.02.460. In-stream structure.

"In-stream structure" is a human-made structure placed within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment, or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

(Ord. 2021-016, 2021)

§ 17A.02.470. Landslide hazard areas.

"Landslide hazard areas" are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief. Potential landslide hazard areas include but are not limited to the following areas:

1. Areas designated as quaternary slumps, earth-flows, mudflows, or landslides on maps published by the U.S. Geological Survey or Washington State Department of Natural Resources.
2. Areas with all three (3) of the following characteristics:
 - a. Slopes steeper than fifteen percent (15%);
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or groundwater seepage.
3. Areas that have shown movement and/or are underlain or covered by mass wastage debris;
4. Slopes that are parallel or sub-parallel to planes of weakness (which may include but not be limited to bedding planes, soft clay layers, joint systems, and fault planes) in subsurface materials;
5. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;
6. Areas that show evidence of, or are at risk from snow avalanches; and
7. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of competent bedrock.
8. Potentially unstable slopes resulting from river erosion or undercutting.
9. Areas that show past sloughing or calving of sediment or rocks resulting in a steep slope that is poorly vegetated.
10. Deep-seated landslide areas characterized by one or more of the following features, which may be evident in aerial images, topographic maps, LiDAR imagery or on the ground:
 - a. scalloped ridge crests at the top of the slope,
 - b. crescent shaped depressions,
 - c. head scarps,
 - d. side scarps,
 - e. ponds or sag areas on mid slopes,
 - f. benches and scarps on mid slope areas,
 - g. hummocky ground,

h. linear fractures in the ground.

11. Areas below unstable slopes or that have been identified as landslide hazard areas that could be impacted by landslide run out.

12. Areas above or adjacent to unstable slopes that could be impacted if the landslide area expands.
(Ord. 2021-016, 2021)

§ 17A.02.480. Mine hazard areas.

"Mine hazard areas" are areas underlain by abandoned mine shafts, secondary passages between shaft tunnels, or air vents. Mine hazards include subsidence, which is the uneven downward movement of the ground surface caused by underground workings caving in; contamination to ground and surface water from tailings and underground workings; concentrations of lethal or noxious gases; and underground fires. (Ord. 2021-016, 2021)

§ 17A.02.490. Mining.

"Mining" means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.
(Ord. 2021-016, 2021)

§ 17A.02.500. Mitigation sequencing.

"Mitigation sequencing" means a process used to guide mitigation decisions and determine the type and level of mitigation required. It follows a three (3) step process, described in 17A.01.100:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

(Ord. 2021-016, 2021)

§ 17A.02.510. Monitoring.

"Monitoring" means evaluating the impacts of proposed developments on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, including gathering baseline data.
(Ord. 2021-016, 2021)

§ 17A.02.520. Native growth protection area.

"Native growth protection area" means an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plant and animal habitat.
(Ord. 2021-016, 2021)

§ 17A.02.530. Native vegetation.

"Native vegetation" means plant species that are indigenous to the area in question.
(Ord. 2021-016, 2021)

§ 17A.02.540. Naturally occurring ponds.

"Naturally occurring ponds" means those ponds and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created in upland areas for mitigation purposes. Naturally occurring ponds do not include ponds deliberately designed and created in upland sites for purposes other than mitigation, such as irrigation canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities.
(Ord. 2021-016, 2021)

§ 17A.02.550. Nonconformity.

"Nonconformity" means a legally established existing use or legally constructed structure that is not in compliance with the current regulations.
(Ord. 2021-016, 2021)

§ 17A.02.560. Ordinary high water mark (OHWM).

"Ordinary high water mark (OHWM)" on all lakes, streams, and tidal water means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Washington State Department of Ecology; provided that in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining freshwater shall be the line of mean high water.
(Ord. 2021-016, 2021)

§ 17A.02.570. Permeability.

"Permeability" means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.
(Ord. 2021-016, 2021)

§ 17A.02.590. Priority habitat.

"Priority habitat" means a habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (e.g., oak woodlands, juniper savanna). A priority habitat may also be described by a successional stage (e.g., old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat feature (e.g., talus slopes, caves, snags) of key value to fish and wildlife.

(Ord. 2021-016, 2021)

§ 17A.02.600. Priority species.

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species include State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable. A species identified and mapped as priority species fit one or more of the following criteria:

1. **Criterion 1. State-Listed and Candidate Species:** State-listed species are native fish and wildlife species legally designated as Endangered (WAC 232-12-014), Threatened (WAC 232-12-011), or Sensitive (WAC 232-12-011). State Candidate species are fish and wildlife species that will be reviewed by the department (POL-M-6001) for possible listing as Endangered, Threatened, or Sensitive according to the process and criteria defined in WAC 232-12-297.
2. **Criterion 2. Vulnerable Aggregations:** Vulnerable aggregations include species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to aggregate. Examples include heron rookeries, seabird concentrations, marine mammal haulouts, shellfish beds, and fish spawning and rearing areas.
3. **Criterion 3. Species of Recreational, Commercial, and/or Tribal Importance:** Native and non-native fish and wildlife species of recreational or commercial importance, and recognized species used for tribal ceremonial and subsistence purposes, whose biological or ecological characteristics make them vulnerable to decline in Washington or that are dependent on habitats that are highly vulnerable or are in limited availability.

(Ord. 2021-016, 2021)

§ 17A.02.610. Public facilities.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(Ord. 2021-016, 2021)

§ 17A.02.620. Qualified professional.

"Qualified professional" means a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, botany, engineering, environmental studies, fisheries, geology or related field, and a minimum of 2 years of related work experience. Other equivalently qualified professionals may be approved by the Director on a case by case basis.

1. A qualified professional for wetlands and fish and wildlife habitat conservation areas must have a Bachelor of Science or Bachelor of Arts or equivalent degree in biology, hydrology, soil science, botany, ecology, resource management or a related fields, and possess relevant professional experience or professional certification (Professional Wetland Scientist Certification) demonstrating that documents expertise capability in performing delineations, conducting critical area functions and values assessments, analyzing critical area impacts, and developing and implementing critical area mitigation plans functional assessment and mitigation techniques. For wetlands, Professional Wetland Scientist Certification, or other documentation of expertise, is required.
2. A qualified professional for preparing Geologically Hazardous Area Assessments must be a professional geologist or engineering geologist licensed in the State of Washington.

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3. Engineered structures for mitigation of geologic hazards must be designed by a qualified

professional engineer or engineering geologist, licensed in the State of Washington.

4. A qualified professional for critical aquifer recharge areas must be a professional hydrogeologist licensed in the State of Washington, who is trained and qualified to analyze geologic, hydrologic, and groundwater flow systems.

(Ord. 2021-016, 2021)

§ 17A.02.630. Rehabilitation.

"Rehabilitation" means a type of restoration action intended to repair natural or historic functions and processes. Rehabilitation activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.

(Ord. 2021-016, 2021)

§ 17A.02.640. Repair or maintenance.

"Repair or maintenance" means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and/or which drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

(Ord. 2021-016, 2021)

§ 17A.02.650. Restore or restoration.

"Restore," "restoration" or "ecological restoration" means repairing environmental damage to a condition equivalent to the pre-impact condition, or upgrading of impaired critical area processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive stream bank structures, or removal or treatment of toxic materials. Restoration does not imply a requirement for returning the critical area to aboriginal or pre-European settlement conditions.

(Ord. 2021-016, 2021)

§ 17A.02.660. Riparian.

"Riparian" areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems and the portion of the ecosystem characterized by moist soils and plants adapted to periodically saturated soils.

(Ord. 2021-016, 2021)

§ 17A.02.665. Riparian management zone(s).

"Riparian management zone(s)" or "RMZ(s)" The extent of the riparian ecosystem is the area that provides full ecological function for bank stability, shade, pollution removal, contributions of detrital nutrients, and recruitment of large woody debris. For the purposes of management or regulatory protection, the RMZ encompasses the riparian ecosystem, and – when present- the channel migration zone to account for lateral movement of the riparian ecosystem over time.

(Ord. 2021-016, 2021)

§ 17A.02.670. Seismic hazard areas.

"Seismic hazard areas" are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

(Ord. 2021-016, 2021)

§ 17A.02.680. Setback.

"Setback" means the distance a building or structure is placed from a specified limit such as a lot line or a critical area buffer.
(Ord. 2021-016, 2021)

§ 17A.02.690. Shorelines of the state.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second (20 cfs) or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.
(Ord. 2021-016, 2021)

§ 17A.02.700. Shorelines of statewide significance.

"Shorelines of statewide significance" means the shorelines identified in RCW 90.58.030 which because of their elevated status require the optimum implementation of the Shoreline Management Act's policies. This includes all rivers with a mean annual flow of greater than two hundred cubic feet per second (200 cfs) and lakes with surface areas of one thousand (1,000) acres or more.
(Ord. 2021-016, 2021)

§ 17A.02.710. Shrub-steppe.

"Shrub-steppe" is a nonforested vegetation type consisting of one or more layers of perennial bunchgrasses and a conspicuous but discontinuous layer of shrubs (see Eastside Steppe for sites with little or no shrub cover). Although Big Sagebrush (*Artemisia tridentata*) is the most widespread shrub-steppe shrub, other dominant (or co-dominant) shrubs include Antelope Bitterbrush (*Purshia tridentata*), Threetip Sagebrush (*A. tripartita*), Scabland Sagebrush (*A. rigida*), and Dwarf Sagebrush (*A. arbuscula*). Dominant bunchgrasses include (but are not limited to) Idaho fescue (*Festuca idahoensis*), Bluebunch Wheatgrass (*Pseudoroegneria spicata*), Sandberg Bluegrass (*Poa secunda*), Thurber's Needlegrass (*Achnatherum thurberianum*), and Needle-and-Thread (*Hesperostipa comata*). In areas with greater precipitation or on soils with higher moisture-holding capacity, shrub-steppe can also support a dense layer of forbs (i.e., broadleaf herbaceous flora). Shrub-steppe contains various habitat features, including diverse topography, riparian areas, and canyons. Another important component is habitat quality (i.e., degree to which a tract resembles a site potential natural community), which may be influenced by soil condition and erosion; and the distribution, coverage, and vigor of native shrubs, forbs, and grasses. Sites with less disturbed soils often have a layer of algae, mosses, or lichens. At some more disturbed sites, non-natives such as Cheatgrass (*Bromus tectorum*) or Crested Wheatgrass (*Agropyron cristatum*) may be co-dominant species. Fire disturbance is an ecological component of shrub-steppe. Shrub-steppe disturbed by fire may lack the aforementioned habitat components during periods of post-fire recovery.
(Ord. 2021-016, 2021)

§ 17A.02.712. Significant Adverse Impact.

"Significant Adverse Impact" means a reasonable likelihood of more than moderate adverse impact on environmental quality.

§ 17A.02.715. Site Potential Tree Height (SPTH).

"Site potential tree height" or "SPTH" is the average maximum height of the tallest dominant trees (200 years or more in age) for a given area.
(Ord. 2021-016, 2021)

§ 17A.02.720. Soft armoring.

"Soft armoring" means stream bank erosion control practices using predominantly natural materials in a design that minimizes impacts to natural processes. This term is frequently used in reference to bioengineering.

(Ord. 2021-016, 2021)

§ 17A.02.730. Species of local importance.

"Species of local importance" are those species that are of local concern due to their population status or their sensitivity to habitat alteration or that are game species.

(Ord. 2021-016, 2021)

§ 17A.02.740. Streams.

"Streams." See definition for "Watercourse".

(Ord. 2021-016, 2021)

§ 17A.02.750. Stream or water type.

"Stream or water types" are fully defined in WAC 222-16-030. An abbreviated definition is provided below, but the full WAC definition is adopted and applies:

1Type S water" means all designated "shorelines of the state".

2Type F water" means streams other than Type S Waters that contain fish habitat or are diverted for certain kinds of domestic use or for use by fish hatcheries.

3Type Np water" means streams that are perennial nonfish habitat streams.

4Type Ns water" means streams that are seasonal, nonfish habitat streams, which are physically connected by an above-ground channel system to Type S, F, or Np Waters.

(Ord. 2021-016, 2021)

§ 17A.02.760. Structure.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

(Ord. 2021-016, 2021)

§ 17A.02.770. Unavoidable.

"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

(Ord. 2021-016, 2021)

§ 17A.02.780. Volcanic hazard areas.

Volcanic hazard areas are subject to pyroclastic flows, lava flows, debris avalanche, inundation by debris flows, mudflows, or related flooding resulting from volcanic activity. There are no active or dormant volcanoes located within Kittitas County; however, Mount Rainer and Mount St. Helens are relatively near. Hazards to Kittitas County residents from these volcanoes are limited to ash deposition.

(Ord. 2021-016, 2021)

§ 17A.02.790. Watercourse.

"Watercourse," "river" or "stream" means any portion of a stream or river channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state. Watercourse also means areas in which fish may spawn, reside, or pass, and tributary waters with defined bed or banks that influence the quality of habitat downstream. Watercourse also means waters that flow intermittently or that fluctuate in level during the year, and the term applies to the entire bed of such waters whether or not the water is at peak level. A watercourse includes all surface-water-connected wetlands that provide or maintain habitat that supports fish life. This definition does not include irrigation ditches, canals, stormwater treatment and conveyance systems, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

(Ord. 2021-016, 2021)

§ 17A.02.800. Water quality.

"Water quality" means the physical characteristics of water, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.

(Ord. 2021-016, 2021)

§ 17A.02.810. Water system.

"Water system" means any system providing water intended for, or used for, human consumption, domestic uses, or commercial businesses. It includes, but is not limited to, the source, purification, storage, transmission, pumping, irrigation, and distribution facilities.

(Ord. 2021-016, 2021)

§ 17A.02.820. Waters of the State.

"Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, and all other surface watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-030.

(Ord. 2021-016, 2021)

§ 17A.02.830. Wellhead protection area.

"Wellhead protection area" means the portion of a well's, wellfield's, or spring's zone of contribution within the ten-year time of travel boundary, or boundaries established using alternate criteria approved by the state Department of Health in those settings where groundwater time of travel is not a reasonable delineation criteria.

(Ord. 2021-016, 2021)

§ 17A.02.840. Wetland.

"Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(Ord. 2021-016, 2021)

CHAPTER 17A.03

CRITICAL AQUIFER RECHARGE AREAS (CARAs)

§ 17A.03.010. Purpose and intent.

The purpose of this chapter is to protect critical aquifer recharge areas from degradation resulting from alterations and development. It is the intent of this chapter to safeguard groundwater resources against contaminants from alterations and development.

(Ord. 2021-016, 2021)

§ 17A.03.020. Designation, and mapping.

1. Classification and designation. Critical aquifer recharge areas are areas of unconsolidated deposits within the Roslyn and Kittitas Basins, and all Group A well head protection areas, as shown on the County's critical areas maps. All projects proposing uses listed in 17A.03.030 that are within the unconsolidated deposits within the Kittitas and Roslyn basins, or within a Group A wellhead protection area shall be reviewed for potential hazards to groundwater.
2. Mapping. The designated Critical Aquifer Recharge Areas are mapped in the Kittitas County Critical Areas Ordinance Critical Aquifer Recharge Area Map. Permit reviews will be based on the mapped critical area designation shown on the critical areas maps.

(Ord. 2021-016, 2021)

§ 17A.03.030. Applicability.

This chapter regulates the following uses when located in a critical aquifer recharge area:

1. Storage tanks;
2. Commercial vehicle repair, servicing, and salvaging facilities;
3. Reclaimed wastewater;
4. New landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste of more than two thousand (2,000) cubic yards, and inert and demolition waste landfills;
5. Injection wells used for disposal of waste products including, but not limited to, stormwater discharge, hazardous or radioactive waste, or industrial waste;
6. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
7. Commercial coal, ore mining operations, and natural gas exploration and extraction;
8. Facilities that store, process, or dispose of chemicals containing perchloroethylene (PCE) or methyl tertiary butyl ether (MTBE) or other chemicals with the potential to contaminate groundwater;
9. Dairy farms and feedlots;
10. Man-made stormwater detention or infiltration ponds, manure lagoons, and irrigation ponds; and
11. Any other alteration or development that the Director determines - based on best available science - is likely to have a significant adverse impact on ground water.

(Ord. 2021-016, 2021)

§ 17A.03.040. Protection standards.

1. Storage tanks. Aboveground and underground storage tanks or vaults used for the storage of hazardous substances, animal wastes, sewage sludge, fertilizers, other chemical or biological hazards, dangerous wastes as defined in WAC Chapter 173-303, or any other substances, solids, or liquids in quantities identified by Kittitas County Public Health as a risk to groundwater quality, shall be designed and constructed to:
 - a. Prevent the release of such substances to the ground, ground waters, or surface waters;
 - b. Include an impervious containment area with a volume greater than the volume of the storage tank or vault to avoid an overflow of the containment area;
 - c. Provide for release detection;
 - d. Provide written spill response and spill notification procedures to the local fire district;
 - e. Use material in the construction or lining of the storage containment area which is compatible with the substance to be stored to protect against corrosion or leakage, or otherwise designed in a manner to prevent the release or threatened release of any stored substance; and
 - f. Comply with WAC 173-303 and 173-360 as well as International Building Code requirements.
2. Commercial vehicle repair, servicing, and salvaging facilities. Vehicle repair and servicing activities shall be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair, servicing, and salvaging must be stored in a manner that protects them from weather and provides containment should leaks occur. Dry wells shall not be allowed on sites used for vehicle repair, servicing, and salvaging. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the Washington State Department of Ecology prior to commencement of the proposed development.
3. Reclaimed wastewater. Use of reclaimed wastewater must be in accordance with adopted water or sewer comprehensive plans that have been approved by Ecology.
4. Other regulated uses. Protection standards for other uses regulated under KCC § 17A.03.030 shall be based on analysis and recommendations contained in the hydrogeologic reports required for specific projects.
5. All developments in a critical aquifer recharge area must comply with the water source protection requirements and recommendations of the federal Environmental Protection Agency, State Department of Health, and the Kittitas County health department. This includes compliance with Chapter 90.48 RCW, Chapter 90.54 RCW, and the Federal Safe Drinking Water Act (40 CFR Part 141).
- 4-6. If the Director determines that additional protection for a critical aquifer recharge area is necessary, beyond the best management practices and standards listed above, the Director may impose additional conditions that ensure that the specific use or activity will not significantly degrade ground water quality or quantity.

(Ord. 2021-016, 2021)

§ 17A.03.050. Reporting.

1. When required. Except for storage tanks, all uses listed in KCC § 17A.03.030 require County review and approval of a special hydrogeological assessment prepared by a qualified professional.

2. Contents. The hydrogeological assessment shall include the general critical areas report requirements of KCC § 17A.01.080 in addition to the following:
 - a. Geologic setting and soils information for the site and surrounding area;
 - b. Water quality data, including pH, temperature, dissolved oxygen, conductivity, nitrates, and bacteria;
 - c. Location and depth of perched water tables;

- d. Recharge potential of site (permeability/transmissivity);
 - e. Hydrologic budget;
 - f. Local groundwater flow, direction, and gradient;
 - g. Location, depth, and other water quality data on the three (3) shallowest wells or springs located within one thousand (1,000) feet of the site;
 - h. Potential impacts to wellhead protection areas located within the site;
 - i. Surface water locations within one thousand (1,000) feet of the site;
 - j. Discussion of the effects of the proposed development on groundwater quality and quantity;
 - k. Recommendations on appropriate mitigation, if any, to assure that there shall be no measurable exceedance of minimum state groundwater quality standards or measurable reduction in available quantity of groundwater;
 - l. Emergency management plan; and
 - m. Containment release detection.
- (Ord. 2021-016, 2021)

CHAPTER 17A.04

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

§ 17A.04.010. Purpose and intent.

The purpose of this chapter is to identify, designate, classify and protect critical fish and wildlife species and habitats, including special consideration to conservation or protection measures necessary to preserve or enhance anadromous species and their habitats, consistent with best available science. (Ord. 2021-016, 2021)

§ 17A.04.020. Designation, and mapping, and classification.

1. Designation. Fish and wildlife habitat conservation areas include:

- a. Waters of the state.
- b. Areas with which federally-designated endangered, threatened, and sensitive fish and wildlife species have a primary association.
- c. Areas with which state-designated endangered, threatened, and sensitive fish and wildlife species have a primary association. The Washington State Department of Fish and Wildlife current list of endangered, threatened, and sensitive fish and wildlife species. State listed species are those native fish and wildlife species legally designated as Endangered Species (WAC 220-610-010), Threatened Species (WAC 220-200-100), or Sensitive Species (WAC 220-200-100).
- d. State priority habitats and areas associated with state priority species. The state Department of Fish and Wildlife current list of priority habitats and species, including all species identified in 17A.04.020(c). Kittitas County recognizes and incorporates Washington Department of Fish and Wildlife's priority habitats and species list and maps into the designation of fish and wildlife conservation areas.
- e. Habitats and species of local importance. Kittitas County recognizes that the priority habitats and species designated by the Washington Department of Fish and Wildlife that occur within the County are locally important and are hereby designated as habitats and species of local importance pursuant to KCC 17A.04.020 (c).
- f. Naturally occurring ponds smaller than twenty (20) acres.
- g. Lakes, ponds, streams, and rivers planted with game fish by a government or tribal entity.
- h. State natural areas preserve natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the Washington State Department of Natural Resources.
- i. State wildlife areas. State wildlife areas are defined, established, and managed by the Washington State Department of Fish and Wildlife.

2. Mapping. The approximate location and extent of fish and wildlife priority habitat conservation areas are shown on the County's critical area maps which shall include all fish and wildlife habitat conservation areas designated in KCC 17A.04.020(1). These maps are intended to advise Kittitas County, applicants, and other participants in the development permit process that a priority habitat or critical area may exist and additional review may be necessary. Fish and wildlife priority habitat areas may exist that do not appear on the maps. The County shall update the maps periodically as new fish and wildlife habitat conservation areas are identified and as new information becomes available.

- 3 Habitat boundary survey. If the Director determines that a fish and wildlife habitat conservation area may be present within the project vicinity, he/she may require the habitat area to be delineated and/or mapped by a qualified professional

per KCC 17A.02.620 or ~~or~~ confirmed by the Washington Department of Fish and Wildlife. The existing maps showing the locations of fish and wildlife habitat conservation areas are coarse- scaled, and for planning purposes only. A survey performed by a qualified biologist may be necessary to determine the precise boundary of a habitat area. Unless otherwise defined in this Chapter, the boundary of aquatic habitats shall be the ordinary high water mark of the waterbody, the channel migration zone, or the active floodplain, whichever is greater. The management recommendations for Washington's priority habitats and species or federal equivalent should be used as a tool for identifying and delineating fish and wildlife habitat boundaries¹. The County may waive this requirement if there is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures per KCC 17A.04.070.

4. Waters of the state classification. For purposes of this Chapter, Kittitas County hereby adopts the water typing system specified in WAC 222-16-030, as described below:
 - n. Type S: all waters, within their ordinary high water mark, meeting the criteria as "shorelines of the state" and "shorelines of statewide significance" under RCW Chapter 90.58. The current list of Shoreline waters, along with their specific shorelines environments, is provided in the Kittitas County Shoreline Master Program (KCC Title 17B). Type S streams and lakes are protected by the Shoreline Master Program, rather than through this Title.
 - o. Type F: segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated area of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat.
 - p. Type Np: all segments of natural waters within the bankfull width of defined channels that are perennial non-fish habitat stream. Perennial stream waters do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
 - q. Type Ns: All segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np, F or S Water. Ns Waters must be upstream from and physically connected by an above-ground channel system to Type S, F, or Np Waters.
[WAC 222-16-030]

(Ord. 2021-016, 2021)

§ 17A.04.030. Riparian management zones and buffers.

1. Purpose. Riparian Management Zones (RMZs) and Buffers shall be established and maintained to protect fish and wildlife habitat conservation areas. RMZs refer to areas established and maintained to protect streams and are designated as a FWHCA per KCC 17A.04.020(1)(c). Buffers refer to areas established and maintained to protect nonaquatic fish and wildlife habitat conservation areas.
2. RMZ Measurement. RMZs for streams shall be measured in all directions from the ordinary high water mark (OHWM), the channel migration zone (CMZ) or active floodplain, as identified consistent with BAS and site specific conditions. RMZ width shall be either the site-specific Site Potential Tree Height (SPTH) or 100 feet, whichever is greater, consistent with BAS for pollution removal and Volume

¹ For terrestrial species, those management recommendations include, but are not limited to, Washington Department of Fish & Wildlife's "Management recommendations for Washington's priority habitats; riparian" (1997). For aquatic species, those management recommendations include, but are not limited to, Washington Department of Fish & Wildlife's "Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications" and "Riparian Ecosystems, Volume 2: Management Recommendations" (2020).
Downloaded from <https://ecode360.com/KI6857> on 2025-05-15

2 of WDFW's Riparian Ecosystem Management Recommendation².

3. Buffer Measurement. Upland habitat buffers ~~are shall be established using best available science and give special consideration to anadromous species, measured using~~ applicable information such as the Washington Department of Fish and Wildlife's Priority Habitat & Species GIS data ~~may be used to inform upland habitat buffer requirements.~~
4. Building Setback. Building setbacks (KCC 17A.01.090 4.) are in addition to RMZs and upland habitat buffers and are measured outward from the edge of the RMZ or upland habitat buffer boundary.
5. RMZ and Buffer condition. RMZs and buffers shall be maintained in a predominantly well-vegetated

² When determining the RMZ width, the Director will utilize WDFW online mapping tools, including but not limited to <http://sdrw.maps.arcgis.com/apps/MapJournal/index.html?appid=35b39e40a2af447b9556ef1314a5622d> and <https://apps.wdfw.wa.gov/salmonscape/map.html>.

and undisturbed condition to ensure that they perform their intended function of protecting the FWHCA. Tree removal is prohibited in RMZs and FWHCA buffers other than in accordance with 17A.01.050.3.i & j.

6. Standard riparian management zones for waters of the state.

Table 17A.04.030.6 Standard RMZ Widths Kittitas County Nonshoreline Rivers, Streams, Lakes and Ponds (does not include building setback [KCC § 17A.01.090.5]) Riparian Management Zone Widths^{1,2,3}		
Stream Type		
Type S (Shoreline)	See the SMP	
Type F	1 SPTH from OHWM/CMZ/Floodplain	Minimum 100'
Type Np	1 SPTH from OHWM/CMZ/Floodplain	Minimum 100'
Type Ns	100'	

¹ Interrupted RMZs: When a fish and wildlife habitat conservation area RMZ contains an existing legally established public or private road, the Director may allow an alteration or development on the landward side of the road provided that the alteration or development will not have a detrimental impact to the habitat area. The Director may require a habitat management plan if - after considering the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption - such a plan is deemed necessary to confirm the lack of detrimental impact on the habitat area.

² Multiple RMZs or buffers: In the event that RMZs and/or upland habitat buffers for any fish and wildlife habitat conservation area are contiguous or overlapping, the most protective of the collective RMZs shall apply.

³ Forested ecoregions are well-suited for using SPTH200 consistently to establish RMZ widths, and so for these areas, landowners and land managers can rely on the SPTH200 information provided in WDFW's SPTH mapping tool. When neither SPTH200 or the extent of the riparian vegetative community is at least 100 feet, RMZ shall be a minimum of 100 feet to achieve 95% or more removal efficacy of phosphorus, sediment, and most pesticides consistent with BAS Volume 2, Riparian Ecosystems Management Recommendations, specifically section 2.3.4 Determining RMZ width & section 2.3.5 Width delineation steps.

7. Increased RMZs or Upland Habitat Buffers. The Director shall increase the fish and wildlife habitat conservation area RMZ or upland habitat buffer width where the standard widths are inadequate to prevent significant adverse environmental impacts or to address hazards associated with the site or the proposed alteration or development or to give special consideration for anadromous fish. The Director may increase the RMZ or upland habitat buffer consistent with BAS. The Director shall consider increasing the RMZ or upland habitat buffer when any of the following conditions are present:
- The project site is within or adjacent to documented anadromous fish spawning or rearing habitat;
 - The composition, quality and density of the buffer vegetation is insufficient to protect the habitat

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- c. There is evidence of historical or current susceptibility to severe erosion, channel instability, or aggrading consistent with active channel migration;
- d. There are multiple channels or islands present; or

- c. The land adjacent to the ordinary high water mark and extending throughout the standard habitat buffer is steeply sloped (greater than forty percent (40%) slope) and there are geologic hazards or frequently flooded areas such that an increased buffer may be required to protect ecological functions.
8. Riparian management zone or Upland Habitat buffer averaging. The Director may allow averaging of the standard RMZ or upland habitat buffer widths of fish and wildlife habitat sites in accordance with an approved habitat management plan on a case-by-case basis. With RMZ or buffer averaging, the RMZ or buffer width is reduced in one location and increased in another location to maintain the same overall standard area. Proposals for RMZ or buffer averaging shall meet all the following:
- a. The Fish and wildlife habitat conservation area RMZ or buffer has not been averaged or reduced by any prior actions administered by Kittitas County;
 - b. No feasible site design could be accomplished without buffer averaging;
 - c. The RMZ or buffer averaging will not reduce habitat functions or adversely affect anadromous fish habitat;
 - d. The minimum width of the RMZ or buffer at any given point is at least seventy-five percent (75%) of the standard width; and
 - e. The area that is added to the RMZ or buffer to offset the reduction is well-vegetated or will be densely planted with native vegetation along with monitoring and management to ensure that it becomes so. The Director may require such native vegetation enhancement if needed to ensure this criterion is met.
9. (Reserved)
10. Buffers for non-aquatic habitats. Appropriate site-and species-specific buffers for nonaquatic fish and wildlife habitat conservation areas shall be based upon best available science, and recommendations by the Washington Department of Fish and Wildlife or a qualified professional biologist. Buffers will be measured in all directions from the habitat boundary, as mapped by the Washington State Department of Fish and Wildlife or qualified professional pursuant to 17A.04.020 and verified by the Director.
- a. Interrupted Buffers: When a fish and wildlife habitat conservation area buffer contains an existing legally established public or private road and/or a legally established development which creates a significant interruption of buffer function, the Director may allow an alteration or development on the opposite side of the road from the habitat area provided that the actions will not have a detrimental impact to the habitat area. The Director may require a habitat management plan if - after considering the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption - such a plan is deemed necessary to confirm the lack of detrimental impact on the habitat area.
 - b. Multiple buffers: In the event that buffers for any fish and wildlife habitat conservation area or other critical area (including RMZs) are contiguous or overlapping, the most protective of the collective buffers shall apply.

(Ord. 2021-016, 2021)

§ 17A.04.040. General protection standards.

1. Alterations. All alterations and development shall be prohibited from fish and wildlife habitat conservation areas and their buffers, except in accordance with this Title. A fish and wildlife habitat

conservation area, RMZ, or buffer may be altered only if the proposed alteration of the habitat and/or any required compensatory mitigation does not degrade the functions and values of the habitat.

2. Mitigation requirement. Mitigation of alterations to fish and wildlife habitat conservation areas and their buffers shall meet the requirements of KCC § 17A.04.030.
3. Anadromous fish. All alterations and development proposed to be located in aquatic fish and wildlife habitat conservation areas used by anadromous fish or in areas that affect such aquatic habitat areas shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 - a. An alternative alignment or location for the alteration or development is not feasible;
 - b. The alteration or development is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
 - c. Stream bank erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to the WDFW Integrated Stream Bank Protection Guidelines (WDFW, 2003) (an approved habitat management plan, and
 - d. Any impacts to the functions or values of the aquatic fish and wildlife habitat conservation area are mitigated in accordance with a habitat management plan.
4. Timing restrictions.
 - a. Fish. In-water work alteration or development shall be timed to occur only during the allowable work window as designated by the Washington State Department Fish and Wildlife (WDFW) for the applicable species and aquatic fish and wildlife habitat conservation area type.
 - b. Wildlife. The County shall impose limitations on construction activities during breeding and/or nesting periods for priority species when necessary to protect the species and avoid adverse impacts. Appropriate timing restrictions for wildlife species shall be based upon best available science and WDFW recommendations.

(Ord. 2021-016, 2021)

§ 17A.04.050. Permitted alterations and development.

The following alterations and development may be permitted in fish and wildlife habitat conservation areas and/or their riparian management zones or buffers when all feasible measures have been taken to avoid and mitigate adverse effects on species and habitats and a net loss of habitat functions will not occur.

1. Clearing and grading. When clearing and grading is permitted in a fish and wildlife habitat conservation area or its associated RMZ or buffer as part of an authorized alteration or development or as other allowed in these standards, the following shall apply:
 - a. Grading is allowed only during the dry season, as determined by the Director;
 - b. Clearing and grading shall be limited to the minimum necessary to accomplish the alteration or development; and
 - c. Erosion and sediment control will meet or exceed the standards set forth in the current version of the Stormwater Manual for Eastern Washington.
2. Stream bank stabilization. Stream bank stabilization and protection shall be permitted subject to all

the following standards, and those standards described in WDFW's Integrated Streambank Protection Guidelines (WDFW, 2003), WDFW's 2012 Stream Habitat Restoration Guidelines (SHRG), and KCC § 17A.01.120.4:

- a. Natural riverine processes, including channel migration, will be maintained to the maximum extent practicable;
 - b. The alteration or development will not result in increased erosion and will not alter the size or distribution of stream substrate;
 - c. Nonstructural measures, such as placing or relocating the development further from the aquatic habitat area, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to protect the stream bank;
 - d. Stabilization is achieved through bioengineering or soft armoring techniques; and
 - e. Hard bank armoring may occur only when the property contains a primary, already existing, legally-established, permanent structure, which is unable to be relocated, that is in danger from erosion caused by riverine processes, as documented in a geotechnical analysis prepared by a qualified professional. The armoring shall not expand beyond the original structural footprint, unless necessary to protect existing permanent buildings, roads or utility infrastructure adjacent to the bank, and shall not increase erosion or flooding on adjacent properties.
3. Docks and launching ramps. Construction, reconstruction, repair, and maintenance of docks and public or private launching ramps are subject to all the following, and those standards described in KCC § 17A.01.120.4:
- a. The dock or ramp is located and oriented and constructed in a manner that minimizes adverse effects on water quality, movement of aquatic and terrestrial life, ecological processes, spawning habitat, and wetlands;
 - b. Docks and ramps shall meet or exceed all relevant state and federal permit requirements; and
 - c. No adverse impact to fish or wildlife habitat areas or associated wetlands will occur.
4. Roads, trails, bridges, and rights-of-way. Construction of trails, roadways, and bridges through or across streams, other fish and wildlife habitat conservation areas and/or their RMZs or buffers are subject to all the following, and those standards described in WDFW's Water Crossing Guidelines and KCC § 17A.01.120.4:
- a. There is no other feasible alternative route with less impact on the fish and wildlife habitat conservation area;
 - b. The crossing minimizes interruption of downstream movement of wood, ice, sediment, and the movement of all fish and wildlife. Bridges are preferred for all stream crossings and should be designed to maintain the existing stream substrate and gradient, provide adequate horizontal clearance on each side of the ordinary high water mark, and provide adequate vertical clearance above the ordinary high water mark;
 - c. Roads within a stream buffer shall not run parallel to the water body when there is an alternative alignment that has less adverse effect on stream functions;
 - d. Trails shall be located on the outer edge of the fish and wildlife habitat conservation area buffer, except for limited viewing platforms and at the crossing, and shall use pervious materials where

feasible;

- e. Stream crossings, where necessary, shall be perpendicular with the stream, or as close to perpendicular as possible, and shall be the minimum width necessary. Common or shared crossings are the preferred approach where multiple properties can be accessed by one crossing; and
 - f. Culverts and bridges shall be designed according to applicable state and federal guidance criteria for fish passage as identified in Fish Passage Design at Road Culverts, WDFW, 2003, and/or the National Marine Fisheries Services Guidelines for Anadromous Salmonid Passage Facility Design, 2011, (and subsequent revisions) or WDFW's Water Crossing Design Guidelines (WDFW, 2013). The applicant or property owner shall maintain fish passage through the culvert.
5. Utility facilities. New utility lines and facilities may cross streams or Fish and wildlife habitat conservation areas if they comply with the following standards, and those standards described in KCC § 17A.01.120.4:
- a. There is no other feasible alternative route with less impact on the Fish and wildlife habitat conservation area;
 - b. Installation at a stream crossing shall be accomplished by boring beneath the scour depth and hyporheic zone of the stream and the entire channel migration zone width, where feasible;
 - c. Where boring under the channel is not feasible, the utilities shall cross at an angle of no less than sixty (60) degrees, but as close to ninety (90) degrees as possible, relative to the centerline of the channel;
 - d. Crossings shall be contained within the footprint of an existing road, bridge or utility crossing where possible;
 - e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
 - f. The utility installation shall not increase or decrease the natural rate of channel migration.
6. Instream structures. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect habitat conservation areas.
7. Stormwater conveyance and discharge facilities. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be placed within the outer 25% of a standard fish and wildlife habitat conservation area buffer on a case-by-case basis when the Director determines that all the following are met:
- a. Due to topographic or other physical constraints, there are no feasible locations for these facilities outside the standard fish and wildlife habitat conservation buffer;
 - b. The discharge is located as far from the ordinary high water mark (OHWM) as possible and in a manner that minimizes disturbance of soils and vegetation;
 - c. The discharge outlet is located in the outer 25% of the standard buffer and is designed to prevent erosion and promote infiltration; and

- d. The discharge meets state water quality standards, including total maximum daily load (TMDL) standards as appropriate at the point of discharge.
- 8. Onsite sewage systems and wells.
 - a. New on-site sewage systems and/or individual wells may be placed within standard aquatic fish and wildlife habitat conservation area buffers only if:
 - i. There are no alternative locations outside of the buffer;
 - ii. It complies with all state and local regulations; and
 - iii. The onsite sewage system and/or well is accessory to an approved residential structure, for which it is not feasible to connect to a public sanitary sewer system, and is subject to approval by the Director on a case by case basis.
 - b. The onsite sewage system and/or well is accessory to an approved residential structure, for which it is not feasible to connect to a public sanitary sewer system, and is subject to approval by the Director on a case by case basis.
 - i. Connection to an available public sanitary sewer system;
 - ii. Replacement with a new on-site sewage system located in a portion of the site that has already been disturbed by development and is located landward from the habitat area as far as possible, provided the proposed sewage system is in compliance with the Kittitas County Health Department; or
 - iii. Repair to the existing on-site septic system.

(Ord. 2021-016, 2021)

§ 17A.04.060. Reporting.

- 1. When required. If a proposed development is located within or adjacent to a known or suspected fish and wildlife habitat conservation area, the Director shall require the applicant to submit a habitat management plan prepared by a qualified professional, defined in KCC § 17A.02.620, which includes the information listed in this section. The requirement to provide a habitat management plan for fish and wildlife habitat conservation areas may be waived on a case by case basis if the Director determines that there are no potential direct and/or indirect impacts on designated species or habitats that would result from the proposed development.
- 2. Contents. When required by this chapter, habitat management plans for habitat conservation shall include the general critical areas report requirements, as described in KCC § 17A.01.080, in addition the following:
 - a. Identification of any state or federal endangered, threatened, sensitive, or candidate species that have a primary association with habitat on the project area;
 - b. Map showing the location of the ordinary high water mark and/or locations of fish and wildlife habitat conservation area(s) and their buffers in accordance with KCC § 17A.04.020;
 - c. The vegetative, faunal, topographic, and hydrologic characteristics of the fish and wildlife habitat conservation area;
 - d. A discussion of any federal, state, or local special management recommendations, including

Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area;

- e. A detailed discussion of the direct and/or indirect potential impacts on the fish and wildlife habitat conservation area by the project. Such discussion shall include a discussion of the ongoing management practices that will protect habitat after the project site has been developed;
- f. The general mitigation plan requirements of KCC § 17A.01.080 as well as the fish and wildlife habitat conservation area mitigation requirements of KCC § 17A.04.070, if the alteration or development will result in unavoidable impacts to fish and wildlife habitat conservation areas; and
- g. Methods and measures to avoid, minimize and/or compensate for adverse impacts associated with the proposed development, including, but not limited to:
 - i. Prohibition or limitation of use, alteration, and development within the fish and wildlife habitat conservation area;
 - ii. Retention of vegetation and/or re-vegetation of areas/habitats critically important to species;
 - iii. Special construction techniques;
 - iv. Implementation of erosion and sediment control measures;
 - v. Habitat restoration or enhancement (e.g., fish passage barrier removal);
 - vi. Seasonal restrictions on construction activities on the subject property;
 - vii. Clustering of alterations or development on the subject property; and
 - viii. Any other requirements and/or recommendations from federal, state, or local special management recommendations, including the Washington State Department of Fish and Wildlife's habitat management guidelines.

(Ord. 2021-016, 2021)

§ 17A.04.070. Mitigation requirements.

1. General mitigation requirements. Mitigation for alteration or impacts to fish and wildlife habitat conservation areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development project site. Mitigation shall address each functional attribute affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation elements may include, but are not limited to: restoration of previously degraded areas and key habitat features; restoration of riparian vegetation communities to provide shade and large woody debris; addition of large woody debris; and installation of upland habitat features.

2. Buffer for aquatic habitat conservation mitigation sites. Any aquatic fish and wildlife habitat conservation area that is created, restored, or enhanced as compensation for approved alterations shall be assigned the same buffer as would be required for the category of the original aquatic fish and wildlife habitat conservation area.

- 2.3. Mitigation ratios. Impacts and reductions to riparian management zones and buffers shall be mitigated at a minimum of a 1:1 ratio. The Director may determine that higher mitigation ratios or mitigation performance standards may be required when uncertainty exists as to the probable success of the proposed restoration or to ensure no net loss of ecological function.

3.4 Type of mitigation required. In determining the extent and type of mitigation required, the Director may consider all the following:

- a. The ecological processes that affect and influence habitat structure and function within the watershed or sub-basin;
- b. The individual and cumulative effects of the action upon the functions of the critical area and associated watershed;
- c. Observed or predicted trends regarding the gains or losses of specific habitats or species in the watershed, in light of aggregated natural and human processes;
- d. The likely success of the proposed mitigation measures;
- e. Effects of the mitigation actions on neighboring properties; and
- f. Opportunities to implement restoration actions formally identified by any of the following plans (or equivalent plans): an adopted shoreline restoration plan; a watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW; and/or a salmonid recovery plan or project that has been identified on the Salmon Recovery Board Habitat Project List or by the Washington State Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement.

4.5. Timing. Where feasible, mitigation projects shall be completed prior to or concurrently with permitted and approved alterations and development that will disturb fish and wildlife habitat conservation areas. In all other cases, as approved by the Director, mitigation shall be completed as quickly as possible following disturbance and, aside from monitoring requirements, shall be completed prior to use or occupancy of the alteration or development. Construction of mitigation projects shall be timed to reduce impacts to existing fish, wildlife and flora; provided, that the Director may adjust the timing requirements to allow grading, planting, and other alterations to occur during the appropriate season(s).

5.6. Location. Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit to the species and/or habitats affected and have the greatest likelihood of success. Mitigation shall occur as close to the impact site as possible, within the same sub-basin, and in a similar habitat type as the permitted alteration unless the applicant demonstrates to the satisfaction of the Director through a watershed-or landscape-based analysis that mitigation within an alternative sub-basin of the same watershed would have greater ecological benefit.

6.7. Design. Mitigation projects involving in-water work including, but not limited to, stream relocation and installation of engineered large woody debris structures shall be professionally engineered and designed to ensure there are no adverse hydraulic effects on upstream or downstream properties, and shall comply with all applicable permits such as a hydraulic project approval (HPA) from the WA Department of Fish and Wildlife.

(Ord. 2021-016, 2021)

CHAPTER 17A.05
FREQUENTLY FLOODED AREAS

§ 17A.05.010. Purpose and intent.

It is the purpose of this chapter to reduce the risk to life, property damage, and public facilities that result from floods; mitigate flood hazards that may be exasperated by climate change; and to protect fish and wildlife habitat conservation areas that occur wholly or partially within frequently flooded areas.
(Ord. 2021-016, 2021)

§ 17A.05.020. Classification, designation, and mapping.

1. Mapped areas. All lands classified as floodway or special flood hazard areas in the Federal Emergency Management Agency report titled "The Flood Insurance Study for the County of Kittitas County" dated November 5, 1980, as now or hereafter amended, with accompanying Flood Insurance Rates and Boundary Maps, are designated as frequently flooded areas. The study and maps are on file at Kittitas County.
2. Other areas. The Flood Insurance Study maps may not show all potential flood hazard areas. Kittitas County may designate unmapped frequently flooded areas. Such designations may be appealed pursuant to KCC § 14.08.160. The Director's designation of an unmapped frequently flooded area shall be based upon the following criteria:
 - a. Documented history of flooding;
 - b. Presence of alluvial fan hazards and/or channel migration zones;
 - c. Evidence of stream channel instability and susceptibility to erosion, and/or
 - d. High groundwater flood hazards Ord. 2021-016, 2021;

§ 17A.05.030. Protection standards.

1. Avoidance. All new development shall be located outside of frequently flooded areas, if at all possible and will follow the standard mitigation sequencing process, as defined in KCC § 17A.01.100.
2. Floodplain storage. New uses or developments shall not reduce the effective flood storage volume, alter the direction of flood flows, or concentrate flood flows within a frequently flooded area. If proposed grading, fill, or other alteration or development would reduce effective flood storage volume, then flood storage mitigation per KCC § 17A.05.050 is required.
(Ord. 2021-016, 2021)

§ 17A.05.040. Reporting.

The Director's approval of a new use or development within a frequently flooded area shall be contingent upon reporting that meets the requirements of KCC § 14.08.110 through KCC § 14.08.130, the general critical areas report requirements of KCC § 17A.05.040, and the following:

1. The nature, location, dimensions, and elevations of the project property;
2. Names and location of all lakes, water bodies, streams, and drainage facilities within three hundred (300) feet of the site;

3. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities, and roads;
 4. Existing and proposed structures, fill, pavement, and other impervious surfaces, and locations for storage of hazardous materials;
 5. Existing native vegetation and proposed clearing limits; and
 6. If the proposed development involves grading, excavation, or filling, include proposed post-development terrain at one (1) foot contour intervals.
- (Ord. 2021-016, 2021)

§ 17A.05.050. Compensatory mitigation requirements.

1. Floodplain storage. If development occurs within a frequently flooded area, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. Compensatory storage shall comply with KCC § 14.08.315 and the following:
 - a. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available ten (10)-year, fifty (50)-year, and one hundred (100)-year water surface profiles;
 - b. Provide flood storage that is hydrologically connected to the source of flooding;
 - c. Provide flood storage in an area that is vegetated;
 - d. Consider the existing and future ecological hydrologic functions of the impact and mitigation sites;
 - e. Result in no net rise of flood elevations (when the mitigation will occur at a distance from the fill location);
 - f. Areas below the waterline of a pond or other body of water cannot be credited as compensatory storage;
 - g. Provide flood storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and
 - h. If the newly created storage area is accessible to fish during flood events, the area shall be designed, graded, and maintained to prevent fish stranding.
2. Floodplain storage site selection. The order of preference for selecting floodplain storage sites shall be:
 - a. Onsite flood storage;
 - b. Off-site flood storage in close proximity upstream or downstream of the floodplain fill location; and
 - c. Off-site flood storage in a location further upstream or downstream of the floodplain fill location.
3. Floodplain storage mitigation plans. When required by KCC § 17A.05.050.2, floodplain storage mitigation plans shall be prepared by an engineer or geologist licensed in the state of Washington and

address the general mitigation plan requirements of KCC § 17A.01.080 as well as the following:

- a. Potential that materials may be swept during flooding onto other lands to the detriment of others;
- b. Actual danger to life and property if flooding or erosion occurs;
- c. Susceptibility of the proposed development and its contents to flood damage;
- d. Availability of alternative locations for the proposed development which are not subject to flood or erosion damage;
- e. Relationship of the proposed development to any comprehensive flood hazard managements plans adopted pursuant to RCW Chapter 86.12;
- f. Safety of access to the property in times of flooding for ordinary and emergency vehicles;
- g. Expected heights, velocity, duration, rate or rise, and sediment transport of the flood waters and the effects of wave action at the site;
- h. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities;
- i. Location and extent of storage area for floodwater which will be displaced by the proposed development; and
- j. The risk to public and private property and public health, safety, and welfare due to rising of water levels; potential for ice jams and resulting changes to stream flow patterns; shifting of stream channels (including related erosion); and costs to individuals and the general public for items which are not insured, such as: loss of productivity due to closed roads; risk to emergency response workers; loss of uninsured property (cars, landscaping, etc.); and habitat damage as a result of loss of riparian zones and floodplain function.

(Ord. 2021-016, 2021)

CHAPTER 17A.06

GEOLOGICALLY HAZARDOUS AREAS**§ 17A.06.010. Purpose and intent.**

The purpose of this Chapter is to protect human life and safety, prevent damage to structures and property, and minimize impacts to water quality and fish and wildlife caused by geologic hazards.
(Ord. 2021-016, 2021)

§ 17A.06.020. Designation, classification, and mapping.

1. Designation. Lands classified as landslide, erosion (including channel migration zones), alluvial fan, seismic, and mine hazard areas, are hereby designated as geologically hazardous areas.
2. Classification.
 - a. Potential landslide hazard areas. Landslide hazard areas shall include areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Potential landslide hazard areas include but are not limited to the following areas:
 - i. Areas of historic failures;
 - ii. Areas designated as quaternary slumps, earth-flows, mudflows, or landslides on maps published by the U.S. Geological Survey or Washington State Department of Natural Resources;
 - iii. Areas with all three (3) of the following characteristics:
 1. Slopes steeper than fifteen percent (15%);
 2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 3. Springs or groundwater seepage;
 - iv. Areas that have shown movement and/or are underlain or covered by mass wastage debris;
 - v. Slopes that are parallel or sub-parallel to planes of weakness (which may include but not be limited to bedding planes, soft clay layers, joint systems, and fault planes) in subsurface materials;
 - vi. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;
 - vii. Areas that show evidence of, or are at risk from snow avalanches; and
 - viii. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of competent bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief;
 - ix. Potentially unstable slopes resulting from river erosion or undercutting;

- x. Areas that show past sloughing or calving of sediment or rocks resulting in a steep slope that is poorly vegetated;
 - xi. Deep-seated landslide areas characterized by one or more of the following features: scalloped ridge crests at the top of the slope, crescent shaped depressions, head scarps, side scarps, ponds or sag areas on mid slopes, benches and scarps on mid slope areas, hummocky ground, linear fractures in the ground. These features may be evident in aerial images, topographic maps, LiDAR imagery or on the ground;
 - xii. Areas below unstable slopes or that have been identified as landslide hazard areas that could be impacted by landslide run out; and
 - xiii. Areas above or adjacent to unstable slopes that could be impacted if the landslide area expands.
- b. Potential erosion hazard areas. Erosion hazard areas shall include areas containing soils that may experience significant erosion, including:
- i. Soil areas identified by the Natural Resources Conservation Service as having "severe" or "very severe" erosion hazard.
 - ii. Slopes forty percent (40%) or steeper with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.
 - iii. Concave slope forms equal to or greater than fifteen percent (15%) with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.
 - iv. Channel migration zones, which are defined as the areas along a river or stream within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
- c. Alluvial fan hazard areas. Alluvial fan hazard areas shall include those areas on alluvial fans where debris flows, debris floods, or clear water floods have the potential to significantly damage or harm the health or welfare of the community. They include the area generally corresponding to the path of potential flooding, channel changes, sediment and debris deposition, or debris flow paths as determined by analysis of watershed hydrology and slope conditions, topography, valley bottom and channel conditions, potential for channel changes, and surface and subsurface geology.
- i. If the approval authority determines that a proposed use along a Type S or F stream is within a historic channel migration zone, based on field conditions, historic information, LIDAR imagery or aerial photography, and the one-hundred-year channel migration hazard area has not been mapped, the approval authority shall require the applicant to determine if a one-hundred-year channel migration hazard area is present on the site and, if so, delineate its location and extent.
 - ii. The determination as to whether the one-hundred-year channel migration hazard area affects the subject property shall be based on the findings of a qualified professional proficient in fluvial geomorphology using a reliable methodology to determine channel migration accepted by the department (e.g., as described in the Washington Department of Natural Resources' Forest Practices Board Manual, Standard Methods for identifying Channel Migration Zones and Bankfull Channel Features, dated 8/2001, as amended; or in

"A Framework for Delineating Channel Migration Zones," Washington Department of Ecology, 2003, as amended). Maps delineating the one-hundred-year channel migration hazard area shall be of a scale and format specified by the department.

- d. Seismic hazard areas. Seismic hazard areas shall include areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.
 - e. Volcanic hazard areas. Volcanic hazard areas shall include areas subject to pyroclastic flows, lava flows, debris avalanche, inundation by debris flows, mudflows, or related flooding resulting from volcanic activity. There are no active or dormant volcanoes located within Kittitas County; however, Mount Rainer and Mount St. Helens are relatively near. Hazards to Kittitas County residents from these volcanoes are likely limited to ash deposition.
 - f. Mine hazard areas. Mine hazard areas shall include areas underlain by abandoned mine shafts, secondary passages between shaft tunnels, or air vents. Mine hazards include subsidence, which is the uneven downward movement of the ground surface caused by underground workings caving in; contamination to ground and surface water from tailings and underground workings; concentrations of lethal or noxious gases; and underground fires.
3. Mapping. The approximate location and extent of geologically hazardous areas are shown on maps maintained by the County. These maps are useful as a guide for project applicants and/or property owners but do not provide a conclusive or definitive indication of geologically hazardous area presence or extent. Other geologically hazardous areas may exist that do not appear on the maps, and some geologically hazardous areas that appear on the maps may not meet the geologically hazardous areas designation criteria. The County shall update the maps periodically as new information becomes available and may require additional studies during the development review process to supplement and/or confirm the mapping. Historic maps showing the locations of known coal mines within the County are available from the Washington Department of Natural Resources.

(Ord. 2021-016, 2021)

§ 17A.06.030. General protection standards.

- 1. Generally. New developments shall be located and/or engineered and constructed to minimize risk to health and safety, protect the building and occupants from the hazard, and not increase the risk of landslides or erosion that could impact either other properties, public resources, or other critical areas such as wetlands and fish and wildlife habitat conservation areas. If impacts to other properties, public resources or other critical areas cannot be avoided these impacts should be mitigated for. The Director may impose conditions on alterations and development in a geologically hazardous area as needed to:
 - a. Protect slope stability and minimize erosion, seismic, and/or landslide hazard risks;
 - b. Maintain natural sediment and erosion processes that are integral to the health and sustainability of freshwater ecosystems as well as minimizing impacts to stream and river processes such as channel infill, channel migration or flooding;
 - c. Minimize the potential for property damage related to seismic events, erosion and/or landslides;
 - d. Minimize the need for stream or river bank stabilization in the future;
 - e. Protect human health and safety; and
 - f. Reduce public liabilities for damages associated with seismic events, erosion and/or landslides

2. Impact avoidance. Impact avoidance measures shall include, but not be limited to, locating the use/development outside of the hazard area, reducing the number, size or scale of buildings, driveways and other features; altering the configuration or layout of the proposed development; using environmentally favorable construction materials; implementing special engineering methods for construction, drainage, runoff management etc.; foregoing construction of accessory structures; preserving native vegetation; and other reasonable measures.
3. Location of alterations. New development shall be directed toward portions of a parcel or parcels under contiguous ownership that are not subject to, or at risk from, geological hazards and/or are outside any setback or buffer established by this Chapter.
4. Critical facilities prohibited. Critical facilities shall not be sited within landslide, erosion, alluvial fan, or mine hazard areas unless there is no other practical alternative.
5. Review by qualified professional. A qualified geologist or engineering geologist, or professional engineer licensed in the state of Washington, shall review development projects that occur in potentially geologically hazardous areas to determine the risk. If development takes place within an identified geologically hazardous area requiring design or structural elements to mitigate the hazard, a report describing the geologically hazardous area and conditions shall be prepared as described in KCC § 17A.06.100, and the design shall be approved by an qualified engineering geologist, or professional engineer licensed in State of Washington with expertise in geologically hazard mitigation.
6. Life of structure. Proposed developments shall be sited far enough from erosion and landslide hazard areas to ensure at least one hundred (100) years of useful life for the proposed structure(s) or infrastructure. The location should be determined by a qualified geologist or engineering geologist, licensed in the state of Washington and be should be based on site specific evaluation of the landslide and/or erosion hazard.

(Ord. 2021-016, 2021)

§ 17A.06.040. Landslide hazard area standards.

1. Generally. Alterations and development may be allowed adjacent to landslide hazard areas, provided that all responsible measures have been taken to minimize risks and other adverse effects, and the amount and degree of the alteration are limited to minimum needed to accomplish the project purpose. Prior to approving a new alteration or development in or adjacent to a landslide hazard area the Director shall determine that all the following standards are met:
 - a. A minimum setback equal to the height of the slope or 40 feet, whichever is greater or as recommended in an approved geotechnical report;
 - b. The alteration or development includes all appropriate measures to eliminate, reduce, or otherwise mitigate risks to health and safety;
 - c. The alteration or development is located outside of a landslide hazard area and any required setback, as determined by a qualified engineer, engineering geologist, or geologist, licensed in the state of Washington;
 - d. The alteration or development will not decrease slope stability on adjacent properties;
 - e. The alteration or development shall not increase the risk or frequency of landslide occurrences;
 - f. The removal and disturbance of vegetation, clearing, or grading shall be limited to the area of

the approved alteration or development;

- g. The alteration or development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
 - h. The proposed alterations will not adversely impact other critical areas; and
 - i. Structures and improvements including drainage and vegetation management are designed to have no impact on the slope stability; and
 - j. If development takes place within an identified geologically hazardous area, the development must be designed to fully mitigate the risk to the structure(s) and not increase the risk to the public, other properties or public infrastructure or resources.
2. Permitted alterations and development. The following alterations and development may be allowed in landslide hazard areas when all reasonable measures have been taken to minimize risks and other adverse effects associated with landslide hazards, and when the amount and degree of alteration is limited to the minimum needed to accomplish the alteration or development:
- a. Above-ground utility lines and pipes. Utility lines and pipes that are above-ground, properly anchored and/or designed so that they will not increase the risk or consequences of static or seismic slope instability or result in an increased risk of mass wasting. Such utility lines may be permitted only when the applicant demonstrates that no other feasible alternative is available to serve the affected population. For pipelines, automatic shut off valves should be located as close as practical to the landslide area so that the release from the pipe upon breakage is minimized.
 - b. Access roads and trails. Access roads and trails that are engineered and built to standards that avoid the need for major repair or reconstruction beyond that which would be required in non-hazard areas. Access roads and trails may be permitted only if the applicant demonstrates that no other feasible alternative route exists. Standards to minimize impacts may be specified by the Director.
 - c. Stormwater conveyance. Stormwater conveyance through a properly designed stormwater pipe when no other stormwater conveyance alternative is available. The pipe shall be located above-ground and be properly anchored and/or designed so that it will continue to function in the event of a slope failure or movement of the underlying materials and will not increase the risk or consequences of static or seismic slope instability or result in increased risk of mass wasting activity.
3. Setbacks. The Director shall require setbacks from the edges of any landslide hazard area in accordance with the following:
- a. The size of the setbacks shall be based on the findings of a qualified engineering geologist or geologist, licensed in the state of Washington, and shall protect critical areas and minimize the risk of property damage, death, or injury resulting from landslides caused in whole or part by the alteration or development and shall be sized to provide protection for a period of at least 100 years based on the assessment of the geologic processes within the landslide hazard area;
 - b. The setback above the landslide hazard area shall include consideration of hydrologic contribution to the landslide area and/or the area subject to the potential for mass movement, and the setback down slope from the landslide hazard area shall include consideration of landslide run out; and

- c. The Director shall have the authority to require appropriate management of vegetation or land use within the setback area to minimize the risk of increasing the risk of landslides.

(Ord. 2021-016, 2021)

§ 17A.06.050. Erosion hazard area standards.

1. Generally. Alterations or development may be allowed within erosion hazard areas, provided that all responsible measures have been taken to minimize risks and other adverse effects with erosion hazards, and the amount and degree of the alteration are limited to minimum needed to accomplish the project purpose. Prior to approving a development or alteration in or adjacent to an erosion hazard area, a report will be prepared as defined in KCC § 17A.06.100. Based on this information, the Director shall determine whether all the following standards are met.
 - a. The alteration or development includes all appropriate measures to eliminate or otherwise mitigate risks to health and safety;
 - b. The alteration or development includes best management practices to prevent, control and minimize erosion;
 - c. The alteration or development will not increase erosion potential;
 - d. The removal and disturbance of vegetation, clearing, or grading shall be limited to the area of the approved alteration or development;
 - e. The alteration or development will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions, as documented in a geologically hazardous area risk assessment and/or geotechnical report;
 - f. The proposed alterations will not adversely impact other critical areas; and
 - g. Structures and improvements are designed to minimize alterations to the erosive soils and slopes.
2. Channel migration zones. If County maps or consultation by the Director with qualified professionals or agencies with expertise indicate that a potential channel migration zone hazard exists on or adjacent to a proposed development site, the applicant shall either:
 - a. Locate the proposed development outside of an already defined channel migration hazard area as indicated on the map; or
 - b. Submit a Channel Migration Zone Report, as described in KCC § 17A.06.100 prepared by a qualified geologist, or engineering geologist, or professional engineer, licensed in the state of Washington with experience in analyzing channel response in the fluvial systems of the Pacific Northwest.
3. Permitted alterations and development in channel migration zones. The following alterations and development shall be allowed as specified below and previous sections:
 - a. Surface water discharge. Discharge of surface water, provided there are no other alternatives for discharge. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function under erosion conditions and not create or contribute to adverse effects on downstream critical areas.
 - b. Utility lines. Utility lines, when no feasible location is available. Above-ground lines shall be

anchored and/or designed so that it will not preclude or interfere with channel migration. Below ground lines shall be of sufficient depth as to not be affected by future channel migration.

- c. Public roads, bridges, and trails. Public roads, bridges, and trails when no feasible alternative alignment is available. Facilities shall be designed such that the roadway prism and/or bridge structure will not be susceptible to damage from active erosion.
 - d. Stream bank stabilization. Stream bank stabilization may be permitted subject to all of the standards listed in KCC § 17A.04.050.
4. CMZ buffers or setbacks. Based upon the results of the channel migration zone assessment, the Director shall prohibit or limit use or development within a channel migration zone and may require a setback or a buffer of undisturbed natural vegetation from the edge of the channel migration zone in accordance with the following:
- a. The size of the setback or buffer shall be based on the findings of a qualified engineer, engineering geologist, or geologist, licensed in the state of Washington, and shall protect critical areas and processes and minimize the risk of property damage, death, or injury resulting from channel migration;
 - b. The buffer shall include the area subject to bank failure as a result of erosion; and
 - c. If the designated buffer lacks adequate woody vegetation, the Director shall have the authority to require vegetation enhancement or other measures to improve natural channel processes and large wood recruitment.

(Ord. 2021-016, 2021)

§ 17A.06.060. Alluvial fan hazard standards.

1. Permitted alteration and development. Alluvial fan hazards will be determined by County maps, LIDAR, and aerial photography. The following alterations and development may be allowed in alluvial fan hazard areas, after accounting for restrictions defined by other critical area regulations, when all reasonable measures have been taken to minimize risks and other adverse effects associated with alluvial fan hazards, and when the amount and degree of alteration are limited to the minimum needed to accomplish the alteration or development:
- a. Roads, utilities, bridges, and other infrastructure. Roads, utilities, bridges, and other infrastructure when located and designed to prevent adverse impacts on critical areas and avoid the need for channel dredging or diking or other maintenance activities that have the potential to substantially degrade river and stream functions.
 - b. Residential and commercial developments. Permanent residential structures and commercial developments shall be allowed in alluvial fan hazard areas only if the alluvial fan has undergone a County-approved study to assess potential hazards, determine risks, and identify mitigation measures and is deemed suitable for development. The Director shall make this determination based on a detailed assessment by a qualified engineer, engineering geologist, or geologist, licensed in the state of Washington, that identifies the risks associated with a 500-year return period debris flow or the maximum credible event that could impact the alluvial fan.
 - c. Accessory structures. Accessory structures not involving human occupancy shall be allowed.

(Ord. 2021-016, 2021)

§ 17A.06.070. Seismic hazard standards.

1. Permitted alterations and development. Alterations and development within seismic hazard areas shall follow the provisions of the Kittitas County-adopted version of the Uniform Building Code. Alterations and development within seismic hazard areas shall not require the submission of a geologically hazardous area risk assessment or geotechnical report
(Ord. 2021-016, 2021)

§ 17A.06.080. Volcanic hazard areas.

1. Permitted alterations and development. Because volcanic hazards in Kittitas County are limited to ash deposition, alterations and development located only within volcanic hazard areas, and not other geologically hazardous areas, shall not require the submission of a geologically hazardous area risk assessment or geotechnical report.
(Ord. 2021-016, 2021)

§ 17A.06.090. Mine hazard areas.

1. Alteration. There are no additional protection standards for mine hazard areas; the standards of KCC § 17A.06.030 shall apply.
(Ord. 2021-016, 2021)

§ 17A.06.100. Reporting.

1. Geologically hazardous area risk assessment. If a proposed development is located within or adjacent to a known or suspected landslide, mine, alluvial fan, or erosion hazard area, the applicant shall submit a Geologically Hazardous Area Risk Assessment prepared by a qualified professional geologist or engineering geologist. No further analysis shall be required if the Geologically Hazardous Area Risk Assessment concludes that the alteration or development is not at risk from potential geologic hazards, and that there is no geologic hazard present on or adjacent to the site.

If the Geologically Hazardous Area Risk Assessment and/or the Director concludes that a geologically hazardous area is located on or adjacent to the alteration or development and/or the alteration or development is at risk from potential geologic hazards, the applicant shall submit a Geotechnical Report consistent with the provisions of KCC § 17A.02.370, and prepared by a qualified engineer or engineering geologist.

2. Geologically hazardous area risk assessment contents. When required by this Chapter, Geologically Hazardous Area Risk Assessments shall include the general critical areas report requirements of KCC § 17A.01.080 in addition to the following:
 - a. A description of the geology of the site and the proposed development;
 - b. An assessment of the potential impact the project may have on the geologic hazard;
 - c. An assessment of what potential impact the geologic hazard may have on the project;
 - d. Appropriate mitigation measures, if any;
 - e. A conclusion as to whether further analysis is necessary; and
 - f. The signature and stamp of the engineering geologist, or geologist that prepared the assessment.

3. Geotechnical report contents. When required by this Title, the Geotechnical Report shall include the general critical areas report requirements of KCC § 17A.01.080 in addition to the following:
 - a. A detailed description of the geology and soil conditions of the site;
 - b. Evaluation of the geologic conditions giving rise to the geologic hazard;
 - c. An evaluation of the safety of the proposed project;
 - d. Conclusion and recommendations regarding the effect of geologic conditions on the proposed development;
 - e. Conclusions and recommendations on the suitability of the site to be developed;
 - f. A statement regarding the risk of damage from the project, both on-and off-site; and whether or not the project will materially increase the risk of occurrence of the hazard;
 - g. Recommendations concerning drainage practices, vegetation retention and other mitigation and monitoring measures which may be needed to ensure slope stability;
 - h. Recommended erosion and sediment control measures;
 - i. A bibliography of scientific citations;
 - j. Any other specific measures which must be incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard. This shall include a recommendation on the required buffer or setback distance that must be maintained between the proposed development and the hazard to ensure the safety of the development; and The signature and stamp of the engineer or engineering geologist who prepared the Geotechnical Report.
4. Channel migration zones studies contents. When required by this Chapter, Channel Migration Zone Studies shall include the general critical areas report requirements of KCC § 17A.01.080, and shall demonstrate the following:
 - a. The parcel on which the development is proposed is effectively protected (disconnected) from channel movement due to the existence of permanent levees that are actively maintained by public agencies or infrastructure such as roads and bridges constructed and maintained by public agencies (not all roads and levees will be considered disconnection points); or
 - b. The proposed development site has minimal risk of channel migration during the next one hundred (100) years as indicated by the existing channel type, land cover (and low likelihood of future alterations in land cover), presence of adjacent toe slope landslide hazard areas, surficial geology, low soil erosion potential, lack of evidence of likely avulsion pathways (including areas upstream of, but proximate to, the site), and/or low inundation frequency(ies). The assessment shall include a review of available data regarding historical channel locations at the site; identification of the site within a broader geomorphic reach of the river system and the general characteristics of that reach; description of existing channel type, existing channel alteration and likelihood of future alterations with changes in land cover; surficial geology, soils and erosion potential; and geotechnical setbacks relating to erosion at the toe of adjacent slope(s). The approach to assessing location shall be generally equivalent to the methods detailed in "A framework for Delineating Channel Migration Zones" (Ecology Publication # 03-06-027), or similar method approved or sanctioned by Ecology.

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CHAPTER 17A.07
WETLANDS

§ 17A.07.010. Purpose and intent.

The purpose of this Chapter is to maintain the biological and physical functions and values of wetlands with respect to groundwater recharge and discharge, water quality, stormwater and floodwater retention, storage and conveyance, fish and wildlife habitat conservation areas, recreation, and education.

(Ord. 2021-016, 2021)

§ 17A.07.020. Designation, mapping, delineation, and categorization.

1. Designation. Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, ponds, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.
2. Mapping. The approximate location and extent of wetlands are shown on maps maintained by the County, most current National Wetland Inventory (NWI), and other best available science sources. ~~The County shall update the maps periodically as new wetland areas are identified and as new wetland information becomes available.~~ These maps are useful as a guide for project applicants and/or property owners but do not provide a conclusive or definitive indication of wetland presence or extent. Other wetlands may exist that do not appear on the maps, and some wetland areas that appear on the maps may not meet all of the wetland designation criteria. ~~The County shall update the maps periodically as new wetland areas are identified and as new wetland information becomes available. These maps will not be considered a regulatory standard or substitute for site-specific assessments. The presence of critical areas on a parcel triggers the requirements of this chapter, regardless of whether or not a critical area or buffer is depicted on an official map.~~
3. Delineation. The County ~~shall~~ may require the applicant to identify the location or presence of any wetlands within two hundred fifty (250) feet of a proposed development. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with ~~the U.S. Army Corps of Engineers' (Corps) manual (U.S. Army Corps of Engineers, 1987) and the applicable Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (U.S. Army Corps of Engineers, 2008) current or as amended~~ the approved federal wetland delineation manual and applicable regional supplements. This professional shall field stake, flag or otherwise mark the wetland boundary to aid the County in reviewing the development proposal. The County may require the on-site wetland boundary to be surveyed by a professional land surveyor. Wetlands that occur outside of or extend beyond the boundaries of the development site, onto adjoining properties, do not need to be flagged or formally delineated but their general location must be determined and disclosed in order to assess wetland buffer impacts.
4. Categorization. Wetlands shall be categorized by a qualified wetland professional in accordance with the current version of the Washington State Wetland Rating System for Eastern Washington and the appropriate rating forms approved by the Washington State Department of Ecology. These categories are generally defined as follows
 - a. Category I wetlands are those that represent a unique or rare wetland type, are more sensitive to

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disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime or provide a high level of functions. Category I wetlands include:

- i. Alkali wetlands;
 - ii. Wetlands with high conservation value that are identified by scientists of the Washington Department of Natural Resources Natural Heritage Program;
 - iii. Bogs and calcareous fens;
 - iv. Mature and old-growth forested wetlands over 1/4 acre with slow-growing trees;
 - v. Forests with stands of aspen; and
 - vi. Wetlands scoring between twenty-two and twenty-seven (22-27) points in the Eastern Washington Rating System.
- b. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include:
- i. Forested wetlands in the floodplains of rivers;
 - ii. Mature and old-growth forested wetlands over 1/4 acre with fast-growing trees;
 - iii. Vernal pools; and
 - iv. Wetlands scoring between nineteen and twenty-one (19-21) points in the Eastern Washington Rating System.
- c. Category III wetlands have a moderate level of functions and score between sixteen and eighteen (16-18) points in the Eastern Washington Rating System. These wetlands can be often adequately replaced with a well-planned mitigation project. Category III wetlands generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
- d. Category IV wetlands have the lowest level of functions and are often heavily disturbed. They score fewer than sixteen (16) points in the Eastern Washington Rating System. These are wetlands that can usually be replaced, and in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

(Ord. 2021-016, 2021)

§ 17A.07.030. Buffers.

1. Purpose. Buffers shall be established and maintained to protect the functions and values of regulated wetlands.
2. Measurement. Wetland buffers shall be measured horizontally in all directions from the outer edge of wetland boundary as established in the field. Building setbacks (KCC § 17A.01.090.4) are in addition to wetland buffers and are measured outward from the edge of the wetland buffer boundary.
3. Buffer condition. Wetland buffers shall be maintained in a predominantly well-vegetated and undisturbed condition to ensure that they perform their intended function of protecting the wetland. Tree removal is prohibited in wetlands and wetland buffers other than in accordance with KCC § 17A.01.050.3.h.

4. Standard buffer widths. The width of the standard buffer does not include the building setback (KCC § 17A.01.090.4) and shall be based on the wetland category and the intensity of the proposed land use adjacent to the buffer as indicated in Table KCC 17A.07.030.

Table 17A.07.030: Standard Buffer Widths			
Category of Wetland	Land Use with Low Impact ¹	Land Use with Moderate Impact ²	Land Use with High Impact ³
I	125 ft	190 ft	250 ft
II	100 ft	150 ft	200 ft
III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

¹ Low impact use and developments include: forestry (cutting of trees only), low intensity open space (hiking, bird-watching, and like uses), unpaved trails, and utility corridor without a maintenance road and little or no vegetation management.

² Moderate impact use and developments include: residential (1 unit/acre or less), moderate intensity open space (parks with biking, jogging, and like uses), conversion from non-agricultural lands to moderate intensity agriculture (orchard, hay fields, and like uses), paved trails, building of logging roads, and utility corridor or right-of-way shared by several utilities and including access/maintenance roads.

³ High impact use and developments include: commercial, urban, industrial, institutional, retail sales, residential (more than 1 unit/acre), conversion from non-agricultural lands to high intensity agriculture (dairies, animal feed lots, nurseries and green houses, and like uses), high intensity recreation (golf courses, ball fields, and like uses).

5. Wetland buffer condition. Buffer widths in Table KCC 17A.07.030 assume the buffer is vegetated with a native plant community appropriate for the ecoregion or with one that performs similar functions. Wetland buffer areas shall be retained in a natural condition or may be improved to enhance buffer functions and values— unless the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions. In such cases, at the discretion of the Director, the buffer should either be planted to create the appropriate plant communitycommunity, or the buffer should be widened to ensure that adequate functions of the buffer are provided. Where buffer disturbance is allowed pursuant to this Title, re-vegetation with native vegetation shall be required. The Kittitas County noxious weed ordinance shall be adhered to. Alterations of the buffer that are inconsistent with this Title shall be prohibited.
6. Multiple buffers. In the event that buffers for any shorelines and/or critical areas are contiguous or overlapping, the landward-most edge of all such buffers shall apply.
7. Interrupted buffer. When a wetland buffer contains an existing legally established public or private road and/or a legally established development which creates a significant interruption of buffer function, the Administrator may allow development on the landward side of the road or development provided that the actions will not have a detrimental impact to the wetland. The applicant may be required to provide a wetland critical areas report to describe the potential impacts. In determining whether a critical areas report is necessary, the County shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption

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8. Buffers of restored wetlands. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

9. Increased buffers. The Director shall increase the wetland buffers widths where the standard buffer is inadequate to prevent significant adverse environmental impacts or address hazards associated with the site or the proposed development. The Director may increase the buffer up to a maximum of two times the standard width. When determining how much to increase the standard buffer, the Director shall consider the following conditions:

a. The adjacent land has minimal vegetative cover; or

a.b. Whether the wetland provides habitat for state priority species, including species of local importance, or federally listed endangered, threatened, or sensitive species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or

b.c. Whether the land adjacent to the wetland has slopes greater than 30 percent, is susceptible to severe erosion, and erosion control best management practices will not effectively prevent adverse wetland impacts.

10. (Reserved)

11. Buffer averaging. The Director may allow averaging of the standard buffer widths in accordance with an approved critical areas report on a case-by-case basis. With buffer averaging, the buffer width is reduced in one location and increased in another location to maintain the same overall buffer area. In such cases, the minimum width of the buffer at any given point shall be at least seventy-five percent (75%) of the standard width, or twenty-five (25) feet, whichever is greater. Proposals for buffer averaging shall meet all the following:

- a. The wetland buffer has not been averaged or reduced by any prior actions;
- b. No feasible site design could be accomplished without buffer averaging;
- c. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- d. The averaging will not have a significant adverse impact on wetland functions and values; and
- e. The area that is added to the buffer to offset the reduction will be well-vegetated. The Director may require vegetation enhancement if needed to ensure this criterion is met.

12. Mitigation for buffer averaging. Prior to approving a request for wetland buffer averaging, the Director shall ensure the development is designed to separate and screen the wetland from impacts such as noise, glare, vegetation trampling, intrusion, etc to the degree feasible. The site design shall consider the varying degrees of impacts of different land uses. For example, parking lots, store entrances, and roads generally have higher noise and glare impacts than the rear of a store. Site screening should take advantage of natural topography or existing vegetation, wherever possible. Where natural screening is not available, berms, landscaping, and structural screens should be implemented as may be required by the Director (e.g., orient buildings to screen parking lots and store entrances from critical areas).

13. Allowed buffer uses. The Director may allow the following alterations and development within a wetland buffer provided that they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland, including wetland functions and values:

- a. Conservation or restoration activities aimed at protecting or enhancing the soil, water, vegetation, or wildlife.

- b. The following passive recreation facilities designed in accordance with an approved critical areas report:
- i. Walkways and trails; provided that those pathways which are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent (25%) of the buffer area and constructed with a surface that is not impervious to water. Raised boardwalks utilizing non-treated pilings may be acceptable; and
 - ii. Wildlife viewing structures less than five hundred (500) square feet in size, including hunting blinds.
- c. Stormwater management facilities, limited to stormwater conveyance and dispersion facilities, outfalls and bioswales, may be allowed within the outer twenty-five percent (25%) of the buffer of wetlands in accordance with an approved critical areas report provided that:
- i. No other location is feasible;
 - ii. The facility is designed to meet or exceed the standards set forth in the current version of the Stormwater Manual for Eastern Washington; and
 - iii. The location of such facility will not degrade the functions or values of the wetland.

d. Educational and scientific research activities.

- e. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

- f. Enhancement of a wetland buffer through the removal of non-native, invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(Ord. 2021-016, 2021)

§ 17A.07.040. General protection standards.

1. Alterations. New development shall be located outside of wetlands and their buffers, unless this Title specifically allows the development to occur in the wetland or buffer. A wetland or buffer may not be altered if the proposed alteration will result in a net loss of wetland functions and values. Developments shall be designed to avoid and minimize wetland and buffer impacts to the maximum extent practicable and to offset unavoidable impacts through compensatory mitigation as required in KCC § 17A.07.070.

(Ord. 2021-016, 2021)

§ 17A.07.050. Alterations and development permitted without a critical areas report.

The following alterations and development are permitted in wetlands and/or buffers and do not require submission of a critical areas report, provided they have met requirements listed in KCC

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§ 17A.01.120.4 and are designed to avoid and minimize wetland and buffer impacts to the maximum extent practicable, but are subject to review by the Director:

1. Conservation and preservation activities. Conservation or preservation of soil, water, vegetation, fish, and other wildlife that does not entail permanently changing or altering the structure or functions of the existing wetland.
2. Wetland enhancement. Enhancement of a wetland through the removal of non-native invasive species, provided that the weed removal does not require soil excavation or grading and provided that weed material is removed from the site and disposed of at an approved location. Bare areas that remain after weed removal shall be re-vegetated with native shrubs, trees and herbs/forbs native to Kittitas County. (Ord. 2021-016, 2021)

§ 17A.07.060. Reporting.

- I. When required. If a proposed development is located within or adjacent to a known or suspected wetland, the Director shall require the applicant to submit a wetland critical areas report prepared by a qualified professional that includes the information listed in this Section.
 - a. The requirement to provide a wetland critical areas report may be waived for a single-family residence where no encroachment into a regulated wetland or its standard buffer will occur. Prior to issuance of a building permit, site development permit, or on-site sewage system permit, the applicant shall submit a single-family wetland certification form completed by a wetland specialist that certifies either:
 - i. No regulated wetlands are present within 250 feet of the project area; or
 - ii. Wetlands are present within 250 feet of the project area, but all regulated alterations and development associated with the dwelling (i.e., landscaped areas, septic facilities, outbuildings, etc.) will occur outside of the standard buffer of the identified wetland.
 1. If regulated wetland buffers extend onto the site and are within 250 feet of the project area, the wetland specialist shall place permanent, clearly visible, wetland buffer signs at the edge of the buffer. A wetland buffer sign affidavit, signed by the wetland specialist, shall be submitted to the Department as verification that the wetland buffer signs have been placed on the site.
 2. The single-family certification form may be used only to authorize single-family dwellings and associated homesite features such as garages, driveways, gardens, fences, wells, lawns, and on-site septic systems. It may not be used for new agricultural activities, expansion of existing agricultural activities, forest practice activities, commercial projects, land divisions, buffer width modifications, or violations. The single-family form may not be used to make a claim for exemption.
 1. The single-family certification process will be monitored by the Department for accuracy, and enforcement actions will be initiated should encroachment into a regulated wetland or buffer occur.
 2. The applicant/property owner assumes responsibility for any and all errors of the single-family certification form and all associated mitigation imposed by the Department.
 3. Single-family certification forms shall be filed with the Kittitas County Auditor's Office in accordance with the department standards.
2. Contents. When required by this Title, wetland critical areas reports shall include the general critical areas report requirements of KCC § 17A.01.080 in addition to the following:
 - a. Map showing the location of all wetlands and required buffers within two hundred fifty (250) feet of the proposed development; and
 - b. An analysis of the onsite wetland(s) including the following site-and proposal-related information:
 - i. Historical and Existing On site and Surrounding Land use /Conditions
 - ii. Wetland acreage;

- iii. Wetland category;
- iv. Soils and Soil Attributes
- v. Hydrogeomorphic position (HGM);
- vi. Cowardin Classification and Upland/Wetland Vegetation Characterization
- vii. Hydroperiods;
- viii. A description of the Federal methodologies used to conduct the wetland delineations;
- ix. Priority Habitats and Species;
- x. Wetland delineation data sheets for the appropriate region;
- xi. Wetland rating and forms;
- xii. Wetland Functional Analysis;
- xiii. Federal, State, and County Regulatory Discussion with buffer recommendations;
- xiv. A detailed discussion of the project, direct and/or indirect potential impacts on the wetland by the project; and if impacts are expected;
- xv. A discussion of measures, including the general mitigation sequence requirements of KCC § 17A.01.100 proposed to preserve and protect existing wetlands;
- xvi. A wetland mitigation plan meeting the requirements of KCC § 17A.07.010, if the alteration or development will result in unavoidable impacts to wetlands or their buffers.

(Ord. 2021-016, 2021)

§ 17A.07.070. Mitigation requirements.

1. Generally. Compensatory mitigation is required for all unavoidable alterations to wetland or their buffers, except for buffer averaging when done in accordance with KCC § 17A.07.030.7. Compensatory mitigation actions shall replace functions affected by the alteration and shall provide equal or greater functions compared to the impacted wetland.
2. Buffer for wetland mitigation sites. Any wetland area that is created, restored, or enhanced as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.
3. Mitigation timing. Mitigation projects shall be completed prior to or concurrently with permitted alterations and development that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the alteration or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
4. Delay in mitigation. The Director may authorize a one-time temporary delay, up to one hundred eighty (180) days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints

which preclude implementation of the mitigation plan. The justification must be verified and approved by the County and include a financial guarantee.

5. Preference of mitigation actions. Compensatory wetland mitigation shall occur in the following order of preference:
 - a. Purchasing credits from an approved Mitigation Bank if available and feasible, Purchasing credits from an approved In-Lieu Fee program if available and feasible, and Permittee Responsible Mitigation (PRM).
 - b. In order of preference, the following PRM methods are available: (1) Restoration [re-establishment or rehabilitation], (2) Establishment [creation], (3) Preservation of existing high quality habitats, and (4) Enhancement of degraded wetlands.
6. Replacement ratios for wetland impacts. Ratios for compensatory mitigation shall be as specified in Table KCC 17.07.070.6. The first number specifies the acreage of replacement wetlands, and the second specifies the acreage of wetlands altered. Compensatory mitigation shall restore, rehabilitate, create, or enhance equivalent or greater wetland functions. The ratios shall apply to mitigation that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. The Director may increase these ratios for remedial mitigation actions resulting from unauthorized wetland alterations, depending on the nature and extent of the alteration. These ratios do not apply to the use of credits from a certified wetland mitigation bank or in-lieu fee program. When credits from a certified bank or in-lieu fee program are used, replacement ratios should be consistent with the requirements of the bank's/program's certification.

Table 17A.07.070.6: Wetland Mitigation Ratios

Category and Type of Impacted Wetland	Restoration or Creation ^{1,2}	Rehabilitation ^{2,2}	Preservation ¹ or Enhancement-Only ^{1,3}
Category I, forested	6:1	12:1	24:1
Category I, non-forested	4:1	8:1	16:1
Category II, forested	4:1	8:1	16:1
Category II, vernal pool ⁴	2:1	4:1	Case-by-case
All other Category II	3:1	6:1	12:1
All Category III	2:1	4:1	8:1
All Category IV	1.5:1	3:1	6:1

¹ Natural heritage sites, alkali wetlands, and bogs are considered irreplaceable wetlands because they perform special functions that cannot be replaced through compensatory mitigation. Impact to such wetlands would therefore result in a net loss of some functions no matter what kind of mitigation is provided.

² Provides gains in a whole suite of functions both at the site and sub-basin scale. Rehabilitation actions often focus on restoring environmental processes that have been disturbed or altered by previous and/or ongoing human activity.

³ Actions which provide gains in only a few functions. Enhancement action often focuses on structural or superficial improvements to a site and generally does not address larger scale environmental processes

⁴ Compensatory mitigation for vernal pool impacts must be seasonally ponded wetland area(s).

7. Increased replacement ratios. The Director may increase the wetland mitigation ratios stated in Table KCC 17A.07.070.6 under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - b. A significant period of time will elapse between impact and replication of wetland functions;
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacts; or
 - d. The impact was an unauthorized impact.
8. Alternative mitigation ratios. The Director may approve different mitigation ratios when the applicant proposes a combination of wetland creation, restoration, rehabilitation, and/or enhancement, provided that federal and state resource agencies approve the mitigation plan and the plan achieves no net loss of wetland functions and values.
9. Mitigation ratios for wetland buffer impacts. To mitigate impacts to functions and values of wetland buffers, a minimum buffer ratio of 1:1 (alteration area: mitigation area) is required. This ratio assumes that creation/restoration of a wetland buffer with appropriate native vegetation is sufficient to compensate for the wetland buffer functions and values affected by alteration of an existing wetland buffer. If enhancement of an existing wetland buffer is proposed as mitigation, a higher mitigation ratio may be required. For any proposed wetland buffer alterations or development, the applicant must show that the functions and values of the altered wetland buffer will be fully replaced by the proposed mitigation. The Director may increase the buffer mitigation ratios under the following circumstances:
 - a. The replacement ratio needed to recover the lost functions and values of buffer area is greater than 1:1 based upon the existing type of vegetative cover of either the impact site or the proposed mitigation site.
 - b. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - c. A significant period of time will elapse between impact and replication of wetland functions;
 - d. The impact was an unauthorized impact.
10. Mitigation plans. Compensatory wetland mitigation plan shall be consistent with "Guidance on Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans" (Ecology Publication

06-06-011b), or as revised. Mitigation plans shall include the general mitigation plan requirements in KCC § 17A.01.100, as well as the following information:

- a. Existing and proposed wetland acreage;
- b. Vegetative and faunal conditions;
- c. Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
- d. Relationship within watershed and to existing waterbodies;
- e. Soils and substrate conditions, topographic elevations;
- f. Existing and proposed adjacent site conditions;
- g. Required wetland buffers (including any buffer reduction or averaging and mitigation proposed to enhance buffers);
- h. Property ownership;
- i. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs and an addition to the property's title identifying the wetland as a mitigation area;

A bond estimate for the installation (including site preparation, plant materials and installation, fertilizers, mulch) and the proposed monitoring and maintenance work for the required number of years, pursuant to KCC § 17A.01.100.

(Ord. 2021-016, 2021)

Exhibit B

June 2026 Development Regulations

CHAPTER 17.08 DEFINITIONS¹

§ 17.08.010. Generally.

Certain terms and words used in this title are defined in the following sections. Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory.

(Res. 83-10, 1983)

§ 17.08.011. Definitions within Ellensburg Urban Growth Area (UGA).

Within the City of Ellensburg UGA, the definitions in KCC § 17.11.036 shall apply. Where terms are not defined KCC § 17.11.036, the definitions in KCC Chapter 17.08 shall apply.

(Ord. 2022-017, 2022)

§ 17.08.020. Accessory building or accessory use.

"Accessory building" or "accessory use" means a subordinate building or use which is incidental to that of the main building or use and located on the same tract or lot as the main building or use.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.022. Accessory dwelling unit.

"Accessory dwelling unit" means a self-contained, secondary residential unit that is located on the same lot as the primary dwelling and provides independent living facilities for one household. Accessory dwelling units may be attached to the primary residence or detached.

(Ord. O-2006-01, 2006; Ord. 2010-014, 2010; Ord. 2013-001, 2013; Ord. 2013-008, 2013; Ord. 2022-017, 2022; Ord. 2023-010, 2023; Ord. 2025-011, 10/7/2025)

§ 17.08.023. (Reserved)²

§ 17.08.030. Access road.

"Access road" means any road, public or private, except a county arterial road.

(Res. 83-10, 1983)

§ 17.08.030A. Administrative.

"Administrative" means a discretionary action or permit decision made without a public

1. Editor's Note: Legislation previously included in Ch. 17.08: Ords. 68-17, 73-3, 75-9, 76-3, 77-1Z, 77-12, 79-Z-3 and 82-Z-2.

2. Editor's Note: Former § 17.08.023, Accessory living quarters, derived from Ord. O-2006-01; Ord. 2013-001; Ord. 2013-008; and Ord. 2022-017, was repealed by Ord. 2025-011, 10/7/2025.

hearing.
(Ord. 2013-001, 2013)

§ 17.08.031. Adult family home.

"Adult family home" means a ~~type of residential group home residential home~~ in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

17.08.031A. Affordable housing.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

(a) For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

§ 17.08.032. Agriculture processing.

"Agriculture processing" includes but is not limited to feed mills, canneries, preparation of agriculture product (produce washing, boxing, bulk packaging, baling, etc.), animal slaughter and meat preparation.
(Ord. 2013-001, 2013)

§ 17.08.033. Agriculture production.

"Agriculture production" means raising of crops, animals and other agricultural products. Definition excludes feedlots, which are defined separately.
(Ord. 2013-001, 2013; Ord. 2014-005, 2014)

§ 17.08.034. Agriculture sales.

"Agriculture sales" includes, but is not limited to, private or public sales (including auctions) of agricultural products such as fruit/produce, eggs, milk cheese, and livestock that expand beyond the restrictions for "agricultural direct marketing activities."
(Ord. 2013-001, 2013; Ord. 2021-015, 2021)

§ 17.08.034A. Agriculture sales-enhanced.

"Agricultural sales-enhanced" means the selling of agricultural products grown or raised locally that have been enhanced to improve market value. Enhanced agricultural sales activities include, but are not limited to: sales of prepared food or beverages, crafts, floral arrangements; and tasting rooms. Marijuana product sales are excluded. Enhanced agricultural sales operations may also include the retail sale of fresh or unprocessed agricultural products.

§ 17.08.034B. Agricultural enhanced uses (AEU).

"Agricultural enhanced uses (AEU)" refers to a use that is accessory to a working farm, approved winery, distillery, cider house or brewery or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the agricultural operation. These activities must be related to agriculture, and incidental to the primary operation on the site. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site.

(Ord. 2016-023, 2016; Ord. 2021-015, 2021)

§ 17.08.034C. Agricultural direct marketing activities.

Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of nonagricultural products (e.g., crafts, antiques, kitchen goods, etc.), educational classes and tours, commercial farm rides on premises, and temporary food services.

(Ord. 2021-015, 2021)

§ 17.08.034D. Agricultural seasonal harvest festivities.

Those temporary and accessory activities associated with the sale of annual harvest crops. These accessory activities may include live music, temporary food service establishments, vendors other than the owners or operators of the farm, commercial farm rides on the premises and recreational activities (e.g., corn mazes, craft booths, etc.).

(Ord. 2021-015, 2021)

§ 17.08.034E. Agricultural expanded seasonal harvest festivities.

Expanded seasonal harvest festivities allow a farming activity to expand beyond the restrictions for seasonal harvest festivities. The purpose and intent of the conditional use for expanded seasonal harvest festivities is to allow direct marketing of crops to the public. It is not to provide alternative ways to create permanent or semi-permanent sales businesses that would otherwise require a zone reclassification to a commercial zone.

(Ord. 2021-015, 2021)

§ 17.08.034.F. Agritourism.

"Agritourism activity" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including, but not limited to: Farming; ranching, historic cultural and on-site educational programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, petting zoos, farm festivals, corn mazes, harvest-your-own operations, hayrides, barn parties, horseback riding, fishing, and camping.

"Agritourism professional" means any person in the business of providing one or more agritourism activities, whether or not for compensation.

"Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions, natural conditions of land, vegetation, waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional, or failing to exercise reasonable caution while engaging in the

agritourism activity, unless the participant acting in a negligent manner is a minor or is under the influence of alcohol or drugs.

"Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.

"Person" means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.
(Ord. 2025-001, 1/7/2025)

§ 17.08.035. Agriculture Study Overlay Zone.

"Agriculture study overlay zone" means properties containing prime farmland soils, as defined by United States Department of Agriculture Soil Conservation Service in Agriculture Handbook No. 210, and located in the former Thorp Urban Growth Node Boundaries and outside of LAMIRD boundaries.
(Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.040. Airport.

"Airport" means any area of land or water designed and set aside for landing and taking off of aircraft.
(Res. 83-10, 1983)

§ 17.08.050. Alteration.

"Alteration" means a change in construction or a change of occupancy. Where the term alteration is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. Where the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one (1) trade or use to another or from one (1) division of a trade or use to another.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.060. Amendment.

"Amendment" means a change in the wording, context, boundaries or maps which are a part of this title by the county commissioners in the manner prescribed by law.
(Res. 83-10, 1983)

§ 17.08.063. Amenity funds.

"Amenity funds" means cash payments to cities to help offset the costs of taking additional density.
(Ord. 2009-25, 2009)

§ 17.08.067. Animal boarding.

"Animal boarding" means a facility where animals are housed, fed, and cared for, excluding a veterinary clinic, for a period greater than twenty-four (24) hours for commercial purposes. Such uses shall include, but are not limited to, kennels and boarding stables.

(Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2013-001, 2013; Ord. 2019-013, 2019)

§ 17.08.068. Animal crematory.

"Animal crematory" means a dedicated area within a building approved for animal cremation services or an accessory building wherein animal remains are cremated.

(Ord. 2021-015, 2021)

§ 17.08.070. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.100. Auto wrecking yard.

"Auto wrecking yard" means any place in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or which buys or sells integral secondhand parts of component material thereof.

(Res. 83-10, 1983)

§ 17.08.101. Battery charging station.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.102. Battery electric vehicle (BEV).

"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.103. Battery exchange station.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.105. Bed and breakfast.

"Bed and breakfast" means any establishment located in a structure designed for a single family residence that has more than two (2) rooms for rent on a daily basis and offers a meal as part of the cost of a room, regardless of whether the owner or operator of the establishment resides in any of the structures. Excludes rehabilitation centers, group homes, clinics, nursing homes, church camps, and other similar uses.

(Ord. 93-21 (part), 1993; Ord. 2013-001, 2013)

§ 17.08.110. Board.

"Board" means Kittitas County Board of County Commissioners.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.112 Boarding house.

"Boarding house" also referred to as lodging houses, sororities, fraternities means a type of co-living establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

§ 17.08.120. Repealed.

(Res. 83-10, 1983; Ord. 2012-009, 2012)

§ 17.08.130. Building.

"Building" means a structure having roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.
(Res. 83-10, 1983)

§ 17.08.135. Building height.

"Building height" means the vertical distance from grade plane to the average height of the highest roof surface. Grade plain is the reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building.
(Ord. 2010-014, 2010; Ord. 2013-001, 2013)

§ 17.08.140. Building line.

"Building line" means a line established at a minimum distance a building may be located from any property line as determined by the standards of this title.
(Res. 83-10, 1983)

§ 17.08.150. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.155. Campground.

"Campground" means any parcel or tract of land under the control of any person, organization, or governmental entity wherein two (2) or more recreational vehicle, recreational park trailer or other camping unit sites are offered for the use of the public or members of an organization. Typically the length of stay for a majority of the guests will range from one (1) to fourteen (14) days. The purpose of a campground use shall relate primarily to vacation, recreation and similar pursuits, and is not a place of permanent residence for the campers. A single-family residence may be allowed for the owner or caretaker. Very limited service commercial activities may be allowed which are intended for campers of the campground and must be approved as part of a conditional use permit.

(Ord. 93-21 (part), 1993; Ord. 2013-001, 2013)

Youth Camps may offer additional education and child-care assistance elements as secondary uses to the Campground. These secondary uses shall comply with all

applicable Federal, State and local regulations.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2013-012, 2013; Ord. 2021-015, 2021)

§ 17.08.155A. Campground, primitive.

"Campground, primitive" means dispersed camping outside of a designated campground or a campground without full amenities. Dispersed camping means there are no designated campsites, no toilets, no picnic tables, no trash cans, no treated water, and no fire grates. Dispersed camping is not allowed in the vicinity of developed recreation sites such as campgrounds, boat ramps, picnic areas, or trailheads. A campground without full amenities means that sanican/vault toilets, campfire rings, picnic tables, and graveled/identified campsites are allowed; however no utilities such as water, septic, and power, or pavement are allowed except for paved road aprons or similar.

(Ord. 2015-010, 2015; Ord. 2018-021, 2018)

§ 17.08.156. Camp site.

"Camp site" means a specific area within an RV park or campground that is set aside for use by a camping unit.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.157. Camping unit.

"Camping unit" means any portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in RV activities or camping. The basic units are: recreational vehicle, tent, portable camping cabin, teepee, yurt or other portable shelter.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.158. Charging levels.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "1," "2," and "3" are the most common EV charging levels, and include the following specifications:

Level 1 is considered slow charging.

Level 2 is considered medium charging.

Level 3 is considered fast or rapid charging.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.160. Clinic.

"Clinic" means any building or portion of any building containing offices for providing medical, dental or psychiatric services for outpatients only.

(Res. 83-10, 1983)

§ 17.08.161. Clubhouses, fraternities and lodges.

"Clubhouses, fraternities and lodges" means associations of persons organized for social,

education, literary or charitable purposes. This definition includes community meeting halls, clubhouses and lodges for philanthropic institutions, private clubs, fraternal or nonprofit organizations, and social service organizations. This definition excludes religious institutions.

(Ord. 2013-001, 2013)

§ 17.08.162. Repealed.

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

§ 17.08.163. Repealed.

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

§ 17.08.165. Commercial activities associated with agriculture.

"Commercial activities associated with agriculture" means any commercial endeavor including the custom fabrication and construction of products or materials, as well as services which are in support of, or supplemental to agricultural activities. Such use 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.

(Ord. 2009-25, 2009; Ord. 2018-001, 2018)

§ 17.08.170. Commission.

"Commission" means the Kittitas County Planning Commission.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.173. Compost facility.

"Compost facility" means any facility that is permitted to accept organic materials for processing as defined in WAC 173-350-100. For the purposes of this Ordinance, organic materials are limited to yard waste as defined below.

§ 17.08.171. Common area.

"Common area" means land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by a homeowners' association or by the State through conservation easements).

(Ord. 2013-001, 2013)

§ 17.08.180. Conditional uses.

For the definition of "Conditional uses" see "Use."

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.183. Conservation easement.

"Conservation easement" means a legal agreement between a landlord and a land trust or government agency that permanently limits uses of the land in order to protect its nondevelopment values. It allows the landowner to continue to own and use the land, to sell it, or to pass it on to heirs. A conservation easement is placed on a sending site at the time development rights are sold from the property. The conservation easement typically prohibits any further development of the property but allows resource uses, such

§ 17.08.161
as farming and forestry, to continue.
(Ord. 2009-25, 2009)

§ 17.08.187

§ 17.08.187. Conservation or resource values.

"Conservation or resource values" means the use and suitability of the land for farm, agricultural, or forest production and the perpetual retention of the land for such purpose. (Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.188. County.

"County" means the County of Kittitas, Washington. (Ord. 2013-001, 2013)

§ 17.08.190. County arterial road.

"County arterial road" means any county road designated by resolution at any time as a county arterial road by the Board. (Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.191. Critter pad.

"Critter pad" means livestock flood sanctuary areas. (Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.195. Day care facilities.

"Day care facilities" means a licensed establishment for group care of nonresident adults or children. (Ord. 90-15 § 1, 1990; Ord. 2013-001, 2013; Ord. 2022-017, 2022)

§ 17.08.197. Density(ies).

"Density(ies)" means a measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density is determined based on the gross parcel or lot area, which includes land that will be dedicated as right-of-way through the development process. It does not include land previously dedicated as right-of-way. Density is a measurement used generally for residential uses. (Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.198. Repealed.

(Ord. 98-22 (part), 1998; Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2013-012, 2013)

§ 17.08.198A. Develop.

"Develop" means to construct or alter a structure or to make a physical change to the land including excavations and fills. (Ord. 2013-001, 2013)

§ 17.08.198B. Development.

"Development" means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to

exterior display or storage activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

(Ord. 2013-001, 2013; Ord. 2013-008, 2013)

§ 17.08.199. Development right.

"Development right" means an interest in and the right under current law to use and subdivide a lot for any and all residential, commercial, and industrial purposes.

(Ord. 2009-25, 2009)

§ 17.08.199A. Director.

"Director" means the director of Kittitas County Community Development Services department or designee.

(Ord. 2013-001, 2013)

§ 17.08.200. Dwelling unit.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation. ~~building or portion thereof designed exclusively for residential occupancy.~~

(Res. 83-10, 1983)

§ 17.08.210. Dwelling, multiple-family.

"Multiple-family dwelling" means a dwelling designed or used for occupancy by more than two (2) families.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.211. Dwelling, single-family.

"Single-family dwelling" means a dwelling designed or used for occupancy by one (1) family.

(Ord. 2013-001, 2013)

§ 17.08.220. Dwelling, two-family.

"Two-family dwelling" means a building designed exclusively for occupancy by two (2) families living independently of each other.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.221. Electric scooters and motorcycles.

"Electric scooters and motorcycles" means any two-(2)-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.222. Electric vehicle.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on

electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.223. Electric vehicle charging station.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.223A. Electric vehicle charging station - Restricted.

"Electric vehicle charging station - restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.223B. Electric vehicle charging station - Public.

"Electric vehicle charging station - public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.224. Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.224A. Electric vehicle parking space.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.224B. Emergency housing.

"Emergency housing (EH)" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. RCW 36.70A.030(14)

§ 17.08.222

§ 17.08.225

§ 17.08.224C. Emergency shelter.

Emergency shelter. “Emergency shelter (ES)” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. RCW 36.70A.030(15)

§ 17.08.225. Explosives.

Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. In addition the term “explosives” shall include all material which is classified as division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by the United

States department of transportation. For the purposes of this chapter, small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives, unless possessed or used for a purpose inconsistent with small arms use or other lawful purpose.

(Ord. 2018-021, 2018)

§ 17.08.226. Explosives magazine.

Any building or other structure, other than an explosives process building, used for the storage of explosives. The term “magazine” may be used in KCC to refer to an explosives magazine.

(Ord. 2018-021, 2018)

§ 17.08.227. Explosives process building.

Any building or other structure (excepting magazines) containing explosives, in which the manufacturer of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(Ord. 2018-021, 2018)

§ 17.08.228. Explosives storage or manufacture.

Any site, with any explosives process building, and/or magazine situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(Ord. 2018-021, 2018)

§ 17.08.229. Extremely hazardous waste.

"Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" may be used in this title to refer to those dangerous wastes which are extremely hazardous.

(Ord. 93-1(part), 1993; Ord. 2018-021, 2018)

§ 17.08.230. Family.

"Family" means a number of related individuals or unrelated individuals living together as a single housekeeping unit, and doing their cooking on the premises exclusively as one (1) household. This definition excludes group homes and short-term rentals. The amount of individuals living together can not exceed applicable health and safety provision.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2022-017, 2022)

§ 17.08.240. ~~Repealed-Family day care provider.~~

~~"Family day care provider" and "family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692.~~

~~(Res. 83-10, 1983; Ord. 2013-001, 2013)~~

§ 17.08.250. Farm.

"Farm" means an area of land devoted to the production of field or truck crops, livestock or livestock products, which constitute the major use of such property.

(Res. 83-10, 1983)

§ 17.08.255. Farm labor shelter.

"Farm labor shelter" means an accessory dwelling unit used exclusively as temporary or seasonal housing of farm laborers who are doing farm labor on the farm on which the shelters are located. This definition shall include all manufactured housing and travel trailers provided all trailers are served by the full range of utilities including water, sewerage and power.

(Ord. 93-6 (part), 1993; Ord. 2007-22, 2007)

§ 17.08.255A. Farm visit.

"Farm visit" means a farm or ranch providing customers a day-use learning experience about the practice of farming or ranching. A Farm Visit operation does not include overnight accommodations. Enhanced agricultural sales are allowed.

(Ord. 2014-015, 2014)

§ 17.08.256. Farm stands.

"Farm stands" means a temporary use which is primarily engaged in the sale of fresh agricultural products, grown on-or off-site, but may include limited prepackaged food products and nonfood items. This use is to be seasonal in duration, open for the duration of the local harvest season. Enhanced agricultural sales are allowed.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2014-015, 2014; Ord. 2015-010, 2015)

§ 17.08.260. Feedlot.

"Feedlot" means any area used for the continuous feeding of five hundred 500 or more head of cattle destined for slaughter, confined at a density of less than five hundred 500 square feet per head on a year round basis. This shall not be interpreted to include dairy operations with a Washington State Grade A license.

(Res. 83-10, 1983; Ord. 91-4, 1991; Ord. 2013-001, 2013)

§ 17.08.261. Forestry.

(Ord. 2001-13 (part), 2001; Ord. 2009-25, 2009; Ord. 2013-001, 2013; repealed by Ord. 2009-25)

§ 17.08.261A. Forest product processing.

§ 17.08.240

§ 17.08.261A

"Forest product processing" means the harvesting and commercial production of forest products including but not limited to saw mills, chippers, log sorting and storage.

(Ord. 2013-001, 2013)

§ 17.08.261B. Forest product sales.

"Forest product sales" means 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.

(Ord. 2013-001, 2013)

§ 17.08.261C. Freight and trucking yard or terminal.

"Freight and trucking yard or terminal" means an area in which trucks, tractor and/ or trailer units, and semitrailers are parked for seventy two (72) hours or less, and dispatched.

(Ord. 2013-001, 2013)

§ 17.08.262. Golf course.

"Golf course" means a recreational facility designed and developed for golf activities. May include as accessory uses a pro shop, snack bar (not including restaurants), and caddy shack/maintenance buildings.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.262A. Grade.

"Grade" means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

(Ord. 2013-001, 2013)

§ 17.08.262B. Grading.

"Grading" means all cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

(Ord. 2013-001, 2013)

§ 17.08.262C. Grazing.

"Grazing" means providing herbage for cattle, sheep, goats or horses, including the supplementary feeding of such animals, as a discrete activity not part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard, or commercial riding academy.

(Ord. 2013-001, 2013)

§ 17.08.263. Group care facility.

"Group care facility" means living quarters for children or adults meeting applicable Federal and State standards that function as a single housekeeping unit and provide supporting services, including but not limited to counseling, rehabilitation, and medical

supervision, not exceeding more than twenty (20) residents including staff. If staffed by nonresident staff, each twenty-four (24) staff hours per day equals one (1) full-time residing staff member for purposes of determining number of staff.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2018-001, 2018)

§ 17.08.265. Group home.

"Group home" means a home for at least seven (7) and not more than fifteen (15) persons, plus house parents, providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere.
(Ord. 87-9 § 1, 1987; Ord. 2013-001, 2013)

§ 17.08.266. Guest house.

"Guest house" means an accessory building designed, constructed, and used for the purpose of providing temporary sleeping accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.270. Guest ranch or guest farm.

"Guest ranch or guest farm" means a business or an organization providing overnight lodging, dining and recreational facilities in a rural setting. The purpose of a guest ranch or guest farm shall relate primarily to vacation, recreation and similar pursuits, and does not include rehabilitation centers, group homes, clinics, nursing homes, churches and church camps, and other similar uses. Events such as auctions, barbecues and similar gatherings which do not provide overnight lodging or which are not conducted on a continuous basis shall not be considered as guest ranches or guest farms. Enhanced agricultural sales are allowed.
(Ord. 83-Z-5, 1983; Ord. 93-21 (part), 1993; Ord. 2014-015, 2014)

§ 17.08.280. Hazardous waste.

"Hazardous waste" means those solid wastes designated by 40 CFR Part 261 and regulated as hazardous waste by the United States EPA.
(Ord. 93-1 (part), 1993)

§ 17.08.281. Hazardous waste facility.

"Hazardous waste facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specific in this chapter, the terms "facility," "treatment," "storage," "disposal facility" or "waste management facility" shall be used interchangeably.
(Ord. 93-1 (part), 1993)

§ 17.08.282. Hazardous waste storage.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

(Ord. 93-1 (part), 1993)

§ 17.08.283. Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(Ord. 93-1 (part), 1993)

§ 17.08.290. Home occupation.

"Home occupation" means any lawful profession, craft or service commonly carried on within a dwelling or accessory building provided such activity is secondary to the use of said dwelling for residential purposes, and provided that there is no outdoor display of merchandise. Home occupations include operations that provide care to twelve (12) or fewer individuals in any twenty-four (24) hour period within the caregiver's place of residence. This definition shall not be interpreted to include the sale of firewood, farm produce, or similar activities.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.300. Hospital.

"Hospital" means an institution specializing in and providing facilities and services in surgery, obstetrics, and general medical practice for human beings and licensed by state law for that purpose.

(Res. 83-10, 1983)

§ 17.08.310. Hospital, animal or veterinary.

"Animal or veterinary hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to animals and domestic pets.

(Ord. 2007-22, 2007)

§ 17.08.320. Impound/towing yard.

"Impound/towing yard" means a fully enclosed area which is designed to hold and store vehicles for a period not more than ninety (90) days which have been impounded by a jurisdiction or private party.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2014-015, 2014)

§ 17.08.321. Infill.

"Infill" means the development of new housing or other buildings on scattered vacant

sites in a built-up area.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.324. Interlocal agreement.

"Interlocal agreement" means a legal contract between two (2) or more local jurisdictions (cities and counties) that specifies the condition under which TDR credits may be transferred (typically from an unincorporated county into an incorporated city). Interlocal agreements must be endorsed by the legislative bodies of both jurisdictions.
(Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.326. Interpretive center.

An institution for dissemination of knowledge of natural or cultural heritage of the surrounding area.
(Ord. 2018-001, 2013)

§ 17.08.327. Repealed.

(Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.329. Junk.

"Junk" means of inoperable motor vehicles or equipment, vehicle or equipment parts, used lumber and building materials, pipe, appliances, demolition waste, or any used material. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.330. Junkyard.

"Junkyard" means any lot, parcel, building, structure or portion thereof, used for the storage, collection, processing, purchase, sale, exchange, salvage or disposal of junk, including scrap materials, unlicensed or inoperable vehicles, vehicle parts, used appliances, machinery or parts thereof. This shall not be interpreted to include the normal storage or accumulation of viable and/or operable agricultural equipment.
(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.340. Repealed.

(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.360. Lot.

"Lot" means any area, tract or parcel of land owned by or under the control and in the lawful possession of one distinct ownership. The term means any type of land holding and includes, but is not limited to, lots platted in subdivisions.
(Res. 83-10, 1983)

§ 17.08.361. Lot, flag.

"Lot, flag" means a lot with two distinct parts:

The flag, which is the only building site; and is located behind another lot; and

The pole, which connects the flag to the street or road, provides the only street frontage for the lot, and is less than the minimum lot width for the zone in which it is located.

(Ord. 2013-001, 2013)

§ 17.08.370. Lot line, front.

"Lot line, front" means a lot line with frontage on any public street, private street, right-of-way or other means of vehicular access, other than an alley.

(Res. 83-10, 1983; Ord. 2019-013, 2019; Ord. 2022-017, 2022)

§ 17.08.380. Lot line, rear.

"Rear lot line" means any boundary opposite and most distant from front lot line and not intersecting a front lot line.

(Res. 83-10, 1983)

§ 17.08.390. Lot line, side.

"Side lot line" means any boundary line not a front or rear lot line.

(Res. 83-10, 1983)

§ 17.08.390B. Lot, through.

"Lot, through" means a lot that has frontage on two (2) easements (public or private) for access.

(Ord. 2013-001, 2013; Ord. 2019-013, 2019)

§ 17.08.390C. Street frontage.

"Street frontage" means the linear frontage of a parcel or property abutting a street or vehicular access easement.

(Ord. 2019-013, 2019)

§ 17.08.391. Manufactured home.

"Manufactured home" means a single-family residence constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indication for such compliance. The unit must be transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body width in length, or when erected on site exceeds four hundred (400) square feet and which is built on a permanent chassis. A manufactured home shall be affixed to a foundation system in accordance with Chapter 296-150M WAC as administered by the Washington State Department of Labor and Industries. The manufacturer's requirements shall be followed for placement and if there are no manufacturer instructions, the Kittitas County department of building and fire safety requirements shall be imposed. A manufactured home has a red insignia from the Department of Labor and Industries.

(Ord. 9822 (part), 1998; Ord. 2013-001, 2013)

§ 17.08.392. Manufacturing.

"Manufacturing" includes, but is not limited to, assembly, storage, packaging or treatment of products and merchandise such as drugs, food, beverages, cosmetics and toiletries, and products made from materials such as textiles, metals, paper, plastics, stone, wood, and paint.

(Ord. 2013-001, 2013)

§ 17.08.392A. Marijuana processing.

"Marijuana processing" means the preparation of marijuana products including, but not limited to, boxing, bulk packaging, portioning, labeling, or the creation of marijuana derivative and edible products.

(Ord. 2014-004, 2014)

§ 17.08.392B. Marijuana production.

"Marijuana production" means any operation to raise or produce marijuana.

(Ord. 2014-004, 2014)

§ 17.08.392C. Marijuana, retail sales.

"Marijuana, retail sales" means any operation or business selling, distributing, or dispensing usable marijuana or marijuana-infused products which have been prepared, processed, or packaged for end user consumption.

(Ord. 2014-015, 2014)

§ 17.08.393. Medium-speed electric vehicle.

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-(4)-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than twenty-five (25) miles per hour but not more than thirty-five (35) miles per hour and otherwise meets or exceeds the Federal regulations set forth in 49 C.F.R. Sec. 571.500.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.395. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2014-004, 2014; Ord. 2014-015, 2014)

§ 17.08.396. Repealed.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.397. Mini warehouse.

"Mini warehouse" means a building or group of buildings containing individual compartmentalized access stalls or lockers for the dead storage of customers' goods or wares.

(Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.08.397A. Mining and excavation.

"Mining and excavation" means extraction of earth materials including but not limited to clay, coal, gravel, minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(Ord. 2013-001, 2013)

§ 17.08.398. Mobile home.

"Mobile home" means a structure transportable in one (1) or more sections that are eight (8) feet or more in width and thirty-two (32) feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. Beginning September 1, 1998, mobile homes will no longer be 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.

(Res. 83-10, 1983; Ord. 98-22 (part), 1998; Ord. 2013-001, 2013)

§ 17.08.399. Modular home.

"Modular home" means a manufactured structure originally designed for initial movement without benefit of an undercarriage frame or its own wheels to a site of permanent placement on a full perimeter foundation, used for residential purposes, and exceeds eight hundred sixty-four (846) square feet of enclosed living area. A modular home shall be considered a "dwelling" or "single-family residence". A "modular home" constructed to International Building Code standards and bearing the gold insignia from the Washington State Department of Labor and Industries shall be considered to be a single-family residence.

(Ord. 93-21 (part), 1993; Ord. 98-22 (part), 1998; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.400. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.408. Neighborhood electric vehicle.

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.409. Non-accessory storage structures.

"Non-accessory storage structures" A structure used to store belongings on a lot without a residence, not to be used for habitation or commercial use.

(Ord. 2025-011, 10/7/2025)

§ 17.08.410. Nonconforming use.

For more information on "nonconforming use" see "Use."
(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.412. Non-electric vehicle.

"Non-electric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."
(Res. 83-10, 1983; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.08.415. Nurseries.

An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting such as but not limited to beauty bark, round landscape rock, topsoil, and mulch, conducted within or without an enclosed building.
(Ord. 2018-021, 2018)

§ 17.08.420. Nursing home.

"Nursing home" means a home, place or institution which operates or maintains facilities providing convalescence or chronic care or both for a period in excess of twenty-four (24) consecutive hours for three (3) or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable properly to care for themselves, and is licensed by the State Department of Health as a nursing home.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.421. Office.

"Office" means a place at which the affairs of a business, profession, service, or industry are conducted and generally furnished with desks, tables, files and communication equipment.
(Ord. 2013-001, 2013)

§ 17.08.424. Off-site hazardous waste facilities.

"Off-site hazardous waste facilities" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
(Ord. 93-1 (part), 1993)

§ 17.08.427. On-site hazardous waste facilities.

"On-site hazardous waste facilities" means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from contiguous property within Kittitas County.
(Ord. 93-1 (part), 1993)

§ 17.08.428. Open space.

"Open space" means land within a development that has been dedicated in common

to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses. May include public or private lands.
(Ord. 2013-001, 2013)

§ 17.08.430. Outdoor advertising signs and billboards.

1. "Outdoor advertising signs and billboards" means any card, paper, cloth, metal, wooden or other display or device of any kind or character, including but not limiting the same to any poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, placed for outdoor advertising purposes on or to the ground or any tree, wall, rack, fence, building, structure or thing.
2. "Outdoor advertising signs and billboards" does not include:
 - a. Official notices issued by any court or public body or officer;
 - b. Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;
 - c. Directional, warning or information structures required by or authorized by law or by federal, state, county or city authority.

(Res. 83-10, 1983)

§ 17.08.430A. Overlay zone/district.

"Overlay zone/district" means overlay zones that impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area, require special regulations.

(Ord. 2013-001, 2013)

§ 17.08.430B. Ownership.

"Ownership" means an ownership is one (1) or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a right-of-way.

(Ord. 2013-001, 2013)

§ 17.08.431. Park model trailer.

"Park model trailer" means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding four hundred (400) square feet.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.440. Parking space.

"Parking space" means a minimum gross area available for the parking of a standard American automobile.

(Res. 83-10, 1983)

§ 17.08.445. Parks and playgrounds.

"Parks and playgrounds" means sites designed or developed for recreational use including, but not limited to playfields, picnic facilities, outdoor activity areas, trails, play structures, and facilities for on-site maintenance.

(Ord. 2005-35, 2005; Ord. 2013-001, 2013; Ord. 2013-012, 2013)

§ 17.08.447 Permanent supportive housing.

"Permanent supportive housing (PSH)" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. RCW 36.70A.030.

§ 17.08.450. Planned unit development.

"Planned unit development" means a development that departs from strict compliance with the zoning and subdivision standards in order to accomplish objectives that serve the public welfare pursuant to standards in KCC Chapter 17.36.

(Ord. 83-Z-2 (part), 1983; Ord. 90-6 (part), 1990; Ord. 2005-35, 2005; Ord. 2013-001, 2013)

§ 17.08.455. Planning commission or commission.

"Planning commission" or "commission" means the Kittitas County planning commission.

(Res. 83-10, 1983; Ord. 2005-35, 2005)

§ 17.08.455A. Plug-in hybrid electric vehicle (PHEV).

"Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

(Res. 83-10, 1983; Ord. 2011-013, 2011)

§ 17.08.456. Repealed.

(Ord. 2015-010, 2015)

§ 17.08.440

§ 17.08.461

§ 17.08.457. Public facilities.

"Public facilities" means capital improvements and systems to support transportation, law enforcement, fire protection, and recreation. Facilities include but are not limited to fire stations, police stations, and bus stops.

(Ord. 2013-001, 2013)

§ 17.08.460. Public office building.

"Public office building" means a structure used as the office or for the purpose of conducting official business by an agency of the federal government, state government or a political sub-division of the state of Washington.

(Res. 83-10, 1983)

§ 17.08.461. Rapid charging station.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540

(Ord. 2011-013, 2011)

§ 17.08.462. Receiving site.

"Receiving site" means those lots where the procurement of TDR credits facilitate a permissible change in the allowed intensity on the property pursuant to the TDR chapter and all other controlling policies and law.

(Ord. 2009-25, 2009)

§ 17.08.463. Recreation, indoor.

"Recreation, indoor" means a place designed and equipped for the conduct of sports and leisure-time activities within an enclosed space. Examples include gymnasium, bowling alley, dance hall, billiard hall, theaters, indoor tennis and racquetball courts, and indoor swimming pools. This definition excludes stadiums. Indoor recreation uses for the private use of the landowner are permitted outright.

(Ord. 2013-012, 2013)

§ 17.08.464. Recreation, outdoor.

"Recreation, outdoor" means a place designed and equipped for the conduct of sports and leisure-time activities with little or no enclosed space. Examples include: outdoor theaters, tennis courts, swimming pools, batting cages, amusement parks, miniature golf courses, boat launches and driving ranges. This definition excludes golf courses and stadiums. Outdoor recreation uses for the private use of the landowner are permitted outright.

(Ord. 2013-012, 2013)

§ 17.08.465. Recreational vehicle.

"Recreational vehicle" means a vehicular type unit designated as temporary living quarters for recreation camping, travel or seasonal use which has its own power or is mounted on or towed by another vehicle. The vehicle has a gross floor area of not more than three hundred twenty (32) square feet. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International Building Code standards. A recreational vehicle has a green and silver insignia from the Department of Labor and Industries.

(Ord. 98-22 (part), 1998; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.465A. Recreational vehicle park.

"Recreational vehicle park" means land designed to accommodate predominantly recreational vehicles (RVs) used as temporary living quarters for recreation or vacation

purposes with sewage facilities approved by the County Health Department and a maximum allowable stay of one hundred eighty (180) days in a calendar year.
(Ord. 2013-012, 2013)

§ 17.08.465B. Recreational vehicle/equipment service and repair.

This definition is the same as "Vehicle/equipment service and repair" (KCC § 17.08.560A) except that it is limited to recreational vehicles, not limited to motorized vehicles and equipment and does not include gas and service stations stay of one hundred eighty (180) days in a calendar year.
(Ord. 2019-013, 2019)

§ 17.08.466. Refuse disposal/recycling.

"Refuse collection/recycling" means a facility for the collection of solid waste or recyclables for sorting, compaction, composting, processing (including changing the form of materials) or transfer to a landfill. This definition excludes concrete recycling.
(Ord. 2013-001, 2013)

§ 17.08.467. Religious institutions.

"Religious institutions" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. RCW 36.01.290(6)(c) churches, synagogues, temples and other places where gathering for worship is the principle purpose of the use.
(Ord. 2013-001, 2013)

§ 17.08.468. Resource based industry.

"Resource based industry" means an industry based on natural resources including but not limited to recreation-related tourism, agriculture, fisheries, forestry and mining.
(Ord. 2013-001, 2013)

§ 17.08.469. Restaurant.

"Restaurant" means a retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition excludes taverns.
(Ord. 2013-001, 2013)

§ 17.08.469A. Retail sales.

"Retail sales" means selling goods or services to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This definition excludes agriculture sales.
(Ord. 2013-001, 2013; Ord. 2014-004, 2014; Ord. 2014-015, 2014)

§ 17.08.470. Rezone.

"Rezone" means an amendment to the zoning ordinance, requiring the same enactment as an original zoning.
(Res. 83-10, 1983)

§ 17.08.471. Rock crushing.

"Rock crushing" means an activity which reduces the size and weight of rock material into useable building or landscaping material.

(Ord. 2013-001, 2013)

§ 17.08.471A. RV storage.

A commercial indoor and or outdoor space/area used to store recreational vehicle for any amount of time.

(Ord. 2018-001, 2013)

§ 17.08.472. Services.

"Services" means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, real estate offices, personal accountants, entertainment media rental or other indoor rental services, and repair of personal or household items.

(Ord. 2013-001, 2013)

§ 17.08.480. School, public or private.

"Public or private school" means an institution which offers instruction and study required to be taught in the public schools of the state of Washington. Trade and vocational schools are included in this definition.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2025-011, 10/7/2025)

§ 17.08.485. Shooting range.

"Shooting range" means an area or facility designated or operated for archery (including crossbows), and/or the discharging and operation of lawfully possessed, lawful firearms, as defined in RCW Chapter 9.41; with the exception of:

1. Any law enforcement or military shooting range; or
2. Incidental target practice areas on private property.

(Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.486. Short-term rental.

"Contact" means the operator or the operator's representative who is the point of contact for any short-term rental guest for the duration of the guest's stay in the short-term rental.

"Department" means the Department of Revenue.

"Dwelling unit" means a residential dwelling of any type, including a single-family residence, apartment, condominium, cooperative unit, or room, in which a person may obtain living accommodations for less than thirty (30) days, but not including duly licensed bed and breakfast, inn, hotel, motel, or timeshare property.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental unit.

"Operator" or "short-term rental operator" means any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement is not considered an owner.

"Person" has the same meaning as provided in RCW 82.04.030.

"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty (30) consecutive nights. "Short-term rental" does not include any of the following: (i) a dwelling unit that is occupied by the owner for at least six (6) months during the calendar year and in which fewer than three (3) rooms are rented at any time; (ii) a dwelling unit, or portion thereof, that is used by the same person for thirty (30) or more consecutive nights; or (iii) a dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, or is classified by the Federal Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals certified on 9/1/ 2023 Combined Chapter 64.37 RCW, Page 1, who are being treated for trauma, injury, or disease, or their family members.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

(Ord. 2025-001, 1/7/2025)

§ 17.08.487. Sending site.

"Sending site" means designated lot or lots from where landowners may sell their development rights in exchange for placing a conservation easement on the property.
(Ord. 2009-25, 2009)

§ 17.08.490. Small-scale event facility.

"Small-scale event facility" means a facility that is open to the public for events, seminars, wedding or other social gatherings. May include eating and food preparation

facilities provided meals are only served to guests attending events.
(Ord. 98-22 (part), 1998; Ord. 2013-001, 2013; Ord. 2013-012, 2013)

~~§ 17.08.500. Special care dwelling.~~

~~"Special care dwelling" means a Manufactured Home or Park Model Trailer providing separate living quarters for the purpose of providing care to an immediate family member.
(Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2013-001, 2013)~~

§ 17.08.510. Structural alteration.

"Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or of structures, such as bearing walls, columns, beams or girders.
(Res. 83-10, 1983)

§ 17.08.520. Structure.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner. Fences that are 7 feet or less in height, and retaining walls that are 4 feet or less in height measured from the bottom of the footing to the top of the wall not supporting a surcharge or impounding Class I, II or III-A liquids are excluded from this definition.
(Res. 83-10, 1983; Ord. 2015-010, 2015; Ord. 2022-017, 2022)

§ 17.08.530. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.535. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.540. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.08.541. Trails.

"Trails" means man-made pathways designed and intended for use by pedestrians, bicyclists, equestrians, snowmobiles and other recreational users together with associated parking and trailhead facilities.
(Ord. 2013-012, 2013)

§ 17.08.542. Transfer of development rights (TDR).

"Transfer of development rights (TDR)" means the transfer of the right to develop or build from sending sites to receiving sites.
(Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.543. TDR certificate.

"TDR certificate" means a form of currency that displays how many TDR credits are available for sale and use.

(Ord. 2009-25, 2009)

§ 17.08.544. TDR certificate letter of intent.

"TDR certificate letter of intent" means a document issued to a landowner upon an approved TDR sending site application. The letter contains a determination of the number of development rights calculated for the sending site and an agreement by the County to issue a corresponding number of TDR certificates in conversion for a conservation easement. The sending site owner may use the TDR certificate letter of intent to market development rights to potential purchasers, but the document has no value itself and cannot be transferred or used to obtain increased development rights within receiving areas.

(Ord. 2009-25, 2009)

§ 17.08.545. TDR credit.

"TDR credit" means for the TDR commodity used in receiving sites. TDR credits reflect the number of units a seller has a right to build or sell on a sending site based on zoning. TDR credits may also reflect the number of TDR certificates required for a given development project.

(Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.08.546. TDR program.

"TDR program" means a market-based program that provides a public benefit by permanently conserving rural resource lands by establishing a means to transfer development rights from eligible sending sites to eligible receiving sites through a voluntary process that fairly compensates landowners while providing a public benefit for communities.

(Ord. 2009-25, 2009)

§ 17.08.547. TDR sending site application.

"TDR sending site application" means an application that a sending site landowner must file in order to be eligible for consideration for designation as a TDR sending site.

(Ord. 2009-25, 2009)

§ 17.08.550. Use.

"Use" means the purpose for which land or building is arranged, designed or intended.

1. "Permitted use" means a use allowed outright within a zone classification.
2. "Permitted Administrative use" means a use which may be permitted within a zone classification following review under the provisions of KCC Chapter 17.60B.
3. "Administrative Conditional use" means a use which may be permitted in a zone

classification following review under the provisions of KCC Chapter 17.60A.

4. "Conditional use" means a use which may be permitted in a zone classification following review and hearing under the provisions of KCC Chapter 17.60A.
5. "Nonconforming use" means a use or structure, that was legally established according to the applicable zoning and/or building regulations of the time, but which does not meet current zoning and/or building regulations.
6. "Prohibited use" means those uses not specifically enumerated as allowed uses under the provisions of KCC Chapter 17.15.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2013-012, 2013; Ord. 2018-001, 2018)

§ 17.08.550A. U-Pick/U-Cut operation.

"U-Pick/U-Cut operation" means farms or orchards where customers come to purchase fruit or agricultural products which they have harvested themselves. Enhanced agricultural sales are allowed.

(Ord. 2014-015, 2014)

§ 17.08.560. Variance.

"Variance" means a waiver of the strict interpretation of the requirements. It is a special dispensation given to the petitioner to disregard certain stipulations in the zoning code in order to develop his property.

(Res. 83-10, 1983)

§ 17.08.560A. Vehicle/equipment service and repair.

"Vehicle/equipment service and repair" means maintenance of motorized vehicles and equipment including exchange of parts, installation of lubricants, tires, batteries, and similar vehicle accessories, minor customizing and detail operations, and body shops. This definition includes gas and service stations.

(Ord. 2013-001, 2013)

§ 17.08.560B. Warehouse and distribution.

A building where bulk raw materials or manufactured goods may be stored and distributed for commercial purposes. Warehouse and Distribution uses do not include on-site manufacturing and generally service manufacturing and retail establishments. Agriculture products and Hay Storage are not included in this definition.

(Ord. 2021-015, 2021)

§ 17.08.560C. Watershed management facilities.

"Watershed management facilities" Include, but are not limited to, diversion devices, impoundments, dams for water storage, flood control, fire control, and stock watering.

(Ord. 2013-001, 2013; renamed by Ord. 2021-015, 2021)

§ 17.08.561. Winery.

"Winery" means a facility where fruit or other products are processed (i.e., crushed, fermented, decanted, stored, bottled and shipped) into wine. This may include the sale of wine and limited ancillary items, tourist facilities, or tasting rooms.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.08.570. Yard.

"Yard" means an open space, other than a court or a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
(Res. 83-10, 1983)

§ 17.08.580. Yard depth.

"Yard depth" means the minimum perpendicular distance between any point on a lot line and the nearest part of any structure or building, excluding an 18-inch eave (overhang) no closer than 5 feet to the property line, and excluding retaining walls necessary for access permits as determined by Kittitas County Public Works.
(Res. 83-10, 1983; Ord. 2022-017, 2022)

§ 17.08.590. Yard, front.

"Front yard" means any yard with frontage on a public or private street.
(Res. 83-10, 1983; Ord. 2022-017, 2022)

§ 17.08.600. Yard, rear.

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory building) and the rear line of the lot.

For triangular lots the rear yard shall be the area of the lot lying within a circle having a radius equal to the depth of the required rear yard and its center at a point therein defined as the rear property line for such lots.

(Res. 83-10, 1983)

§ 17.08.610. Yard, side.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.
(Res. 83-10, 1983)

§ 17.08.620. Yurt.

"Yurt" means a circular, domed, portable tent for temporary use.
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.11 URBAN GROWTH AREAS

§ 17.11.010. Purpose and intent.

The purpose and intent of the Urban Growth areas is to provide for areas that are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services, and to allow for alternative methods of development that allows for infill and development at urban levels.

(Ord. 2007-22, 2007)

§ 17.11.020. Intergovernmental review.

Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city.

(Ord. 2007-22, 2007)

§ 17.11.030. City of Ellensburg Urban Growth Area interlocal agreements.

Kittitas County and the City of Ellensburg have adopted an interlocal agreement to facilitate the orderly transition of urban services from the County to the City throughout the Urban Growth Area (UGA) and to coordinate and manage growth and development within the UGA. Permit process and development standards outlined in KCC § 17.11.030 through KCC § 17.11.039 are adopted for application to properties within the City of Ellensburg Urban Growth Area.

(Ord. 2007-22, 2007; Ord. 2022-017, 2022; Ord. 2023-006, 2023)

§ 17.11.031. Conflicts.

If there is a conflict between the provisions within KCC Chapter 17.11 or the ILA and other sections of Kittitas County Code, KCC § 17.04.020 and § 17.04.040 shall be utilized to resolve the conflict. When Chapter 17.04 is utilized to resolve a conflict, the county will notify the city.

(Ord. 2022-017, 2022)

§ 17.11.032. Adoption by reference and modified code sections.

Resolution No. 2022-1, a resolution authorizing execution of an interlocal agreement with the City of Ellensburg regarding development in its Urban Growth Area (UGA), is adopted by reference except as amended by the provisions § 17.11.030 through § 17.11.039. Provisions shall apply to City of Ellensburg code sections as currently adopted as of the date of Resolution No. 2022-1 or hereby amended in the future by the City. This includes the following Chapters of the City of Ellensburg code:

Exhibits A (Ellensburg UGA map) and B (Future Land Use Map) within Resolution No. 2022-1 are provided for reference only and do not modify the UGA boundary or change the land use designation of any property. The UGA boundary and land use designations of properties are identified within the Kittitas County Comprehensive Plan.

The following City of Ellensburg code sections have been modified as provided for within this code section. They include:

Chapter 15.130 – Land Development Code – Definitions

Chapter 15.310 – Land Development Code – Permitting Uses

Chapter 15.320 – Land Development Code – Building Setback and Intensity Standards

Chapter 15.550 – Land Development Code – Off-Street Parking

(Ord. 2022-017, 2022)

§ 17.11.033. Applicability.

This Agreement applies to the lands within the Ellensburg Urban Growth Area as currently adopted and identified in the County Comprehensive Plan, as of the date of execution of Resolution No. 2022-1 and hereby amended in the future. Where the ILA does not identify development standards to be utilized for development within the UGA, existing Kittitas County Code standards apply.

(Ord. 2022-017, 2022; Ord. 2023-006, 2023)

§ 17.11.034. Airport Zone.

KCC Chapter 17.58, Airport Zone, applies to all projects within the City of Ellensburg Urban Growth Area which are located within the Bowers Field Airport Overlay Zone.

(Ord. 2022-017, 2022)

§ 17.11.035. County/City Zoning conversion chart.

Where City of Ellensburg zoning designations are referred to within the adopted ILA or this chapter, the following conversion chart shall be utilized.

County Zone	Applicable City Zone
R Residential	R-S Residential Suburban
UR Urban Residential	
I-L Light Industrial	I-L Light Industrial
I-G General Industrial	I-H Heavy Industrial
C-G General Commercial	C-H Commercial Highway
C-H Highway Commercial	C-H Commercial Highway
C-L Limited Commercial	
PUD Planned Unit Dev. (Bender/Reecer)	R-S Residential Suburban
PUD Planned Unit Dev. (the Verge)	R-H Residential High

County Zone	Applicable City Zone
HTC Historic Trailer Court	MHP Manufactured Home Park
F-R Forest and Range	Refer to County standards

(Ord. 2022-017, 2022)

§ 17.11.036. Definitions.

The following definitions shall apply and be utilized for projects located within the Ellensburg UGA. Where terms are not defined, the definitions in KCC Chapter 17.08 shall apply.

"Accessory dwelling unit" means a self-contained residential unit that is accessory to a single family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage.

"Accessory use" means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

"Agriculture" means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

"Boarding houses, lodging houses, sororities, fraternities" means an establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

"Community residential facility" means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licensed under Chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or longterm care facility provides.

"Conference center" means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.

"Cooperative" means a group of more than one, but no more than four qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

"Day care" means an establishment for group care of nonresident adults or children.

Specifically:

1. Day care shall include child day care services, adult day care centers, and the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
 - b. Nursery schools for children under minimum age for education in public schools;
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
 - d. Programs covering after-school care for school children.
2. Day care establishments are subclassified as follows:
 - a. Day care I - a maximum of 12 adults or children in any 24-hour period; and
 - b. Day care II - over 12 adults or children in any 24-hour period.

Dwelling, Cottage. "Cottage" means a small single-family dwelling that is clustered with other similar units surrounding a common open space. See ECC 15.540.050 for special cottage housing provisions.

Dwelling, Duplex. "Duplex" refers to a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot. A duplex will not be considered a duplex for purposes of the land development code standards if more than one duplex building is located on one lot.

Dwelling, Live-Work Unit. "Live-work unit" means an individual dwelling unit that is used for residential and nonresidential use types. The dwelling unit type may be any type that is permitted in the applicable zoning district. Permitted nonresidential uses may be those that are permitted in the applicable zoning district.

Dwelling, Multifamily. See definition of "Multifamily."

Dwelling, Single-Family. "Single-family dwelling" means one dwelling unit or one dwelling unit with an attached or detached accessory dwelling unit used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling, Townhouse. "Townhouse" is a single-family dwelling constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Ownership of a townhouse includes the unit's building and associated property.

"Farmers' market" means a public market at which farmers and other vendors sell agricultural products, crafts, and food and beverages.

"Fruit stand" means a building, structure, or land area used for the sale of fresh fruit or vegetables grown on-site.

"Heavy service" Includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, contractors, heating fuels, truck stops, breweries and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

"Home occupation" means any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling, or building accessory to a dwelling.

"Hospital" means an institution receiving inpatients and outpatients and rendering medical, surgical and/or obstetrical care and associated support facilities such as administrative offices, information technology department, or other similar facilities.

"Hotel" means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, lodging, sorority or fraternity house.

"Kennel" or "shelter" means any outdoor or indoor facility which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may be either a separate business or an accessory use. A kennel is to be distinguished from a veterinary clinic which houses animals for periods that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed in a veterinary clinic.

"Manufactured home park" means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by two or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto.

"Marijuana processor" means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers (as defined in RCW 69.50.101 and provided herein for reference).

"Marijuana producer" means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers (as defined in RCW 69.50.101 and provided herein for reference).

"Marijuana retailer" means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana and marijuana-infused products in a retail outlet (as defined in RCW 69.50.101 and provided herein for reference).

"Miniwarehouse" means an enclosed single-story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. Ministorage is synonymous with miniwarehouse.

Motel. See definition for "Hotel."

"Nursery and greenhouses" means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor plantings conducted within or without an enclosed building.

"Nursing home" means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for three or more patients or residents not related by blood or marriage to the licensee.

Office, Business or Professional. "Business or professional office" means an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, and insurance agents.

Office, Medical. "Medical office" means an office or clinic used primarily by physicians, dentists, optometrists, and similar personnel for the treatment and examination of patients solely on an outpatient basis; provided, that no overnight patients shall be kept on the premises.

"Personal services" means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths.

"Places of assembly" means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

"Public agency or utility office" means a building or portion thereof used primarily for administration purposes by a public agency or utility.

"Recreation - indoor commercial" means a commercial recreation land use conducted entirely within a building, including, but not limited to, athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

"Recreation - outdoor commercial" means a commercial recreation land use conducted primarily outdoors, including, but not limited to, water parks, amusement parks, and miniature golf courses.

"Regional retail commercial" refers to any use which involves the display and sale of retail consumer goods as part of a regional retail master site plan. Permitted uses and exceptions are described within ECC 15.390.030. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of allowable uses; provided, that at least 50,000 square feet must be used by one retailer.

"Senior citizen assisted housing" means housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 62 years of age or older per unit, and must include at least two of the following support services:

1. Common dining facilities or food preparation service;
2. Group activity areas separate from dining facilities;
3. A vehicle exclusively dedicated to providing transportation services to housing occupants;

4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

"Tow vehicle storage area" means the approved yard and buildings where stored vehicles are kept. The storage areas and fencing must comply with the requirements established by the Washington State Department of Licensing, Washington State Patrol, and all local zoning rules and regulations. All tow vehicle storage areas must be physically located within the tow zone assigned to the operator.

"Utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. For commercial wireless communication support towers, antenna arrays, and facilities.

"Wrecking yard, vehicle" means any area, lot, land, parcel, building, structure, or part thereof where buying, selling, or dealing in vehicles of a type required to be registered under Washington State law, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or buying or selling integral secondhand parts, in whole or in part is taking place.

(Ord. 2022-017, 2022)

§ 17.11.037. Permitted uses.

1. Purpose:

- a. The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.
- b. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained.
- c. This section only applies to uses within those zones identified within use tables in § 17.11.037(4)(a) below. See KCC § 17.22.035 for County/City conversation chart. For those zones within the UGA that are not listed in the tables below, the use tables 17.16 through 17.57 shall apply.

2. Interpretation of land use tables:

- a. The land use tables in this chapter determine whether a use is allowed in a zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of these tables.
- b. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses. For temporary use requirements, see KCC § 17.92.010.
- c. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district. If allowed, the use would follow the

Kittitas County process for permitting.

- d. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in KCC Chapter 17.60A and the general requirements of the code.
- e. Clarification of Uses and Special Conditions.
 - i. If a * appears after the use, then the use is defined in KCC § 17.11.036.
 - ii. Uses are subject to footnote requirements in KCC § 17.15.080.2 except where they conflict with the tables in § 17.11.037(4)(a-c) regarding the permit process.
3. Accessory uses. An accessory use, as defined in KCC § 17.11.036 and identified on the use tables in KCC § 17.11.037(4)(a) by an "A" is permitted in any zone if:
 - a. It is on the same lot as the principal use to which it is accessory; and
 - b. It is of a nature customarily incidental and subordinate to, the principal use or structure.
4. Use Tables:

Table 17.11.037(4)(a) Residential-based uses.				
Use	R-S	C-H	I-L	I-H
RESIDENTIAL, GENERAL				
Dwelling, single-family*	P			
Dwelling, cottage*	P			
Dwelling, duplex*	P			
Dwelling, townhouse*	P			
Dwelling, multifamily*	P			
Dwelling, live-work*	P			
Manufactured home park*				
GROUP RESIDENCES				
Boarding houses, lodging houses, sororities, fraternities*				
Adult family home*	P			
Community residential facility*				
Senior citizen assisted housing*				
RESIDENTIAL ACCESSORY USES				
Accessory dwelling unit*	P			

Table 17.11.037(4)(a) Residential-based uses.

Use	R-S	C-H	I-L	I-H
Home occupations* (KCC § 17.15.080.2)	P	P	P	P
Yard sale use	A	A	A	A
TEMPORARY LODGING				
Bed and breakfast				

Table 17.11.037(4)(b) Nonresidential uses

Use	R-S	C-H	I-L	I-H
RETAIL				
Auto sales, new and used		P		
Farmers' markets*				
Fruit stands*	P	P	P	
Heavy retail		P	P	P
Heavy service		P	P	P
Nurseries and greenhouses that are ancillary to a retail use*	P	P	P	P
Restaurants, bars, and brewpubs*		P	P	
Coffee house, espresso bar	P	P	P	
Retail, small scale (<2,000 sf floor area)	P	P		
Retail, medium scale (2,000 - 20,000 sf floor area)		P		
Retail, large scale (20,001 - 60,000 sf floor area)		P		
Retail, super scale (>60,000 sf floor area)				
Outlet center		P		
Regional retail commercial projects*	P	P	P	
Marijuana retailer*		P		
PERSONAL AND SERVICES				
Day care I facilities*	P	P	P	
Day care II facilities*	C	P		

Table 17.11.037(4)(b) Nonresidential uses

Use	R-S	C-H	I-L	I-H
General service establishments		P	P	
Heavy services		P	P	P
Hotels/motels*		P		
Hospitals*	C			
Offices, medical*	P	P		
Kennels*		P	P	
Nursing homes*	C			
Marijuana cooperative*	P	P	P	P
Personal service establishments*	P	P		
Places of assembly*	C		C	
Radio station (commercial)		C	C	C
Veterinary clinic		P	C	
BUSINESS SERVICE				
Conference center*		P		
Offices, business or professional*, small scale (<2,000 sf floor area)	P	P	P	
Offices, business or professional*, medium scale (2,000 - 20,000 sf floor area)	P	P	P	
Offices, business or professional*, large scale (20,001 - 60,000 sf floor area)		P	P	
Miniwarehouse facility*		C	P	P
INDUSTRIAL				
Light industry			P	P
Hazardous waste treatment (off-site)			C	C
Hazardous waste treatment (on-site)		C	C	C
Heavy industry				C
Marijuana processor*			P	P
Marijuana producer*			P	P

Table 17.11.037(4)(b) Nonresidential uses

Use	R-S	C-H	I-L	I-H
Tow vehicle storage area*			P	P
Vehicle wrecking yard*				C

Table 17.11.037(4)(c) Special uses

Use	R-S	C-H	I-L	I-H
PARK, OPEN SPACE AND RECREATIONAL				
Cemeteries, columbarium or mausoleums	P			
Golf course	P			
Golf driving range (not associated with a golf course)	C	C		
Recreation - outdoor (commercial)*		P	C	
Recreation - indoor (commercial)*		P	C	
Parks, playgrounds (public or private)	P	P	P	
CULTURAL AND ENTERTAINMENT				
Art, performing arts, and recording studios		P		
EDUCATIONAL				
Schools	C	C		
GOVERNMENTAL				
Court		P		
Fire facility		P		
Police facility		P	P	
Public agency or utility office*		P	P	P
Public agency or utility yard	P	P	P	P
Utility facility*	P	P	P	P
Public transportation passenger terminals		P		
RESOURCE				

Table 17.11.037(4)(c) Special uses				
Use	R-S	C-H	I-L	I-H
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P
Agriculture*	P			
Small wind energy systems	P	P	P	P

(Ord. 2022-017, 2022)

§ 17.11.038. Building setback and intensity standards.

1. Purpose:

- a. To promote forms of development that reinforce and/or enhance the desired character of Ellensburg neighborhoods;
- b. To promote compatibility between developments; and
- c. To minimize environmental impacts of development.

2. Interpretation of Tables:

- a. The building setback and intensity standards tables address the building setback and intensity of development specific to individual zoning districts. The zoning district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.
- b. Where a code reference/link appears after the building setback and intensity topic, then the use is subject to standards set forth in that section or chapter.
- c. If a number appears in the box at the intersection of the column and the row, refer to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then all development conditions apply.
- d. KCC § 17.11.038(4) through § 17.11.038(10) provide clarification and exceptions to the building setback and intensity standards herein.

3. Use Tables:

Table 17.11.038(3)(a) Building setback and intensity standards - Residential zones		
Topic	R-S	R-H
DEVELOPMENT INTENSITY AND CONFIGURATION		
Minimum lot area	None ¹	None ¹
Minimum frontage	None ¹	None ¹

Table 17.11.038(3)(a) Building setback and intensity standards - Residential zones

Topic	R-S	R-H
Density, minimum (KCC § 17.11.038(4)) ⁸	None	15 du/acre
Density, maximum (KCC § 17.11.038(4))	6 du/acre	No limit
Maximum building height	35 ft	45 ft ²
Minimum front yard setback ^{3 4}	15 ft	15 ft
Garage front yard setback	22 ft	22 ft
Minimum rear yard setback	20 ft	20 ft
Minimum rear yard setback, accessory buildings (including garages)	5 ft ⁶	5 ft ⁶
Minimum rear yard setback, detached accessory dwelling unit (see KCC § 17.11.038(6)(c))	5 ft ⁶	5 ft ⁶
Minimum side yard setback (includes corner lot interior lot line) ⁵	5 ft / 10 ft ⁷	5 ft / 10 ft ⁷
Minimum side yard setback (corner lot exterior lot line)	10 ft	10 ft
Minimum garage side yard setback (corner lot exterior lot line)	22 ft	22 ft

17.11.038(3)(a)(i) Development condition footnotes associated with Table

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
3. Porches and covered entries may project up to six feet into the front yard.
4. No front yard is required for buildings adjacent to designated "storefront streets." Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
5. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
6. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

7. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side.
8. Minimum densities apply except when limited due to Airport overlay requirements in KCC Chapter 17.58.

Table 17.11.038(3)(b) Building setback and intensity standards - Nonresidential zones

Standard	C-H	I-L	I-H
DEVELOPMENT INTENSITY AND CONFIGURATION			
Minimum lot area	None ¹	None ¹	None ¹
Density, minimum (KCC § 17.11.038(4))	NA	NA	NA
Density, maximum (KCC § 17.11.038(4))	None	NA	NA
Maximum building height (see KCC § 17.11.038(5) for height exceptions)	35 ft	35 ft	None
BUILDING PLACEMENT (see KCC § 17.11.038(5) through § 17.11.038(10))			
Minimum front yard	10 ft	10 ft	10 ft
Garage front yard setback	22 ft	22 ft	22 ft
Minimum rear yard	None ²	None ²	None ²
Minimum side yard	None ²	None ²	None ²

17.11.038(3)(b)(i) Development condition footnotes associated with Table

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet.
2. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
4. Critical Areas as defined by Kittitas County Code. Calculations for Determining Maximum Density - Gross Developable Acreage.
 - a. All site areas may be used in the calculation of the maximum allowed residential density or project floor area except as outlined under the provisions of subsection (B)(2) of this section.
 - b. Critical Areas as defined by Kittitas County Code shall not be credited toward the maximum density or floor area calculations. Property used for new roadways, trails, stormwater facilities, or other features used by residents may

be counted as part of the site area for density calculations. Property transferred to the city for the construction of public roadways or other public feature shall be counted as part of the site area if the city and property owner reach such an agreement as part of the transfer.

5. Density Calculations.

- a. Maximum density for an individual site shall be calculated by multiplying the gross developable acreage by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
 - i. Fractions of 0.50 and above shall be rounded up.
 - ii. Fractions below 0.50 shall be rounded down.
 - iii. Prohibited reduction. Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

6. Height exceptions. The following structures may be erected above the height limits set forth in KCC § 17.11.038(3)(a) and KCC § 17.11.038(3)(b):

- a. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- b. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures.

7. Setback measurements.

- a. Front yard setback. The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of way or the edge of the surface improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.
- b. Side yard setback. The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
- c. Rear yard setback. The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- d. Corner lots. For corner lots with two street frontages, setbacks from the addressed street side shall conform to the front yard setback for the underlying zoning district. The setbacks for the flanking side shall conform to the exterior

side yard setbacks for the underlying zoning district.

- e. For measurements on a pointed or irregular lot refer to definition of lot line in KCC § 17.11.036.
8. Permitted projections into yards. The following structures may extend into or be located in required setbacks:
- a. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:
 - i. Limited to two per facade; and
 - ii. Not wider than 10 feet;
 - b. Eaves, cornices, and signs may not project more than:
 - i. Three feet into a front or rear yard; and
 - ii. Two feet into the side yard;
 - c. Porches and covered entries may project up to six feet into the front yard subject to conformance with any required site vision standards set forth in Section 3, Street Standards, of the city's public works development standards applicable to the lot;
 - d. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project up to six feet into the front or rear yards;
 - e. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk;
 - f. The following features may project into any front yard:
 - i. Unenclosed porches and entry features may project six feet into the front yard;
 - ii. Mailboxes and newspaper boxes;
 - iii. Fire hydrants and associated appendages;
 - iv. Bus shelters; and
 - v. Monument signs;
 - g. The following features may project into any yard:
 - i. Telephone poles and lines;
 - ii. Power poles and lines;
 - iii. Cable TV and internet lines;

- iv. Light and flagpoles;
 - v. Sprinkler systems;
 - vi. Trellises not exceeding eight feet in height, not wider than 10 feet;
 - vii. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;
 - viii. Electrical equipment cabinets and similar utility boxes and vaults;
 - ix. Surface and stormwater water management facilities;
 - x. Uncovered porches and decks not exceeding 18 inches above the finished grade; and
 - xi. Rockeries, retaining walls and curbs provided these structures do not exceed a height of six feet from the property line grade; and
- h. No projections are allowed into a regional utility corridor or access easement.
9. Setbacks from alleys. Accessory buildings and accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.
10. Setback modifications.
- a. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.
 - b. For residential lots adjacent to designated local streets and built to applicable standards set forth in Section 3, Street Standards, of the city's public works development standards, setbacks shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.
 - c. Variance. See procedures in KCC Chapter 17.84.
11. Lot or site divided by zone boundary. When a lot is divided by a zone boundary, the following rules shall apply:
- a. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
 - b. When a lot contains residential zones of varying density:
 - i. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;

- ii. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and
- iii. Uses on each portion of the lot shall only be those permitted in each zone pursuant to KCC § 17.11.037.

(Ord. 2022-017, 2022)

§ 17.11.039. Off-street parking.

1. Purpose:

- a. The purpose of this chapter is to provide adequate parking for all uses allowed in this title, to reduce demand for parking by encouraging alternative means of transportation including public transit and bicycles, and to increase pedestrian mobility by:
 - i. Setting minimum off-street parking standards for different land uses and districts that assure safe, convenient and adequately sized parking facilities;
 - ii. Recognizing that developed properties are likely to support a variety of different uses over time; and
 - iii. Providing for parking and storage of bicycles.

2. Authority and application.

- a. The regulations of this chapter apply to all off-street parking areas in all zoning districts within the City of Ellensburg's Urban Growth Area.
- b. The regulations of this chapter apply to all new development applications, all new parking lot construction or enlargement. In addition, these regulations shall apply at the time of enlarging, moving or increasing the capacity of existing structures by creating or adding dwelling units, commercial or industrial floor space, or seating facilities, and shall also apply when an existing land use within an existing structure is changed to a category of land use as set forth below that is different than the category of land use for which the existing parking facility was designed and installed.
- c. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
- d. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking

analyses, or an equally qualified individual as authorized by the director.

- e. The Electric Vehicle Infrastructure regulations in KCC Chapter 17.66 shall be utilized in conjunction with this Chapter.
3. Parking plan -Building permit, surety bond, and occupancy requirements.
 - a. Building permit. No building permit nor parking lot construction or enlargement shall be issued until a parking plan showing provisions for the required off-street parking, as specified in this chapter, has been submitted and approved by the director. The plan shall clearly indicate the proposed development, including parking lot location, size, shape, design, number of spaces, curb cuts, lighting, and other features and appurtenances required by this chapter. The parking plan shall show/state the number of parking spaces and handicap spaces required and provided.
 - b. Surety. Before a building permit is issued for any building or structure for which this chapter requires off-street parking and where such off-street parking is not to be contained within the building for which the building permit is requested, the director may require that the applicant provide the city with a surety bond or other sufficient security approved by the director guaranteeing to the county the installation and improvement of the required off street parking within a time not to exceed six months following the completion of the building(s) for which such off-street parking is to be provided.
 - c. Occupancy. All required off-street parking areas must be completed and landscaped prior to occupancy of any structure.
 4. Computation of required off-street parking spaces.
 - a. Spaces required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 17.11.039(4)(a)(i) Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
RESIDENTIAL / LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
Accessory dwelling unit	None required
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided.
Studio units	1.2 per dwelling unit
Studio and I-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)

Table 17.11.039(4)(a)(i) Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted.
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses, sororities, fraternities	1.0 per bedroom
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required

Table 17.11.039(4)(a)(i) Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets

PLACES OF ASSEMBLY

Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
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INDUSTRIAL AND LAND CONSUMPTIVE USES

Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
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PUBLIC AND QUASI-PUBLIC USES

Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
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Table 17.11.039(4)(a)(i) Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

17.11.039(4)(a)(ii) Footnotes Associated with Table

1. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.
 - a. Shell building permit applications. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses. For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 17.11.039(4)(a)(i) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the "worst case scenario" in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.
 - b. Other provisions of code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.
 - c. Bicycle parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:
 - i. Amount of Bicycle Parking.

Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
Single-family dwelling	None
Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

- ii. **Parking Location and Design - Nonresidential Uses.** Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow.
- iii. **Parking Location and Design - Residential Uses.** Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow.
- iv. **Bicycle parking hardware** shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.

- 5. **Primary use.** The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (6) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.
- 6. **Accessory use.** When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use. Examples:

- a. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.
 - b. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).
7. On-street parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.
8. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for single-family residential structures and duplex dwelling units as per Table 17.11.039(4)(a)(i).
9. Garages. Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in Table 17.11.039(4)(a)(i).
10. Handicapped parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.
11. Fire lane standards. Fire lanes may be required by the fire codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.
12. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category.
13. Continued use of required parking spaces.
 - a. Continued use. Required off-street parking spaces must be available for the continued use of residents, customers, or employees of the use, and the continued use of a building or structure or property for which off-street parking is required shall be conditioned upon the continued existence of such off-street parking. If the required off-street parking ceases to exist in connection with the use for which it was reserved, and no equivalent off-street parking is provided, such occupancy and use of the building or structure or property shall become illegal and the occupancy permit shall become void.
 - b. Assignment prohibited. Required off-street parking spaces may not be

assigned in any way to another use on another site.

- c. Use for non-parking purposes prohibited. Required off-street parking spaces shall not be used for the parking of equipment or for storage of materials or goods or inoperable vehicles. Use of required off-street parking for commercial or other purposes in conjunction with a temporary use of a limited and specific duration shall require separate review and approval by the director in conjunction with the temporary use.
- d. Maintenance required. The off-street parking required by this chapter shall be maintained in a good and functioning condition as determined by the director.

14. Loading space requirements.

- a. Every nonresidential building engaged in retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Table 17.11.039(14)(a)(i) Loading space requirements for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities.

Gross Floor Area	Required Number of Loading Spaces
10,000 to 40,000 square feet	1
40,001 to 96,000 square feet	2
96,001 to 160,000 square feet	3
160,001 to 196,000 square feet	4
For each additional 70,000 square feet	1 additional

- b. Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

Table 17.11.039(14)(b)(i) Loading space requirements for hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar uses.

Gross Floor Area	Required Number of Loading Spaces
40,000 to 120,000 square feet	1
120,001 to 264,000 square feet	2
264,001 to 520,000 square feet	3
520,001 to 784,000 square feet	4
784,001 to 920,000 square feet	5
For each additional 200,000 square feet	1 additional

- c. For storefronts and other similar buildings sited adjacent to a street without individual businesses over 10,000 square feet and no alley access, loading space may be provided by on street designated loading zones upon approval of the public works and utilities director as an administrative decision based on access and safety considerations. A site plan, proposed conditions, and reason for on-street loading facilities shall be included in the application.
- d. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.
- e. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.
- f. Multi-story self-service storage facilities shall provide two loading spaces, and single-story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved, and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter.

15. Parking lot design and construction standards.

- a. Parking area access standards. See Section 6, Parking Standards, of the city's public works development standards.
- b. Parking stall and aisle dimensions. See Section 6, Parking Standards, of the city's public works development standards.
- c. Parking area development and design provisions.
 - i. For parking area surfacing standards, see Section 6, Parking Standards, of the city's public works development standards. Fire lane shall be in accordance with the International Fire Code (IFC) as adopted in KCC Chapter 14.04.

(Ord. 2022-017, 2022)

§ 17.11.040. Infrastructure.

Except as modified by a UGA interlocal agreement, development of infrastructure relating to municipal water and sewer services shall be referred to the requirements as outlined by the corresponding cities code. Joint review shall occur in the development of

roads with both the city and county road standards.
(Ord. 2007-22, 2007; Ord. 2022-017, 2022)

§ 17.11.050. Minimum density.

Density calculations shall be calculated based on lands available after removal of lands protected under Critical Areas as identified in Kittitas County Code Title 17A and lands used for the purpose of development and placement of roads. This provision shall not apply to the Airport Overlay.
(Ord. 2007-22, 2007; Ord. 2019-013, 2019; Ord. 2022-017, 2022)

§ 17.11.060. Maximum lot coverage.

Except as modified by a UGA interlocal agreement, the ground area covered by all buildings, including accessory buildings, shall be consistent with the associated City's maximum lot coverage regulations for the associated land use zone. This applies only to those zones with a Maximum Lot Coverage.
(Ord. 2018-014, 2018; Ord. 2022-017, 2022)

CHAPTER 17.15 ALLOWED USES

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

§ 17.15.015. Allowed uses for certain zones within the Ellensburg Urban Growth Area (UGA).

Properties located within the Ellensburg UGA which are zoned R, UR, C-H, C-L, I-L, I-G, and PUD (Bender Reecer and the Verge) shall utilize the use tables in KCC § 17.11.037(4)(a), § 17.11.037(4)(b), and § 17.11.037(4)(c).
(Ord. 2022-017, 2022)

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

§ 17.15.040. Zoning use tables.

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	Resource	
PA Permitted Administrative		
CU Conditional Use		
ACU Admin. Conditional Use	Commercial	Commercial
<i>*See KCC Chapter 17.08 Definitions</i>	Agriculture	Forest
A. Agriculture		
Animal boarding*	P	P
Animal Crematory*	P	
Agricultural Enhanced Uses*	P ²⁹	P ²⁹
Agriculture processing*	CU ¹⁶	
Agriculture production*	P	P
Agriculture sales*, Produce Farm	P ¹⁵ / AC ²⁷	
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 ²⁴ / CU	
U-Pick/U-Cut Operations*	AC ²⁸	AC ²⁸
Farm Visit*	AC ²⁸	
Commercial Activities associated with agriculture*	AC	
B. Civic Cultural Uses		
Cemetery	P ¹²	P ¹²
Clubhouses, fraternities and lodges*	AC ²³	

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
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU ¹¹	
Interpretive Center*		
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 ²²	CU ²²
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P ²¹	

17.15.050.1 Resource Use Table		
P Permitted	Resource	
PA Permitted Administrative		
CU Conditional Use		
ACU Admin. Conditional Use	Commercial	Commercial
<i>*See KCC Chapter 17.08 Definitions</i>	Agriculture	Forest
D. Industrial		
Airport*	P ¹⁹	P ²⁰
Asphalt/concrete plants		
Explosives, storage or manufacture		
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 ²⁶ /CU ²⁵	
Wholesale business		
E. Recreation		
Campground*		CU ¹⁷
Golf course*		
Guest ranch or Guest Farm*	CU	
Parks and playgrounds*		P ¹⁴
Recreation, indoor*		
Recreation, outdoor*		P ¹⁷
Recreational vehicle storage		
Stadium		
Trails	PA	PA

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
F. Residential		
Accessory dwelling unit*	PA ⁴	PA ⁴
Adult family home*	P ⁹	P ⁹
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 ⁷	P ⁷
Manufactured home*	P	P
Manufactured home park		
Mobile home	P ⁵	P ⁵
Non-accessory storage structure	P	P
Special care dwelling*	P ⁶	P ⁶
Temporary trailers	P ¹⁰	P ¹⁰
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU ¹³	P
Rock crushing*		P
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P ³	P ³
Public facilities*	PA ¹⁸	PA ¹⁸
Solar Power Production Facilities	³⁰	³⁰
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 per 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. The parcel must be at least three acres in size;
 - b. Only one ADU shall be allowed per lot;
 - c. The ADU shall not exceed 1,500 square feet;
 - d. All setback requirements for the zone in which the ADU is located shall apply;
 - e. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;
 - f. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - g. The ADU shall provide additional off-street parking;
 - h. An ADU is not permitted on the same lot where a special care dwelling exists;
 - i. The ADU must share the same driveway as the primary dwelling;
 - j. ADUs shall be subject to obtaining an administrative permit.
5. 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.
- ~~6. 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;~~
- ~~e. 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 exists.~~
- ~~g. Park model trailers shall obtain the same building permit as for placement of a manufactured home.~~
- ~~h. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries.~~

~~7.6.~~ No sign advertising a home occupation shall exceed 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 individuals receiving care in a 24-hour period.

~~8.7.~~ Maximum of four boarders and two bedrooms dedicated to the use.

~~9.8.~~ Pursuant to RCW 70.128.140.

~~10.9.~~ When used for temporary occupancy for a period not-to-exceed one year related to permanent home construction or seasonal/temporary employment.

~~11.10.~~ Existing schools are permitted; new schools require a conditional use permit.

~~12.11.~~ No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.

~~13.12.~~ Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.

~~14.13.~~ Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.

~~15.14.~~ When located no more than 45 feet from the centerline of the public street or highway and selling goods produced on site.

~~16.15.~~ Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.

~~17.16.~~ Limited to campsites or primitive campgrounds as defined by KCC § 17.08.155A.

~~18.17.~~ Pursuant to KCC Chapter 17.62, Public Facilities Permits.

~~19.18.~~ When used primarily in conjunction with agricultural activities.

~~20.19.~~ For emergency and forest related management uses and practices only.

~~21.20.~~ Limited to farm implement repair and maintenance.

~~22.21.~~ 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.

~~23.22.~~ Limited to facilities that serve traditional rural or resource activities (such as granges).

~~24.23.~~ Use shall not exceed 10,000 square feet and no more than eight events shall occur within a calendar year.

~~25.24.~~ Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products.

~~26.25.~~ Limited to seasonal, non-structural hay storage.

~~27.26.~~ 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 45 feet from the centerline of the public street or highway.

~~28.27.~~ When enhanced agricultural sales are provided.

~~29.28.~~ 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.

~~30.29.~~ Pursuant to KCC § 17.61C.050 and § 17.61C.060.

(Ord. 2013-001, 2013; Ord. 2013-008, 2013; Ord. 2013-012, 2013; Ord. 2014-004, 2014; Ord. 2014-005, 2014; Ord. 2014-015, 2014; Ord. 2015-010, 2015; Ord. 2016-023, 2016; Ord. 2018-001, 2018; Ord. 2018-018, 2018; Ord. 2018-021, 2018; Ord. 2021-015, 2021; Ord. 2023-010, 2023; Ord. 2025-011, 10/7/2025)

§ 17.15.060. Allowed uses in rural non-LAMIRD lands.

17.15.060.1 Rural Non-LAMIRD Use Table								
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation		Rural Residential & Rural Recreation	
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			P ⁵⁴	P ⁵⁴		P ⁵⁴		
Agricultural direct marketing activities*	P ⁶¹	P ⁶¹	P ⁶¹	P ⁶¹				
Agricultural seasonal harvest festivities*	P ⁶²	P ⁶²	P ⁶²	P ⁶²				
Agricultural expanded seasonal harvest festivities*	C	C	C	C				
Animal boarding*	P	P	P	P		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
Farm Stand,*	P ²² / AC ⁵⁰	P ²² / AC ⁵⁰	P ²² / AC ⁵⁰	P ²² / AC ⁵⁰	P ²² / AC ⁵⁰	P	P ²² / AC ⁵⁰	P ²² / AC ⁵⁰
Agriculture Sales,*	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	
Feedlot*			CU	CU **				
Grazing*	P	P	P	P	P	P	P	P
Marijuana processing*								
Marijuana production*								
Marijuana, retail sales*								
Nurseries	P	P	P	CU **		P	CU ⁶⁰	
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC ⁴⁴ /CU	AC ⁴⁴ /CU	AC ⁴⁴ /CU	AC ⁴⁴ /CU				

17.15.060.1 Rural Non-LAMIRD Use Table

Rural Non-LAMIRD

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Residential		Rural Working		Rural Recreation		Rural Residential & Rural Recreation
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	PUD
U-Pick/U-Cut Operations*	P / AC ⁵⁰	CU	P / AC ⁵⁰	P / AC ⁵⁰			CU
Farm Visit	CU	CU	AC ⁵⁰	AC ⁵⁰	CU	CU	P ⁵¹
Commercial Activities associated with agriculture*	AC		AC				
B. Civic Uses / Community Services							
Cemetery	P ²¹	P ²¹	P ²¹	CU **	P ²¹	P ²¹	P ²¹
Clubhouses, fraternities and lodges*	AC ⁴³	AC ⁴³	AC ³	AC ³⁴	AC		AC
Cultural and education facilities					P		P
Libraries			CU ³			CU	
Meeting facilities					P		
Museums and galleries						CU	
Religious institutions	CU		CU	CU	CU	CU	CU
Schools, public or private*	P ²⁵	P ²⁵	P ²⁵	CU			CU
Interpretive Center*			AC	AC			AC
C. Commercial							
Auction sales of non-agriculture products						CU	
Bank						CU	
Bed and breakfast*	AC	AC	AC	AC **			AC
Clinic*							
Day care facilities*							
Funeral home/mortuary							
Hospital*							

17.15.060.1 Rural Non-LAMIRD Use Table								
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation		Rural Residential & Rural Recreation	
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Hospital, animal or veterinary*			CU			CU		
Hotel/motel					CU ⁶			
Office*						P ¹⁷		
Restaurant				CU ³⁵	P	CU	CU	
Retail sales,* general				CU ³⁵	P	CU ¹⁸	CU ¹⁸	
Retail sales,* lumber and building materials								
Retail sales,* vehicles								
Services					P ²⁰	CU ⁴⁹		
Shooting range*			CU ³⁰	CU ** ³⁰			CU ³⁰	
Tavern				CU ³⁵	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	P ¹⁶		P ¹⁶	CU ³⁵	P ⁴¹	P ⁴¹		
D. Industrial								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU ³⁶				
Explosives, storage or manufacture								
Forest product processing* (portable)	P	P	CU	CU ³⁴				
Forest product processing* (permanent)			CU	CU **				
Freighting and trucking yard or terminal*								
Hazardous waste storage*								
Hazardous waste treatment*								

17.15.060.1 Rural Non-LAMIRD Use Table								
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Impound/towing yard*								
Junkyard*								
Manufacturing*								
Mini-Warehouse				CU ⁵⁸		CU ¹⁴		
Refuse disposal/recycle*			CU ¹⁹	CU ⁵⁷				
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶ /CU ⁴⁵	PA ⁴⁶				
Wholesale business								
E. Recreation								
Campground*	CU ¹²	CU ¹²	CU ¹²	CU ¹² P ⁵³ **	CU ¹³	CU ¹²	CU ¹²	CU
Golf course*	CU	CU	CU	CU **	CU		CU	
Guest ranch or guest farm*	CU	CU	CU	CU **			CU	
Parks and playgrounds*	P	P	P ³	P	P	P	P	P
Recreation, indoor*					P	CU	CU	P
Recreation, outdoor*	AC	AC	CU	CU	AC	AC	AC	P
Recreational vehicle park*	CU	CU			CU		CU	CU
Recreational vehicle/equipment service and repair*				CU ⁵⁹				
Recreational vehicle storage				CU ²⁶			CU ²⁶	P ²⁶
Stadiums								
Trails	PA	PA	PA	PA	PA	PA	PA	PA

17.15.060.1 Rural Non-LAMIRD Use Table

Rural Non-LAMIRD

P Permitted
 PA Permitted Administrative
 CU Conditional Use
 ACU Admin. Conditional Use
 * See KCC Chapter 17.08 Definitions

F. Residential

	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Accessory dwelling unit*	PA ²⁷	PA ²⁷	PA ²⁷	PA ²⁷ **			PA ²⁷	PA ²⁷
Adult family home*	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰
Boarding house			CU ²⁸	CU ²⁸ **				
Convalescent home			CU	CU **				
<u>Community residential facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwelling, single-family*	P ³²	P ³⁹	P	P ³³	P ¹	PA ²	P	P
Dwelling, two-family*	P		P ³	P ³⁴	P ¹		CU	P
Dwelling, multiple-family*					P ¹			P
Farm labor shelter*	CU ⁴		CU ⁴	CU ⁴ **				
<u>Family day care provider</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home*	CU	CU					CU	
Group Care Facility*	CU ⁵⁵	CU	CU ⁵⁵	CU			CU	
Home occupation*	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵ **	P/CU ⁵		P/CU ⁵	P/CU ⁵
Manufactured home*	P	P	P	P **	P	PA2	P	P
Manufactured home park								
Mobile home	P ³⁷	P ³⁷		P ³³				
Non-accessory storage structure	P	P	P	P	P		P	P
<u>Special care dwelling*</u>	<u>P²⁰</u>	<u>P²⁰</u>	<u>P²⁰</u>	<u>P²⁰</u>			<u>CU²⁰</u>	<u>P²⁰</u>
Temporary trailer	P ⁷	P ⁷	P ⁷	P ⁷ **	P ⁷	P ⁷	P ⁷	P ⁷
G. Resource								
Forestry*	P	P	P	P ³³				
Forest product sales*				P				

17.15.060.1 Rural Non-LAMIRD Use Table

Rural Non-LAMIRD

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions								
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 ⁴⁸	Rural 5 ⁴⁸	Ag 20 ⁴⁸	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Mining and excavation*	CU	CU ³⁸	CU	P ³³				
Rock crushing*		CU ³⁸		P ³³				
H. Utilities and Public Facilities								
Electric vehicle infrastructure*	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ²⁵
Public facilities*	PA ⁵²	PA ⁵²	PA ⁵²	PA ⁵²	PA ⁵²	PA ⁵²	PA ⁵²	PA ⁵²
Solar Power Production Facilities	⁵⁶	⁵⁶	⁵⁶	⁵⁶	⁵⁶	⁵⁶	⁵⁶	⁵⁶
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 ¹¹ /ACU ¹¹ /CU ¹¹	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	

17.15.0060.2 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 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 per 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.

17.15.0060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

5. No sign advertising a home occupation shall exceed 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 or fewer individuals receiving care in a 24-hour period are permitted; in-home daycares with seven to 12 individuals receiving care in a 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 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.

17.15.0060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

21. No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and 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.
26. Recreational vehicle storage may be enclosed or outdoor storage of recreational vehicles or both. Permitted where the use is only serving a residential PUD or in the Rural Recreation and Forest and Range zoning districts and subject to the following standards and conditions:
 - a. All stored vehicles must be licensed if required by law, and operational. This land use does not include vehicle sales.
 - b. Unless it is limited to serving a residential PUD and otherwise permitted or authorized, recreational vehicles shall not be stored outside when the site is contiguous to a residential zoning district.
 - c. No commercial or manufacturing activities are permitted except when recreational vehicle/equipment service and repair has been permitted subject to the requirements of KCC § 17.15.060.2 Footnote 60.
 - d. In the Forest and Range zoning district, and when not limited to serving a recreational planned unit development, the site shall either be:
 - i. Contiguous to a State Highway, or
 - ii. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
 - iii. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.
 - e. Recreational vehicle storage shall be designed to be compatible with the surrounding rural character, subject to the following standards:
 - i. Storage areas shall be enclosed with a minimum five-foot-high, security fence. The applicant may be required to provide additional plans for aesthetic improvements and/or site-screening.
 - ii. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
 - iii. Findings shall be made that the proposal does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
 - iv. Measures shall be taken to protect ground and surface water. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
27. Subject to the following requirements:
 - a. The parcel must be at least 3 acres in size;
 - b. Only one ADU shall be allowed per lot;
 - c. The ADU shall not exceed 1,500 square feet;
 - d. All setback requirements for the zone in which the ADU is located shall apply;
 - e. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;

17.15.0060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

- f. No mobile homes or recreational vehicles shall be allowed as an ADU;
 - g. The ADU shall provide additional off-street parking;
 - h. An ADU is not permitted on the same lot where a special care dwelling exists;
 - i. The ADU must share the same driveway as the primary dwelling;
 - j. ADUs shall be subject to obtaining an administrative permit.
28. Maximum of four boarders and two bedrooms dedicated to the use.
- ~~29. 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;~~
 - ~~h. Park model trailers shall obtain the same building permit as for placement of a manufactured home;~~
 - ~~i. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries;~~
- ~~30-29.~~ 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.
- ~~31-30.~~ Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
- ~~32-31.~~ 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.
- ~~33-32.~~ When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
- ~~34-33.~~ 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.

17.15.0060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

~~35-34.~~ Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

~~36-35.~~ Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.

~~37-36.~~ 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.

~~38-37.~~ Permitted when located within an established mining district; conditional use permit required when located outside established mining district.

~~39-38.~~ 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.

~~40-39.~~ Pursuant to RCW 70.128.140.

~~41-40.~~ Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

~~42-41.~~ Includes truck stop operations. Minor repair work permitted.

~~43-42.~~ Limited to facilities that serve traditional rural or resource activities (such as granges).

~~44-43.~~ Use shall not exceed 10,000 square feet and no more than eight events shall occur within a calendar year.

~~45-44.~~ Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products.

~~46-45.~~ Limited to seasonal, non-structural hay storage.

~~47-46.~~ Services limited to resource based industries

~~48-47.~~ All lots greater than 1/2 acre will not have more than 50% of the lot covered by impervious surface.

~~49-48.~~ 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.

~~50-49.~~ When enhanced agricultural sales are provided.

~~51-50.~~ When approved as part of the PUD development plan.

~~52-51.~~ Pursuant to KCC Chapter 17.62, Public Facilities Permits.

~~53-52.~~ Limited to primitive campgrounds as defined by KCC § 17.08.155A.

~~54-53.~~ 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.

~~55-54.~~ Only allowed as a conditional use when primary use of land is agriculture.

~~56-55.~~ Pursuant to KCC § 17.61C.050 and § 17.61C.060.

~~57-56.~~ (Removed per Ord. 2022-017, 2022)

~~58-57.~~ The following standards shall apply to the approval and construction of mini warehouses in the Forest and Range zone:

- a. The site shall either be contiguous to a State Highway or contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement;

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

- b. Findings shall be made that the use does not require urban government services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands;
- c. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts;
- d. Measures shall be taken to protect ground and surface water;
- e. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
- f. All buildings with storage units facing property boundaries shall have a minimum setback of 35 feet;
- g. No commercial or manufacturing activities will be permitted within any building or storage unit except for RV storage when authorized under KCC § 17.15.060.2, Footnote 60;
- h. Lease documents shall spell out all conditions and restriction of the use;
- i. Signs, other than on-site direction aids, shall number not more than two and shall not exceed 40 square feet each in area.

~~59-58.~~ Recreational vehicle/equipment service and repair is permitted by conditional use permit in the Forest and Range zoning district. The site shall either be:

- a. Contiguous to a State Highway, or
- b. Contiguous to a designated urban arterial or rural collector road located near a highway intersection or freeway interchange.
- c. It is not necessary for the site to have direct access to such arterial, collector or highway to meet this requirement.

Vehicles under repair shall either be kept inside buildings or visually screened from surrounding areas. No on-street vehicle parking shall be allowed associated with the use. All vehicles, including recreational vehicles and customer and employee automobiles shall be stored or parked on-site at all times. Maintenance and repair activities shall not take place in RV storage enclosures or spaces, except limited maintenance and minor repairs may be performed on RV's that are already being stored at the site in order to avoid having to move them, when such maintenance and repair activities can be completed in two hours or less and only in the enclosures or spaces in which the RV's are already being kept. This use shall be designed to be compatible with the surrounding rural character, subject to the following standards:

- a. Findings shall be made that the use does not require urban governmental services such as municipal sewer or water service and does not compromise the long-term viability of designated resource lands.
- b. Additional setbacks, physical barriers or site-screening may be required on sites that border resource lands in the Commercial Agriculture or Commercial Forest zoning districts.
- c. Measures shall be taken to protect ground and surface water.

~~60-59.~~ Nurseries limited to the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting. Sale of bulk landscape materials such as rock, bark, mulch and topsoil shall not be permitted in this zone. Pre-packaged landscape materials are excluded from this restriction.

~~61-60.~~ Agricultural direct marketing activities shall comply with all of the following standards:

- a. The subject property shall be actively farmed by the property owner.
- b. Retail structures shall not total more than 3,000 square feet.
- c. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
- d. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted.
- e. The use shall be operated in accordance with all applicable federal, state, and local ordinances.
- f. New structures or existing structures converted for public use shall meet current building and fire codes.

17.15.0060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

- g. Adequate sanitary facilities shall be provided in accordance with Kittitas County Public Health Department requirements.
 - h. Adequate ingress/egress shall be provided to and from the site in accordance with Kittitas County Public Works requirements.
 - i. Sufficient land area is provided to accommodate the proposed use and related parking, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.
62. Agricultural seasonal harvest festivities shall comply with all of the following standards:
- a. The site shall conform to the requirements for “agricultural direct marketing activities” except as provide for herein.
 - b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
 - c. Seasonal harvest festivities are prohibited on vacant property, unless the vacant land adjoins property occupied by the owner/operator of the festivities.
 - d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday, and Monday, from the second weekend of June through the December 31.
 - e. Inflatable amusement devices, such as moonwalks, slides, or other inflatable games for children, shall be limited to a maximum of five (5) per seasonal harvest festivities event.

(Ord. 2013-001, 2013; Ord. 2013-008, 2013; Ord. 2013-012, 2013; Ord. 2014-004, 2014; Ord. 2014-005, 2014; Ord. 2014-015, 2014; Ord. 2015-010, 2015; Ord. 2016-023, 2016; Ord. 2018-001, 2018; Ord. 2018-018, 2018; Ord. 2018-021, 2018; Ord. 2019-013, 2019; Ord. 2021-015, 2021; Ord. 2022-017, 2022; Ord. 2023-010, 2023; Ord. 2025-011, 10/7/2025)

§ 17.15.070. Allowed Uses in rural LAMIRD lands.

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

17.15.70.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Rural LAMIRD ^{4*} (Type 1 LAMIRDs)									Rural Employment Centers ^{4*, 5†} (Type 3 LAMIRDs)				
		Resident- ial	Rural	Agri- culture	General	Highway	Light	General	Forest & Range	PUD	Limited Commer- cial	General	Highway	Light
	Residential	2	5	3	Commercial	Commercial	Industrial	Industrial			cial	Commercial	Commercial	Industrial
A. Agriculture														
Animal boarding*	CU ¹	P	P	P	P				P			P		
Agriculture processing*				P ²	P/CU ⁴		P/CU ⁴	P/CU ⁴	CU		P/CU ⁴	P/CU ⁴	P/CU ⁴	P/CU ⁴
Agriculture production*	CU ¹		P	P ³			P ⁴	P ⁴	P ⁵					P ⁴
Agriculture sales,* Farm stand*				P ⁷ /AC	P	P					P	P	P	
Agriculture sales				CU										
Feedlot*														

17.15.70.1 Rural LAMIRD Use Table														
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Rural LAMIRD* (Type 1 LAMIRDs)										Rural Employment Centers ^{49,51} (Type 3 LAMIRDs)			
	Residential	Residential 2	Rural 5	Agri- culture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commer- cial	General Commercial	Highway Commercial	Light Industrial
Grazing*			P	P	P	P	P	P	P		P	P	P	P
Marijuana Processing*							ACU ⁵⁵	ACU ⁵⁵						
Marijuana Production*							ACU ⁵⁵	ACU ⁵⁵						
Marijuana, retail sales*														
Nurseries	CU	CU		P	P	P			CU		P	P	P	CU
Riding academies				CU					CU					
Small-scale event facility*														
U-Pick/Cut Operations*														
Farm Visit*														
Commercial Activities associated with agriculture*				AC										
B. Civil and Cultural														
Cemetery	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	CU	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Clubhouses, and lodges*	CU		P	P ¹⁰					CU					
Cultural and education facilities	CU													
Libraries	CU			CU	CU									
Meeting facilities														
Museums and galleries	CU			CU	P	CU			CU			CU	CU	
Religious institutions*	CU	CU		CU					CU					
Schools, public and private*	CU	CU	CU	CU	CU				CU					
Interpretive Center*														
C. Commercial														
Auction sales of non-agriculture products											P	P		
Bank					PA	PA								
Bed and breakfast*	CU	CU	CU	CU	CU	CU			CU	CU	CU ⁵⁰	CU ⁵⁰	CU ⁵⁰	
Clinic*	CU ¹²			CU	CU									
Day care facilities*	P/CU ⁶⁰	P/CU ⁶⁰		CU	CU							CU		

17.15.70.1 Rural LAMIRD Use Table														
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Rural LAMIRD ⁴⁸ (Type 1 LAMIRDs)				Rural Employment Centers ^{49,51} (Type 3 LAMIRDs)									
	Residential	Residential 2	Rural 5	Agri- culture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commer- cial	General Commercial	Highway Commercial	Light Industrial
Funeral home/mortuary					CU									
Hospital*														
Hospital, animal or Veterinary*					CU						CU	CU		
Hotel/motel					CU	CU				P		CU ⁵²	CU ⁵²	
Office*					PA	PA ¹³						PA	PA ¹³	
Restaurant					PA	PA				P	P	P	P	
Retail sales,* general					P ⁴⁷	P ¹⁴				P	P ⁴⁷	P ⁴⁷	P ¹⁴	
Retail sales,* lumber and building materials					P ¹⁵							P ¹⁵		
Retail sales,* vehicles												PA		
Services					P ⁴⁴	P					P ⁴⁴	P ⁴⁴		
Shooting range*					CU ³⁹							CU ³⁹		
Tavern					P	P				P		P	P	
Temporary sales office														
Vehicle/equipment service and repair*					P ¹¹	P ¹⁹					P ¹⁸	P ¹¹	P ¹⁹	
D. Industrial														
Airport*				CU										CU ⁴⁵
Asphalt/Concrete plants									CU					
Explosives, storage or manufacture							CU	CU						CU
Forest product processing* (portable)			P	P					CU			CU		CU
Forest product processing* (permanent)				CU					CU			CU		CU
Freighting and trucking yard or terminal*														
Hazardous waste storage*														CU
Hazardous waste treatment*														
Impound/Towing Yard*						CU ⁵⁹	P ⁵⁹			CU ⁵⁹				
Junkyard*														
Manufacturing*												P		P

17.15.70.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Rural LAMIRD ⁴⁸ (Type 1 LAMIRDs)									Rural Employment Centers ^{49, 51} (Type 3 LAMIRDs)				
	Residential	Residential 2	Rural 5	Agri- culture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commer- cial	General Commercial	Highway Commercial	Light Industrial
Mini-warehouse					CU ²²		P		CU ²²		P ²²	P ²²		P
Refuse disposal/recycle*														
Research laboratories											CU			P
Wastewater treatment														
Warehousing and distribution														
Wholesale business											CU ⁵³	P ⁵³		P ⁵³
E. Recreation														
Campgrounds			CU ²¹	CU ²¹	CU ²¹	CU ²¹			CU ²¹ P ⁵⁶				CU ²¹	
Golf courses			CU	CU					CU					
Guest ranch or guest farm			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, outdoor*					CU	CU				P ³⁵		CU	CU	
Recreational vehicle park*										P ³⁵				
Recreational vehicle storage*										P ³⁵				
Stadiums														
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential														
Accessory dwelling unit	PA ²⁴	PA ²⁴	PA ²⁴	PA ²⁴	P ²⁵					P ²⁴				
Adult family home	P ⁴¹	P ⁴¹	P ⁴¹	P ⁴¹	P ⁴¹	P ⁴¹			P ⁴¹	P ⁴¹	P ⁴¹	P ⁴¹	P ⁴¹	
Boarding house	CU ³⁶			CU ³⁶					CU ³⁶					
<u>Community residential facility</u>	P	P	P	P	P	P	P	P	P	P	P	P		
Convalescent home				CU					CU					
Dwelling, single-family	P	P	P	P	P				P	P	P ²⁸	P ²⁸		
Dwelling, two-family	P	P		P	P ²⁸				P	P				
Dwelling, multiple-family	CU									P				
Farm Labor Shelter				CU ²⁶					CU ²⁶					

17.15.70.1 Rural LAMIRD Use Table

Rural LAMIRD*
(Type 1 LAMIRDs)Rural Employment Centers*^{40, 51}
(Type 3 LAMIRDs)

P Permitted
PA Permitted Administrative
CU Conditional Use
ACU Admin. Conditional Use
*See KCC Chapter 17.08 Definitions

	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
Family day care provider	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Home Facility*			CU											
Group Care			CU						CU					
Home occupation	P/CU ²⁷	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	P/CU ²⁸	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 ²⁵	P ²⁵		
Manufactured home park	CU ²⁷		CU ²⁷	CU ²⁷	P				CU ²⁷	P		P		
Mobile homes		P ³⁷	P ⁶						P					
Non-accessory storage structure	P	P	P	P					P	P				
Special care dwelling	P ²⁴	P ²⁴	P ²⁴	P ²⁴	P ²⁴					P	P ²⁴	P ²⁴		
Temporary trailers	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹		P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P ²⁹		P ²⁹
G. Resource														
Forestry*			P	P					P					
Forest product sales*									P					
Mining and excavation*												CU		CU
Rock crushing*												CU		CU
H. Utilities and Public Facilities														
Electric vehicle infrastructure	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ³⁵	P ²³	P ²³	P ²³	P ²³
Public facilities	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ^{54,32}	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ⁵⁴	PA ^{54,32}
Solar Power Production Facilities	58	58	58	58	58	58	58	58	58	58	58	58	58	58
Utilities	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³
Watershed management activities	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

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 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.

Footnotes Associated with Rural LAMIRD Use Table.

5. Provided the lot contains one acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
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. 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.
7. When located no more than 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 within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.
10. Not permitted in the Agriculture Study Overlay Zone.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be 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 ten thousand (10,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six feet and not more than seven feet high.
16. Not to exceed two years.
17. Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes
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. Reduction or disposal of garbage, offal or similar refuse;
 - h. Oil refining; alternative energy refinery (i.e., biofuels, ethanol)
 - i. Rubber reclaiming;
 - j. Feed yards, livestock sales yards or slaughterhouses;
 - k. Smelting, reduction or refining of metallic ores;
 - l. Tanneries;
 - m. Wineries;
 - n. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;

Footnotes Associated with Rural LAMIRD Use Table.

- o. Waste (refuse) recycling and processing;
- p. 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:

- a. 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;
- b. 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 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 and shall not exceed 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. A maximum of two ADUs shall be allowed per lot;
- b. ADUs must be able to comply with all applicable development standards;
- c. The ADU shall not exceed 1,500 square feet;
- d. All setback requirements for the zone in which the ADU is located shall apply;
- e. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;
- f. No mobile homes or recreational vehicles shall be allowed as an ADU;
- g. ADU development shall provide one off-street parking space per unit;
- ~~h. Only one ADU is permitted on the same lot where a special care dwelling exists;~~
- ~~h.~~ h. The ADU must share the same driveway as the primary dwelling;
- ~~i.~~ i. ADUs shall be subject to obtaining an administrative permit.

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.

Footnotes Associated with Rural LAMIRD Use Table.

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 per 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 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. Maximum of four boarders and two bedrooms dedicated to the use.
37. 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.
- ~~38. 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 exists;~~
 - ~~h. Park model trailers shall obtain the same building permit as for placement of a manufactured home;~~
 - ~~i. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries;~~
- ~~39,38.~~ 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:

Footnotes Associated with Rural LAMIRD Use Table.

- 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.

~~40.39.~~ Outdoor recreation activities that cause noise require a conditional use permit.

~~41.40.~~ Subject to provisions of RCW 70.128.140.

~~42.41.~~ Use shall not exceed 10,000 square feet and no more than eight events shall occur within a calendar year.

~~43.42.~~ Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products.

~~44.43.~~ 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.*

~~45.44.~~ No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.*

~~46.45.~~ (Removed per Ord. 2022-017, 2022)

~~47.46.~~ Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed 10,000 square feet.*

~~48.47.~~ 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).*

~~49.48.~~ All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.iii RCW 36.07A.070(5)(d)(iii).*

~~50.49.~~ Allowed only in existing residences.*

~~51.50.~~ Any new Type 3 LAMIRD is required to be at least 1/2 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.*

~~52.51.~~ Permitted only within existing Type 3 LAMIRDs.*

~~53.52.~~ Wholesale activity will not exceed 4000 square feet in space.*

~~54.53.~~ Pursuant to KCC Chapter 17.62, Public Facilities Permits.

~~55.54.~~ Required to meet all the review criteria requirements for conditional use permits found in KCC § 17.60A.015.

~~56.55.~~ Limited to primitive campgrounds as defined by KCC § 17.08.155A.

~~57.56.~~ 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 12 units per acre. A minimum of five manufactured home spaces shall be required per park.
- c. Manufactured home parks shall provide not less than 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.

~~58.57.~~ Pursuant to KCC § 17.61C.050 and § 17.61C.060.

~~59.58.~~ Applies only to Snoqualmie Pass LAMIRD.

~~60.59.~~ Day Care Facilities servicing 13 or more adults or children within a 24-hour period require a Conditional Use Permit. All Day Care Facilities must comply with all State licensing requirements.

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

§ 17.15.070

§ 17.15.080

2015; Ord. 2018-001, 2018; Ord. 2018-018, 2018; Ord. 2018-021, 2018; Ord. 2021-015, 2021; Ord. 2022-017, 2022; Ord. 2023-010, 2023; Ord. 2025-001, 1/7/2025; Ord. 2025-011, 10/7/2025)

§ 17.15.080. Allowed uses in urban lands.

(See KCC § 17.11.037(4)(a), § 17.11.037(4)(b), and § 17.11.037(4)(c) for allowed uses within the Ellensburg UGA which are zoned Residential (R), Urban Residential (UR), Highway Commercial (C-H), Limited Commercial (C-L), Light Industrial (I-L), General Industrial (I-G)), and PUD (Bender/Reecer and the Verge).

17.15.080.1 Urban Use Table													
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agri-culture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
A. Agriculture													
Animal boarding*	CU ¹			CU				CU				CU	
Agricultural Enhanced Uses*								P ⁹				P ⁹	
Agriculture processing*				P ²				P		P ⁴	P ⁴	CU	
Agriculture production*	CU ¹	CU ⁵		P ⁵	P	P				P ⁴	P ⁴	P ⁵	
Agriculture sales,* Produce Farm stand				P ⁷ / AC ⁶					P			P ⁷ / AC ⁶	
Agriculture sales		CU		CU				CU				CU	
Dairy													
Feedlot*				CU ⁸								CU ⁸	
Grazing*		P		P	P	P	P	P	P	P	P	P	
Marijuana Processing*										ACU ⁶	ACU ⁴³		
Marijuana Production*										ACU ⁴³	ACU ⁶		
Marijuana, retail sales*													
Nurseries	CU	CU		P	P	P	P	P	P			CU	
Riding Academies		CU		CU		CU						CU	
Small-scale event facility*				AC ⁴¹ /CU	AC ⁴¹ /CU	AC ⁴¹ /CU						AC ⁴¹ /CU	
U-Cut/U-Pick operation*				P / AC ⁴⁴									
Farm Visit*				CU	CU	CU	CU	CU	CU			CU	

17.15.080.1 Urban Use Table													
P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. 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
Commercial Activities associated with agriculture*		AC		AC									
B. Civic and Cultural													
Cemetery	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	CU	P ⁹
Clubhouses, fraternities and lodges*	AC	AC		P	P	P						AC	
Cultural and educational facilities	CU												
Libraries				CU			P	P					
Meeting facilities													
Museums and galleries	CU	CU		CU				P ¹¹	P			CU	
Religious institutions*	CU	CU		CU								CU	
Schools, public or private*		CU		CU			P	P				CU	
Interpretive Center*													
C. Commercial													
Auction sales of non-agriculture products				CU				P				CU	
Bank								P	P				
Bed and breakfast*				AC		AC						AC	
Clinic*	CU ¹²												
Day care facilities*	P/CU ⁵¹	P/CU ⁵¹		CU	P/CU ⁵¹	P/CU ⁵¹	CU	CU	CU			CU	
Funeral home/mortuary								CU					
Hospital*	CU			CU				P				CU	
Hospital, animal or veterinary*								CU					
Hotel/motel								P	P				P
Office*								P	P ¹³				
Restaurant							P	P	P				P
Retail sales,* general							P ¹¹	P ¹¹	P ¹⁴				P
Retail sales,* lumber and building materials								P ¹⁵					P

17.15.080.1 Urban Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agri-culture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Retail sales,* vehicles								P					P
Services							P ¹¹	P ¹¹	P ¹¹				
Shooting range*								CU ⁶				CU ⁶	
Tavern								P	P				P
Temporary sales office													
Vehicle/ equipment service and repair*							P ¹⁸	P ¹¹	P ¹⁹	P ¹⁹			
D. Industrial													
Airport*				CU				CU		CU		CU	
Asphalt/Concrete plants												CU	
<u>Compost Facility</u>										<u>P</u>	<u>P</u>	<u>P</u>	
Explosives, storage or manufacture										CU	CU		
Forest product processing* (portable)				P	P	P						P	
Forest product processing* (permanent)				CU								CU	
Freighting and trucking yard or terminal*								CU		P	P	CU	
Hazardous waste storage*								CU		CU	CU ²⁰		
Hazardous waste treatment*								CU		CU	CU ²⁰		
Impound/Towing Yard*								ACU	ACU	P	P		
Junkyard*								CU			CU ²⁰		
Manufacturing*								P		P	P ²⁰		
Mini-Warehouse					CU ²²	CU ²²	P ¹¹	P ¹¹		P		CU ²²	
Refuse disposal/recycle*										CU	CU ²⁰	CU	
Research laboratories										P	P		
Wastewater treatment													
Warehousing and distribution	PA ⁶	PA ⁶	PA ⁶	PA ⁶	PA ⁶	PA ⁶	PA ⁶	PA ⁶	PA ⁶	P	P	PA ⁶	
Wholesale business								P		P	P		

17.15.080.1 Urban Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agri-culture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
E. Recreation													
Campground*				CU ²¹	CU ²¹	CU ²¹		CU ²¹	CU ²¹			CU ²¹ P ⁴⁷	
Golf course*				CU	CU	CU						CU	
Guest ranch or guest farm*				AC	AC	AC						AC	
Parks and playgrounds*	P	P		P	P	P	P	P				P	P
Recreation, indoor*				CU	CU	CU		P	P			CU	P ³⁵
Recreation, outdoor*				AC	AC	AC		P ³⁸	P ³⁸			AC	P ³⁵
Recreational vehicle park*													
Recreational vehicle storage													P
Stadiums								CU					
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential													
Accessory dwelling unit*	PA ²⁴	PA ²⁴		PA ²⁴	PA ²⁴	PA ²⁴		P ²⁵				PA ²⁴	PA ²⁴
Adult family home*	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰	P ⁴⁰			P ⁴⁰	P ⁴⁰
Boarding house	PCU ³⁴			CU ³⁶								CU ³⁶	P
<u>Community residential facility</u>	P	P	P	P	P	P	P	P	P			P	P
Convalescent home												CU	
Dwelling, single-family*	P	P	P ³⁹	P	P	P	P	P ²⁵				P	P
Dwelling, two-family*	P	P		P			P	P ²⁵				P	P
Dwelling, multiple-family*	AC												P
Farm labor shelter*				CU ²⁶								CU ²⁶	
<u>Family day care provider</u>	P	P	P	P	P	P	P	P	P	P	P	P	P
Group home*					CU	CU						CU	
Group Care Facility*						CU						CU	
Home occupation*	P/CU ²⁷	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	P
Manufactured home park	CU ⁴⁹	CU ⁴⁹		CU ⁴⁹	CU ⁴⁹	CU ⁴⁹		P				CU ⁴⁹	CU ⁴⁹
Mobile home		P ³⁷	P ³⁹		P ³⁷							P ³⁷	P ³⁷
Non-accessory storage structure	P ⁵²	P ⁵²	P ⁵²	P ⁵²	P ⁵²	P ⁵²						P ⁵²	P ⁵²

17.15.080.1 Urban Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agri-culture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Special care dwelling*	P ¹²	P ¹²		P ¹²	P ¹²	P ¹²	P ¹²						P ¹²
Temporary trailer	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰	P ²⁰		CU ²⁰
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	CU ³¹						P	
H. Utilities and Public Facilities													
Electric vehicle infrastructure*	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Public facilities*	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ^{32, 46}	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶	PA ⁴⁶
Solar Power Production Facilities	50	50	50	50	50	50	50	50	50	50	50	50	50
Utilities	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³		P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³	P ³³ /ACU ³³ /CU ³³
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

Footnotes Associated with Urban 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 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.
- Feed yards, livestock sales yards, and slaughterhouses require a conditional use permit.
- Provided the lot contains one acre or more. Agriculture production on smaller lots requires a conditional use permit except for the raising of swine specific to youth educational projects. Raising of mink is prohibited.
 - Fencing and housing adequate to fully contain swine shall be provided when permitted.
- 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:
 - The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
 - Adherence to the practices and recommendations of the "NRA Range Sourcebook."
 - Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."

Footnotes Associated with Urban Use Table.

- 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 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 within established cemetery boundaries as of the date of amendment adoption, and 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 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 feet and not more than seven feet high.
16. Not to exceed two 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 exists.~~
 - ~~h. Park model trailers shall obtain the same building permit as for placement of a manufactured home.~~
 - ~~i. Park model trailers shall be inspected and approved by Washington State Department of Labor and Industries.~~
- ~~18.~~17. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
- ~~19.~~18. Includes truck stop operations. Minor repair work permitted.
- ~~20.~~19. 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. Reduction or disposal of garbage, offal or similar refuse;

Footnotes Associated with Urban Use Table.

- h. Oil refining; alternative energy refinery (i.e., biofuels, ethanol)
- i. Rubber reclaiming;
- j. Feed yards, livestock sales yards or slaughterhouses;
- k. Smelting, reduction or refining of metallic ores;
- l. Tanneries;
- m. Wineries;
- n. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
- o. Waste (refuse) recycling and processing;
- p. 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:

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

- a. 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;
- b. 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.

~~21.20.~~ 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)

~~22.21.~~ 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 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 and shall not exceed 40 square feet each in area;

~~23.22.~~ Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one acre is available. Excluding swine and mink.

~~24.23.~~ Accessory dwelling unit (ADU) subject to the following requirements:

- a. ADU development standards for properties located within the City of Ellensburg's Urban Growth Area shall be subject to the Interlocal Agreement established in Resolution 2022-013 and any subsequent amendments therein;
- b. There shall be no more than two ADUs on the lot;
- c. The ADU shall not exceed 1,500 square feet;

Footnotes Associated with Urban Use Table.

- d. All setback requirements for the zone in which the ADU is located shall apply;
- e. The ADU shall meet the applicable health department standards for potable water and sewage disposal, including providing adequate water supplies under RCW 19.27.097;
- f. No mobile homes or recreational vehicles shall be allowed as an ADU;
- g. ADU development shall require one additional off-street parking space per unit;
- h. An ADU is not permitted on the same lot where a special care dwelling exists;
- i. ADUs shall be subject to obtaining an administrative permit;
- j. Legally established structures that are non-conforming due to inadequate setbacks may be converted to ADUs with applicable building permits.

25-24. 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.

26-25. 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 per 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

27-26. 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.

28-27. 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.

29-28. When used for temporary occupancy for a period not to exceed one year related to permanent home construction or seasonal/temporary employment.

30-29. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.

31-30. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.

32-31. Public transportation deadhead stations permitted; passenger terminals are a conditional use.

33-32. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.

34-33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.

35-34. Where the use is only serving a residential PUD and where all applicable standards are met.

36-35. Maximum of four boarders and two bedrooms dedicated to the use.

37-36. 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.

38-37. Outdoor recreation activities that cause noise require a conditional use permit.

39-38. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.

40-39. Pursuant to RCW 70.128.140.

41-40. Use shall not exceed 10,000 square feet and no more than eight events shall occur within a calendar year.

42-41. Limited to seasonal, non-structural hay storage.

Footnotes Associated with Urban Use Table.

43-42. Required to meet all the review criteria requirements for conditional use permits found in KCC § 17.60A.015.

44-43. 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.

45-44. When enhanced agricultural sales are provided.

46-45. Pursuant to KCC Chapter 17.62, Public Facilities Permits.

47-46. Limited to primitive campgrounds as defined by KCC § 17.08.155A.

48-47. 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.

49-48. 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 12 units per acre. A minimum of five manufactured home spaces shall be required per park.
- c. Manufactured home parks shall provide not less than 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.

50-49. Pursuant to KCC § 17.61C.050 and § 17.61C.060.

51-50. Day Care Facilities servicing 13 or more adults or children within a 24-hour period require a conditional use permit. All day care facilities must comply with all State licensing requirements.

51. Permissions and standards for projects developed within the City of Ellensburg Urban Growth Area are subject to KCC Chapter 17.11 Urban Growth Areas and the most recent version of the Kittitas County/City of Ellensburg Interlocal Agreement.

52. Boarding House (Co-Living) the following exceptions shall apply:

- a. No room dimensional standards are required beyond what is required under building code.
- b. Co-living parking requirement is 0.25 off-street parking spaces per sleeping unit.
- c. Density calculation for co-living spaces is one-quarter of a dwelling unit for every sleeping unit.

(Ord. 2013-001, 2013; Ord. 2013-008, 2013; Ord. 2013-012, 2013; Ord. 2014-004, 2014; Ord. 2014-005, 2014; Ord. 2014-015, 2014; Ord. 2015-002, 2015; Ord. 2015-010, 2015; Ord. 2016-023, 2016; Ord. 2018-001, 2018; Ord. 2018-018, 2018; Ord. 2019-013, 2019; Ord. 2021-015, 2021; Ord. 2022-017, 2022; Ord. 2023-010, 2023; Ord. 2025-011, 10/7/2025)

CHAPTER 17.16
R - RESIDENTIAL ZONE³

§ 17.16.010. Purpose and intent.

The purpose and intent of the Residential zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided.
(Ord. 83Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.16.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the uses and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify development uses and standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.
(Ord. 2022-017, 2022)

§ 17.16.020. Allowed uses.

Uses allowed in the Residential zone include those uses pursuant to KCC Chapter 17.15.
(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 96-19 (part), 1996; Ord. O-2006-01, 2006; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.16.030. Minimum lot requirements.

1. Minimum lot sizes in the R zone are as follows:
 - a. Single family dwelling, seven thousand two hundred (7,200) square feet;
 - b. Two (2) family dwelling, ten thousand (10,000) square feet.
2. The minimum lot depth shall be one hundred (100) feet.
3. The minimum average lot width shall be sixty-five (65) feet.
4. In no case shall there be more than one (1) main dwelling and its accessory buildings constructed on one (1) lot unless such lot is greater than twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access.
6. Affordable housing projects. Affordable housing projects for single-family, duplex, and multi-family on property owned by a religious organization located in an urban growth area may be eligible for a density up to 20% additional units above the maximum density calculated for the lot, pursuant to a development agreement.
(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.16.040. Maximum lot coverage.

The ground area covered by all buildings, including accessory buildings, shall not

3. Editor's Note: Legislation previously included in Ch. 17.16: Ords. 69-7 and 76-3.

exceed thirty percent (30%) of the lot area. All lots located within an Urban Growth Area, refer to KCC § 17.11.060.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2018-014, 2018)

§ 17.16.050. Maximum structure height.

No structure shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet, whichever is less in height.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.16.060. Yard requirements - Front.

A. There shall be a front yard having a minimum depth of fifteen (15) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one (1) lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half (½) the remaining distance to the required fifteen (15) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen (15) feet.

B. The front yard setback depth shall be twenty-five (25) feet for parcels within the Snoqualmie Pass LAMIRD.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.16.070. Yard requirements - Side.

There shall be a side yard of not less than five (5) feet in width on each side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) Side yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022)

§ 17.16.080. Yard requirements - Rear.

A. There shall be a rear yard with a minimum depth of twenty-five (25) feet.

B. The rear yard setback depth shall be fifteen (15) feet for parcels within the Snoqualmie Pass LAMIRD.

C. Rear yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.16.085. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17. 57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC

§ 17.57.050(2).
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.16.090. Half streets.

In an area adjacent to a half street and opposite or outside the plat including the dedication of said half street, structures shall be set back from said half streets a distance sufficient to provide for an additional half street and the yard requirement.
(Res. 83-10, 1983)

§ 17.16.100. 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 or the remainder of a lot with less than the minimum lot, yard or setback requirement of this zone.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.16.110. Off-street parking.

A. One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line.

B. Residential Parking Exceptions.

- i. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- ii. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- iii. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- iv. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- v. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- vi. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- vii. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- viii. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Res. 83-10, 1983)

§ 17.16.120. ~~Repealed. Existing Residential Exceptions.~~

- A. A portion of exterior wall assemblies that includes insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
- B. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
- C. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Res. 83-10, 1983; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.16.121. ~~Repealed.~~

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.18
R-2 - RESIDENTIAL

§ 17.18.010. Purpose and intent.

The purpose and intent of the Residential 2 one is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided.
(Ord. 8910 (part), 1989; Ord. 2013-001, 2013)

§ 17.18.020. Allowed uses.

Uses allowed in the Residential 2 zone include those uses pursuant to KCC Chapter 17.15.
(Ord. 89-10 (part), 1989; Ord. 96-19 (part), 1996; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2011-013, 2011)

§ 17.18.025. Repealed.

(Ord. 95-8, 1995; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.18.030. Minimum lot requirements.

1. Minimum lot sizes in the R-2 zone are as follows:
 - a. Single-family dwelling, seven thousand two hundred square feet for any lots created after the date of the ordinance codified in this chapter; 5,000 square feet for all existing platted lots.
 - b. Two-family dwelling, ten thousand square feet.
2. The minimum lot depth shall be one hundred feet.
3. The minimum average lot width shall be sixty-five feet.
4. In no case shall there be more than one main dwelling and its accessory buildings constructed on one lot unless such lot is twice the minimum required for a single-family dwelling.
5. No main dwelling shall be built or moved on to a lot not abutting a public street, with the exception of special cases where the county may approve other suitable access.

(Ord. 89-10 (part), 1989; Ord. 2013-001, 2013)

§ 17.18.040. Maximum lot coverage.

The ground area covered by all buildings including accessory buildings shall not exceed thirty percent (30%) for lots six thousand five hundred (6,500) square feet or more in area (created after the date of the ordinance codified in this chapter) and forty percent (40%) for lots less than six thousand five hundred (6,500) feet in area.
(Ord. 89-10 (part), 1989; Ord. 2013-001, 2013)

§ 17.18.050. Maximum structure height.

Maximum structure height. No structure shall exceed thirty-five feet (35) in height. (Ord. 89-10 (part), 1989; Ord. 2013-001, 2013; Ord. 2023-010, 2023)

§ 17.18.060. Yard requirements - Front.

- A. There shall be a front yard having a minimum depth of fifteen feet (15), unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on the abutting lots on either side if both lots are occupied. If one (1) lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus one-half ($\frac{1}{2}$) the remaining distance to the required fifteen (15) foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be fifteen (15) feet.
- B. The front yard setback depth shall be twenty-five (25) feet for parcels within the Snoqualmie Pass LAMIRD. (Ord. 89-10 (part), 1989; Ord. 2013-001, 2013; Ord. 2019-013, 2019)

§ 17.18.070. Yard requirements - Side.

There shall be a side yard of not less than ten (10) feet on one side, and five (5) feet on the opposite side of a building. (Side of building means outer face, any part of building nearest to the side line, not including roof eaves.) Side yard setbacks may be modified in accordance with KCC § 16.10.065. (Ord. 89-10 (part), 1989; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022)

§ 17.18.080. Yard requirements - Rear.

- A. There shall be a rear yard with a minimum depth of twenty-five (25) feet. However one accessory structure may be constructed within five (5) feet of the rear lot line.
- B. The rear yard setback depth shall be fifteen (15) feet for parcels within the Snoqualmie Pass LAMIRD.
- C. Rear yard setbacks may be modified in accordance with KCC § 16.10.065. (Ord. 8910 (part), 1989; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.18.085. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2). (Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.18.090. Repealed. Off-street parking.**A. Residential Parking Exceptions.**

- i. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- ii. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- iii. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- iv. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- v. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- vi. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- vii. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- viii. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

§17.16.010 Existing Residential Exceptions.

- A. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
- B. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
- C. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.19
R-3 - RURAL-3 ZONE

§ 17.19.010. 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)

§ 17.19.020. Uses permitted.

Uses allowed in the Rural-3 zone include those uses pursuant to KCC Chapter 17.15.
(Ord. 92-4 (part), 1992; Ord. 96-19 (part), 1996; Ord. O-2006-01, 2006; Ord. 2011-013, 2011; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.19.030. Repealed.

(Ord. 92-4 (part), 1992; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.19.040. Lot size required.

The minimum residential lot size shall be three acres in the Rural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (½) acre. The overall density of any residential development shall not exceed one (1) dwelling for each three (3) acres.
(Ord. 92-4 (part), 1992; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.19.050. Yard requirements.

There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. Side and rear yard setbacks may be modified in accordance with KCC § 16.10.065.
(Ord. 92-4 (part), 1992; Ord. 2013-001, 2013; Ord. 2022-005, 2022)

§ 17.19.055. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.19.060. 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 zone.

(Ord. 92-4 (part), 1992; Ord. 2013-001, 2013)

§ 17.19.070. ~~Repealed. Off-street parking.~~

A. Residential Parking Exceptions.

- i. Garages are not required to meet minimum parking spaces required in Table §17.11.039(4)(a)(i).
- ii. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- iii. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- iv. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- v. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- vi. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- vii. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- viii. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. 92-4 (part), 1992; Ord. 2013-001, 2013)

§ 17.19.080. ~~Repealed. Existing Residential Exceptions.~~

- A. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
- B. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
- C. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 92-4 (part), 1992; Ord. 2013-001, 2013; Ord. 2016-006, 2016)

§ 17.19.090. ~~Repealed.~~

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.20
RR - RURAL RESIDENTIAL ZONE
(Repealed by Ord. 2013-001, 2013)

CHAPTER 17.22
UR - URBAN RESIDENTIAL ZONE⁴

§ 17.22.010. Purpose and intent.

The purpose and intent of the Urban Residential zone is to provide for and protect areas for home-site development and/or urban levels of development in where municipal services can be provided or is already available.
(Ord. 83-Z-2 (part), 1983; Ord. 2007-22, 2007)

§ 17.22.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the uses and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify uses and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.
(Ord. 2022-017, 2022; Ord. 2023-006, 2023)

§ 17.22.020. Allowed uses.

Uses allowed in the Urban Residential zone include those uses pursuant to KCC Chapter 17.15.
(Res. 83-10, 1983; Ord. 96-19 (part), 1996; Ord. O-2006-01, 2006; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.22.030. Lot - Size required.

1. This provision shall not apply to the Airport Overlay.
2. Minimum lot sizes in the UR zone are as follows:
 - a. Single family dwelling, seven thousand two hundred (7,200) square feet.
 - b. Two (2) family dwelling, ten thousand (10,000) square feet.
3. All lots of record at the time of passage of the ordinance codified in this chapter shall be considered as conforming to lot size requirements.
4. Affordable housing projects. Affordable housing projects for single-family, duplex, and multi-family owned by a religious organization located in an urban growth area are eligible for a density up to 30% additional units above the maximum density calculated for the lot.

(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-017, 2022; Ord. 2023-006, 2023)

§ 17.22.040. Maximum lot coverage.

Refer to KCC § 17.11.060.
(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2018-014, 2018)

§ 17.22.050. Maximum height permitted.

Maximum structure height. No structure shall exceed thirty-five feet (35) in height.

[3.5.](#) **Editor's Note: Legislation previously included in Ch. 17.22: Ord. Z77-2.**

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2023-010, 2023)

§ 17.22.060. Yard requirements.

No structure shall be built or located closer than twenty-five (25) feet to the front and rear property line or within fifteen (15) feet of any side property line. Side and rear yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2022-005, 2022)

§ 17.22.065. Yard requirements at zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).

(Ord. 2007-22, 2007; Ord. 2010-014, 2010; Ord. 2013-001, 2013)

§ 17.22.090. ~~Repealed. Off-street parking.~~

A. Residential Parking Exceptions.

- i. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- ii. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- iii. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- iv. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- v. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- vi. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- vii. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- viii. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Res. 83-10, 1983; Ord. 88-4 § 2 (part), 1988; Ord. 2013-001, 2013)

§ 17.22.100. ~~Repealed. Existing Residential Exceptions.~~

- ##### **A. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.**

B. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.

C. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 90-10 (part), 1990; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. O-2009-25, 2009; Ord. 2010-014, 2010; Ord. 2013-001, 2013)

§ 17.22.110. Repealed.

(Ord. 88-4 § 2 (part), 1988; Ord. 2007-22, 2007)

§ 17.22.120. Repealed.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.24 H-T-C - HISTORIC TRAILER COURT ZONES⁵

§ 17.24.010. Purpose and intent.

The purpose and intent of the trailer court zone is to recognize established mobile home developments located in Kittitas County. No further expansion of these developments is allowed.

(Ord. 83-Z-2 (part), 1983; Ord. 2007-22, 2007)

§ 17.24.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the uses and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify uses and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.

(Ord. 2022-017, 2022)

§ 17.24.020A. Existing Uses.

The following trailer court zone developments exist in Kittitas County: Millpond Manor.
(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.24.020B. Repealed.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.24.030. Minimum requirements.

The minimum lot area and yard requirements in a HTC zone are as follows:

1. Mobile homes. The minimum area for a historic trailer (mobile home) court site shall be three thousand five hundred (3,500) square feet times the number of individual trailer sites to be provided. Densities must have the approval of the county health office.
2. Single family home. The requirements are the same as the requirements of the Rural-5 zone.
3. Electric vehicle infrastructure. See KCC Chapter 17.66
(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.24.040. Yard requirements.

No individual mobile home or single family dwelling shall be closer than thirty-five (35) feet to any lot or street right-of-way or closer than fifteen (15) feet from any other mobile home.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

^{4,6} Editor's Note: Legislation previously included in Ch. 17.24: Ord. 16-8.

§ 17.24.045. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.24.050. Design standards.

1. All access roadways, parking areas and service drives shall be bituminous surfaced or better.
2. No occupied mobile home shall remain in a mobile home park unless a mobile home space is available.
3. All streets and alleys within the mobile home subdivision should be excavated or filled within 0.3 (plus or minus) of a foot of the grade established by the county engineer.

(Res. 83-10, 1983)

§ 17.24.060. ~~Repealed- Existing Residential Exceptions.~~

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Repealed by Ord. 2007-22, 2007)

§ 17.24.070. Off-street parking.

1. For each mobile home lot there shall be provided and maintained at least one (1) parking space. Each such parking space shall contain a minimum area of one hundred eighty (180) square feet (of dimensions nine (9) feet by twenty (20) feet, or ten (10) feet by nineteen (19) feet) and shall be hard surfaced. If central parking lots are provided, they shall be hard surfaced and each space separated by striping or other adequate means and identified to the official lot number of the occupant and reserved for his sole use.
2. Parallel parking may be permitted in driveways at the approval of the planning commission providing the improved driveway width is increased to a minimum of thirty-six (36) feet.
3. Where lots exist on only one (1) side of the driveway, parallel parking may be permitted on one (1) side at the approval of the Commission providing the driveway width is increased to a minimum of twenty-eight (28) feet.

4. Residential Parking Exceptions.

- i. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- ii. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- iii. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- iv. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- v. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- vi. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- vii. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- viii. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

CHAPTER 17.28
A-3 - AGRICULTURAL 3 ZONE⁶

§ 17.28.010. Purpose and intent.

The purpose and intent of the agricultural (A-3) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

(Ord. 83-Z-2 (part), 1983)

§ 17.28.020. Uses permitted.

Uses allowed in the agricultural (A-3) zone include those uses pursuant to KCC Chapter 17.15.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 88-4 § 3, 1988; Ord. 96-19 (part), 1996; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.28.030. Lot size required.

1. The minimum residential lot size shall be three (3) acres in the Agricultural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a clusterplat shall be a minimum of one-half (½) acre. The overall density of any residential development shall not exceed one dwelling for each three acres.
2. The minimum average lot width shall be two hundred fifty (250) feet.
3. Ag-3 property within Urban Growth Areas shall defer to the density requirements of KCC § 17.11.050. The minimum average lot width of 250 feet shall not apply in Urban Growth Areas.

(Res. 83-10, 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.28.040. Yard requirements - Front.

There shall be a minimum front yard of twenty-five (25) feet.

(Res. 83-10, 1983; Ord. 96-19 (part), 1996; Ord. 2013-001, 2013)

§ 17.28.050. Yard requirements - Side.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022)

⁶7. Editor's Note: Legislation previously included in Ch. 17.28: Ords. 68-17, 69-1, 69-7, 70-8, 70-9, 71-1, 71-5, 72-8, 73-3, 73-5, 73-7, 75-5, 75-9, 75-12, 76-2, 79-Z-2, 79-Z-3, 82-Z-1.

§ 17.28.060. Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five (25) feet. Rear yard setbacks may be modified in accordance with KCC § 16.10.065.
(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.28.065. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.28.080. 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 or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.28.090. Off-street parking.

1. One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line.
2. Residential Parking Exceptions.
 - a. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
 - b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
 - c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
 - d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
 - e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
 - f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
 - g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
 - h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Res. 83-10, 1983)

§ 17.28.100. Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.28.110. Setback lines.

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half (1½) miles:
 - a. (Repealed by Ord. 88-5)
 - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
 - ii. Complete protection from any potential detrimental effects such use

might have on surrounding properties and/or use zones will be provided;

2. (Deleted by Ord. 87-11)
3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;
4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park.

(Res. 83-10, 1983; Ord. 87-11 (part), 1987; Ord. 88-5 (part), 1988; Ord. 2013-001, 2013)

§ 17.28.120. Prohibited uses.

(Deleted by Ord. 87-11).

(Res. 83-10, 1983)

§ 17.28.130. ~~Repealed. Existing Residential Exceptions.~~

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 83-Z6, 1983; Ord. 87-9 § 3, 1987; Ord. 88-4 § 4, 1988; Ord. 90-10 (part), 1990; Ord. 90-15 §§ 2, 3, 1990; Ord. 93-6 (part), 1993; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.28.140. Repealed.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.28A
A-5 - AGRICULTURE ZONE

§ 17.28A.010. Purpose and intent.

The purpose and intent of the agriculture (A-5) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

(Ord. 2005-05, 2005; Ord. 2013-008, 2013)

§ 17.28A.020. Allowed uses.

Allowed uses in the agriculture (A-5) zone include those uses pursuant to KCC Chapter 17.15.

(Ord. 2005-05, 2005; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2013-001, 2013; Ord. 2013-008, 2013)

§ 17.28A.030. Lot size required.

1. The minimum residential lot size shall be five (5) acres in the agriculture zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half ($\frac{1}{2}$) acre. The overall density of any residential development shall not exceed one (1) dwelling for each five (5) acres.

2. The minimum average lot width shall be two hundred fifty (250) feet.

(Ord. 2005-05, 2005; Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2013-008, 2013)

§ 17.28A.040. Yard requirements - Front.

There shall be a minimum front yard of twenty-five (25) feet.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.28A.050. Yard requirements - Side.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC § 16.10.065.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022)

§ 17.28A.060. Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five (25) feet. Rear yard setbacks may be modified in accordance with KCC § 16.10.065.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.28A.065. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.28A.080. 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 or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.28A.090. Off-street parking.

1. One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line.

2. Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. 2005-05, 2005)

§ 17.28A.100. Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot (60) right-of-way or existing county road.

§ 17.28A.110. Setback lines.

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half (1½) miles:
 - a. (Publisher's note: this item intentionally left blank.)
 - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
 - ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use zones will be provided;
2. (Publisher's note: this item intentionally left blank.)
3. Within one hundred (100) feet: barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic;

4. Feedlots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.28A.130. ~~Repealed. Existing Residential Exceptions.~~

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 2005-05, 2005; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.28A.140. ~~Repealed.~~

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.29
A-20 - AGRICULTURE ZONE⁷

§ 17.29.010. Purpose and intent.

The agriculture (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 2013-008, 2013)

§ 17.29.020. Allowed uses.

Uses allowed in the agriculture (A-20) zone include those uses pursuant to KCC Chapter 17.15.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 92-1 (part), 1992; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2011-013, 2011; Ord. 2012-009, 2012; Ord. 2013-001, 2013; Ord. 2013-008, 2013)

§ 17.29.030. Repealed.

(Res. 83-10, 1983; Ord. 90-10 (part), 1990; Ord. 92-1 (part), 1992; Ord. 93-6 (part), 1993; Ord. 2001-13 (part), 2001; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.29.040. Lot size required.

1. Minimum lot (homesite) requirements in the agricultural (A-20) zone are:
 - a. (20) acres, unless within a conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting
 - b. In no case shall there be more than one dwelling (residence) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-(20)-acre) size.
 - c. One-half (½) acre for lots in a conservation plat.
2. Agriculture Study Overlay Zone: Properties containing prime farmland soils with capability grades between 1 and 4 shall be a minimum of twenty (20) acres in size.
(Res. 83-10, 1983; Ord. 83Z-2 (part), 1983; Ord. 95-13 (part), 1995; Ord. 96-15 (part), 1996; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2010-014, 2010; Ord. 2013-001, 2013; Ord. 2016-023, 2016)

§ 17.29.050. Yard requirements - Front yard.

There shall be a minimum front yard of twenty-five (25) feet.

(Res. 83-10, 1983; Ord. 96-19 (part), 1996; Ord. 2013-001, 2013)

^{6,8} Editor's Note: Legislation previously included in Ch. 17.29: Ords. 68-1, 80-Z-2 and 81-Z-1.

§ 17.29.060. Yard requirements - Side yard.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005, 2022)

§ 17.29.070. Yard requirements - Rear yard.

There shall be a rear yard with a minimum depth of twenty-five (25) feet. Rear yard setbacks may be modified in accordance with KCC § 16.10.065.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.29.075. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.29.080. Yard requirements - Sale or conveyance restrictions.

No sale or conveyance of any portion of a lot for other than a public purpose shall leave a structure or the remainder of the lot with less than the minimum lot, yard, or setback requirements of this zone.

(Res. 83-10, 1983)

§ 17.29.090. Dimensional requirements.

The minimum average lot width shall be two hundred (200) feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.29.100. Division of nonconforming lots.

(Res. 83-10, 1983; repealed by Ord. 95-13)

§ 17.29.110. Access.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.29.120. Special setback requirements.

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted):

1. Within one and one-half (1½) miles:

- a. (Deleted by Ord. 88-5)
- b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provisions made that all other operations (subdivisions 1 and 2 of § 17.28.110A1) shall be conducted in compliance with all state and county health regulations, and
 - ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. (Deleted by Ord. 87-11)
3. Within one hundred (100) feet:
 - a. Barns, shelters or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.
4. Feed lots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park.
(Res. 83-10, 1983; Ord. 87-11 (part), 1987; Ord. 88-5 (part), 1988; Ord. 2013-001, 2013)

§ 17.29.130. ~~Repealed. Off-street parking.~~

Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table §17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

§ 17.29.140 Existing Residential Exceptions.

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.30
R-R - Rural Recreation Zone

§ 17.30.010. Purpose and intent.

The purpose and intent of the Rural - Recreation zone is to provide areas where residential development may occur on a low density basis or in residential clusters. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County.
(Ord. 2013-001, 2013)

§ 17.30.020. Uses permitted.

Uses allowed in the Rural Recreation zone include those uses pursuant to KCC Chapter 17.15.
(Ord. 2013-001, 2013)

§ 17.30.040. Lot size required.

The minimum residential lot size in the Rural Recreation zone shall be:

1. Five (5) acres, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting;
2. For lots in cluster plats, the county may approve lots as small as one half (½) acre with the ability to increase the base density of one (1) unit per five (5) acres to a density of 0.4 units per acre (2 units per 5 acres), provided development rights are transferred pursuant to KCC Chapter 17.13.
(Ord. 2013-001, 2013)

§ 17.30.050. Yard requirements.

There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet. Side and rear yard setbacks may be modified in accordance with KCC § 16.10.065.
(Ord. 2013-001, 2013; Ord. 2022-005, 2022)

§ 17.30.055. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).
(Ord. 2013-001, 2013)

**CHAPTER 17.30A
R-5 - RURAL-5 ZONE**

§ 17.30A.010. Purpose and intent.

The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands.
(Ord. 2005-05, 2005)

§ 17.30A.020. Uses permitted.

Uses allowed in the Rural-5 zone include those uses pursuant to KCC Chapter 17.15.
(Ord. 2005-05, 2005; Ord. O-2006-01, 2006; Ord. 2011-013, 2011; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.30A.030. Repealed.

(Ord. 2005-05, 2005; Ord. O-2006-01, 2006; Ord. 2013-001, 2013)

§ 17.30A.040. Lot size required.

The minimum lot size for parcels created after the adoption of the ordinance codified in this chapter shall be:

1. Five (5) acres for lots served by individual wells and septic tanks;
2. One-half (½) acre for lots in a cluster plat.
(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.30A.050. Yard requirements.

There shall be a minimum front yard setback of twenty-five (25) feet. Side and rear yard setbacks shall be fifteen (15) feet.
(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.30A.055. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. KCC § (17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.30A.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 zone.
(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.30A.070. ~~Repealed. Residential Parking Exceptions.~~

1. Garages are not required to meet minimum parking spaces required in Table §17.11.039(4)(a)(i).
2. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
3. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
4. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
5. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
6. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
7. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
8. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013)

§ 17.30A.080. ~~Repealed. Existing Residential Exceptions.~~

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 2005-05, 2005; Ord. 2013-001, 2013; Ord. 2016-006, 2016)

§ 17.30A.090. ~~Repealed.~~

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.31
CA - COMMERCIAL AGRICULTURE ZONE

§ 17.31.010. Purpose and intent.

The commercial agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.

(Ord. 96-15 (part), 1996)

§ 17.31.020. Uses permitted.

Uses allowed in the commercial agriculture zone include those uses pursuant to KCC Chapter 17.15.

(Ord. 96-15 (part), 1996; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.31.030. Repealed.

(Ord. 96-15 (part), 1996; Ord. O-2006-01, 2006; Ord. 2007-22, 2007; Ord. 2009-25, 2009; Ord. 2013-001, 2013)

§ 17.31.040. Lot size required.

Minimum lot (homesite) requirements in the commercial agriculture zone are:

1. Twenty (20) acres, unless within a conservation plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting.
2. One half (½) acre for lots in a conservation plat.
3. Commercial agricultural zones. In no case shall there be more than one (1) dwelling (residence) on any lot or tax parcel unless such parcel is twice the required minimum (twenty-(20)-acre) size.

(Ord. 96-15 (part), 1996; Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2016-023, 2016)

§ 17.31.050. Yard requirements - Front yard.

There shall be a minimum front yard of twenty-five (25) feet unless previous building lines less than the required minimum exist, in which case the Hearing Examiner may grant a variance of up to ten (10) feet.

(Ord. 96-15 (part), 1996; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.31.060. Yard requirements - Side yard.

Side yard shall be a minimum of five (5) feet. Side yard setbacks may be modified in accordance with KCC § 16.10.065.

(Ord. 96-15 (part), 1996; Ord. 2013-001, 2013; Ord. 2019-013, 2019; Ord. 2022-005,

2022)

§ 17.31.070. Yard requirements - Rear yard.

There shall be a rear yard with a minimum depth of twenty-five (25) feet. Rear yard setbacks may be modified in accordance with KCC § 16.10.065.

(Ord. 96-15 (part), 1996; Ord. 2013-001, 2013; Ord. 2022-005, 2022; Ord. 2022-017, 2022)

§ 17.31.075. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot 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; Ord. 2013-001, 2013)

§ 17.31.080. Yard requirements - Sale or conveyance restrictions.

No sale or conveyance of any portion of a lot for other than a public purpose shall leave a structure or the remainder of the lot with less than the minimum lot, yard, or setback requirements of this zone.

(Ord. 96-15 (part), 1996)

§ 17.31.090. Dimensional requirements.

The minimum average lot width shall be two hundred (200) feet. No platted lot or parcel may be created with a dimensional ratio greater than 4:1.

(Ord. 96-15 (part), 1996; Ord. 2013-001, 2013)

§ 17.31.100. Access.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)-foot right-of-way or existing county road.

(Ord. 96-15 (part), 1996; Ord. 2013-001, 2013)

§ 17.31.110. Special setback requirements.

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half (1½) miles:
 - a. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
 - i. Provisions made that all other operations shall be conducted in compliance with all state and county health regulations, and

- ii. Reasonable protection from any potential detrimental effects such use might have on surrounding properties will be provided.
2. Within one hundred (100) feet:
 - a. Barns, shelters, or other buildings or structures for keeping or feeding of any livestock, poultry, or other animals or birds whether wild or domestic.
3. Feed lots containing fifty (50) to one hundred (100) head at a density of less than five hundred (500) square feet per head for a period of six (6) months or more shall be located no closer than three hundred (300) feet to any existing home, school or park.
(Ord. 96-15 (part), 1996; Ord. 2013-001, 2013)

§ 17.31.120. Repealed. Off-street parking.

1. Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

§17.31.130 Existing Residential Exceptions.

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

CHAPTER 17.32
C-L - LIMITED COMMERCIAL ZONE⁸

§ 17.32.010. Purpose and intent.

The purpose and intent of the limited commercial zone is to provide a district with a limited range of shopping and service businesses consisting primarily of small retail shops, stores and eating establishments.
(Ord. 83-Z-2 (part), 1983)

§ 17.32.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the uses and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify uses and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.
(Ord. 2022-017, 2022)

§ 17.32.020. Allowed uses.

Uses allowed in the limited commercial zone include those uses pursuant to KCC Chapter 17.15.
(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 96-19 (part), 1996; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.32.030. Lot size required.

The minimum lot size for all dwelling units shall meet the requirements of the residential zone. 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 zone.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.32.040. Yard requirements - Front.

There shall be a front yard having a minimum depth of twenty (20) feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied; if one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half (½) the remaining distance to the required twenty-(20)-foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be twenty (20) feet long. (Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.32.050. Yard requirements - Side.

There are no side yard requirements, except property abutting a residential zone, in

⁸9. Editor's Note: Legislation previously included in Ch. 17.32: Ords. 69-3 and 76-3.

which case the side yard on the abutting side shall be the same as that required for the abutting property. Side yards for dwelling units shall meet the requirements of the residential zone.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2021-015, 2021)

§ 17.32.060. Yard requirements - Rear.

There are no rear yard requirements. However, if a rear yard is provided, the minimum depth shall be twelve (12) feet.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.32.065. Yard requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)). For properties where such setback isn't feasible, development shall comply with KCC § 17.57.050(2).

(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.32.070. Maximum structure height.

Maximum structure height. No structure shall exceed thirty-five feet (35) in height.

(Res. 83-10, 1983; Ord. 2013-001, 2013; Ord. 2023-010, 2023)

§ 17.32.090. Access requirement.

All lots in this zone shall abut a public street, or shall have such other access as deemed suitable by the Board.

(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.32.110. Setback for vehicle service businesses.

Setback regulations for drive-in businesses, or minimum site standards for vehicle service businesses shall conform to the diagram below.

§17.32.120 Off-street parking.

1. Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table §17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.

- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

§17.33.130 Existing Residential Exceptions.

- 1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
- 2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
- 3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Res. 83-10, 1983)

CHAPTER 17.38 MAJOR INDUSTRIAL DEVELOPMENTS (MID) (RESERVED)

§17.38.010 Purpose.

The purpose of this chapter is to establish criteria and procedures for major industrial developments on properties that are appropriate for such development, as determined by the Board and consistent with county comprehensive plan policies and RCW 36.70A.365.

§17.38.020 Applicability.

Major industrial developments apply to land outside of urban growth areas that require land so large that no suitable parcels are within an urban growth area or the development is a natural resource-based industry requiring a location near agricultural land, forestland, or mineral resource land upon which it is dependent.

§17.38.030 Definitions.

1. The following definitions shall be used in conjunction with the administration of this chapter: “Major industrial development”, consistent with RCW 36.70A.365, means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forestland, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.

§17.38.040 Development Standards.

1. Location. A site for major industrial development activity may be located outside a designated urban growth area subject to the criteria and process in this Chapter. There is no minimum site size for a Major Industrial Development.
2. Uses. Allowed uses within an MID shall be predominantly industrial, manufacturing or natural resource-based in character. Commercial uses that support allowed uses located within a MID are also allowed. Uses authorized for a MID shall be included and defined within the development agreement.
3. Buffers/Open Space. The MID shall contain setbacks and open space that will serve to separate and buffer the MID from adjacent rural areas or resource lands and to protect critical areas. Setbacks and open space shall be defined within the development agreement;
4. Services and Facilities: The MID shall provide facilities and services necessary to meet the on-site needs of businesses and employees, including but not limited to water, sanitary sewer, drainage, power, telecommunications and solid waste;

§17.38.050 Applications/approvals required for new major industrial developments.

1. A major industrial development may be authorized by the county only through approval by the Board of a development agreement as authorized by KCC Chapter 15A.11, Development Agreements, and RCW 36.70B. §170 through 36.70B.210. Consistent with KCC 15A.11.020(B) and RCW 36.70B. §170, the development agreement approved by the Board must set forth the development standards applicable to the development of a specific major industrial developments, which may include, but are not limited to: (1) permitted uses, densities and intensities of uses, and building sizes; (2) phasing of development, if requested by the applicant; (3) procedures for review of site-specific development plans; (4) provisions for services and facilities applicable to major industrial developments; (5) mitigation measures imposed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and other development conditions; and (6) other development standards including those identified in KCC 15A.11.020(E) and RCW 36.70B. §170(3).

2. Required applications/approvals. In addition to approval of a MID development permit and a development agreement as set forth in section 1, a major industrial development shall require the following approvals from the county: (1) a site-specific amendment of the comprehensive plan land use designation map to major industrial development; provided, that the sub-area planning process described in Chapter 1 of the county comprehensive plan and KCC Chapter 15B.03, Amendments to Comprehensive Plan, may be used if deemed appropriate by the applicant and county; and (2) a site-specific rezone of the county zoning map to major industrial development overlay zoning district pursuant to KCC Chapter §17.98, Amendments. The comprehensive plan amendment or subarea plan and rezone may be processed by the county concurrent with the major industrial development permit and development agreement required for approval of a major industrial development.

3. Planned actions authorized. If deemed appropriate by the applicant and the county, a major industrial development project may be designated by the county as a planned action pursuant to the provisions of KCC Chapter 15A.09, Planned Actions.

§17.38.060 Applications/approvals required for existing major industrial developments.

1. Designation. An existing major industrial development may be designated by the county as a major industrial development, consistent with RCW 36.70A.365, RCW 36.70A.367, RCW 36.70A.368 through approval of a sub-area plan, development plan, and adoption of an MID zoning overlay. The sub-area plan, development plan, and applicable zoning shall establish the range of uses, and the density, intensity and character of development that is permitted within the development.

2. Development applications. Following designation of the site as an MID, a property owner may submit a site-specific development application to the County. A development agreement, consistent with KCC Chapter 15A.11 and RCW 36.70B.§170, may be submitted in conjunction with each development application.

3. Environmental review pursuant to the State Environmental Policy Act (SEPA, RCW 43.21C), shall occur and shall address significant impacts associated with development and redevelopment of the existing development.

(Repealed by Ord. 2013-001, 2013)

CHAPTER 17.40
C-G - GENERAL COMMERCIAL ZONE⁹

§ 17.40.010. Purpose and intent.

The purpose and intent of the general commercial zone is to provide a classification consistent with existing business districts in unincorporated towns (i.e., Vantage, Easton) where a wide range of community retail shops and services are available.
(Ord. 83-Z-2 (part), 1983)

§ 17.40.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the use and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify use and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.
(Ord. 2022-017, 2022)

§ 17.40.020. Allowed uses.

Uses allowed in the general commercial zone include those uses pursuant to KCC Chapter 17.15.
(Res. 83-10, 1983; Ord. 93-1 (part), 1993; Ord. 96-19 (part), 1996; Ord. 2007-22, 2007; Ord. 2010-014, 2010; Ord. 2011-013, 2011; Ord. 2012-009, 2012; Ord. 2013-001, 2013)

§ 17.40.030. Lot size required.

There shall be no limitation.
(Res. 83-10, 1983)

§ 17.40.040. Maximum lot coverage.

There shall be no limitation.
(Res. 83-10, 1983)

§ 17.40.050. Maximum floor area.

There shall be no limitation.
(Res. 83-10, 1983)

§ 17.40.060. Yard requirements.

1. Front yard. No front yard is required.
2. Side yard. No side yard is required.
3. Rear yard. No rear yard is required; however, if a rear yard is provided, the

⁹8.10. Editor's Note: Legislation previously included in Ch. 17.40: Ord. 69-7.

minimum depth shall be twelve (12) feet.
(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.40.070. Height restriction.

There shall be no limitation.
(Res. 83-10, 1983)

§ 17.40.080. Repealed.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

§ 17.40.090. Access requirement.

All lots in this zone shall abut a public street, or shall have such other access as deemed suitable by the Commission and Board.
(Res. 83-10, 1983; Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.40.100. Half streets.

In an area adjacent to a half street and opposite or outside the plat including the dedication of said half street, structures shall be set back from said half street a distance sufficient to provide for an additional half street and the yard requirements.
(Res. 83-10, 1983)

§ 17.40.110. Repealed. Off-street parking.

1. Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

§17.40.120 Existing Residential Exceptions.

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Res. 83-10, 1983; Ord. 2013-001, 2013)

CHAPTER 17.44 C-H HIGHWAY COMMERCIAL ZONE

§ 17.44.010. Purpose and intent.

It is the purpose and intent of the highway commercial zone to provide for motorist-tourist dependent businesses having little interdependence and requiring convenient access to passing traffic.

(Ord. 83-Z-2 (part), 1983)

§ 17.44.015. Development within the Ellensburg Urban Growth Area (UGA).

For properties located within the City of Ellensburg UGA, the use and development standards in KCC § 17.11.030 through § 17.11.039 shall be utilized. Where KCC § 17.11.030 through § 17.11.039 does not identify use and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply.

(Ord. 2022-017, 2022)

§ 17.44.020. Allowed uses.

Uses allowed in the highway commercial zone include those uses pursuant to KCC Chapter 17.15.

(Ord. 83-Z-2 (part), 1983; Ord. 96-19 (part), 1996; Ord. 2007-22, 2007; Ord. 2011-013, 2011; Ord. 2013-001, 2013)

§ 17.44.030. ~~Repealed. Off-street parking.~~

1. Residential Parking Exceptions.

- a. Garages are not required to meet minimum parking spaces required in Table 17.11.039(4)(a)(i).
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Tandem parking spaces must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces.
- e. Parking space sizes shall be eight feet by 20 feet, except for required parking for people with disabilities.
- f. Off-street parking is not required as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.44.040. Minimum lot size.

It is the intent of this chapter that each business be situated on a site of sufficient size to provide all off-street parking, loading and necessary driveways.
(Ord. 83-Z-2 (part), 1983)

§ 17.44.050. Setback requirements.

1. Front setback. There shall be a minimum front yard depth of fifteen (15) feet. Off-street parking and maneuvering area shall not be considered as front yard;
2. Side setback. Ten (10) feet;
3. Rear setback. Ten (10) feet;
4. Side and rear yard setbacks may be modified in accordance with KCC § 16.10.065. (Ord. 83-Z-2 (part), 1983; Ord. 2007-22, 2007; Ord. 2013-001, 2013; Ord. 2022-005, 2022)

§ 17.44.055. Setback requirements - Zones adjacent to Commercial Forest Zone.

Properties bordering or adjacent to the Commercial Forest zone are subject to a two

hundred (200)-foot setback from the Commercial Forest Zone. (KCC § 17.57.050(1)).
For properties where such setback isn't feasible, development shall comply with KCC
§ 17.57.050(2).
(Ord. 2007-22, 2007; Ord. 2013-001, 2013)

§ 17.44.060. Building height.

The maximum height of any structure shall be 40 feet.
(Ord. 83-Z-2 (part), 1983; Ord. 2022-017, 2022)

§ 17.44.070. ~~Repealed. Existing Residential Exceptions.~~

1. A portion of exterior wall assemblies that include insulation shall be allowed to project up to an additional eight inches into the setbacks on all sides.
2. A building shall be allowed to exceed the maximum allowable roof height by eight inches to accommodate additional insulation.
3. Gross floor area shall be measured from the interior face of the exterior walls, which includes drywall, as typically depicted on the architectural floor plans.

(Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

§ 17.44.080. Access.

All lots in this district shall abut a public street, or shall have such other access as deemed suitable by the board.
(Ord. 83-Z-2 (part), 1983; Ord. 2013-001, 2013)

CHAPTER 17.80
NONCONFORMING USES¹⁰

§ 17.80.010. Changes to conform to district.

A nonconforming structure or use may not be changed, altered, replaced, added to or expanded in any manner unless such change or alteration would bring the use into conformity with the uses permitted in the district in which it is located. Such limitations and restrictions shall not apply to existing residential dwellings, and commercial nonconforming uses which would qualify for a one-time expansion up to 10% of existing building area. Nonconforming residential structures shall not be remodeled or expanded in a manner that increases non-conformity.

(Res. 83-10, 1983; Ord. 2022-017, 2022; Ord. 2023-010, 2023)

§ 17.80.020. Destruction - Rebuilding to conform to district.

In case of partial or complete destruction by fire or other causes requiring expenditures for repair in excess of one-half the assessed value as shown on the county assessor's records immediately prior to destruction, the structures, other than residential dwellings, shall not be rebuilt unless they conform to all requirements of the district in which they are located.

(Res. 83-10, 1983)

§ 17.80.030. Discontinuance over three year - Reestablishment prohibited.

If a nonconforming use is discontinued for any reason for more than three years, it shall not be reestablished.

(Res. 83-10, 1983; Ord. 2007-22, 2007)

§ 17.80.040. Maintenance.

Any nonconforming structure or use may be maintained with ordinary care.

(Res. 83-10, 1983)

§17.80.050 Setback Exceptions.

For existing nonconforming buildings already projecting into setbacks, the portion of exterior wall assemblies that include insulation is allowed to project up to an additional eight inches into the setbacks on all sides if the building is to be used for residential housing.

Title 15.08

CHAPTER 15B.03
AMENDMENTS TO COMPREHENSIVE PLAN

§ 15B.03.010. Amendments limited to annual review - Exceptions.

Proposed amendments or revisions of the comprehensive plan are considered by the county board of commissioners no more frequently than once a year except that amendments may be considered more frequently pursuant to Table B at the end of this title, Procedures for Non-Docketed Legislative Items:

1. The initial adoption of a subarea plan; and
 2. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW.
- (Ord. 98-10, 1998)

§ 15B.03.020. Concurrent review except during emergencies.

All proposals shall be considered by Kittitas County concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation Kittitas County may adopt amendments or revisions to its comprehensive plan whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(Ord. 98-10, 1998)

§ 15B.03.030. Docketing.

Any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments. The suggested amendments shall be docketed with the planning department for annual consideration by the Kittitas County planning commission and board of county commissioners. For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in the planning department in a manner that will ensure such suggested changes will be considered by Kittitas County and will be readily available for review by the public. Docketing for the calendar year shall be taken from the first Friday in ~~April~~~~May~~ of each calendar year. Amendments docketed after the first Friday in ~~April~~~~May~~ shall be considered in the following calendar year. Amendments to the comprehensive plan docketed by the first Friday in ~~April~~~~May~~ shall be approved or denied by the board of county commissioners on or before December 31st of that same calendar year.

(Ord. 98-10, 1998; Ord. 2025-001, 1/7/2025)

§ 15B.03.035. Application requirements.

Applications shall be filed on forms prescribed by the Community Development Services department. The application shall be accompanied by a SEPA checklist in conformance with the KCC Chapter 15.04 SEPA Regulations and by review fee(s) paid in full.

(Ord. 2011-013, 2011; Ord. 2017-001, 2017)

§ 15B.03.040. Procedures.

Kittitas County shall maintain and provide for the following procedures, when considering amendments to the comprehensive plan, in order to facilitate public participation:

1. Broad dissemination of proposals and alternatives. The docket shall be available for public review in the planning department during regular business hours. Alternatives to a proposal may be submitted by any party prior to the closing of the written testimony portion of the public hearing before the planning commission.
2. Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the public written testimony portion of the public hearing.
3. Public meetings. Study sessions and hearings shall be held only after effective notice has been distributed.
4. Provisions for open discussion. Hearings shall allow for time allotments in order that all parties that wish to give oral or written testimony may do so.
5. Communication programs and information services. A newsletter shall be produced for distribution to all parties that have requested to receive it by mail by the planning department that summarizes amendments docketed and projected meeting and hearing dates. Copies of proposed amendments shall be available at cost of reproduction.
6. Consideration of and response to public comments. Planning commission and board of county commissioners members should review the testimony submitted in their findings.
7. Notice of decision. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or amendment thereto, and such publication shall state all petitions relating to whether or not such action is in compliance with the goals and requirements of this chapter, or Chapters 36.70A, 43.21C or 90.58 RCW must be filed within sixty days after the publication date.

(Ord. 98-10, 1998)