

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

**ORDINANCE**

**NO. 2013-012**

**REVISIONS OF KITTITAS COUNTY CODE  
AS PART OF THE 2013 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.**

**Whereas,** this ordinance, revising the Kittitas County Comprehensive Plan, contains four sections of findings, as follows:

Section I -	Procedural Findings
Section II -	Board of County Commissioners Findings
Section III -	Final Decision and Signatures
Exhibits A-E	Minutes from Public Hearings and Changes to Comprehensive Plan and Regulations

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**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,** Kittitas County Code 15B.03.030 indicates that any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments for annual consideration by the Kittitas County Planning Commission and Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 requires amendments to the comprehensive plan that are docketed by June 30<sup>th</sup> must be approved or denied by the Board of County Commissioners on or before December 31<sup>st</sup> of that same calendar year; and
- Whereas,** Kittitas County Community Development Services docketed a list of suggested changes to the Comprehensive Plan and development regulation amendments and made that readily available for review by the public in the Planning Department. Community Development Services provided a press release for, and held public open house on the docket on August 15, 2013 in Ellensburg; and
- Whereas,** Kittitas County submitted its proposed docketed items on August 2, 2013 to the Department of Commerce as required by statute; and
- Whereas,** After due notice and publication and the docket listing on September 19, 2013, the Planning Commission met on September 24, 2013 to hear testimony and take public comment on the annual docketing process; and
- Whereas,** After due notice and publication and the docket listing, the Planning Commission deliberated on September 24, 2013 the docket items and made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and
- Whereas,** Kittitas County filed its SEPA checklist on October 8, 2013, and issued a Final Determination of Nonsignificance (DNS) for the annual docket on October 24, 2013 through WAC 197-11-355; and
- Whereas,** The appeal period for the SEPA review ended on November 7, 2013; and
- Whereas,** There are no agency administrative appeals filed on the Determination of Non-significance; and
- Whereas,** Kittitas County Board of County Commissioners held an open public hearing on November 5, 2013 during which testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard; and
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- Whereas,** At the closing of public testimony the Board of County Commissioner’s extended acceptance of public comment to November 8, and continued the hearing to November 14, 2013 for deliberation on the five (5) docket items; and
- Whereas,** November 27, 2013 the Kittitas County Board of Commissioners reviewed the prepared ordinance; and
- Whereas,** The Kittitas County Board of County Commissioners held a public hearing to consider enabling documents on December 3, 2013.

**SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS**

**General Findings:**

The Kittitas County Board of County Commissioners held a public hearing on November 5, 2013, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record. Letter comment was extended to November 8, 2013.

The docketed items discussed during the Board of Commissioners public hearing included:

<b>2013 Docket AMENDMENTS</b>			
<i>Number</i>	<i>Applicants Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>
13-01 Title 15A	Kittitas County staff	Revise KCC Title 15A to make Hearing Examiner final decision maker for conditional uses and shoreline permits.	Approval with amendment
13-02 Title 17.08 and 17.15	Kittitas County staff	Amendment to KCC 17.08 redefining Accessory Living Quarters and Dwelling Unit to permit detached living quarters.	Approval with amendment
13-03 KCC 17.08 and 17.15	Kittitas County staff	Revise, delete and add definitions in KCC 17.08 and amend portions of the allowed use tables in KCC 17.15	Approval
13-04 KCC 17.08 and 17.15	Kittitas County staff	Amend portions of KCC 15A and Title 17 to allow certain uses to be approved through an Administrative Conditional Use Process	Approval
12-05 KCC Title 18	Kittitas County Prosecuting Attorney	Amend KCC Title 18 to include enforcement of Title 17A, Critical Areas, and Title 20, Fire and Life Safety	Approval

## **12-01 Kittitas County**

### **Proposal: Revise KCC Title 15A to make Hearing Examiner final decision maker for conditional uses and shoreline permits.**

Kittitas County Community Development Services made a proposal with recommendation by the Planning Commission for approval, that the County Hearing Examiner make final land use decisions involving conditional use permits and on Shoreline permits, allowing the option requiring the Hearing Examiner to reconsider any decision in case of error or oversight to any party of record.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. On November 14, 2013 the Board of County Commissioners **denied the request as presented** with a 3-0 vote finding that:

- I. Comments and testimony had been received opposing and questioning the Hearing Examiner as final decision maker at the Planning Commission public hearing and at the BOCC public hearing.
- II. The Commissioners presented with the benefits by having a Hearing Examiner making the final land use decision were not persuaded that such benefits were appropriate to adequately serve the public.
- III. The final land use decision is the responsibility of the Board being duly elected officials.
- IV. There was evidence of public benefit with final land use decisions remaining the responsibility with elected officials.
- V. The change is not necessary to meet the Growth Management Act.

## **12-02 Kittitas County**

### **Proposal: Revise Kittitas County Code 17.08.023 and 17.15 to Allow Detached Assisted Living Quarters.**

Kittitas County Community Development Services proposes amending portions of Title 17 to establish regulations for small scale, detached living quarters. The Kittitas County Code currently contains several related but distinct terms used to reference living accommodations of various scales and purposes.

The proposed revisions to Title 17.08, Definitions, would include small scale detached accommodations in the Accessory Living Quarters and clarify that they are not included in density calculations.

The code amendments would also slightly revise the footnotes associated with Accessory Living Quarters on the various allowed use tables and necessary to make the restrictions consistent with the new definitions

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. After verbal suggestion from staff that the item be moved from this year's docket to the 2014 since there might be appearance of conflict to the Hearings Board. The Board removed the item from consideration and did not set a time for it to be reconsidered.

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### **12-03 Kittitas County staff**

#### **Proposal: Amend Kittitas County Code 17.08 and 17.15 to Include New Uses, Definitions and Footnotes. Exhibit C**

Kittitas County Community Development Services proposes amending portions of KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, to accomplish the following:

1. Permit Accessory Dwelling Units and Accessory Living Quarters in the Forest & Range zone within LAMIRDs.
2. Allow refuse disposal and recycling as a Conditional Use in the Urban Light Industrial zone within the UGA.
3. Amend the home occupation footnote associated with the Rural Non-LAMIRD Use Table to distinguish between daycares that are permitted (6 or fewer individuals) and those that require a Conditional Use Permit (7-12 individuals).
4. Introduce a definition and assign appropriate review processes to govern small-scale event facilities (aka "party barns").
5. Define "parks and playgrounds" and "trails." Add trails as distinct use on use tables.
6. Add a "recreational vehicle park" definition and distinguish from campgrounds. Add RV parks as distinct use on use tables.
7. Clarify indoor and outdoor recreation use definitions.
8. Add review process and footnotes to "warehousing and distribution" use to address hay storage.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. On November 14, 2013 the Board of County Commissioners **approved the request as presented** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The additions of, and amendment to, definitions, land use titles and footnotes in the matrices would add clarification to uses allowed within each zone designation.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- IV. The Planning Commission recommended approval to the Board of County Commissioners.

### **12-04 Kittitas County Staff**

#### **Amend Kittitas County Code 15A, 17.08 and 17.15 to Administer Small Scale Conditional Use Permits without Public Hearing. Exhibit D**

Kittitas County Community Development Services proposes amending portions of the Code, Title 15A and Title 17 to introduce an Administrative Conditional Use Permit process. The Administrative Conditional Use Permit process allows County staff to review certain uses for compliance with the Conditional Use Permit criteria found in KCC 17.60A and approve, deny or condition such uses without a public hearing. The uses to which the Administrative Conditional Use Permit process will replace the previously assigned Conditional Use Process to include:

- Agricultural produce stands
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- Clubhouses, fraternities and lodges
- Bed and breakfasts
- Guest ranches in the UGA and Rural LAMIRDs
- Multi-family dwellings in Residential zones within the UGA.

The introduction of the Administrative Conditional Use Permit process will not reduce the standards to which these uses are held. All the same criteria, including compliance with rural and resource land Comprehensive Plan policies and preservation of rural character outside of the UGA must still be satisfied.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. The Board requested that the amendment proposed in KCC 15A, Table A, that the “Step 4, Administrative Appeal” column be changed from the proposed “HE” to “BCC” so that the Board of County Commissioners would be the hearing body for any appeal of administrative decision. On November 14, 2013 the Board of County Commissioners **approved the request as amended** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The allowance of the administrative conditional use approval enhances the permitting process for small-scale proposed activities requiring approval of a conditional use permit.
- III. Because the Board of County Commissioners is the final legislative and hearing body for administrative appeals for land use issues, the appeal body for the administrative appeal will be the Board and not the Hearing Examiner.
- IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- V. The Planning Commission recommended approval to the Board of County Commissioners without the amendment to the proposal.

## **12-05 Kittitas County Prosecuting Attorney**

### **Proposal: Amend Kittitas County Code Title 18 to Include Enforcement of Title 17A and Title 20. Exhibit E**

Kittitas County Prosecuting Attorney prepared proposed amendments to Kittitas County’s Title 18, Enforcement, to include violations of the Critical Areas Ordinance, Title 17A, and Fire Code, Title 20, as enforceable, civil offenses, and prosecuted through the judicial system. This results from the threat of fire and increased number of fires that have occurred within the County.

The changes are also intended to clarify the meaning of “junk” and “litter” used within our Code, names the Kittitas County Director of Community Development Services as the position with authority to enforce the Title, and clarifies the process of hearing and prosecution of violation.

Amendments are also proposed to direct prosecution of notice of infraction and schedule of hearing before court per the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), and thereby replacing the current hearing and mitigation process.

The Board of County Commissioners held a public hearing on November 5, 2013, extended public comment until 5:00 pm, November 8, 2013 and continued deliberation to November 14, 2013 at 2:00 pm. Commissioner proposed amendment to:

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- Remove the word “annoys” in 18.01.010.1; and
- Change the proposal of 18.01.020.4 to read, “The Kittitas County Planning Official and his or her authorized representatives shall have the authority to enforce the provisions of this Title as to violations of all building and zoning codes and ordinances as adopted by Kittitas County.”

On November 14, 2013 the Board of County Commissioners **approved the request as amended** with a 3-0 vote finding that:

- I. Public testimony for this proposal was not received.
- II. The amendment provides for public benefit by enforcing laws designed to protect public health and safety.
- III. Amendment to the proposal is necessary to provide clarity for interpretation for the need for enforcement and prosecute violations of adopted Kittitas County Code.
- IV. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.
- V. The Planning Commission recommended approval to the Board of County Commissioners.

### **SECTION III - FINAL DECISION AND SIGNATURES**

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby denies the proposal by County staff to require the County Hearing Examiner to be the final decision maker for land use conditional use permits and shoreline permits.

**BE IT FURTHER ORDAINED** that the Board of County Commissioners removes from the current docket list the proposal to permit Accessory Living Quarters detached from the primary living structure under certain limitations.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves adding definitions and uses to the Code by amending KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, as shown in **Exhibit C**.

**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves as amended the allowance of administrative conditional use permits by amending KCC 17.08, Definitions, and KCC 17.15, Allowed Uses, as shown in **Exhibit D**.

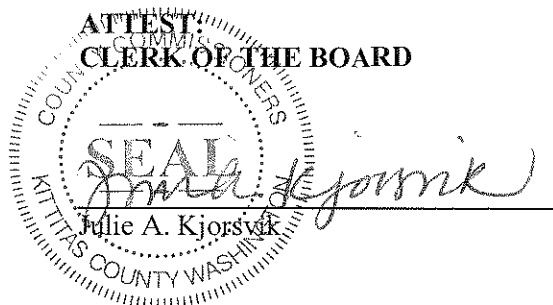
**BE IT FURTHER ORDAINED** that the Board of Kittitas County Commissioners, after due deliberation, hereby approves including Title 17A, Critical Areas Ordinance, and Title 20, Fire and Life Safety within KCC Title 18, Enforcement, by amending Title 18 as shown in **Exhibit E**.

**NOW, BE IT FURTHER ORDAINED** that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2013 Amendments to the Kittitas County Code as shown in Exhibits C, D, and E attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the development regulation on the County


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website. The Planning Official and Prosecuting Attorney are authorized to correct any scrivener's errors without needing Board approval.

Adopted this 3rd day of December, 2013, at Ellensburg, Washington.




**BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
Chairman, Obie Obrien

  
Vice-Chairman, Paul Jewell

**APPROVED AS TO FORM:**

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Neil Caulkins,  
Civil Deputy signing for  
Gregory L. Zempel  
Prosecuting Attorney

  
Commissioner Gary Berndt



# **EXHIBIT A: Planning Commission Minutes from September 24, 2013 Planning Commission Hearing**

## **KITTITAS COUNTY PLANNING COMMISSION MEETING MINUTES**

**Tuesday, September 24, 2013 6:30 PM**

Commissioners Auditorium  
Kittitas County Courthouse

- I. **Vice Chairman Fraser** called the meeting to order at 6:34 p.m.
    - Those present:** Leslie Walker, Bob Hickey, Gary Starkovich, Brandon Huber, and Rob Fraser.
    - Those absent:** Grant Clark and Margaret Sullivan
    - Also present:** : Planning Official- Doc Hansen, Staff Planner- Lindsey Ozbolt, , CDS permit technician/clerk- Rose Shriner and six members of the public.
  - I. **Correspondence:** None.
  - II. **Minutes:**
    - a. 7-9-13
      - i. Leslie Walker made the motion to approve 7-9-13 minutes. Brandon Huber seconded the motion. The motion passed with a 5-0 vote.
    - b. 8-6-13
      - i. Leslie Walker made the motion to approve 8-6-13 minutes. Brandon Huber seconded the motion. The motion passed with a 5-0 vote.
    - c. 8-14-13
      - i. Leslie Walker stated on Pg.1, Section 1, there were 5 members present. On Pg. 4, 2<sup>nd</sup> paragraph it states a motion passed with 4-0 vote. Leslie Walker stated it should be 5-0 vote since 5 people were present. Bob Hickey made the motion to approve the 8-14-13 minutes with the correction made by Leslie Walker. Brandon Huber seconded the motion. The motion passed with a 5-0 vote.
    - d. 8-27-13
      - i. Leslie Walker stated that in those absent, Margaret Sullivan was absent but not included in the list of those absent. Brandon Huber made the motion to approve the 8-27-13 minutes with the revision to add Margaret Sullivan to those absent. Bob Hickey seconded the motion. The motion passed with a 5-0 vote.
  - III. **Old Business- None**
  - IV. **New Business- Public Hearing to hear public comment upon recommendations to the Board of County Commissioners addressing Annual Docket- 2013.**
    - A. Planning official, Doc Hansen, read Docket item 1- Hearing Examiner Final Review into the record with an option for the Hearing Examiner to "reconsider" his/her decision regarding error or misunderstanding when requested by anyone on record providing testimony on the land use action being heard. Discussion was made between planning commission
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members and staff about why Hearing Examiners are used and the incentives to use hearing examiners.

- B. Planning official, Doc Hansen, read Docket item 2- Supplemental Dwelling Unit into the record with the amended definition of “Assisted Living Quarters” allowing them to be detached from the primary structure provided it was no larger than 1000 square feet or 50% of the primary structure whichever is less.
  - C. Planning official, Doc Hansen, read Docket item 3- Amended definitions and uses to zones into the record.
  - D. Planning official, Doc Hansen, read Docket item 4- Administrative Use Permits into the record.
    - i. Discussion was made between planning commission members and staff concerning conditional use permits, definitions and allowable uses.
  - E. Planning official, Doc Hansen, read Docket item 5- Enforcement into the record in addition to include Title 20 of the Kittitas County Code as an enforceable Title.
    - i. Planning Commission member, Bob Hickey questioned the definition of annoy. Planning Official, Doc Hansen stated that you (Bob) can make a motion to change the language.
1. Charlie Sorenson, 1970 Sage Hills Dr., representing herself, stated that it is not in the best interest of the public and it is best to reinstate the Board of Adjustments and live with the decisions.

Debbie Young, 17880 Vantage Hwy, representing herself, that it is disenfranchising to make all decisions based on findings of fact—and prefer Board of Adjustments because people’s opinions need to be heard. She stated that the function of the Hearing Examiner is to not get sued.

David Young, 17880 Vantage Hwy, representing himself, stated that he prefers citizens of the county to make decisions.

Claudia Cummings, 990 Kaufman Rd., representing herself, stated that we should have more public comment and are moving away from public accountability.

Terry Lyndberg, 1780 Sunset Rd, representing herself, stated that the fairness doctrine is being violated because they voted on the Conditional Use Permit [PacifiClean] taking the power of the people out of their hands.

Chairman Rob Fraser asked if anyone else would like to speak again, since most of the public had testified. Nobody responded. Chairman Rob Fraser closed public testimony. Discussion was made between planning commission members and staff concerning why the Board of Adjustments was dissolved and current processes with Hearing Examiner and the proposed changes.

#### **A. Planning Commission Deliberation**

**Leslie Walker motioned to recommend approval to the Board of County Commissioners on Docketed item 13-01 KCC15A of the staff report with the option for the Hearing Examiner to “reconsider” his/her decision regarding error or misunderstanding when requested by anyone on record providing testimony on the land use action being heard. Gary Starkovich seconded the motion. There was discussion between planning commission members and staff. The motion passed with a 4-1 vote.**

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Brandon Huber motioned to recommend approval to the Board of County Commissioners on docketed item 13-02 of KCC Title 17 of the staff report, Accessory Living Quarters with the amended definition of "Assisted Living Quarters" allowing them to be detached from the primary structure provided it was no larger than 1000 square feet or 50% of the primary structure whichever is less. Gary Starkovich seconded the motion and the motion passed with 5-0 vote.

Leslie Walker motioned to recommend approval to the Board of County Commissioners on docketed item 13-03 of KCC Title 17 Allowed uses and Definitions of the staff report, as written. Brandon Huber seconded the motion and the motion passed with 5-0 vote.

Leslie Walker motioned to recommend approval to the Board of County Commissioners on docketed item 13-04, KCC Title 15 and Title 17 ACUPS, as presented. Brandon Huber seconded the motion. The motion passed with 5-0 vote.

Brandon Huber motioned to recommend approval to the Board of County Commissioners on docketed item 13-05, KCC Title 18 as presented in addition to include the Fire Code Title 20 as enforceable. Bob Hickey seconded the motion. The motion passed with 5-0 vote.

Rob Fraser motioned to adjourn the meeting. Brandon Huber seconded the motion. The motion passed with 5-0 vote.

The meeting adjourned at 8:31 pm.

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**EXHIBIT B: BOCC Minutes from  
November 5, 2013 Public Hearing**

**COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**KITITAS COUNTY COMMISSIONERS)  
CLERK OF THE BOARD )**

**KITITAS COUNTY, WASHINGTON**

**Julie Kjorsvik**

**Obie O'Brien, Chairman**

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KITTITAS COUNTY  
BOARD OF COMMISSIONERS  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING

TUESDAY

6:00 P.M.

NOVEMBER 5, 2013

Board members present: Chairman Obie O'Brien; Vice-Chairman Paul Jewell and Commissioner Gary Berndt.

Others: Julie Kjorsvik, Clerk of the Board; Doc Hansen, Planning Official; Lindsay Ozbolt, Staff Planner and 1 member of the public.

PUBLIC HEARING      ANNUAL COMPREHENSIVE PLAN AMENDMENTS      CDS

At 6:00 p.m. CHAIRMAN O'BRIEN opened a Public Hearing to consider items docketed for the 2013 Annual Comprehensive Plan Amendments to the Kittitas County Comprehensive Plan and Kittitas County Code.

The following docketed items were reviewed by DOC HANSEN, PLANNING OFFICIAL and LINDSEY OZBOLT, STAFF PLANNER.

No. 1 - KCC 15A Hearing Examiner: Revise Kittitas County Code Chapter 15A and text in related Titles so that all Hearing Examiner recommendations are final decisions. The Planning Commission recommended approval of the item with the reconsideration period. MR. HANSEN reviewed a reconsideration period by which someone could ask to reconsider their decision. He said Kittitas County was the only jurisdiction that the Hearings Examiner does not render a final decision, but submits a recommendation to the Board of County Commissioners. COMMISSIONER JEWELL said he was not in favor of having the Hearing Examiner making the final decisions. He thought it was his job as an Elected Official to make difficult decisions; to separate emotions and base their decisions on the Code. MR. HANSEN said he has the utmost confidence in the Board and being able to make difficult decisions, but noted how they were all independent and have their own feelings. He said a Hearings Examiner makes their decisions objectively and based on the laws and Codes in place without emotions and they put in a substantial amount of time in their decisions. CHAIRMAN O'BRIEN said he liked the proposed reconsideration process and that maybe they should take a look at implementing something like that for them in the future. He said he did not mind the extra

2013-11-05 MINUTES

APPROVED

11/19/2013

4-6 weeks it takes to process between the Hearings Examiner's recommendation and the Board of County Commissioners decision. COMMISSIONER BERNDT said he would like to "lead" and have the ability to speak with his constituents, instead of having to tell them he cannot discuss issues because it may be something that comes before him at a later date. He questioned why so many other Counties have their Hearings Examiner make those final decisions on Conditional Uses and Shorelines. MS. OZBOLT clarified that the land use decisions that are made and recommended to the Board of County Commissioners are considered in a closed record hearing and the public is not allowed to provide input by the time it gets to them. THERE BEING NO ONE REQUESTING TO TESTIFY THE PUBLIC PORTION OF THE HEARING WAS CLOSED RELATING TO ITEM NO. 1.

No. 2 - KCC 17.15 Supplemental Dwelling Unit Provision: Develop Supplemental Dwelling Unit provisions to establish development standards unique to small scale individual housing needs within Resource, Rural and Urban land use areas of the County. The Planning Commission recommended approval of the item. MR. HANSEN recommended moving Item No. 2 to the 2014 Docket. He reported how he has had discussions with the Department of Commerce and they agreed that it could be accomplished in the Rural Areas, but since the County just finished up with the Compliance issues in the density, they agreed that the item should be moved and considered with the 2014 Docket or later. THOSE PRESENT & TESTIFYING: DAVID WHITWILL, CENTRAL WASHINGTON HOMEBUILDERS thought if the Board were to put the proposal out now, other people would take it as an attempt to increase the density in the zones and supported putting it off until a later date. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED RELATING TO ITEM NO. 2.

No. 3 - KCC 17 Allowed Uses and Definitions: Revise Definitions and Matrices. The Planning Commission recommended approval of the item. The Board questioned Staff and asked for clarifications on the proposed amendments. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED RELATING TO ITEM NO. 3.

No. 4 - KCC 17 Administrative Conditional Use Permits (ACUP): Revise Kittitas County Code 17.60A, Conditional Uses, and related text in Title 15A and Title 17 to allow some uses with approval of an ACUP. The Planning Commission recommended approval of the item. The Board questioned Staff and asked for clarifications on the proposed amendments. THERE BEING NO ONE

REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED RELATING TO ITEM NO. 4.

No. 5 - KCC Title 18 Enforcement: Code Amendment to clarify enforcement procedures. The Planning Commission recommended approval of the item. MR. HANSEN distributed a copy of a proposed Notice of Infraction which had been submitted by the Prosecutor's office. He indicated they wanted to bring it up in the Docket session to make sure the Board was aware of the direction they would like to go for issuing violations. COMMISSIONER JEWELL asked for the reasons behind enforcement by the Kittitas County Director of Community Development Services and his or her authorized representatives, since the County does not have a Director of Community Development Services. He also asked why the change from sending letters out to issuing tickets. MR. HANSEN said by issuing tickets, they would go directly to Court which would be similar to traffic tickets. He also clarified it was the Prosecutor's office that had proposed the language. DAVE WHITWILL, SPEAKING FOR HIMSELF said he was surprised to hear people who have older vehicles in their yard were in violation of the Code. He noted conflicting statements in the proposed Notice of Infraction. THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED RELATING TO ITEM NO. 5.

MS. OZBOLT announced they were in the middle of the SEPA process and the 10 day appeal period ends at 5:00 p.m. on Thursday November 7, 2013. She indicated the Board needed to wait until after that time to render their decision on the Docketed items.

COMMISSIONER JEWELL moved to continue the Public Hearing to Thursday November 14, 2013 at 2:00 p.m. in the Commissioners Auditorium, for Board deliberations and to allow written comments to be accepted until Friday November 8, 2013 at 5:00 p.m. COMMISSIONER BERNDT seconded. Motion carried 3-0.

Meeting adjourned at 7:59 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Julie Kjorsvik

  
Chairman Obie O'Brien

## EXHIBIT C: Docket 13-03

### 13-03 Kittitas County

#### Amend Kittitas County Code 17.08 and 17.15 to Include New Uses, Definitions and Footnotes.

*KCC Title 17.08, Definitions, is amended as follows:*

##### Sections

- 17.08.010 Generally.
  - 17.08.020 Accessory building or accessory use.
  - 17.08.022 Accessory dwelling unit.
  - 17.08.023 Accessory living quarters.
  - 17.08.030 Access road.
  - 17.08.030A Administrative.
  - 17.08.031 Adult Family Home.
  - 17.08.032 Agriculture processing
  - 17.08.033 Agriculture production
  - 17.08.034 Agriculture sales
  - 17.08.035 Agriculture Study Overlay Zone.
  - 17.08.040 Airport.
  - 17.08.050 Alteration.
  - 17.08.060 Amendment.
  - 17.08.063 Amenity funds.
  - 17.08.067 Animal boarding.
  - 17.08.070 Repealed.
  - 17.08.100 Auto wrecking yard.
  - 17.08.101 Battery charging station.
  - 17.08.102 Battery electric vehicle (BEV).
  - 17.08.103 Battery exchange station.
  - 17.08.105 Bed and breakfast.
  - 17.08.110 Board.
  - 17.08.120 Repealed.
  - 17.08.130 Building.
  - 17.08.135 Building height.
  - 17.08.140 Building line.
  - 17.08.150 Repealed.
  - 17.08.155 Campground.
  - 17.08.156 Campsite.
  - 17.08.157 Camping unit.
  - 17.08.158 Charging levels.
  - 17.08.160 Clinic.
  - 17.08.161 Clubhouses, fraternities and lodges
  - ~~17.08.162 Commercial recreation, indoor~~
  - ~~17.08.163 Commercial recreation, outdoor~~
  - 17.08.165 Repealed.
  - 17.08.170 Commission.
  - 17.08.171 Common area
  - 17.08.180 Conditional uses.
  - 17.08.183 Conservation easement.
  - 17.08.187 Conservation or resource values.
  - 17.08.188 County
  - 17.08.190 County arterial road.
  - 17.08.191 Critter pad.
  - 17.08.195 Day care facilities.
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17.08.197 Density(ies).  
~~17.08.198 Designated manufactured home.~~  
17.08.198A Develop  
17.08.198B Development  
17.08.199 Development right.  
17.08.199A Director  
17.08.200 Dwelling.  
17.08.210 Dwelling, multiple-family.  
17.08.211 Dwelling, single-family  
17.08.220 Dwelling, two-family.  
17.08.221 Electric scooters and motorcycles.  
17.08.222 Electric vehicle.  
17.08.223 Electric vehicle charging station.  
17.08.223A Electric vehicle charging station - restricted.  
17.08.223B Electric vehicle charging station - public.  
17.08.224 Electric vehicle infrastructure.  
17.08.224A Electric vehicle parking space.  
17.08.225 Extremely hazardous waste.  
17.08.230 Family.  
17.08.240 Repealed.  
17.08.250 Farm.  
17.08.255 Farm labor shelter.  
17.08.260 Feedlot.  
17.08.261 Forestry  
17.08.261A Forest product processing  
17.08.261B Forest product sales  
17.08.261C Freighting and trucking yard or terminal  
17.08.262 Golf Course.  
17.08.262A Grade  
17.08.262B Grading  
17.08.262C Grazing  
17.08.263 Group care facility.  
17.08.265 Group home.  
17.08.266 Guest houses.  
17.08.270 Guest ranch.  
17.08.280 Hazardous waste.  
17.08.281 Hazardous waste facility.  
17.08.282 Hazardous waste storage.  
17.08.283 Hazardous waste treatment.  
17.08.290 Home occupation.  
17.08.300 Hospital.  
17.08.310 Hospital, animal or veterinary.  
17.08.320 Repealed.  
17.08.321 Infill.  
17.08.324 Interlocal agreement.  
17.08.327 Repealed.  
17.08.329 Junk.  
17.08.330 Junkyard.  
17.08.340 Repealed.  
17.08.360 Lot.  
17.08.361 Lot, flag  
17.08.370 Lot line, front.  
17.08.380 Lot line, rear.  
17.08.390 Lot line, side.  
17.08.390A Lot, through

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17.08.391 Manufactured home.  
17.08.392 Manufacturing  
17.08.393 Medium-speed electric vehicle.  
17.08.395 Repealed.  
17.08.396 Repealed.  
17.08.397 Mini warehouse.  
17.08.397A Mining and Excavation  
17.08.398 Mobile home.  
17.08.399 Modular home.  
17.08.400 Repealed.  
17.08.408 Neighborhood electric vehicle.  
17.08.410 Nonconforming use.  
17.08.412 Non-electric vehicle.  
17.08.420 Nursing home.  
17.08.421 Office  
17.08.424 Off-site hazardous waste facilities.  
17.08.427 On-site hazardous waste facilities.  
17.08.428 Open space  
17.08.430 Outdoor advertising signs and billboards.  
17.08.430A Overlay zone/district  
17.08.430B Ownership  
17.08.431 Park model trailer.  
17.08.440 Parking space.  
17.08.445 ~~Repealed.~~ Parks and playgrounds.  
17.08.450 Planned unit development.  
17.08.455 Planning commission or commission.  
17.08.455A Plug-In hybrid electric vehicle (PHEV).  
17.08.456 Produce Stands.  
17.08.457 Public facilities  
17.08.460 Public office building.  
17.08.461 Rapid charging station.  
17.08.462 Receiving site.  
17.08.463 Recreation, indoor.  
17.08.464 Recreation, outdoor.  
17.08.465 Recreational vehicle.  
17.08.465A Recreational vehicle park.  
17.08.466 Refuse disposal/recycling  
17.08.467 Religious institutions  
17.08.468 Resource based industry  
17.08.469 Restaurant  
17.08.469A Retail sales  
17.08.470 Rezone.  
17.08.472 Rock Crushing  
17.08.472 Services  
17.08.480 School, public or private.  
17.08.485 Shooting range.  
17.08.487 Sending site.  
17.08.490 ~~Repealed.~~ Small-scale event facility.  
17.08.500 Special care dwelling.  
17.08.510 Structural alteration.  
17.08.520 Structure.  
17.08.530 Repealed.  
17.08.535 Repealed.  
17.08.540 Trailer park, trailer camp, trailer court and mobile home park.

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- 17.08.541 Trails.
- 17.08.542 Transfer of development rights (TDR).
- 17.08.543 TDR certificate.
- 17.08.544 TDR certificate letter of intent.
- 17.08.545 TDR credit.
- 17.08.546 TDR program.
- 17.08.547 TDR sending site application.
- 17.08.550 Use.
- 17.08.560 Variance.
- 17.08.560A Vehicle/equipment service and repair
- 17.08.560B Watershed management facilities
- 17.08.561 Winery.
- 17.08.570 Yard.
- 17.08.580 Yard depth.
- 17.08.590 Yard, front.
- 17.08.600 Yard, rear.
- 17.08.610 Yard, side.
- 17.08.620 Yurt.

**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. ~~Campgrounds may or may not necessarily be designed to accommodate recreational vehicles.~~ (Ord. 2013-001, 2013; Ord. 2007-22, 2007)

~~17.08.162 Commercial recreation, indoor.~~

~~"Commercial 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. (Ord. 2013-001, 2013;)~~

~~17.08.163 Commercial recreation, outdoor.~~

~~"Commercial 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, and driving ranges. This definition excludes golf courses and stadiums. (Ord. 2013-001, 2013;)~~

~~17.08.198 Designated manufactured home.~~

~~"Designated manufactured home" means a manufactured home which is comprised of at least two (2) fully enclosed parallel sections; each section being a minimum of twelve (12) feet wide and thirty-six (36) feet long; and which was originally constructed with and currently has a composition, coated metal, or similar roof of not less than a 3:12 pitch. (Class A roofs coverings are required in many areas of Kittitas County). The unit must have siding similar in appearance to siding materials commonly utilized on conventional site-built International Building Code single family residences and placed on a permanent perimeter foundation comprised of poured concrete or masonry which shall be twenty-four (24) inches below finished grade when backfilled. A designated manufactured home shall have been constructed after January 1996 and to appropriate snow load requirements as determined by the Kittitas County building and fire safety department. Units shall be placed in accordance with Section~~

14.04.040(B) of this code. Designated manufactured homes shall be considered to be single-family residences. (Ord. 2013-001, 2013; Ord. 2007-22, 2007; Ord. 98-22 (part), 1998)

17.08.445 Repealed 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.

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.

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.

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 eight (180) days in a calendar year.

17.08.490 Repealed 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.

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.

**KCC 17.15, Allowed Uses, is amended as follows:**

**17.15.050 Allowed Uses in Resource Lands**

**17.15.050.1 Resource Use Table**

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter 17.08 Definitions		
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU <sup>17</sup>	
Agriculture production*	P	P
Agriculture sales*, Produce stand	P <sup>16</sup> / CU	
Agriculture sales*, Other	CU	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
Feedlot*	CU	CU
Grazing*	P	P
Nurseries	P	
Riding academies	CU	
Small-scale event facility*	AC <sup>23</sup> /CU	
<b>B. Civic Cultural Uses</b>		
Cemetery	P <sup>13</sup>	
Clubhouses, fraternities and lodges*	CU <sup>24</sup>	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU <sup>12</sup>	
<b>C. Commercial</b>		
Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	CU	
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 <sup>23</sup>	CU <sup>23</sup>
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P <sup>22</sup>	
<b>D. Industrial</b>		
Airport*	P <sup>20</sup>	P <sup>21</sup>
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Junkyard*		
Manufacturing*		
Mini-warehouse		
Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA <sup>27</sup> /CU <sup>26</sup>	
Wholesale business		
<b>E. Recreation</b>		
Campground*		P <sup>18</sup>

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter 17.08 Definitions		
Commercial recreation, indoor*		
Commercial recreation, outdoor*		P <sup>12</sup>
Golf course*		
Guest Ranch*	CU	
Parks and playgrounds*		P <sup>13</sup> /CU <sup>13</sup>
Recreation, indoor		
Recreation, outdoor*		P <sup>18</sup>
Recreational vehicle park*		
Recreational vehicle storage		
Stadium		
Trails	PA	PA
<b>F. Residential</b>		
Accessory dwelling unit*	P <sup>4</sup>	
Accessory living quarters*	P <sup>5</sup>	
Adult family home*	P <sup>10</sup>	P <sup>10</sup>
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU <sup>2</sup>	
Group home*		
Home occupation*	P / CU <sup>8</sup>	P / CU <sup>8</sup>
Manufactured home*	P	P
Mobile home	P <sup>6</sup>	P <sup>6</sup>
Special care dwelling*	P <sup>7</sup>	P <sup>7</sup>
Temporary trailers	P <sup>11</sup>	P <sup>11</sup>
<b>G. Resource</b>		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU <sup>14</sup>	P
Rock crushing*		P
<b>H. Utilities and Public Facilities</b>		
Electric vehicle infrastructure*	P <sup>3</sup>	P <sup>3</sup>
Public facilities*	PA <sup>19</sup>	PA <sup>19</sup>
Utilities	P <sup>1</sup>	P <sup>1</sup>
Watershed management activities*	PA	PA

17.15.050.2 Footnotes Associated with Resource Use Table.

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
  - a. ADUs shall be allowed as a permitted use within designated UGAs;

- b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
  - c. Only one ADU shall be allowed per lot;
  - d. Owner of the property must reside in either the primary residence or the ADU;
  - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
  - f. All setback requirements for the zone in which the ADU is located shall apply;
  - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
  - i. The ADU shall provide additional off-street parking;
  - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
- a. Accessory Living Quarters shall be located within an owner occupied primary residence;
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
  - e. Accessory Living Quarters are to provide additional off-street parking;
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
7. Subject to the following requirements:  
The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
- a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
  - b. Placement is subject to obtaining a building permit for the manufactured home;
  - c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
  - d. The Special Care Dwelling unit cannot be used as a rental unit;
  - e. The Special Care Dwelling unit must be removed when the need for care ceases;
  - f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
10. Pursuant to RCW 70.128.140.
11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.
13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
16. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
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P Permitted PA Permitted Administrative CU Conditional Use  * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Nurseries	P		P	CU <sup>37</sup>		P		
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility	AC <sup>45</sup> /CU	AC <sup>45</sup> /CU	AC <sup>49</sup> /CU	AC <sup>49</sup> /CU				
<b>B. Civic Uses/Community Services</b>								
Cemetery	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	CU <sup>37</sup>				
Clubhouses, fraternities and lodges*	CU <sup>44</sup>	CU <sup>44</sup>	CU <sup>3</sup>	CU <sup>35</sup>	CU		CU	
Cultural and education facilities					P		P	
Libraries			P <sup>3</sup>			P		
Meeting facilities					P			
Museums and galleries						P		
Religious institutions	CU		CU	CU	CU	CU	CU	
Schools, public or private*	P <sup>25</sup>		P <sup>25</sup>	CU			CU	
<b>C. Commercial</b>								
Auction sales of non-agriculture products						CU		
Bank						CU		
Bed and breakfast*	CU	CU	CU	CU <sup>37</sup>			P	
Clinic*								
Day care facilities*						CU		
Funeral home/mortuary						CU		
Hospital*						CU		
Hospital, animal or veterinary*			CU			CU		
Hotel/motel					P <sup>6</sup>			
Office*						P <sup>17</sup>		
Restaurant				CU <sup>36</sup>	P	CU	CU	
Retail sales,* general				CU <sup>36</sup>	P	CU <sup>18</sup>	CU <sup>18</sup>	
Retail sales,* lumber and building materials								
Retail sales,* vehicles								
Services					P <sup>20</sup>	CU		
Shooting range*			CU <sup>31</sup>	CU <sup>37, 31</sup>			CU <sup>31</sup>	
Tavern				CU <sup>36</sup>	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	P <sup>16</sup>		P <sup>16</sup>	CU <sup>36</sup>	P <sup>42</sup>	P <sup>42</sup>		

P Permitted PA Permitted Administrative CU Conditional Use  * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
D. Industrial								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU <sup>37</sup>				
Forest product processing* (portable)	P	P	CU	CU <sup>35</sup>				
Forest product processing* (permanent)			CU	CU <sup>37</sup>				
Freighting and trucking yard or terminal*				CU		CU		
Hazardous waste storage*								
Hazardous waste treatment*								
Junkyard*								
Manufacturing*								
Mini-Warehouse						CU <sup>15</sup>		
Refuse disposal/recycle*			CU <sup>19</sup>	CU <sup>19, 37</sup>				
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA <sup>37</sup>	PA <sup>37</sup>	PA <sup>47</sup> /CU <sup>46</sup>	PA <sup>37</sup>				
Wholesale business								
E. Recreation								
Campground*	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12, 37</sup>	CU <sup>13</sup>	CU <sup>12</sup>	CU <sup>12</sup>	
Commercial recreation, indoor*					P		CU	P <sup>26</sup>
Commercial recreation, outdoor*					CU	CU	CU	P <sup>26</sup>
Golf course*	CU	CU	CU	CU <sup>37</sup>	CU		CU	
Guest ranch*	CU	CU	CU	CU <sup>37</sup>			CU	
Parks and playgrounds*	P	P	P <sup>3</sup>	P	P		P	P
Recreation, indoor*					P	CU	CU	P <sup>26</sup>
Recreation, outdoor*	AC	AC	CU	CU	AC	AC	AC	P <sup>26</sup>
Recreational vehicle park*	CU	CU			CU		CU	
Recreational vehicle storage							CU	P <sup>26</sup>
Stadiums								
Trails	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential								
Accessory dwelling	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27, 37</sup>			PA <sup>27</sup>	PA <sup>27</sup>

P Permitted PA Permitted Administrative CU Conditional Use  * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
unit*								
Accessory living quarters*	P <sup>28</sup>	P <sup>28</sup>	P <sup>28</sup>	P <sup>28, 37</sup>	P <sup>28</sup>		P <sup>28</sup>	P <sup>28</sup>
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>
Boarding house			CU <sup>29</sup>	CU <sup>29, 37</sup>				
Convalescent home			CU	CU <sup>37</sup>				
Dwelling, single-family*	P <sup>33</sup>	P <sup>40</sup>	P	P <sup>34</sup>	P <sup>1</sup>	PA <sup>2</sup>	P	P
Dwelling, two-family*	P		P <sup>3</sup>	P <sup>34</sup>	P <sup>1</sup>		CU	P
Dwelling, multiple-family*					P <sup>1</sup>			P
Farm labor shelter*	CU <sup>4</sup>		CU <sup>4</sup>	CU <sup>4, 37</sup>				
Group home*	CU	CU		CU			CU	
Home occupation*	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5, 37</sup>	P/CU <sup>5</sup>		P/CU <sup>5</sup>	P/CU <sup>5</sup>
Manufactured home*	P	P	P	P <sup>37</sup>	P	PA	P	P
Mobile home	P <sup>38</sup>	P <sup>38</sup>		P <sup>34</sup>				
Special care dwelling*	P <sup>30</sup>	P <sup>30</sup>	P <sup>30</sup>				CU <sup>30</sup>	P <sup>30</sup>
Temporary trailer	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7, 37</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>
G. Resource								
Forestry*	P	P	P	P <sup>34</sup>				
Forest product sales*				P				
Mining and excavation*	CU	CU <sup>39</sup>	CU	P <sup>34</sup>				
Rock crushing*		CU <sup>39</sup>		P <sup>34</sup>				
H. Utilities and Public Facilities								
Electric vehicle infrastructure*	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>26</sup>
Public facilities*	CU	CU	CU	CU <sup>37</sup>		CU		
Utilities*	P <sup>9</sup>	P <sup>9</sup>	P <sup>10</sup>	P <sup>9</sup>	P <sup>11</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

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

- b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. ~~No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.~~
  6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
  7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
  8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
  9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
  10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
  11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
  12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
    - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
    - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
    - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
    - d. Adequate and convenient vehicular access, circulation and parking should be provided;
    - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
  13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
  14. The following standards shall apply to the approval and construction of mini-warehouses:
    - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
    - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
    - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
    - d. Lease documents shall spell out all conditions and restrictions of the use;
    - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
  15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
  16. Limited to farm implement repair and maintenance.
  17. Limited to offices directly related to tourism and recreation.
  18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
  19. Limited to composting facilities.
  20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to
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discourage use from non-resort users by locating such services well within the site rather than on its perimeter.

21. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
  22. When located not less 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 permits.
  24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
  25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
  26. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
  27. Subject to the following requirements:
    - a. ADUs shall be allowed as a permitted use within designated UGAs;
    - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
    - c. Only one ADU shall be allowed per lot;
    - d. Owner of the property must reside in either the primary residence or the ADU;
    - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
    - f. All setback requirements for the zone in which the ADU is located shall apply;
    - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
    - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
    - i. The ADU shall provide additional off-street parking;
    - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
    - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
  28. Subject to the following requirements:
    - a. Accessory Living Quarters shall be located within an owner-occupied primary residence;.
    - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    - e. Accessory Living Quarters are to provide additional off-street parking;
    - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
  29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
  30. Subject to the following requirements:
    - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
    - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    - c. Placement is subject to obtaining a building permit for the manufactured home;
    - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    - e. The Special Care Dwelling unit cannot be used as a rental unit;
    - f. The Special Care Dwelling unit must be removed when the need for care ceases;
    - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
  31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in
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conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:

- a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
  33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
  35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
  36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
  37. Prohibited in the Liberty Historic Overlay Zone.
  38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
  40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  41. Pursuant to RCW 70.128.140.
  42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
  43. Includes truck stop operations. Minor repair work permitted.
  44. Limited to facilities that serve traditional rural or resource activities (such as granges).
  45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
  46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
  47. Limited to seasonal, non-structural hay storage.

(Ord. 2013-001, 2013;)

17.15.070 Allowed Uses in Rural LAMIRD Lands

17.15.070.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
*See KCC Chapter 17.08 Definitions													
A. Agriculture													
Animal boarding*	CU <sup>1</sup>		CU	CU				CU				CU	
Agriculture processing*			P <sup>2</sup>	CU <sup>3</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agriculture production*	CU <sup>1</sup>		P <sup>5</sup>	P	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	
Agriculture sales,* Produce stand			P <sup>7</sup> /CU	P <sup>7</sup> /CU			P	P	P			P <sup>7</sup> /CU	
Agriculture sales,* Other			CU	CU				CU				CU	
Feedlot*			CU <sup>8</sup>	CU <sup>8</sup>								CU <sup>8</sup>	
Grazing*			P	P	P	P	P	P	P	P	P	P	
Nurseries	CU		P	P								CU	
Riding academies			CU	CU								CU	
Small-scale event facility*													
B. Civil and Cultural													
Cemetery			P <sup>9</sup>	P <sup>9</sup>		P <sup>9</sup>						CU	
Clubhouses, fraternities and lodges*	CU	P	P <sup>10</sup>	P <sup>10</sup>	P	P						CU	
Cultural and education facilities	CU												
Libraries			CU	P <sup>10</sup>			P	P					
Meeting facilities													
Museums and galleries	CU		CU	CU				P <sup>11</sup>	P			CU	
Religious institutions*	CU	CU	CU	CU								CU	
Schools, public and private*			CU	P <sup>10</sup>			P	P				CU	
C. Commercial													
Auction sales of non-agriculture products			CU	CU				P					
Bank								P	P				
Bed and breakfast*			CU	CU		CU						CU	
Clinic*	CU <sup>12</sup>												
Day care			CU	CU			CU	CU	CU			CU	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
facilities*													
Funeral home/mortuary								CU					
Hospital*	CU		CU	CU				P				CU	
Hospital, animal or Veterinary*				CU				CU					
Hotel/motel								P	P				
Office*								P	P <sup>13</sup>				
Restaurant							P	P	P				
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				
Retail sales,* lumber and building materials								P <sup>15</sup>					
Retail sales,* vehicles								P					
Services								P <sup>11</sup>	P				
Shooting range*				CU <sup>40</sup>				CU <sup>40</sup>				CU <sup>40</sup>	
Tavern								P	P				
Temporary sales office													
Vehicle/equipm ent service and repair*				CU <sup>17</sup>			P <sup>18</sup>	P <sup>11</sup>	P <sup>19</sup>				
D. Industrial													
Airport*			CU	CU <sup>10</sup>				CU			CU	CU	
Asphalt/Concret e plants												CU	
Forest product processing* (portable)			P	P	P	P							
Forest product processing* (permanent)			CU	CU									
Freighting and trucking yard or terminal*								CU			P	CU	
Hazardous waste storage*								CU		CU	CU <sup>20</sup>		
Hazardous waste treatment*								CU		CU	CU <sup>20</sup>		
Junkyard*								CU			CU <sup>20</sup>		
Manufacturing*								P		P	P <sup>20</sup>		
Mini-warehouse				P	CU <sup>22</sup>	CU <sup>22</sup>	P <sup>11</sup>	P <sup>11</sup>		P		CU <sup>22</sup>	
Refuse disposal/recycle *											CU <sup>20</sup>	CU	
Research										P	P		



P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
laboratories													
Wastewater treatment													
Warehousing and distribution													
Wholesale business								P		P	P		
E. Recreation													
Campgrounds			CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>			CU <sup>21</sup>	CU <sup>21</sup>		CU <sup>21</sup>	
Commercial recreation, indoor								P	P	P			P <sup>35</sup>
Commercial, recreation, outdoor								P <sup>44</sup>	P <sup>44</sup>	P <sup>44</sup>			P <sup>44</sup>
Golf courses			CU	CU	CU	CU						CU	
Guest Ranch			CU	CU	CU	CU						CU	
Parks and playgrounds*	P	P	P	P <sup>10</sup>		P	P		P			P	P
Recreation, indoor*								P	P	P			P <sup>35</sup>
Recreation, outdoor*								P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>			P <sup>35</sup>
Recreational vehicle park*													
Recreational vehicle storage													P <sup>35</sup>
Stadiums									CU				
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential													
Accessory dwelling unit	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>25</sup>			P <sup>24</sup>	P <sup>24</sup>
Accessory living quarter	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>25</sup>			P <sup>36</sup>	P <sup>36</sup>
Adult family home	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>			P <sup>42</sup>	P <sup>42</sup>
Boarding house	CU <sup>37</sup>		CU <sup>37</sup>	CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent home				CU								CU	
Dwelling, single- family	P	P	P	P	P	P	P	P	P <sup>25</sup>			P	P
Dwelling, two- family	P	P	P	P <sup>10</sup>			P	P	P <sup>25</sup>			P	P
Dwelling, multiple-family	CU							P					P
Farm Labor Shelter			CU <sup>26</sup>	CU <sup>26</sup>								CU <sup>26</sup>	
Group Home					CU	CU						CU	
Home occupation	P/CU <sup>27</sup>	P/C U <sup>28</sup>	P/CU <sup>28</sup>	P/C U <sup>28</sup>	P/C U <sup>28</sup>	P/C U <sup>28</sup>						P/CU <sup>28</sup>	P/CU <sup>28</sup>

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Manufactured home	P	P	P	P	P	P	P	P	P			P	P
Mobile homes		p <sup>38</sup>			p <sup>38</sup>	p <sup>6</sup>						P	
Special care dwelling	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>39</sup>	p <sup>25</sup>				p <sup>39</sup>
Temporary trailers	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>	p <sup>29</sup>
G. Resource													
Forestry*			P	P	P	P						P	
Forest product sales*												P	
Mining and excavation*			CU 30	CU <sup>30</sup>	CU <sup>31</sup>	CU <sup>31</sup>						P	
Rock crushing*					CU <sup>31</sup>	CU <sup>31</sup>						P	
H. Utilities and Public Facilities													
Electric vehicle infrastructure	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>23</sup>	p <sup>35</sup>
Public facilities			CU	CU		CU		CU		p <sup>32</sup>		CU	
Utilities	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>34</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>	p <sup>33</sup>
Watershed management activities	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Feed yards, livestock sales yards and slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. 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 not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. 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 fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. 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. Explosives, storage or manufacture;
  - h. Reduction or disposal of garbage, offal or similar refuse;
  - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
  - j. Rubber reclaiming;
  - k. Feed yards, livestock sales yards or slaughterhouses;
  - l. Smelting, reduction or refining of metallic ores;
  - m. Tanneries;
  - n. Wineries;
  - o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
  - p. Waste (refuse) recycling and processing;
  - q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

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

- r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
  - s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors, and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
  21. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
    - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
    - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
    - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
    - d. Adequate and convenient vehicular access, circulation and parking should be provided;
    - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
  22. The following standards shall apply to the approval and construction of mini-warehouses:
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- a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
  - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;
  - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area;
23. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
24. Subject to the following requirements:
- a. ADUs shall be allowed as a permitted use within designated UGAs;
  - b. ADU's shall be subject to obtaining an Administrative Use permit in areas outside of UGAs;
  - c. Only one (1) ADU shall be allowed per lot;
  - d. Owner of the property must reside in either the primary residence or the ADU;
  - e. The ADU shall not exceed the square footage of the habitable area of primary residence;
  - f. The ADU shall be designed to maintain the appearance of the primary residence;
  - g. All setback requirements for the zone in which the ADU is located shall apply;
  - h. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - i. No mobile homes or recreational vehicles shall be allowed as an ADU;
  - j. The ADU shall provide additional off-street parking;
  - k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - l. An ADU must have adequate acreage to meet maximum density within the zone classification.
25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. Provided that:
- a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use.
29. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
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35. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to KCC Chapter 17.66.
36. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner occupied primary residence;
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
  - e. Accessory Living Quarters are to provide additional off-street parking;
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Subject to the following requirements:
  - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
  - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
  - c. Placement is subject to obtaining a building permit for the manufactured home;
  - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
  - e. The Special Care Dwelling unit cannot be used as a rental unit;
  - f. The Special Care Dwelling unit must be removed when the need for care ceases;
  - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
40. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
  - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177 (3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
41. Outdoor recreation activities that cause noise require a conditional use permit.
42. Subject to provisions of RCW 70.128.140.
43. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
44. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.

(Ord. 2013-001, 2013;)

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17.15.080 Allowed Uses in Urban Lands

17.15.080.1 Allowed Uses in Urban Lands

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
<b>A. Agriculture</b>													
Animal boarding*	CU <sup>1</sup>			CU				CU				CU	
Agriculture processing*				P <sup>2</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agriculture production*	CU <sup>1</sup>	CU <sup>5</sup>		P <sup>5</sup>	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	
Agriculture sales,* Produce stand				P <sup>7</sup> /CU					P			P <sup>7</sup> /CU	
Agriculture sales,* Other		CU		CU				CU				CU	
Feedlot*				CU <sup>8</sup>								CU <sup>8</sup>	
Grazing*		P		P	P	P	P	P	P	P	P	P	
Nurseries	CU	CU		P								CU	
Riding Academies		CU		CU		CU						CU	
Small-scale event facility*				AC <sup>42</sup> /CU	AC <sup>42</sup> /CU	AC <sup>42</sup> /CU						AC <sup>42</sup> /CU	
<b>B. Civic and Cultural</b>													
Cemetery				P <sup>9</sup>		P <sup>9</sup>						CU	
Clubhouses, fraternities and lodges*	CU	CU		P	P	P						CU	
Cultural and educational facilities	CU												
Libraries				CU			P	P					
Meeting facilities													
Museums and galleries	CU	CU		CU				P <sup>11</sup>	P			CU	
Religious institutions*	CU	CU		CU								CU	
Schools, public or private*		CU		CU			P	P				CU	
<b>C. Commercial</b>													
Auction sales of non-agriculture products				CU				P				CU	
Bank								P	P				
Bed and breakfast*				CU		CU						CU	
Clinic*	CU <sup>12</sup>												
Day care facilities*				CU			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 <sup>13</sup>				

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Restaurant							P	P	P				P
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				P
Retail sales,* lumber and building materials								P <sup>15</sup>					P
Retail sales,* vehicles								P					P
Services							P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>				
Shooting range*								CU <sub>6</sub>				CU <sup>6</sup>	
Tavern								P	P				P
Temporary sales office													
Vehicle/ equipment service and repair*							P <sup>18</sup>	P <sup>11</sup>	P <sup>19</sup>				
D. Industrial													
Airport*				CU				CU				CU	
Asphalt/Concrete plants												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 <sub>20</sub>		
Hazardous waste treatment*								CU		CU	CU <sub>20</sub>		
Junkyard*								CU			CU <sub>20</sub>		
Manufacturing*								P		P	P <sub>20</sub>		
Mini-Warehouse					CU <sup>22</sup>	CU <sup>22</sup>	P <sup>11</sup>	P <sup>11</sup>		P		CU <sup>22</sup>	
Refuse disposal/recycle*										CU	CU <sub>20</sub>	CU	
Research laboratories										P	P		
Wastewater treatment													
Warehousing and distribution	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	PA <sup>4.3</sup>	P	P	PA <sup>4.1</sup>	
Wholesale business								P		P	P		
E. Recreation													
Campground*				CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>		CU <sub>21</sub>	CU <sub>21</sub>			CU <sup>21</sup>	
Commercial								P	P				P <sup>35</sup>

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Recreation, indoor*													
Commercial recreation, outdoor*								P <sup>39</sup>	P <sup>39</sup>				P <sup>35</sup>
Golf course*				CU	CU	CU						CU	
Guest ranch*				CU	CU	CU						CU	
Parks and playgrounds*	P			P		P	P	P				P	P
Recreation, indoor*				CU	CU	CU		P	P			CU	P <sup>35</sup>
Recreation, outdoor*				AC	AC	AC		P <sup>39</sup>	P <sup>39</sup>			AC	P <sup>35</sup>
Recreational vehicle park*													
Recreational vehicle storage													P
Stadiums								CU					
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
F. Residential													
Accessory dwelling unit*	P <sup>24</sup>	P <sup>24</sup>		P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>		P <sup>25</sup>					P <sup>24</sup>
Accessory living quarters*	P <sup>36</sup>	P <sup>36</sup>		P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>		P <sup>25</sup>					P <sup>36</sup>
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>			P <sup>41</sup>	P <sup>41</sup>
Boarding house	CU <sup>37</sup>			CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent home												CU	
Dwelling, single-family*	P	P	P <sup>40</sup>	P	P	P	P	P <sup>25</sup>				P	P
Dwelling, two-family*	P	P		P			P	P <sup>25</sup>				P	P
Dwelling, multiple-family*	CU												P
Farm labor shelter*				CU <sup>26</sup>								CU <sup>26</sup>	
Group home*					CU	CU						CU	
Home occupation*	P/CU <sup>27</sup>	P/CU <sup>28</sup>		P/CU <sup>28</sup>	P/CU <sup>28</sup>	P/CU <sup>28</sup>						P/CU <sup>28</sup>	P/CU <sup>28</sup>
Manufactured home*	P	P	P	P	P	P	P	P				P	P
Mobile home		P <sup>38</sup>	P <sup>40</sup>		P <sup>38</sup>							P <sup>38</sup>	P <sup>38</sup>
Special care dwelling*	P <sup>17</sup>	P <sup>17</sup>		P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>						P <sup>17</sup>
Temporary trailer	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	CU <sup>29</sup>
G. Resource													
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU <sup>30</sup>	CU <sup>31</sup>	CU <sup>31</sup>						P	
Rock crushing					CU <sup>31</sup>	CU <sup>31</sup>						P	
H. Utilities and Public Facilities													



P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Electric vehicle infrastructure*	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>
Public facilities*		CU		CU	CU			CU	P <sup>32</sup>			CU	
Utilities	P <sup>33</sup>	P <sup>33</sup>		P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

17.15.080.2 Footnotes Associated with Urban Use Table.

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

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

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

- r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
  - s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
21. In considering proposals for location of such campgrounds, the Board shall consider at a minimum the following criteria:
    - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances.
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- b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
  - d. Adequate and convenient vehicular access, circulation and parking should be provided.
  - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)
22. The following standards shall apply to the approval and construction of mini-warehouses:
- a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
  - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;
  - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area;
23. Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one (1) acre is available. Excluding swine and mink.
24. Accessory Dwelling Unit (ADU) subject to the following requirements:
- a. ADUs shall be allowed as a permitted use within designated UGAs.
  - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.
  - c. Only one (1) ADU shall be allowed per lot.
  - d. Owner of the property must reside in either the primary residence or the ADU.
  - e. The ADU shall not exceed the square footage of the habitable area of primary residence.
  - f. The ADU shall be designed to maintain the appearance of the primary residence.
  - g. All setback requirements for the zone in which the ADU is located shall apply.
  - h. The ADU shall meet the applicable health department standards for potable water and sewage disposal.
  - i. No mobile homes or recreational vehicles shall be allowed as an ADU.
  - j. The ADU shall provide additional off-street parking.
  - k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - l. An ADU must have adequate acreage to meet maximum density within the zone classification.
25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. Provided that:
- a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
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28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. No sign advertising a home occupation shall exceed sixteen (16) square feet in size.
29. When used for temporary occupancy for a period not to exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met.
36. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner occupied primary residence.
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot.
  - e. Accessory Living Quarters are to provide additional off-street parking.
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Outdoor recreation activities that cause noise require a conditional use permit.
40. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.
41. Pursuant to RCW 70.128.140.
42. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
43. Limited to seasonal, non-structural hay storage.

(Ord. 2013-001, 2013;

## EXHIBIT D: Docket 13-04

### 13-04 Kittitas County staff

**Amend Kittitas County Code 15A, 17.08 and 17.15 to Administer Small Scale Conditional Use Permits without Public Hearing.**

*Kittitas County Code 15A, Table A is amended as follows:*

	Step 1 Public Comment Period	Step 2 Open Record Hearing	Step 3 Decision	Step 4 Administrative Appeal	Step 5 Judicial Appeal*
Site Plan Review:	15 days	None	Staff	BOCC	Sup. Court
Zoning Variance:	15 days	None	Staff	HE	Sup. Court
Permitted Administrative Uses <sup>5</sup> :	15 days	None	Staff	BCC	Sup. Court
Short Plats:	15 days	None	Staff	BCC	Sup. Court
Segregations/Lot Line Adjustments:	None	None	Staff	BCC	Sup. Court
SEPA Actions: Appeals of threshold determinations:	15 days	None	Staff	HE	Sup. Court
SEPA Actions: The exercise of substantive SEPA authority and adequacy of an EIS <sup>1</sup> :	15 days	None	Staff	HE/BCC <sup>2</sup>	Sup. Court
Independent administrative rulings:	None	None	Staff	HE/BCC <sup>3</sup>	Sup. Court
<u>Zoning Conditional Uses</u>	<u>15 days</u>	<u>None</u>	<u>Staff</u>	<u>BCC</u>	<u>Sup. Court</u>
(Administrative):					
<u>Zoning Conditional Uses</u>	15 days	HE	BCC	None	Sup. Court
(Hearing):					
Long Plats:	15 days	HE	BCC	None	Sup. Court
Shorelines Substantial Development/Cnd. Use:	15 days	HE	BCC	None	Shorelines Board
Shorelines Setback Variance:	15 days	HE	HE	None	Shorelines Board
Site-Specific Rezone to Zoning Map (Including PUD) <sup>4</sup> :	30 days	HE	BCC	None	Sup. Court
Development Agreement:	30 days	BCC	BCC	None	Sup. Court

*Kittitas County Code 17.08, Definitions, is amended as follows:*

#### **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.
- ~~3.4.~~ "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.

4.5. "Nonconforming use" means a use to which a structure, building or land was lawfully put at the time this resolution became effective but which is not a permitted use in the area in which it is located.

5.6. "Prohibited use" means those uses not specifically enumerated as allowed uses under the provisions of KCC Chapter 17.15.

***Kittitas County Code 17.15, Allowed Uses, is amended as follows:***

**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 three (3) 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.

~~3.4.~~ Conditional Use. Land uses which may be permitted within a zone classification following review and hearing under the provisions of KCC Chapter 17.60A.

**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;)

**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
<u>AC</u>	<u>Administrative Conditional Use</u>
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.

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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.
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## 17.15.050 Allowed Uses in Resource Lands

### 17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use	Resource	
	Commercial Agriculture	Commercial Forest
*See KCC Chapter 17.08 Definitions		
A. Agriculture		
Animal boarding*	CU	
Agriculture processing*	CU <sup>17</sup>	
Agriculture production*	P	P
Agriculture sales*, Produce stand	P <sup>16</sup> / CU-AC	
Agriculture sales*, Other	CU	
Feedlot*	CU	CU
Grazing*	P	P
Nurseries	P	
Riding academies	CU	
B. Civic Cultural Uses		
Cemetery	P <sup>13</sup>	
Clubhouses, fraternities and lodges*	AC_CU <sup>24</sup>	
Cultural and educational facilities		
Libraries		
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU <sup>12</sup>	
C. Commercial		
Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	CU-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 <sup>23</sup>	CU <sup>23</sup>
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P <sup>22</sup>	
D. Industrial		
Airport*	P <sup>20</sup>	P <sup>21</sup>
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		



P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
Junkyard*		
Manufacturing*		
Mini-warehouse		
Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution		
Wholesale business		
E. Recreation		
Campground*		P <sup>18</sup>
Commercial recreation, indoor*		
Commercial recreation, outdoor*		P <sup>18</sup>
Golf course*		
Guest Ranch*	CU	
Parks and playgrounds		CU <sup>15</sup>
Recreational vehicle storage		
Stadium		
F. Residential		
Accessory dwelling unit*	P <sup>4</sup>	
Accessory living quarters*	P <sup>5</sup>	
Adult family home*	P <sup>10</sup>	P <sup>10</sup>
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU <sup>2</sup>	
Group home*		
Home occupation*	P / CU <sup>8</sup>	P / CU <sup>8</sup>
Manufactured home*	P	P
Mobile home	P <sup>6</sup>	P <sup>6</sup>
Special care dwelling*	P <sup>7</sup>	P <sup>7</sup>
Temporary trailers	P <sup>11</sup>	P <sup>11</sup>
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU <sup>14</sup>	P
Rock crushing*		P
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P <sup>3</sup>	P <sup>3</sup>
Public facilities*	PA <sup>19</sup>	PA <sup>19</sup>
Utilities	P <sup>1</sup>	P <sup>1</sup>
Watershed management activities*	PA	PA



P Permitted PA Permitted Administrative CU Conditional Use  * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Retail sales,* vehicles								
Services					P <sup>20</sup>	CU		
Shooting range*			CU <sup>31</sup>	CU <sup>37, 31</sup>			CU <sup>31</sup>	
Tavern				CU <sup>36</sup>	P	CU		
Temporary sales office					P			
Vehicle/equipment service and repair*	P <sup>16</sup>		P <sup>16</sup>	CU <sup>36</sup>	P <sup>42</sup>	P <sup>42</sup>		
D. Industrial								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU <sup>37</sup>				
Forest product processing* (portable)	P	P	CU	CU <sup>35</sup>				
Forest product processing* (permanent)			CU	CU <sup>37</sup>				
Freighting and trucking yard or terminal*				CU		CU		
Hazardous waste storage*								
Hazardous waste treatment*								
Junkyard*								
Manufacturing*								
Mini-Warehouse						CU <sup>15</sup>		
Refuse disposal/recycle*			CU <sup>19</sup>	CU <sup>19, 37</sup>				
Research laboratories								
Wastewater treatment								
Warehousing and distribution								
Wholesale business								
E. Recreation								
Campground*	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12, 37</sup>	CU <sup>13</sup>	CU <sup>12</sup>	CU <sup>12</sup>	
Commercial recreation, indoor*					P		CU	P <sup>26</sup>
Commercial recreation , outdoor*					CU	CU	CU	P <sup>26</sup>
Golf course*	CU	CU	CU	CU <sup>37</sup>	CU		CU	
Guest ranch*	CU	CU	CU	CU <sup>37</sup>			CU	
Parks and playgrounds	P	P	P <sup>3</sup>	P	P		P	P
Recreational vehicle storage							CU	P <sup>26</sup>
Stadiums								
F. Residential								
Accessory dwelling unit*	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27, 37</sup>			PA <sup>27</sup>	PA <sup>27</sup>
Accessory living	P <sup>28</sup>	P <sup>28</sup>	P <sup>28</sup>	P <sup>28, 37</sup>	P <sup>28</sup>		P <sup>28</sup>	P <sup>28</sup>



17.15.070 Allowed Uses in Rural LAMIRD Lands

17.15.070.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
A. Agriculture													
Animal boarding*	CU <sup>1</sup>		CU	CU				CU				CU	
Agriculture processing*			P <sup>2</sup>	CU <sup>3</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agriculture production*	CU <sup>1</sup>		P <sup>5</sup>	P	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	
Agriculture sales, * Produce stand			P <sup>7</sup> / ACCU	P <sup>7</sup> / ACCU			P	P	P			P <sup>7</sup> / ACCU	
Agriculture sales, * Other			CU	CU				CU				CU	
Feedlot*			CU <sup>8</sup>	CU <sup>8</sup>								CU <sup>8</sup>	
Grazing*			P	P	P	P	P	P	P	P	P	P	
Nurseries	CU		P	P								CU	
Riding academies			CU	CU								CU	
B. Civil and Cultural													
Cemetery			P <sup>9</sup>	P <sup>9</sup>		P <sup>9</sup>						CU	
Clubhouses, fraternities and lodges*	ACCU	P	P <sup>10</sup>	P <sup>10</sup>	P	P						ACCU	
Cultural and education facilities	CU												
Libraries			CU	P <sup>10</sup>			P	P					
Meeting facilities													
Museums and galleries	CU		CU	CU				P <sup>11</sup>	P			CU	
Religious institutions*	CU	CU	CU	CU								CU	
Schools, public and private*			CU	P <sup>10</sup>			P	P				CU	
C. Commercial													
Auction sales of non-agriculture products			CU	CU				P					
Bank								P	P				
Bed and breakfast*			ACCU	ACCU		ACCU						ACCU	
Clinic*	CU <sup>12</sup>												
Day care facilities*			CU	CU			CU	CU	CU			CU	

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Funeral home/mortuary								CU					
Hospital*	CU		CU	CU				P				CU	
Hospital, animal or Veterinary*				CU				CU					
Hotel/motel								P	P				
Office*								P	P <sup>13</sup>				
Restaurant							P	P	P				
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				
Retail sales,* lumber and building materials								P <sup>15</sup>					
Retail sales,* vehicles								P					
Services								P <sup>11</sup>	P				
Shooting range*				CU <sup>40</sup>				CU <sup>40</sup>				CU <sup>40</sup>	
Tavern								P	P				
Temporary sales office													
Vehicle/equipment service and repair*				CU <sup>17</sup>			P <sup>18</sup>	P <sup>11</sup>	P <sup>19</sup>				
D. Industrial													
Airport*			CU	CU <sup>10</sup>				CU			CU	CU	
Asphalt/Concrete plants												CU	
Forest product processing* (portable)			P	P	P	P							
Forest product processing* (permanent)			CU	CU									
Freighting and trucking yard or terminal*								CU			P	CU	
Hazardous waste storage*								CU		CU	CU <sup>20</sup>		
Hazardous waste treatment*								CU		CU	CU <sup>20</sup>		
Junkyard*								CU			CU <sup>20</sup>		
Manufacturing*								P		P	P <sup>20</sup>		
Mini-warehouse				P	CU <sup>22</sup>	CU <sup>22</sup>	P <sup>11</sup>	P <sup>11</sup>		P		CU <sup>22</sup>	
Refuse disposal/recycle*											CU <sup>20</sup>	CU	
Research laboratories										P	P		

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Wastewater treatment													
Warehousing and distribution													
Wholesale business								P		P	P		
E. Recreation													
Campgrounds			CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>			CU <sup>21</sup>	CU <sup>21</sup>		CU <sup>21</sup>	
Commercial recreation, indoor								P	P	P			P <sup>35</sup>
Commercial, recreation, outdoor								P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>			P <sup>35</sup>
Golf courses			CU	CU	CU	CU						CU	
Guest Ranch			CUAC	ACC U	AC CU	ACC U						ACCU	
Parks and playgrounds	P	P	P	P <sup>10</sup>		P	P		P			P	P
Recreational vehicle storage													P <sup>35</sup>
Stadiums									CU				
F. Residential													
Accessory dwelling unit	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>25</sup>				P <sup>24</sup>
Accessory living quarter	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>	P <sup>25</sup>				P <sup>36</sup>
Adult family home	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>			P <sup>42</sup>	P <sup>42</sup>
Boarding house	CU <sup>37</sup>		CU <sup>37</sup>	CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent home				CU								CU	
Dwelling, single-family	P	P	P	P	P	P	P	P	P <sup>25</sup>			P	P
Dwelling, two-family	P	P	P	P <sup>10</sup>			P	P	P <sup>25</sup>			P	P
Dwelling, multiple-family	CU							P					P
Farm Labor Shelter			CU <sup>26</sup>	CU <sup>26</sup>								CU <sup>26</sup>	
Group Home					CU	CU						CU	
Home occupation	P/CU <sup>27</sup>	P/C U <sup>28</sup>	P/CU <sup>28</sup>	P/C U <sup>28</sup>	P/ CU <sup>28</sup>	P/C U <sup>28</sup>						P/CU <sup>28</sup>	P/CU <sup>28</sup>
Manufactured home	P	P	P	P	P	P	P	P	P			P	P
Mobile homes		P <sup>38</sup>			P <sup>38</sup>	P <sup>6</sup>						P	
Special care	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>	P	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>	P <sup>25</sup>				P <sup>39</sup>





## 17.15.080 Allowed Uses in Urban Lands

### 17.15.080.1 Allowed Uses in Urban Lands

P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
<b>A. Agriculture</b>													
Animal boarding*	CU <sup>1</sup>			CU				CU				CU	
Agriculture processing*				P <sup>2</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agriculture production*	CU <sup>1</sup>	CU <sup>5</sup>		P <sup>5</sup>	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	
Agriculture sales,* Produce stand				P <sup>7</sup> / ACCU				P				P <sup>7</sup> / ACCU	
Agriculture sales,* Other		CU		CU				CU				CU	
Feedlot*				CU <sup>8</sup>								CU <sup>8</sup>	
Grazing*		P		P	P	P	P	P	P	P	P	P	
Nurseries	CU	CU		P								CU	
Riding Academies		CU		CU		CU						CU	
<b>B. Civic and Cultural</b>													
Cemetery				P <sup>9</sup>		P <sup>9</sup>						CU	
Clubhouses, fraternities and lodges*	ACCU	ACCU		P	P	P						ACCU	
Cultural and educational facilities	CU												
Libraries				CU			P	P					
Meeting facilities													
Museums and galleries	CU	CU		CU				P <sup>11</sup>	P			CU	
Religious institutions*	CU	CU		CU								CU	
Schools, public or private*		CU		CU			P	P				CU	
<b>C. Commercial</b>													
Auction sales of non- agriculture products				CU				P				CU	
Bank								P	P				
Bed and breakfast*				ACCU		ACCU						ACCU	
Clinic*	CU <sup>12</sup>												
Day care facilities*				CU			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 <sup>13</sup>				
Restaurant							P	P	P				P
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				P



P Permitted PA Permitted Administrative CU Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Accessory dwelling unit*	P <sup>24</sup>	P <sup>24</sup>		P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>		P <sup>25</sup>					P <sup>24</sup>
Accessory living quarters*	P <sup>36</sup>	P <sup>36</sup>		P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>		P <sup>25</sup>					P <sup>36</sup>
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>			P <sup>41</sup>	P <sup>41</sup>
Boarding house	CU <sup>37</sup>			CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent home												CU	
Dwelling, single-family*	P	P	P <sup>40</sup>	P	P	P	P	P <sup>25</sup>				P	P
Dwelling, two-family*	P	P		P			P	P <sup>25</sup>				P	P
Dwelling, multiple-family*	ACCU												P
Farm labor shelter*				CU <sup>26</sup>								CU <sup>26</sup>	
Group home*					CU	CU						CU	
Home occupation*	P/CU <sup>27</sup>	P/C <sup>28</sup> U <sup>28</sup>		P/CU <sup>28</sup>	P/ CU <sup>28</sup>	P/C U <sup>28</sup>						P/C <sup>28</sup> U <sup>28</sup>	P/CU <sup>28</sup>
Manufactured home*	P	P	P	P	P	P	P	P				P	P
Mobile home		P <sup>38</sup>	P <sup>40</sup>		P <sup>38</sup>							P <sup>38</sup>	P <sup>38</sup>
Special care dwelling*	P <sup>17</sup>	P <sup>17</sup>		P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>						P <sup>17</sup>
Temporary trailer	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	29	CU <sup>29</sup>
<b>G. Resource</b>													
Forestry*				P	P	P							P
Forest product sales*													P
Mining and excavation*				CU <sup>30</sup>	CU <sup>31</sup>	CU <sup>31</sup>							P
Rock crushing*					CU <sup>31</sup>	CU <sup>31</sup>							P
<b>H. Utilities</b>													
Electric vehicle infrastructure*	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>
Public facilities*		CU		CU	CU			CU	P <sup>32</sup>			CU	
Utilities	P <sup>33</sup>	P <sup>33</sup>		P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>	P <sup>33</sup>
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

**Kittitas County Code 17.60A, Conditional Uses, is amended as follows:**

Chapter 17.60A  
CONDITIONAL USES\*

Sections

17.60A.010 Review authority.

17.60A.015 Review criteria.

17.60A.020 Conditions.

17.60A.030 Application and accompanying data.

17.60A.040 Fees.

17.60A.050 Repealed.

17.60A.060 Hearings - Appeal.

- 17.60A.070 Repealed.
- 17.60A.080 Transfer of Ownership.
- 17.60A.090 Expiration.
- 17.60A.095 Modification.
- 17.60A.100 Revocation or limitation.

\* Prior history: Ords. 71-5, 2.

**17.60A.010 Review authority.**

KCC 17.15.030 explains how to interpret the Zoning Use Tables. Uses identified with an "AC" (Administrative Conditional Use) on the use tabled in KCC Chapter 17.15 shall be reviewed administratively by the Director while uses identified with a "CU" (Conditional Use) shall require a public hearing and review by the Board.

**17.60A.04015 Review criteria.**

The Director or Board, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
  2. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
    - A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
    - B. The applicant shall provide such facilities; or
    - C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
  3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.
  4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
  5. The proposed use will ensure compatibility with existing neighboring land uses.
  6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
  7. For conditional uses outside of Urban Growth Areas, ~~the Board shall determine that the~~ proposed use:
    - A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
    - B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15));
-

- C. Requires only rural government services; and
- D. Does not compromise the long term viability of designated resource lands. (Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

**17.60A.020 Conditions.**

In permitting such uses the Director or Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, setback or yard dimensions;
2. Limiting the height of buildings or structures;
3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
4. Requiring the dedication of additional rights-of-way for future public street improvements;
5. Requiring the designation of public use easements;
6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
7. Limiting the number, size, height, shape, location and lighting of signs;
8. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
9. Designating sites for and/or the size of open space or recreational areas;
10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
11. Limiting hours and size of operation;
12. Controlling the siting of the use and/or structures on the property;
13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads. (Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)

**17.60A.095 Modification**

Any change-, enlargement or alteration in such use shall require a new review ~~by the Board~~ and new conditions may be imposed where finding requires. (Ord. 2013-001, 2013)

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## EXHIBIT E: Docket 13-05

### 13-05 Kittitas County Prosecuting Attorney

### Amend Kittitas County Code Title 18 to Include Enforcement of Title 17A and Title 20.

#### Chapter 18.01

#### GENERAL PROVISIONS

##### Sections

18.01.010 Applicability.

18.01.020 Enforcement.

18.01.040 Infractions designated.

18.01.050 Crimes designated.

18.01.060 Inspection.

##### 18.01.010 Applicability.

1. This title shall apply to the enforcement of Kittitas County ordinances and codes, related to building, zoning, fire, and environmental health and safety, the violation of which either injures or endangers the comfort, repose, health or safety of others are hereby declared a public nuisance:
    - ~~1-a)~~ Title 5 Kittitas County Code (KCC), Business Licenses And Regulations;
    - ~~2-b)~~ Title 8 KCC, Health, Welfare, and Sanitation;
    - ~~3-c)~~ Title 12 KCC, Roads and Bridges;
    - ~~4-d)~~ Title 13 KCC, Water and Sewers;
    - ~~5-e)~~ Title 14 KCC, Buildings and Construction;
    - ~~6-f)~~ Title 15 KCC, Environmental Policy;
    - ~~7-g)~~ Title 16 KCC, Subdivisions;
    - ~~8-h)~~ Title 17 KCC, Zoning; and WAC 173-19-270, Kittitas County Shoreline Master Program;
    - ~~i)~~ Title 17A KCC, Critical Areas;
    - ~~j)~~ Title 20 KCC, Fire and Life Safety; and
    - ~~9-k)~~ The All Kittitas County Health Ordinances and Codes, including but not limited to, Solid Waste Ordinance(s).
  2. This title shall also apply to the following additional public nuisances:
    - a. Any public nuisance as defined by Washington State Statute or set forth in Washington case law;
    - b. Any attractive nuisance whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and junk vehicles, as defined in this chapter; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard;
    - c. The existence of any dead, diseased, infested, or dying trees which may constitute a danger to property or persons;
    - d. The existence of any tree, shrub or foliage, unless by consent of the county, which is apt to destroy, impair, interfere or restrict:
      - ~~1-i.~~ Roads, sidewalks, sewers, utilities or other public improvements, or
      - ~~2-ii.~~ Visibility, or free use of, or access to such improvements.
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- e. The existence of any vines or climbing plants growing into or over any road, public hydrant, pole or street light, or the existing of any shrub, vine or plant growing on, around, or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof, or impair the access thereto;
  - f. The existence of a sidewalk or portion of a sidewalk adjacent to any premises which sidewalk is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience and the use of such sidewalk;
  - g. The existence of any obstruction (including snow or ice that has been plowed into or across a road, alley, crossing or sidewalk) to a road, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which having been made by lawful permission, is kept and maintained after the purpose therefore has been accomplished, and for an unreasonable length of time;
  - h. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any road, alley, sidewalk, park, parkway, or other public or private place in the county, any one or more of the following: disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions, or objects;
  - i. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal, tires, articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or receptacles;
  - j. Any trash, litter, rags, accumulations, or empty barrels, boxes, crates, packing cases, mattresses, bedding, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply, or which may be a fire hazard;
  - k. The depositing or burning or causing to be deposited or burned in any road, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, paper, wood, boards, boxes, leaves, manure, or other rubbish or materials;
  - l. The existence of any pits, potholes, or holes which would endanger safety;
  - m. The existence of any conditions that would produce dust or noxious odors; provided, that nothing herein shall be prohibited when done in conjunction with a construction project for which a building permit has been issued and is being prosecuted diligently to completion. ~~However, and~~ the contractor or owner shall be responsible for dust control throughout the development area;
  - n. The existence of any fence or other structure or thing on private property abutting or fronting upon any public road, sidewalk, or place which is in a sagging, leaning, falling, decaying, or other dilapidated or unsafe condition;
  - o. Unlawful disposal sites. It is unlawful for anyone to deliver and/or deposit any garbage or rubbish generated within the county or without the county at any disposal site other than a refuse disposal, processing, transfer or recovery site provided and/or designated by the director or public works pursuant to chapter 13.12 ~~KCC Kittitas County code~~;
  - p. Buildings found substandard pursuant to chapter 14.04 ~~KCC Kittitas County code~~;
  - q. Vehicles, boats and trailers, on property for sale. The placing or parking along street and road rights-of-way or in direct and plain view thereof any vehicle, licensed or unlicensed, boat, trailer, motor-home, mobilized equipment or machinery, recreational vehicle and equipment placed or parked on property that is owned by someone that is other than the owner of the vehicle, trailer, motor-home, etc. for the purpose of selling the same. The placing or parking of any vehicle, etc. on property owned by another includes business and commercial property so long as the business is not
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regularly engaged and licensed pursuant to chapter 46.70 RCW, in selling the particular vehicle, equipment, etc.

r. Any "Junk Vehicle." The definition of "junk vehicle" is a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services.

~~1.i.~~ Means a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services that meets In addition to the above definition, a vehicle must meet at least three of the following requirements to be a "junk vehicle" under 18.01.010(r) KCC:

~~i.1.~~ Is three years old or older;

~~ii.2.~~ Is extensively damaged, such damage including, but not limited to, any of the following:

~~a.~~ A broken window or windshield; ~~or~~

~~b.~~ missing wheels, ~~or~~ tires; ~~or~~

~~c.~~ missing motor or transmission;

~~iii.3.~~ Is without a valid, current license plate or certificate of registration;

~~iv.4.~~ Is apparently inoperable;

~~v.5.~~ Has an approximate fair market value equal only to the approximate value of the scrap in it.

~~2.ii.~~ This definition of a "junk vehicle" shall not apply to:

~~vi.1.~~ A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the road or other public or private property; ~~or~~

~~vii.2.~~ A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130; or

~~viii.3.~~ ~~One~~ A vehicle only, which is actively being restored, repaired, or reconditioned. A property shall only have one vehicle under this exception. If this the project is not completed within two years, the vehicle must be removed as provided for herein.

s. Any existing excavation or embankment or fill that has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel;

t. All "litter" and "potentially dangerous litter" as defined in Section 70.93.030 RCW. The definition of "Potentially dangerous litter" is amended to include any litter which is disposed of in such a way as to create a fire hazard, such as any material which is still burning at the time of disposal.

3. It is unlawful and a violation of this chapter for any person, firm, or corporation found guilty of having created or suffering to exist on premises either owned or leased by them any nuisance defined herein. Owners remain liable for violations of duties imposed by this chapter ~~even though an jointly and severally of any obligation is also imposed on the occupants of the premises, it is irrelevant to this chapter that and even though the an owner has, by agreement, imposed on the occupant the duty of complying with this chapter.~~

4. Successive property owners are liable for abatement of nuisances created by their predecessors in interest. No right can be acquired to continue a nuisance by virtue of its longtime existence. It shall not be necessary to show that the owner participated in, or was even aware of, the code violation in order to hold him/her liable.

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5. Violations of the applicable codes shall be corrected under the provisions of this ~~title~~ Title, in coordination with existing ordinance and code provisions. (Ord. 2009-22, 2009; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

**18.01.020 Enforcement.**

Only an authorized official may enforce the provisions of this ~~title~~ Title. For purposes of this ~~title~~ Title, an authorized official is defined as any of the following:

1. The Kittitas County sheriff and his or her authorized representatives shall have the authority to enforce the provisions of this ~~title~~ Title.
2. The Kittitas County prosecuting attorney shall have the authority to enforce the provisions of this ~~title~~ Title and may institute any legal proceedings necessary to enforce the provisions of this ~~title~~ Title.
3. The Kittitas County fire marshal and his or her authorized representatives shall have the authority to enforce the provisions of this ~~title~~ Title as to violations of Chapter 15.08 and 20 KCC, and all other fire and life safety code and ordinances as adopted by Kittitas County.
4. The Kittitas County Planning Official and his or her authorized representatives shall have the authority to enforce the provisions of this Title as to violations of all building and zoning codes and ordinances as adopted by Kittitas County.
5. The Kittitas County Board of Health may designate other persons to administer the provisions of this ~~title~~ Title as to violations of Titles 8 and 13 and the Kittitas County Health Code and Ordinances.
6. The Kittitas County Board of County Commissioners may designate other persons to administer the provisions of this ~~title~~ Title. Designation of enforcement officers shall be made by resolution and may designate persons by name or position. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

**18.01.030 Amnesty period.**

Removed as part of Ord. 2005-29, 2005.

**18.01.040 Infractions designated.**

The violation of any provision of the applicable codes or sections or the presence of a nuisance, as set forth in KCC 18.01.010 ("violation"), shall constitute a civil infraction. Each such violation shall constitute a separate civil infraction for each and every day or portion thereof during which such violation is committed, continued, or permitted. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 9425 (part), 1994)

**18.01.050 Crimes designated.**

Any person, company, firm, corporation or other legal entity who:

1. Commits a violation as set forth in KCC 18.01.010 on two or more days within any twelve-month period shall be guilty of a misdemeanor, punishable by up to ninety days in jail and/or a fine of up to one thousand dollars.
  2. Having had two or more prior code convictions and/or findings of having committed code infractions, including notices of violation and abatement, under this ~~title~~ Title and thereafter commits a third violation as set forth in KCC 18.01.010 within ten years shall be guilty of a gross misdemeanor, punishable by up to three hundred sixty-five days in jail and/or a fine of five thousand dollars. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005)
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### 18.01.060 Inspection.

1. The director or his/her designee may make inspection from public roads or alleys, or may enter upon private property with the consent of the owner or occupant thereof to make inspections and also to abate conditions as provided in sections 18.01.010 and/or 18.05.030. If entry to property is refused and the same is necessary to be had the county may use any lawful means necessary to obtain entry.

2. Upon written notice of intent to seek a search warrant, when a tenant/occupant or landlord/owner denies the director or his/her designee the right to search a premises, the county may immediately seek a search warrant, upon a showing of probable cause specific to the premises sought to be searched that code and/or statutory violations exist upon the premises chargeable as a criminal violation pursuant to ~~Kittitas County Code~~ KCC section 18.01.050, a court of competent jurisdiction shall issue a warrant allowing a search of such premises.

a. Probable cause that a multi-day violation exists that would be chargeable as a misdemeanor pursuant to KCC 18.01.050 requires that the inspecting county employee, on at least two separate days, either observed conditions constituting a violation under this chapter or was refused entry upon premises to inspect for such a violation after receiving information reasonably leading him/her to believe such violations existed.

b. Either the observation of multi-day violations or the multi-day denial of entry after receipt of information as to suspicious conduct shall be attested to by sworn affidavit.

3. The Superior Court and courts of limited jurisdiction organized under Titles 3, 35, and 35A RCW have jurisdiction to issue such search warrant. Evidence obtained pursuant to any such search may be used in a criminal, civil, or administrative enforcement action. (Ord. 2009-19, 2009; Ord. 2006-37, 2006)

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## Chapter 18.02 INFRACTION CORRECTIVE ORDERS

### Sections

18.02.010 Violations - Enforcement.

18.02.020 Order to correct violation.

18.02.030 Notice of violation and abatement.

18.02.040 Notice of infraction.

18.02.050 Failure to comply.

### 18.02.010 Violations - Enforcement.

1. Except as provided in this ~~title~~ Title, any authorized official under ~~Section 18.01.020~~ KCC may investigate alleged or apparent violations of ~~title~~ Title.
  2. If an authorized official makes a determination that a violation has occurred or is occurring, that official may:
    - a. Pursue reasonable attempts to secure voluntary correction by issuing an order to correct violation; ~~or~~
    - b. Issue a Notice of Violation and Abatement to the landowner(s); or
    - c. Issue a notice of infraction if that official reasonably believes a violation has occurred. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994).
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3. Nothing in this Chapter shall limit the ability of the authorized official to pursue other corrective actions as allowed by law.

#### **18.02.020 Order to correct violation.**

1. Purpose. An order to correct violation is issued in an effort to secure voluntary correction within ~~fifteen business days of the receipt of the notification; provided that, if the public health or safety is in immediate danger, the date of correction may be of shorter duration, a~~ reasonable amount of time as determined by the authorized official.
2. Order to Correct Violation - Content. The order to correct violation should contain:
  - a. The name and address of the ~~property~~ landowner or the other person(s) to whom the order to correct violation is directed; and
  - b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
  - c. A description of the violation and a reference to that provision of the ordinance or code which is alleged to have been violated; and
  - d. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed; and
  - e. A statement that ~~failure to respond to the order to correct violation within fifteen business days will a~~ defined and listed amount of time assessed as reasonable by the authorized official, may result in the issuing of a notice of infraction, Notice of Violation and Abatement or possible criminal charges and the commencement of a monetary penalty in an amount per day for each violation, assessed against the person(s) in the case of violations of KCC 18.01.010(1), and against the land in the case of violations under KCC 18.01.010(2) or KCC 18.01.010(3), to whom the order to correct violation is directed for each and every day, or portion thereof, on which the violation continues following the date set for correction; and
  - f. Notice that multi-day violations are chargeable as crimes under KCC 18.01.050; and
  - g. The signature of the authorized official who issues the order to correct violation.
3. Order to Correct Violation - Service.
  - a. The order to correct violation is issued to the ~~property~~ landowner or to any person causing, allowing, or participating in the alleged violation. The order to correct violation shall be served upon the person to whom it is directed by either:
    - i. personal service of an authorized official pursuant to KCC 18.01.020; or
    - ii. by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address.
  - b. Where practical, a copy of the notice should be posted on the affected property or structure. ~~Failure to post a copy of the notice is not, however, a requirement of proper service. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting the service, declaring the location, time, and date of service and the manner in which service was made.~~
  - c. The failure of the landowner or person causing, allowing or participating in the alleged violation to receive such order to Correct shall not affect the validity of any proceedings taken under this Chapter. Service by certified mail in the manner

provided in this section shall be effective on the third day after the date of postmark, excluding Saturdays, Sundays and holidays.

4. Order to Correct Violation Extension of Time. Upon written agreement between an authorized official and the party allegedly in violation, the parties may agree to an extension of time to correct the violation.
  - a. The extension of time shall include a date certain in the future upon which correction of the violation is to be complete.
  - b. The extension of time shall be granted only upon a showing of good cause as demonstrated in the written agreement. Among others, factors to be considered are:
    - i. Substantial completion of the necessary correction;
    - ii. Unforeseeable circumstances which render completion of the necessary correction impossible by the date established;
    - iii. A proposed phase removal plan that extends beyond the established correction date.
5. Order to Correct Violation-- Repeat Offense. When an order to correct violation has been previously issued for the same offense to the same person at the same location, the authorized official is not required to issue an order to correct violation and may immediately issue a notice of infraction a Notice of Violation and Abatement, or possible criminal charges. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994).

#### **18.02.030 Notice of Violation and Abatement.**

1. Whenever, upon a reasonable belief, a public nuisance exists in violation of this ~~title~~ Title, an authorized official may issue a Notice of Violation and Abatement to the landowner(s), containing the following:
    - a. The street address, parcel number(s), or description of the building, structure, premises, or land in terms reasonably sufficient to identify its location;
    - b. A description of the violation(s) including the day or days of the offenses;
    - c. A reference to the Title, Chapter, and Section of the Kittitas County Code or Kittitas County Health Department regulation or written order which has been violated, if applicable;
    - d. The amount of the fine imposed and to whom and by when it must be paid;
    - e. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action, and a date by which voluntary abatement must be completed;
    - f. A statement that the person to whom a Notice of Violation and Abatement is directed may request an administrative hearing to be conducted by the Hearing Examiner. Such request (Notice of Appeal) must be in writing, accompanied by the appeals fee and must be received by the Public Official within 10 working days after the Notice of Violation and Abatement has been served.
    - g. A statement that the landowner must correct the violation and pay the civil penalty; and may appeal the Notice-;
    - h. A statement that the costs and expenses of abatement incurred by the County may be assessed against the person(s) named in the Notice of Violation and Abatement and
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further that failure to pay said costs may result in a lien for the costs of abatement being assessed against the property.

2. Service of the Notice of Violation and Abatement

- a. The Notice of Violation and Abatement shall be served by any one or combination of the following methods:
  1. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the landowner of the property; or
  2. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
  3. By personal service upon the landowner.
- b. The failure of the landowner to receive such Notice of Violation and Abatement shall not affect the validity of any proceedings taken under this Chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark, excluding Saturdays, Sundays and holidays.

3. Notice of Appeal.

- a. Within 10 working days of service of a Notice of Violation and Abatement, the landowner may submit a written Notice of Appeal to the Authorized official, ~~along with the required appeal fee,~~ to appeal the Notice of Violation and Abatement. ~~The amount of the appeal fee may be set by resolution of the Board of Kittitas County Commissioners, but shall initially be \$500.00.~~
- b. The notice of appeal shall contain a written, concise statement identifying:
  1. The decision being appealed;
  2. The name and address of the appellant and his interest(s) in the matter;
  3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
  4. The desired outcome or changes to the decision;
  5. ~~The appeals fee.~~

4. Notice of Hearing.

- a. ~~Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, t~~ The authorized official shall issue and serve a Notice of Hearing to the appellants within fifteen working days after the receipt of one or more timely Notices of Appeal. Requests from multiple parties concerning the same nuisance may be consolidated.
- b. The Notice of Hearing shall be served by the same means as the Notice of Violation and Abatement.
- c. The Notice of Hearing shall contain the date, time, and location of the hearing.

5. Hearing.

- a. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner.
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- b. Unless otherwise provided herein, the provisions of Chapter 2.11 KCC shall govern the hearing process.
  - c. ~~The burden Burdon of proof, is on the county to establish the violation by a preponderance of the evidence.~~
    - 1. Except as otherwise required by law, in all cases where a license or permit is required but has not been issued, the burden shall be on the applicant to establish that the application meets all applicable criteria or that a license or permit is not required. In all other cases, the burden is on the County to prove the alleged factual basis set forth in the initiating document.
    - 2. Except as otherwise required by law, the burden in all cases is a preponderance of the evidence.
    - 3. The observation of a violation on different dates shall be prima facia evidence that the violation continued to exist on intervening dates.
  - d. The Hearing Examiner shall determine if the property at issue constitutes a public nuisance as defined in this Chapter. The Hearing Examiner shall also determine if the appellant is the property owner and is therefore personally liable for the costs of abating the nuisance.
6. Order of the Hearing Examiner.
- a. Unless mutually agreed to by the appellant and the Hearing Examiner, ~~the order of the Hearing Examiner, or the Hearing Examiner's clerk shall be served upon the person to whom it is directed~~ serve upon both the County and the appellant, either personally or by mailing a copy of the order to such person the parties at his/her last known address as determined by the designated authorized official.
  - b. The Hearing Examiner, in affirming the authorized official's Notice of Violation and Abatement, shall impose the fine consistent with the penalty provision of this ~~title~~ Title and may assess administrative costs and/or costs related to the abatement of the nuisance.
  - c. The Hearing Examiner may order the County to pay the appellant ~~the appeals fee,~~ costs, and/or attorney fees only upon a finding that both the violation did not occur and intentional misconduct on the part of the authorized official.
  - d. The appellant may file a request for reconsideration of the Hearing Examiner's decision within ~~seven~~ ten working days of ~~service~~ the date of the Hearing Examiner's written decision, ~~file with the Hearing Examiner a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:~~
    - 1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration-;
    - 2. Irregularity in the proceedings before the Hearing Examiner by which such party was prevented from having a fair hearing-; or
    - 3. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Board's decision on the matter.
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- e. Upon receipt of a request for reconsideration, the Hearing Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Hearing Examiner shall be subject to reconsideration only one time, even if the Hearing Examiner reverses or modifies the original decision.
- f. If no written request for reconsideration has been received by the authorized official within ~~seven working~~ ten days of the ~~date~~ service of the order of the Hearing Examiner, the order shall be considered final unless appealed to Kittitas Superior Court. All such appeals shall be governed by Rules for ~~appeal~~ Appeal of decisions-Decision of Courts of limited jurisdiction Limited Jurisdiction (RALJ).

7. Cooperative Abatement Agreements.

The authorized official and the landowner may enter into a cooperative abatement agreement which includes a right of entry agreement and an agreement regarding the recovery of costs of the abatement.

8. Cost Recovery.

- a. In addition to the other remedies available under this chapter, an authorized official may charge the costs of abatement to the landowner(s) who received the Notice of Violation and Abatement or to the landowner(s) who were found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner if an appeal was filed. The costs are due and payable 30 days from mailing of the invoice and if not paid by that date shall bear interest at the rate of 12 percent per annum. The costs shall be paid to the Department to which the authorized official is assigned. In the case of persons designated by the Kittitas County fire marshal to enforce Chapter 15.08 and 20 KCC, costs shall be paid to the Office of the Fire Marshal.
  - b. If more than one landowner has been issued a Notice of Violation and Abatement or more than one appellant was found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner, each party shall be jointly and severally liable for the costs of the abatement.
  - c. For purposes of this Section, "costs" shall include but are not limited to:
    - 1. Personnel costs, both direct and indirect, including all attorney's fees and costs incurred in the investigation, documentation, and abatement of the nuisance;
    - 2. Repair, demolition, hauling, clean up, storage, disposal, and environmental mitigation expenses;
    - 3. Actual expenses and costs of the County in preparing notices, specifications, and contracts, and the costs of any required printing or mailing;
    - 4. Actual expenses and costs of the County in accomplishing, contracting, or inspecting the abatement work.
    - 5. Penalties under to Chapter 18.05 KCC.
  - d. Any salvage value proceeds resulting from the abatement of the property shall first be applied to the costs of abatement. Any remaining such monies shall be paid to the landowner as shown on the last equalized assessment roll.
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- e. The County may impose a special assessment for the costs of any abatement proceedings under this chapter and all other related costs against the real property on which the nuisance was found or any of the work of abatement was performed.
9. Special Assessment.
- Pursuant to RCW 36.32.120(10), all costs incurred by Kittitas County for the abatement of any nuisance defined by any statute or ordinance shall be a special assessment upon land or premises on which the nuisance is situated and this assessment and/or any penalties under this title shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. An authorized official shall cause a claim of lien to be filed for record in the Auditor's Office within ninety (90) days from a final finding. (Ord. 2009-19, 2009)

#### **18.02.040 Notice of infraction.**

An authorized official may issue a notice of infraction where that official ~~reasonably has probable cause to believe~~ and does believe, that a violation has occurred or is occurring ~~and where the time for correction under the order to correct has expired.~~

1. Notice of Infraction - Contents. A notice of infraction shall either be:
  - a. A notice of infraction ticket from a ticket book which substantially complies with IRLJ 2.1(b) and is approved by the Administrative Office of the Courts, or
  - b. A notice of infraction need not be on a form approved by the Administrative Office of the Courts but that shall contain the following:
    1. A statement indicating a determination has been made that the civil infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this title Title;
    2. A statement of the specific civil infraction(s) alleged to have been committed for which the notice of infraction was issued and a reference to the code section allegedly violated;
    3. The date(s) the violation was observed;
    4. Address or sufficient description of the property at which the violation allegedly occurred;
    5. A statement that the civil infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;
    6. A statement that a person's failure to respond to a notice of infraction as promised is a misdemeanor and may be punishable by a fine of up to one thousand dollars and/or imprisonment in jail up to ninety days;
    7. A list of options provided in this ordinance for responding to the notice of infraction and the procedures necessary to exercise these options;
    8. A statement that at any hearing to contest the determination of infraction, the burden is on the county to establish that the infraction was committed by preponderance of the evidence and that the person may produce witnesses and



subpoena the authorized official who issued and/or served the notice of infraction;

9. A statement that the person alleged to have committed the infraction promises to respond to the Notice of Infraction in a manner consistent with this title, and a space for the alleged violator's signature;
10. A statement that refusal to sign the infraction as directed in paragraph (i) of this subsection shall constitute a determination that the person to whom the notice was issued committed the infraction;
11. The amount of the penalty for the alleged infraction;
12. Statement that if the violation is a nuisance and is not corrected, that the County can abate the nuisance and that the infraction penalty, abatement costs, and all associated legal costs and fees can become a lien against the property as well as a joint and several judgment against the owners and that the County can foreclose upon that lien, also obtaining reimbursement for its foreclosure costs, against the property;
13. The name, signature, address, and phone number of the authorized official issuing the notice of infraction as well as the time and place the notice was issued; and
14. A statement that multi-day violations can be charged as crimes.

~~2-~~ Notice of Infraction - Service. An authorized official may issue a notice of infraction if that official has probable cause to believe, and does believe, that ~~reasonably believes~~ the provisions of an applicable ordinance has been violated ~~and good cause for extension has not been provided by the person to whom the order to correct was issued.~~ A notice of infraction may be served through adherence to IRLJ 2.2(c) by:

- ~~a. An authorized official delivering the notice of infraction to the person named on the notice of infraction; or~~
- ~~b. An authorized official filing the notice of infraction with the district court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her last known address.~~

3. Notice of Infraction - Filing. A notice of infraction shall be filed in ~~district court~~ District Court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Kittitas County ~~district court~~ District Court shall have jurisdiction to hear and determine these matters.

4. Notice of Infraction - Determination. A notice of infraction represents a determination that the person to whom the notice was issued committed the infraction unless contested under the provisions of this title Title.

5. Notice of Infraction-Notice of Lien. The Notice of Infraction shall constitute a Notice of Lien in case the matter ultimately results in abatement and a lien for such abatement costs.

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6. Notice of Infraction - Procedure.

- a. A person who has been served with a notice of infraction shall respond to the notice as provided within this section within fifteen days of the date the notice was served as provided in the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 2.4.
- b. If the person fails to respond as provided in IRLJ 2.4, the court shall follow the procedure in IRLJ 2.5.

7. Notice of Infraction - Scheduling of Hearings

- a. If the person responds by requesting a contested hearing, then the court shall follow IRLJ 2.6(a) to schedule the mitigation hearing.
- b. If the person responds by requesting a mitigation hearing, then the court shall follow IRLJ 2.6(b) to schedule the mitigation hearing.
- ~~c. Admission. If the person named in the notice of infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified in the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response order shall be furnished to the respective county department.~~
- ~~d. Contested Hearing. If the person named in the notice of infraction wishes to contest the determination, the person shall respond by completing the portion of the notice requesting a hearing and submitting it, either by mail or in person, to the court specified in the notice. The court shall notify the person in writing of the time, place and date of the hearing. The date of the hearing shall not be earlier than seven days nor more than ninety days from the date of the notice of the hearing, except by agreement.~~
- ~~e. Mitigation. If the person determined to have committed the civil infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of the hearing, except by agreement.~~
- f. c. If the person named on the notice of infraction is found by the court to have committed the infraction, the court shall assess a monetary penalty for the violation. The court may notify the county prosecuting attorney of a failure to respond to the notice of infraction if the person named on the notice fails to respond to the notice of infraction as provided in paragraph (b) of this subsection or fails to appear at a hearing requested pursuant to paragraphs (c) or (d) of this subsection. The court shall notify the respective county department of any judgment entered and the reasons therefore. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

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## 18.02.050 Failure to comply.

1. Any person willfully violating his or her written and signed promise to appear in court or his or her signed promise to respond to the notice of infraction is guilty of a misdemeanor, punishable by fine up to one thousand dollars and/or imprisonment in jail up to ninety days, regardless of the disposition of the notice of infraction.
2. A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing. Further, delinquent accounts with the court may be referred to an agency for collection.
3. Any person subject to criminal proceedings under this title may be represented by a lawyer. If the person named on the notice of infraction qualifies, he or she may be represented by court-appointed counsel. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

## Chapter 18.04 INFRACTION HEARINGS

### Sections

18.04.010 Contested hearing.

18.04.020 Mitigation hearing.

### 18.04.010 Contested hearing General Procedures.

1. Infraction hearings shall be governed by the Infraction rules for Courts of Limited Jurisdiction (IRLJ) Title 3: Procedure at Hearings, unless otherwise provided in this section.
2. If the court determines that the infraction was committed, it shall:
  - a. Assess the monetary penalty per Section 18.05.010 KCC; and
  - b. Order the individual to correct the violation, and enter such and order into the court's records.
3. all appeals of the court's determination shall be according to IRLF Title 5: Appeals.
  1. ~~A hearing held to contest the determination that an infraction has been committed shall be without a jury.~~
  2. ~~The court may consider the notice of infraction and any sworn statements submitted by the authorized official who issued and served the notice in lieu of his or her personal appearance at the hearing.~~
  3. ~~The person named in the notice may produce witnesses, subpoena the authorized official who issued and served the notice, and may present and examine witnesses in court.~~
  4. ~~The burden of proof is on the county to establish the commission of the infraction by a preponderance of the evidence. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.~~
  5. ~~After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order including correction of the violation shall be entered in the court's records.~~
  6. ~~An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules of Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The decision of the district court is subject only to discretionary review by the superior court. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994).~~

#### ~~18.04.020 Mitigation hearing.~~

- ~~1. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. The person explaining mitigating circumstances shall not be allowed to subpoena witnesses.~~
- ~~2. After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order including correction of the violation shall be entered in the court's records.~~
- ~~3. There shall be no appeal from the court's determination and order at a hearing for the purpose of explaining mitigating circumstances. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994).~~

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## Chapter 18.05 PENALTIES

### Sections

18.05.010 Infraction Penalties.

18.05.020 Criminal Penalties.

18.05.030 Abatement.

#### 18.05.010 Penalties.

1. A person found to have committed a civil infraction shall be assessed a monetary penalty. Except as otherwise required by law, the maximum penalty and default amount is \$500 for each day of violation under this title Title, not including statutory assessments. The and the minimum penalty shall be \$250 for each day of violation under this chapter, not including statutory assessments. The court may not reduce, waive, or suspend the monetary penalty below the stated minimum.
  - ~~2. A person having been issued a Notice of Violation and Abatement shall be subject to a monetary penalty of \$500 for each day of violation under this title. This fine may not be reduced, waived, or suspended. The authorized official shall determine the penalty amount. Except as other required by law, the maximum penalty and default amount shall be \$500 for each day of violation under this Title, not including statutory assessments, and the minimum penalty shall be \$100 for each day of violation under this chapter, not including statutory assessments. The Hearings Examiner may not reduce, waive, or suspend the monetary penalty below the amount assessed by the authorized official.~~
  3. Each and every day of violation is a separate civil infraction subject to the above penalty per day.
  4. A person found to have committed a civil infraction shall be ordered to correct the violation. Failure to do so shall may result in an abatement action.
  5. Whenever a monetary penalty is imposed by a court under this ~~title~~ Title, it is immediately payable to the court. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the county prosecuting attorney of the
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failure to pay. The court shall also notify the respective county department of the failure to pay the penalty, and the respective county department shall not issue the person any future permits for any activities and/or work until the monetary penalty has been paid in full.

6. The court may also order restitution be paid to a damaged party by the person found to have committed the infraction.
7. Whenever a Notice of Violation and Abatement has been issued by an authorized official and the applicable appeals period has expired, the monetary penalty shall be immediately payable to the Department to which the authorized official is assigned. Any such penalty not paid within 30 days of the issuance of the notice or order affirming such notice shall bear interest at the rate of 12 percent per annum and may be referred to a collection agency. Nothing in this ~~title~~ Title limits the right of the County to pursue other lawful remedies to fees, fines and costs imposed by this ~~title~~ Title. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

#### **18.05.020 Criminal Penalties.**

1. Any misdemeanor in violation of KCC 18.01.050 shall be punishable by up to ninety days in jail and/or a fine of up to one thousand dollars.
2. Any gross misdemeanor in violation of KCC 18.01.050 shall be punishable by up to three hundred sixty-five days in jail and/or a fine of five thousand dollars.
3. A person found to have committed a misdemeanor or gross misdemeanor under KCC 18.01.050 shall may be ordered to correct the violation. Failure to do so shall result in an abatement action. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005)

#### **18.05.030 Abatement.**

1. When the violation is nuisance under KCC 18.01.010 and the unsuccessful defendant has not complied
    - a. with the portion of the District Court order prescribing correction and the applicable appeal period has expired; or
    - b. ~~or~~ with the portion of the Notice of Violation and Abatement prescribing correction and the applicable appeals period has expired, the County may propose a resolution to the Kittitas County Board of County Commissioners seeking (a) authority to proceed with an abatement action in the Superior Court, (b) appropriation of funding to carry out the abatement, and (c) approval of a time table within which to complete the contemplated abatement. If a Department has an abatement fund established the County need only propose the above resolution to the Board if County general funds are necessary for the abatement.
  2. Upon approval of the above described resolution if required by the Kittitas County Board of County Commissioners, the County shall apply to the District Court for a warrant of abatement and a transfer to Superior Court or file an action for a warrant of abatement in Superior Court.
  3. Upon receipt of such application, the District Court shall transfer the cause to the Superior Court, which shall proceed to try the issue of abatement.
  4. The presence of a nuisance, as determined by the District Court or through the procedure outlined in KCC 18.02.035, shall be res judicata.
  5. The Superior Court shall decide whether or not the defendant has complied with the District Court order requiring correction or the corrective measure outlined in the Notice of Violation and Abatement.
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6. If not, the Superior Court shall issue a warrant of abatement authorizing the County to abate the nuisance at the expense of the party causing the nuisance and to levy a special assessment against the involved real estate to defray costs and reimburse the County for its abatement costs.
7. Such special assessment, along with any civil penalties and costs shall constitute a lien against the property upon which the violation occurred that shall be of equal rank with state, county, and municipal taxes.
8. An authorized official shall cause a claim of lien to be filed for record in the Auditor's Office within ninety (90) days from the date of completion of the abatement performed pursuant to this ~~title~~ Title.
9. The claim of lien shall contain the following:
  - a. The authority for imposing a civil penalty and/or proceeding to abate the violation;
  - b. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
  - c. A description of the property to be charged with the lien;
  - d. The name of the known owner or reputed owner, and if not known the fact shall be alleged; and
  - e. The amount, including lawful and reasonable costs, for which the lien is claimed.
10. No lien created by this ~~title~~ Title binds the property subject to the lien for a period longer than ten years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.
11. Liens created under this ~~title~~ Title shall bear interest at the rate of 12 percent per annum and such interest shall accrue as of the date notice of the lien is sent to the property owner. (Ord. 2009-19, 2009; Ord. 2006-37, 2006)

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## Chapter 18.06 LEGAL PROVISIONS

### Sections

18.06.010 Nature of infraction proceedings.

18.06.020 Legal costs infractions.

18.06.030 Severability and Saving.

18.06.040 Conflicts.

18.06.050 Other Lawful Remedies.

#### **18.06.010 Nature of infraction proceedings.**

Any finding or order that an infraction has been committed under the provisions of this ~~title~~ Title is civil in nature. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

#### **18.06.020 Legal costs of infractions.**

Except where explicitly stated in this ~~title~~ Title, each party in a civil infraction case is responsible for attorney fees and costs incurred by that party. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

#### **18.06.030 Severability and Saving.**

If any provision of this chapter or its application to any person or property is held invalid, the remainder of this chapter or the application of the provision to other persons or property is not affected and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 2009-19, 2009)

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**18.06.040 Conflicts.**

If any provision of this ~~title~~ Title or its application to any person or property is in conflict with any other provision of County Code or Court Rule, including procedural rules; then the provision contained within this ~~title~~ Title shall control. (Ord. 2009-19, 2009)

**18.06.050 Other Lawful Remedies.**

Nothing in this code limits the right of the County to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct violations of this ~~title~~ Title. (Ord. 2009-19, 2009)

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