

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

ORDINANCE

NO. 2021 - 015

**REVISIONS OF KITTITAS COUNTY CODE AND COMPREHENSIVE PLAN
AS PART OF THE 2021 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.**

Whereas, this ordinance, revising Kittitas County Code and 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-R - Changes to Kittitas County Code and Comprehensive Plan

**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 or development regulations that are docketed by June 30th must be approved or denied by the Board of County Commissioners on or before December 31st of that same calendar year; and
- Whereas,** Kittitas County Community Development Services docketed a list of suggested changes to the Kittitas County Code and Comprehensive Plan and made these proposals readily available for review by the public in Community Development Services and within the County's official website; and
- Whereas,** Kittitas County submitted its proposed docketed items on September 23, 2021 to the Department of Commerce as required by statute and received a letter of receipt on September 23, 2021 that the docket proposal had been received and was sent to other agencies for comment; and
- Whereas,** Comments were received from state agencies and members of the public; and
- Whereas,** Kittitas County filed its overall docket SEPA checklist and SEPA checklist for CP-21-00001 on August 24, 2021 and issued a Determination of Non-significance (DNS) for the annual docket on September 16, 2021 through authority of WAC 197-11-340; and
- Whereas,** There were no agency or public appeals or reviews filed on the Determinations of Non-significance; and
- Whereas,** Due public notice was placed upon the County official website and in the Northern Kittitas County Tribune on October 21, 2021 and October 28, 2021, and in the Daily Record on October 26, 2021 and November 2, 2021 regarding the Planning Commission public hearing; and
- Whereas,** the Planning Commission conducted a public hearing on November 10, 2021 to hear testimony and take public comment on the items considered for amendment and after deliberation made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and

Whereas, After due notice and publication on official website and Daily Record on the Northern Kittitas County Tribune on October 21, 2021 and October 28, 2021, and in the Daily Record on October 21, 2021 and October 28, 2021, the Kittitas County Board of County Commissioners held an open public hearing on November 22, 2021; and

Whereas, After deliberation, the Board of County Commissioners made decisions on each docket item presented; and

Whereas, Following the decisions on the docket items the Kittitas County Board of Commissioners instructed County staff to prepare an ordinance for their signature to adopt changes to the Kittitas County Code and Comprehensive Plan; and

Whereas, The Kittitas County Board of County Commissioners considered enabling documents before the public on December 7, 2021.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on November 22, 2021, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code and Comprehensive Plan. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record.

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

2021 Proposed AMENDMENTS to Kittitas County Code and Comprehensive Plan				
<i>Number</i>	<i>Applicant Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>	<i>Staff Recommendation to BOCC</i>
21-01	Kittitas County Airport Director	Amend KCC 17.58 to update the Airport Overlay Zones.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-02	Kittitas County CDS Staff	Amend KCC 16.12.180 to remove Hearings Examiner “recommendation” language.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-03	Kittitas County CDS Staff	Amend KCC 17.28.030 and 17.11.050 to correct the conflict between Ag-3 density	The Planning Commission unanimously	Staff recommends approval of the amendment as

		and UGA density requirements.	recommended approval of the amendment as proposed.	proposed.
21-04	Kittitas County CDS Staff	Update County zoning map and Comp Plan to reflect approved annexations that have been passed by the City of Ellensburg in 2021.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-05	Kittitas County CDS Staff	Amend KCC 17.08.155 to allow school/daycare functions as secondary uses to a Campground.	The Planning Commission had no recommendation on this amendment. The Planning Commission was split, three in favor of the amendment, and three against the amendment.	Staff recommends approval of the amendment as proposed.
21-06	Commissioner Osiadacz	Amend KCC 17.15.060.1 Land Use Table to allow nurseries by Conditional Use Permit in Rural Recreational zones (this item was remanded from the 2020 Docket to add standards for nurseries).	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommends approval of the amendment as proposed.
21-07	Kittitas County CDS Staff	Amend multiple sections with KCC Title 17.56.060 and 17.32.050 to remove side yard corner lot setbacks.	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommends approval of the amendment as proposed.
21-08	Kittitas County CDS Staff	Amend KCC 17.08.560(B) and 17.08.560(C) to add a definition for “Warehouses and Distribution.”	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommends approval of the amendment as proposed.
21-09	Kittitas County CDS Staff	Amend KCC 17.15.050.1, 17.15.060.1, 17.15.080, and 17.15.070.1 to add “Cemeteries” as a permitted use in all zoning districts.	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommends approval of the amendment as proposed.
21-10	Commissioner Wright	Amend KCC 17.08.34 and 17.15 to create definitions for “Agricultural Direct Marketing,” “Seasonal Harvest Festivities,” and “Expanded Seasonal Harvest Festivities.”	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommends approval of the amendment as proposed.

21-11	Commissioner Osiadacz	Amend KCC 16.12.040 to allow existing lots that contain two lawfully-established residences to be short platted, even though they may not comply with zoning minimum lot size or other dimensional requirements.	The Planning Commission unanimously recommended approval, with the recommendation that staff clarify the use of “residence” versus “dwelling.” The current Kittitas County Code does not have a definition for “residence,” but utilizes “dwelling,” “dwelling, multiple-family,” “dwelling, single-family,” and “dwelling, two-family” instead. The Planning Commission also asked staff to investigate the use of April 17, 1984, and asked staff to consider other dates that may work equally well.	Staff recommends approval of the amendment as proposed.
21-12	Commissioner Wright	Amend KCC 17.36.025 and KCC 16.10.010, and the associated Comprehensive Plan Goals and Policies, etc. This proposed amendment may also require an amendment to the BLA Chapter.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-13	Commissioner Wright and Public Works	Amend KCC 12.05.050 to allow access permits to be extended with associated building permits.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-14	Kittitas County Public Works Staff	Amend KCC 10.07 to add a definition of “traveled way” for prohibited parking and increases no parking fees to \$200.	The Planning Commission unanimously recommended approval, with the recommendation that the County also insidiously seek parking alternatives with private ownership partnerships and	Staff recommends approval of the amendment as proposed.

			consider how the immediate closure of local access may affect community members without permitted access also being considered.	
21-15	Kittitas County Public Works Staff	Amend KCC 12.56.020 to correct the existing language that allows the franchisee to make rule and regulations.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-16	Kittitas County Public Works Staff	This item was withdrawn.		
21-17	CP-21-00001 Zellmer	Citizen amendment. Amend KCC 17.08 and 17.17.15.050.1 to add a definition for “Animal Crematory” and add as a permitted use in the Commercial Agriculture zone.	The Planning Commission unanimously recommended approval, with the recommendation that animal crematory be considered an accessory conditional use, and not a permitted use.	Staff recommends approval of the amendment as proposed.
21-18	Kittitas County Airport Director	Amend KCC Title 19.04.10 to eliminate the current language and provide references to Bowers Field Minimum Standards document.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.
21-19	Kittitas County Airport Director	Amend KCC 17.75 to add Notice of Airport Influence Area plat note requirement.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommends approval of the amendment as proposed.

**21-01 Kittitas County Proposal:
Amend KCC 17.58 to update the Airport Overlay Zones.**

The proposed amendment to KCC 17.58 will amend section definitions, overlay descriptions, and adopt updated overlay zone maps.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval as presented by staff to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-02 Kittitas County Proposal:

Amend KCC 16.12.180 to remove Hearings Examiner “recommendation” language.

The proposed amendment to KCC 16.12.180 will amend language to reflect the Hearing Examiner’s role as a decision maker, and not a recommendation body.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval as presented by staff to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-03 Kittitas County Proposal:

Amend KCC 17.28.030 and 17.11.050 to correct the conflict between Ag-3 density and UGA density requirements.

The proposed amendment to KCC 17.11.050 will add language to the Lot Size Required section for Ag-3 property within Urban Growth Areas, to include density requirements and minimum average lot width.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the County’s Comprehensive Plan.

21-04 Kittitas County Proposal:

Amendment to Comprehensive Plan and Zoning Map, Exhibit D.

This amendment includes the following:

- City of Ellensburg zoning map changes - The official zoning map is updated to reflect the recent annexation of parcel numbers 258133, 018133, 038133, and 058133, depicted in the City of Ellensburg Annexation Ordinance No.4867.
- City of Ellensburg zoning map changes - The official zoning map is updated to reflect the recent annexation of parcel 10867, depicted in the City of Ellensburg Annexation Ordinance No. 4868.

- Update Table 2-1 of the Comprehensive Plan to reflect the current land use designations and corresponding zoning classifications with their associated acreages.
- Update Table 8.2.4-1 of the Comprehensive Plan to reflect the current rural land use designations and corresponding zoning classifications with their associated acreages.

An official paper zoning map is provided with this ordinance for approval and signature by the BOCC Chair reflecting all changes approved through this ordinance.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-05 Kittitas County Proposal
Amend KCC 17.08.155 to allow school/daycare functions as secondary uses to a Campground.

This amendment will add language to the existing definition of “Campground” to include secondary educational assistance and childcare uses.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission has no recommendation for this amendment. The Planning Commission was split evenly, with a vote of 3-3.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-06 Kittitas County Proposal:
Amend KCC 17.15.060.1 Land Use Table to allow nurseries by Conditional Use Permit in Rural Recreational zones.

The proposed amendment to KCC 17.15.060.1 Land Use Table was part of the 2020 Annual Docket and was remanded back to staff by the Board. The proposed amendment to KCC 17.15.060 would allow nurseries by Conditional Use Permit in Rural Recreation zoning districts.

KCC 17.08.415 defines “nurseries” as an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting such as but not limited to beauty bark, round landscape rock, topsoil, and mulch, conducted within or without an enclosed building.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-07 Kittitas County:

Amend multiple sections with KCC Title 17.56.060 and 17.32.050 to remove side yard corner lot setbacks.

The proposed amendment to KCC 17.56.060 and 17.32.050 will remove inapplicable side yard requirements for lots abutting streets.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval of the proposal to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-08 Kittitas County Proposal:

Amend KCC 17.08.560(B) and 17.08.560(C) to add a definition for “Warehouses and Distribution.”

This amendment will require a reference number change for the definition of “Watershed Management Facilities,” to 17.08.560(C) instead of 17.08.560(B). 17.08.560(B) would be reassigned to “Warehouse and Distribution.”

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. Public testimony in favor of this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-09 Kittitas County Proposal:

Amend KCC 17.15.050.1, 17.15.060.1, 17.15.080, and 17.15.070.1 to add “Cemeteries” as a permitted use in all zoning districts.

The proposed amendment would permit existing cemeteries in all zones within Kittitas County utilizing the following footnote, except for those zones in which new facilities are already permitted:

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

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-10 Kittitas County Proposal:

Amend KCC 17.08.34 and 17.15 to create definitions for “Agricultural Direct Marketing,” “Seasonal Harvest Festivities,” and “Expanded Seasonal Harvest Festivities.”

This item also proposes to add these uses to the Land Use Table in applicable zones.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-11 Kittitas County Proposal:

Amend KCC 16.12.040 Comprehensive plan and zoning regulation conformance.

The proposed amendment to KCC 16.12.040 would allow existing lots that contain two lawfully established residences to be short platted, even though they may not comply with zoning minimum lot size or other dimensional requirements.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented with two amendments** by a 2-1 vote, amending the word “residence” by using “dwelling” instead, and using the date of “July 26, 1996” instead of “April 17, 1984,” finding that:

- I. The Planning Commission recommended approval with conditions to the Board of County Commissioners with a vote of 6-0. The Planning Commission recommended that staff clarify the use of “residence” versus “dwelling.” The current Kittitas County Code does not have a definition for “residence,” but utilizes “dwelling,” “dwelling, multiple-family,” “dwelling, single-family,” and “dwelling, two-family” instead. The Planning Commission also asked staff to investigate the use of April 17, 1984, and asked staff to consider other dates that may work equally well.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-12 Kittitas County Proposal:

Amend KCC 17.36.025 and KCC 16.10.010, and the associated Comprehensive Plan Goals and Policies, etc. This proposed amendment may also require an amendment to the BLA Chapter.

The proposed amendment to KCC 17.36.025 and KCC 16.10.010 would amend the PUD ordinance regarding allowable density outside of UGAs or LAMIRDs. This amendment would allow nonconforming lots to be adjusted.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-13 Kittitas County Proposal:

Amend KCC 12.05.050 Construction of Access.

The proposed amendment to KCC 12.05.050 would allow access permits to be extended with associated building permits. This amendment would extend the time allowed for installation of access permit requirements by coupling with the building permit.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-14 Kittitas County Proposal:

Amend KCC 10.07 No Parking Areas.

The proposed amendment to KCC 10.07 would add a definition of “traveled way” for prohibited parking and increases no parking fees to \$200.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with conditions to the Board of County Commissioners with a vote of 6-0. The Planning Commission recommend that the County also seek parking alternatives with private ownership partnerships and consider how the immediate closure of local access may affect community members without permitted access also being considered.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-15 Kittitas County Proposal:
Amend KCC 12.56.020 Rights of Grantee.**

The proposed amendment to KCC 12.56.020 would correct the existing language that allows the franchisee to make rule and regulations.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-16 Kittitas County Proposal
Item 21.16 was removed from the docket and was not included in the Planning Commission or Board of County Commissioners Hearings.**

**21-17 Kittitas County Proposal:
Amend KCC 17.08 Definitions and 17.15.050.1 Resource Use Table.**

The proposed amendment to KCC 17.08 and 17.15.050.1 would add a definition for “Animal Crematory” and add as a permitted use in the Commercial Agriculture zone.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with conditions to the Board of County Commissioners with a vote of 6-0. The Planning Commission recommended that animal crematory be considered an accessory conditional use, and not a permitted use.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-18 Kittitas County Proposal:
Amend KCC Title 19 to provide references to Bowers Field Minimum Standards.**

The proposed amendment to KCC Title 19 would eliminate the current language and provide references to Bowers Field Minimum Standards document.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**21-19 Kittitas County Proposal:
Amend KCC 17.75 Notice of Airport Influence Area.**

The proposed amendment to KCC 17.75 would add Notice of Airport Influence Area plat note requirement.

The Board of County Commissioners held a public hearing on November 22, 2021, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 6-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.58 to update the Airport Overlay Zones, as shown in **Exhibit A**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 16.12.180 to remove Hearing Examiner language, as shown in **Exhibit B**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.28.030 and 17.11.050 to correct the conflict between Ag-3 density and UGA density requirements, as shown in **Exhibit C**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to the Comprehensive Plan and Zoning Map, as shown in **Exhibit D**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08.155 to allow school/daycare functions as secondary uses to a Campground, as shown in **Exhibit E**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to KCC 17.15.060.1 Land Use Table to allow nurseries by Conditional Use Permit in Rural Recreational zones, as shown in **Exhibit F**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to KCC Title 17, to remove side yard corner lot setbacks, as shown in **Exhibit G**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08.560(B) and 17.08.560(C), to add a definition for "Warehouses and Distribution", as shown in **Exhibit H**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.15, to add “Cemeteries” as a permitted use in all zoning districts, as shown in **Exhibit I**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08 and 17.15 to create definitions for “Agricultural Direct Marketing,” “Seasonal Harvest Festivities,” and “Expanded Seasonal Harvest Festivities” and add each use to the Land Use Table in applicable zones, as shown in **Exhibit J**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 16.12.040 to allow existing lots that contain two lawfully established residences to be short platted, even though they may not comply with zoning minimum lot size or other dimensional requirements, as shown in **Exhibit K**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.36.025 and 17.36.030 (and any associated Comprehensive Plan Goals and Policies, etc.) to amend the PUD ordinance regarding allowable density outside of Urban Growth Areas or LAMIRDs, to allow nonconforming lots to be adjusted, as shown in **Exhibit L**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 12.05.050 to allow access permits to be extended with associated building permits, as shown in **Exhibit M**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 10.07 to add a definition of “traveled way” for prohibited parking and increase no parking fees to \$200, as shown in **Exhibit N**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 12.56.020 to correct the existing language that allows the franchisee to make rules and regulations, as shown in **Exhibit O**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08 and 17.15.050.1 to add a definition for “Animal Crematory” and add as a permitted use in the Commercial Agriculture Zone, as shown in **Exhibit P**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 19.04.10 to eliminate the current language and provide references to Bowers Field Minimum Standards Document, as shown in **Exhibit Q**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.75 to add Notice of Airport Influence Area plat note requirement, as shown in **Exhibit R**.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2021 Amendments to the Kittitas County Code as shown in Exhibits A through R attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the regulations on the County website. The

Community Development Services Director and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

Adopted this 7th day of December 2021, at Ellensburg, Washington.

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



Brett Wachsmith, Chairman



Laura Osiadacz, Vice-Chairman



Cory Wright, Commissioner



ATTEST:

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



APPROVED AS TO FORM:

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

Exhibit A: Docket Item 21-01
Amendment to Airport Overlay Zones

Chapter 17.58 AIRPORT ZONE*

Sections

- 17.58.010 Purpose and intent.
- 17.58.020 Statutory authority.
- 17.58.030 Definitions.
- 17.58.040A Airport overlay zoning district: Kittitas County Airport (Bowers Field).
- 17.58.040B Airport overlay zoning district: Easton State, Cle Elum Municipal, DeVere Field.
- 17.58.050 Uses, development requirements and restrictions.
- 17.58.060 Permits.
- 17.58.070 Nonconforming use - Regulations not retroactive.
- 17.58.080 Violations and enforcement.
- 17.58.090 Appeals.
- 17.58.100 Repealed.
- 17.58.110 Conflicting regulations.

*For airport use regulations, see [KCC Title 19](#). Prior history: Ords. 88-4 and 83-Z-2; Res. 83-10; Vol. 5, p. 362, 1979.

17.58.010 Purpose and intent.

The purpose and intent of this chapter is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field), in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community; and also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zoning district. With regulations set forth in the Adopted 14 CFR Federal Aviation Regulations Part 77. ([Ord. 2020-XX](#); Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

17.58.020 Statutory authority.

This chapter is adopted pursuant to [RCW 36.70A.547](#) and [36.70A.200](#) which requires a county, city or town to enact development regulations, to discourage the siting of incompatible land uses adjacent to general aviation airports and public-use airports. ([Ord. 2020-XX](#); Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

17.58.030 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Airport" means public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field).
2. "Airport elevation" means [the airfield elevation in feet above mean sea level depicted on an FAA or WSDOT-approved Airport Layout Plan \(ALP\), or as published in the FAA Chart Supplement for airports without an approved ALP.](#)
[The established airport elevations for airports in Kittitas County are as follows:](#)
 - [Kittitas County Airport \(Bowers Field\) at 1,763 feet above mean sea level](#)
 - [Easton State Airport at 2,226 feet above mean sea level](#)
 - [DeVere Field at 1,800 feet above mean sea level](#)
 - [Cle Elum Municipal Airport at 1,945 feet above mean sea level](#)
3. "Airport overlay zoning district" shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map "B" - "Airport Safety Zones" and numbered zones 1 through 6, respectively, and shall

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also encompass the area identified within 14 CFR Federal Aviation Regulations (FAR) Part 77, as amended and depicted on Map "A" - "Part 77".²

¹ Map "B", referenced throughout this chapter, is on file with the Kittitas County public works department.

² Map "A", referenced throughout this chapter, is on file with the Kittitas County public works department.

4. "Airport Surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and along the same slope as the approach zone height limitation slope set forth in KCC 17.58.050. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. Approach, Transitional, Horizontal, and Conical Zones. These zones are defined by FAR Part 77, and are described in KCC 17.58.040A and 17.58.040B for the runways addressed in this chapter.
6. Approach minima, or minimums are specific descent altitudes and airfield visibility measurements defined by FAA for approved instrument approaches.
7. "Conical Surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to one foot outward for a horizontal distance of 4,000 feet.
8. "Flammable and combustible liquids" shall be defined as the type and design of underground and aboveground liquid storage tanks; the location and design of the fuel dispensers and dispenser nozzles; the design and specifications for related piping, valves and fittings; the location and classification of electrical equipment, including emergency fuel shutdown devices; and specifications for fuel storage and pressure-relief components, and shall be in accordance with Article 52 (5201.3.2(#1) Motor Vehicle Fuel - Dispensing Stations), Article 79 (Flammable and Combustible Liquids, specifically Special Options 7904), Standard of the International Fire Code and all applicable codes.
9. "Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. "Height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the airport overlay zoning district map "A", the datum shall be mean sea level elevation unless otherwise specified.
11. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation.
12. "Larger than utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
13. "Nonconforming use" means any preexisting structure, object of natural growth, or use of land, which is inconsistent with the provisions of this chapter.
14. Nonprecision Instrument Approach. A nonprecision instrument approach is designed to provide inbound electronic course alignment to aircraft approaching the airport or a specific runway end for landing. Nonprecision instrument approaches may be classified as "straight-in" to a specific runway end, or "circling" to allow an aircraft to land on any runway end on the airfield while maintaining visual contact with the airport environment once past the missed approach point.
15. "Nonprecision instrument runway" means a runway having an existing or planned non-precision straight-in instrument approach procedure to at least one runway end.
16. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in KCC 17.58.050.

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17. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or government entity. "Person" includes a trustee, a receiver, an assignee, or a similar representative.

18. Precision Instrument Approach. A precision instrument approach is designed to provide a defined electronic approach path with horizontal and vertical guidance, utilizing ground based or satellite air navigation facilities. Precision instrument approaches provides defined inbound course alignment and vertical descent for aircraft on final approach and landing to a specific runway end.

19. "Precision instrument runway", means a runway having an existing or planned precision instrument approach procedure to at least one runway end.

20. "Primary Surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is defined by FAR Part 77, and is described in KCC 17.58.040A and .040B for each runway addressed in this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

21. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

22. "Structure" means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

23. "Transitional Surface" means the surfaces that extend outward at a 90-degree angle to the runway centerline and the extended runway centerline from the sides of the primary surface and approach surface, at a slope of seven feet horizontally for each one foot vertically, until reaching the horizontal surface, 150 feet above airport elevation. For precision instrument approaches, transitional surfaces also extend from the sides of the outer portion of the approach surface that extend beyond the limits of the conical surface. The precision approach transitional surface extends 5,000 feet horizontally from the edge of the approach surface at 90-degree angles to the extended runway centerline, at a slope of seven feet horizontally for each one foot vertically,

24. "Tree" means any object of natural growth.

25. "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

26. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, including visual segments of circling non-precision instrument approaches. (Ord. 2020-XX; Ord. 2007-22, 2007; Ord. 200110 (part), 2001)

17.58.040A Airport overlay zoning district: Kittitas County Airport (Bowers Field).

In order to carry out the provisions of this chapter, there is hereby created an airport overlay zoning district that is composed of the following surface and safety zones for Kittitas County Airport (Bowers Field). The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zoning district Map "A" - "Part 77" and Map "B" - "Airport Safety Zones", which are attached hereto and incorporated by reference, and which shall also be on file and open for inspection in the Kittitas County Community Development Services, Kittitas County Public Works department, and the city of Ellensburg community development

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outward for each one foot upward beginning at the inner end of the surface and extending for a distance of 5,000 feet along the extended runway centerline.

- d. **Transitional Zones.** This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as the primary surface and the approach surfaces, measured at 90-degree angles to the runway centerline, and extending to a height of 150 feet above the airport elevation (horizontal zone), which is 1,913 feet above mean sea level.

Height Restrictions: No object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the primary surface or approach surfaces, and extending to where they connect to the horizontal zone. Further, where a precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

- e. **Horizontal Zone.** The zone is established at 150 feet above the airport elevation (1,913 feet above mean sea level) by swinging arcs of 5,000 feet for all runway ends designated utility or visual, and 10,000 feet for all other runways, from the intersection of the extended runway centerline and the end of the primary surface for each runway end. The adjacent arcs are connected by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Height Restrictions: No object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation, or 1,913 feet above mean sea level.

- f. **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from for a horizontal distance of 4,000 feet as depicted in map "A".

Height Restrictions: No objects shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone (150 feet above the airport elevation) and extending to a height up to 350 feet above the airport elevation.

- 2. **Safety Zones.** In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

- a. **Runway Protection Zone 1.** An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
- b. **Inner Safety Zone 2.** An area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted in map "B" (shaded area #2). This zone begins at the end of the runway

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Runway 29, Larger than Utility with a Visibility Minimum Lower than Three-Fourth Mile Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on map "A".
Height Restrictions: No object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.1

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protection zone 1 and extends out 2,800 feet, The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.

- c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-degree radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
- d. Outer Safety Zone 4. Area extending beyond the centerlines of runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
- e. Sideline Zone 5. An area adjacent to runways 11, 29, 07, and 25 as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
- f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. (Ord. 2020-XX; Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

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17.58.040B Airport overlay zoning district: Easton State, Cle Elum Municipal, and DeVere Field.

In order to carry out the provisions of this chapter, there is hereby created an airport overlay zoning district that is composed of the following surface and safety zones for the Easton State, Cle Elum Municipal and DeVere Field. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The surface and safety zones are overlaid on top of the existing underlying zoning, which remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. With the exception of those necessary and incidental to airport operations, no uses shall be permitted that allow buildings, structures, vegetation or other development that penetrates the imaginary air surfaces described below.

1. Surface Zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to each airport. Such zones are shown on overlay zoning map "A" for each airport, as amended. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

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Approach Zone. A surface longitudinally centered on the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on map "A".

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Visual Runways. The 250-foot or 500-foot inner edge coincides with the width of the primary surface and slopes 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a width of 1,250 feet or 1,500 feet at a horizontal distance of 5,000 feet along the extended runway centerline. The variable surface widths noted in this section are determined based on "Utility" or "Larger than Utility" FAR Part 77 designations assigned to each runway.

Nonprecision Instrument Approach Zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 20 feet or 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a width of 2,000 or 3,500 feet at a horizontal distance of 5,000 feet or 10,000 feet along the extended runway centerline. The variable surface widths noted in this section are determined based on "Utility" or "Larger than Utility" FAR Part 77 designations assigned to each runway.

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Precision Instrument Approach Zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface and slopes 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone. The zone begins at the end of and at the same elevation as the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on map "A". Note: The precision instrument approach zone does not currently apply to for the group of airports included in this section.

Transitional Zones. This zone is defined by a slope seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as the primary surface and the approach surfaces, measured at 90-degree angles to the runway centerline, and extending to a height of 150 feet above the airport elevation (horizontal zone), which varies by airport. Where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline. Note: The precision instrument approach zone transitional surface does not currently apply to for the group of airports included in this section.
Height Restrictions: No object shall penetrate the imaginary line created by a slope seven feet outward for each one foot upward beginning at the sides of and the same elevation as the primary surface or approach surfaces, and extending to where they connect to the horizontal zone.

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Horizontal Zone. The zone is established at 150 feet above the airport elevation (varies by airport) by swinging arcs of 5,000 feet for all runway ends designated utility or visual, and 10,000 feet for all other runways, from the intersection of the extended runway centerline and the end of the primary surface for each runway and connecting adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
Height Restrictions: No object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation.

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The established airport elevations for airports in Kittitas County are as follows:
- Kittitas County Airport (Bowers Field) at 1,916 feet above mean sea level
- Easton State Airport at 2,221 feet above mean sea level
- DeVere Field at 1,838 feet above mean sea level
- Cle Elum Municipal at 1,945 feet above mean sea level

Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from for a horizontal distance of 4,000 feet as depicted in map "A".
Height Restrictions: No objects shall penetrate the imaginary line created by a slope 20 feet

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outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to ~~350~~ feet above airport elevation.

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2. Safety Zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of each airport, there are created and established certain safety zones. Such safety zones are shown for each airport on overlay zoning district map "B", as amended. Within each of the safety zones, certain land use limitations are established and certain development standards are imposed in addition to the land uses and development standards of the underlying zoning. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

- a. Runway Protection Zone 1. An area extending beyond the centerlines of each runway end, as depicted on map "B" (shaded area #1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.
- b. Inner Safety Zone 2. An area extending beyond the centerlines of each runway end, as depicted in map "B" (shaded area #2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.
- c. Inner Turning Zone 3. A fan shaped area extending beyond the center lines of each runway end, as depicted on map "B" (shaded area #3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.
- d. Outer Safety Zone 4. Area extending beyond the centerlines of each runway end, as depicted on map "B" (shaded area #4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.
- e. Sideline Zone 5. An area adjacent to each runway end, as depicted on map "B" (shaded area #5). This zone begins from the outer boundaries of the primary surface, and extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.
- f. Airport Operations Zone 6. This zone is depicted on map "B" (shaded area #6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone. (Ord. 2020-XX; Ord. 2010-014 , 2010; Ord. 2007-22, 2007)

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17.58.050 Uses, development requirements and restrictions.

1. General Development Requirements and Restrictions Applicable to All Zones.
 - a. Underlying Zoning Requirements. In addition to the airport overlay zoning district development requirements and restrictions set forth in subsections (A)(2) through (9) of this section and in the table in subsection B of this section, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the airport overlay zoning district surface and

safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.

- b. Pre-annexation/Annexation. Once the parcel is annexed into a defined city limits, the parcel shall adopt by reference the density requirements of the respective city, where applicable,
- c. Height. All uses shall be subject at all times to the height restrictions set forth in KCC 17.58.040(A).
- d. Signal and Radio Communication Interference. Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.
- e. Lighting and Glare. Activities or uses that create lighting which make it difficult for pilots to distinguish between airport lights and non-airport lights or that create glare in the eyes of pilots using the airport are prohibited. All outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
- f. Visibility. Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
- g. Large Bodies of Water. Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with the provisions set forth in the county's State Environmental Policy Act (SEPA) regulations as set forth in Chapter 15.04 KCC.
- h. Flammable and Combustible Material. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code and all applicable codes as adopted in KCC Title 14, Buildings and Construction.
- i. Noise Insulation. Noise insulation for new structures shall be in accordance with the International Building Code and the Washington State Energy Code as adopted in KCC Title 14, Buildings and Construction.
- j. Subdivision. When any division of land including short plats, plats, cluster subdivisions, and planned unit developments, occur on any land within the airport overlay zoning district safety zones 1 through 6, a note located on the first page of the plat, shall be recorded with the county auditor as follows:

This property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property.

2. Use Table.

Note: All aviation uses are acceptable only on airport property. Electric Vehicle Infrastructure is permitted in all zones. See KCC Chapter 17.66

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Zone 1
(Runway
Protection
Zone)

1. Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.)
2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.

Zone 2
(Inner Safety
Zone)

1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
2. Outside of an existing Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
3. Inside of an existing Urban Growth Area (UGA) the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

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Zone 3
(Inner Turning
Zone)

1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
2. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with Articles 52 and 79, the International Fire Code (IFC) standard, and applicable codes.
3. Outside of an existing Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
4. Inside of an existing Urban Growth Area (UGA) for lands zoned Agricultural - 3 the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
5. Inside of an existing Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

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Zone 4
(Outer Safety
Zone)

1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
2. Outside of an existing Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
3. Inside of an existing Urban Growth Area (UGA) for lands zoned Urban Residential or Rural Residential the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

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Zone 5
(Sideline Zone)

1. All aviation related uses are permitted.
2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.

Zone 6
(Airport
Operations
Zone)

1. All aviation related uses are permitted within airport property.
2. Outside of the existing Urban Growth Area (UGA) the average density will be one dwelling unit per three acres on the property at the date of adoption of this ordinance [July 17, 2001].
3. Inside the existing Urban Growth Area (UGA) the average density will be one dwelling unit per one acre on the property at the date of adoption of this ordinance [July 17, 2001].

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(Ord. 2020-XX; Ord. 2011-013 , 2011; Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

17.58.060 Permits.

1. Future Uses. Except as specifically provided in subsections (A)(1), (2), and (3) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created unless a permit therefore has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection D of this section.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
 - d. As a condition for approval of new development within the approach surfaces or safety zones a notice shall be recorded with the county auditor prior to final approval of new subdivisions, short subdivisions, building permits, conditional use permits, special use permit or other similar permits, unless said notice is already recorded on the property. Said notice shall state: "This property is located adjacent to an airport and routinely subject to overflight activity by aircraft using the airport; residents and tenants may experience inconvenience, annoyance, or discomfort from noise, smell or other effects of aviation activities."
2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed. Whenever the airport manager, or his or her designee, determines that a nonconforming or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the Hearing Examiner for a variance from such regulations. The application for variance shall be accomplished by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary

hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. A copy of the variance application shall be forwarded to the Kittitas County Community Development Services department consistent with the notification procedures under KCC Title 15A.

Deleted: Kittitas County airport manager by the

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.
6. Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace". (Ord. 2020-XX; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 2001-10 (part), 2001)

17.58.070 Nonconforming use - Regulations not retroactive.

The regulations prescribed in this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of the ordinance codified in this chapter, nor shall such be construed to require any change in the construction or alteration of any structure or tree which was begun prior to the effective date of the ordinance codified in this chapter, and which is diligently being prosecuted. (Ord. 2001-10 (part), 2001)

17.58.080 Violations and enforcement.

It shall be the duty of the code enforcement official of the Kittitas County building department to administer and enforce the regulations prescribed in this chapter. (Ord. 2020-XX; Ord. 2001-10 (part), 2001)

17.58.090 Appeals.

Any person aggrieved, by any order, requirement, decision or determination made by an administrative official in the processing of any application made under this chapter or in the actual decision made as required by this chapter may appeal to the Hearing Examiner as provided in RCW 14.12.190. (Ord. 2020-XX; Ord. 2012-009, 2012; Ord. 2001-10 (part), 2001)

17.58.100 Repealed.

(Ord. 2020-XX; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2001-10 (part), 2001)

17.58.110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 2020-XX; Ord. 2001-10 (part), 2001)

Exhibit B: Docket Item 21-02

Amendment to Hearing Examiner Language

16.12.180 Findings and report.

Not later than ten days following conclusion of the open record ~~pre-decision~~ hearing, the Hearing Examiner shall ~~provide a~~ submit its written report ~~including a decision. and recommendations to the legislative body.~~ The Hearing Examiner may ~~decide~~ recommmend that the proposed plat be approved, conditionally approved or disapproved. Conditions of approval shall be precisely recited in the Hearing Examiner's report and shall include recommended protective improvements, if any. (Ord. 2010-014 , 2010; Ord. 2005-31, 2005)

Exhibit C: Docket Item 21-03

Amendment to UGA Density Requirements

17.28.030 Lot size required.

1. The minimum residential lot size shall be three (3) acres in the Agricultural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (½) acre. The overall density of any residential development shall not exceed one dwelling for each three acres.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2013-001, 2013; Ord, 2007-22, 2007; Res. 83-10, 1983)
3. Ag-3 property within Urban Growth Areas shall defer to the density requirements of KCC 17.11.050. The minimum average lot width of 250 feet shall not apply in Urban Growth Areas.

Exhibit D: Amendment 21-04

Amendments to Comprehensive Plan and Zoning Map

Kittitas County December 2020

Table 2-1 Land Use Designations and Corresponding Zoning Classifications with Acreage

Type of Land Use	Land Use	Use Intensity	Description	Acres ¹	Zoning Classification	Acres ¹
Resource	Commercial Agriculture	Resource Lands	Agricultural lands of long-term commercial significance	289,515.8	Commercial Agriculture	289,515.8
	Commercial Forest	Resource Lands	Forest lands of long-term commercial significance	800,275.0	Commercial Forest	800,275.0
	Mineral Lands	Resource Lands	Mineral lands of long-term commercial significance	5,690.7	Zoning Classification Varies ²	5,690.7
Section Total:						1,095,481.5
Rural	Rural Working	Low	Supports Ag, Timber and Mineral uses not in resource lands	328,754.3	Agriculture 20	111,226.4
					Forest and Range	217,527.9
	Rural Residential	Moderate	Residential opportunities with rural character outside of UGAs and LAMIRDS	29,900.9	Agriculture 5	11,921.6
					Rural 5	17,936.5
					General Commercial	0.7
					Planned Unit Development	42.1
	Rural Recreation	Moderate	Activities to support and enhance recreational opportunities	10,462.0	General Commercial	22.0
					Master Planned Resort	6,444.5
					Planned Unit Development	363.8
	LAMIRD ¹	More Intense	Non-incorporated urban like development	1,210.4	Rural Recreation	3,631.7
					Agriculture 20	28.3
					Agriculture 3	42.4
					Forest and Range	77.6
General Commercial					195.2	
General Industrial					4.7	
Highway Commercial					45.2	
Light Industrial	36.3					
Limited Commercial	13.6					
Planned Unit	218.0					

Type of Land Use	Land Use	Use Intensity	Description	Acres ¹	Zoning Classification	Acres ¹
					Development	
					Residential	412.3
					Residential 2	40.8
					Rural 3	42.4
					Rural 5	53.6
Section Total:						370,327.6
					Agriculture 3	80.2
					Forest and Range	606.8
					General Commercial	244.7
					General Industrial	592.5
					Highway Commercial	83.4
					Historic Trailer Court	24.2
					Incorporated City	10,137.1
					Light Industrial	1,631.0
					Limited Commercial	3.8
					Planned Unit Development	88.7
					Residential	140.4
					Rural 3	423.6
					Rural 5	10.1
					Urban Residential	<u>1,974.61</u> 1,980.8
Section Total:						<u>16,041.11</u> 16,047.3
County Total:				1,481,850.21		1,481,850.21

The above tables reflect the following changes:

City of Ellensburg Zoning Map Changes

- City of Ellensburg zoning map changes - The official zoning map is updated to reflect the recent annexation of parcel numbers 258133, 018133, 038133 and 058133 depicted in the City of Ellensburg Annexation Ordinance No. 4867.
- City of Ellensburg zoning map changes - The official zoning map is updated to reflect the recent annexation of parcel number 10876 depicted in the City of Ellensburg Annexation Ordinance No. 4868.

Amended Map

An official paper zoning map is provided with this ordinance for approval and signature by the BOCC Chair reflecting all changes approved through this ordinance.

Exhibit E: Docket Item 21-05

Amendment to Campgrounds Definition

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

Exhibit F: Docket Item 21-06

Amendment to Nurseries

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 ⁴⁹	Rural 5 ⁴⁹	Ag 20 ⁴⁹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			p ⁵⁵	p ⁵⁵		p ⁵⁵		
Animal boarding*	P	P	P	P		CU	CU	
Agriculture processing*	CU ²³		CU ²³	CU ^{**}		P		
Agriculture production*	p ²⁴	P	P	p ²⁴	p ²⁴	p ²⁴	p ²⁴	p ²⁴
Farm Stand,*	p ²² / AC ⁵¹	p ²² / AC ⁵¹	p ²² / AC ⁵¹	p ²² / AC ⁵¹	p ²² / AC ⁵¹	P	p ²² / AC ⁵¹	p ²² / AC ⁵¹
Agriculture Sales,*	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	
Feedlot*			CU	CU ^{**}				
Grazing*	P	P	P	P	P	P	P	P
Marijuana processing*								
Marijuana production*								
Marijuana, retail sales*								
Nurseries	P	P	P	CU ^{**}		P	CU ⁶¹	
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC ⁴⁵ /CU	AC ⁴⁵ /CU	AC ⁴⁵ /CU	AC ⁴⁵ /CU				
U Pick/U Cut Operations	P	CU	P / AC ⁵¹	P			CU	

61. Nurseries limited to the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting. Sale of bulk landscape materials such as rock, bark, mulch and topsoil shall not be permitted in this zone. Pre-packaged landscape materials are excluded from this restriction.

Exhibit G: Docket Item 21-07

Amendment to Side Yard Setback Requirement

FOREST AND RANGE ZONE

17.56.060 Yard requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25) feet.
2. Side Yard. Side yard shall be ten (10) feet., ~~except on corner lots which shall have a fifteen (15)-foot side yard.~~
3. Rear Yard. There shall be a rear yard with a minimum depth of ten (10) feet to the main building. (Ord. 2013-001, 2013; Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

Chapter 17.32

C-L - LIMITED COMMERCIAL ZONE

17.32.050 Yard requirements - Side.

There are no side yard requirements, except property abutting a residential zone, in which case the side yard on the abutting side shall be the same as that required for the abutting property. ~~On a side abutting a street the setback shall be a minimum of ten (10) feet for all structures.~~ Side yards for dwelling units shall meet the requirements of the residential zone. (Ord. 2013-001, 2013; Res. 83-10, 1983)

Exhibit H: Docket Item 21-08

Amendment to Warehouses and Distribution Definition

17.08.560(b) Warehouse and Distribution

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

17.08.560(c) Watershed Management Facilities

Exhibit I: Docket Item 21-09

Amendment to Cemeteries

17.15.050.1 Resource Use Table

	Commercial Agriculture	Commercial Forest
B. Civic Cultural Uses		
Cemetery	p 13	p 13
Clubhouses, fraternities and lodges*	AC 24	
Cultural and educational facilities		

Current Footnote #13 - No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

Proposed Footnote #13 - No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

	Ag 5 ¹	Rural 5 ¹	Ag 20 ⁵¹	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
B. Civic Uses/Community Services								
Cemetery	p 21	p 21	p 21	CU**	p 21	p 21	p 21	p 21
Clubhouses, fraternities and lodges*	AC 44	AC 44	AC 3	AC 35	AC		AC	

Current Footnote #13 - No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

Current Footnote #21 - No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

Proposed Footnote #21 - No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.

17.15.070.1 Rural LAMIRD Use Table

	Residential	Residential 2	Rural 5	Agriculture 3	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD	Limited Commercial	General Commercial	Highway Commercial	Light Industrial
B. Civic and Cultural														
Cemetery	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	CU	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹
Clubhouses, and lodges*	CU		p	p ¹⁰					CU					

Current Footnote #9 - No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

Proposed Footnote #9 - [No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.](#)

17.15.080 Allowed Uses in Urban Lands

	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
B. Civic and Cultural													
Cemetery	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	CU	p ⁹
Clubhouses, fraternities and lodges*	AC	AC		p	p	p						AC	

Current Footnote #9 - No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

Proposed Footnote #9 - [No new cemeteries. Existing cemeteries may expand or enlarge within established cemetery boundaries as of the date of amendment adoption, and in compliance with applicable standards and regulations.](#)

Exhibit J: Docket Item 21-10

Amendment to AG and Harvest Activities

17.08.034 Agriculture sales

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

17.08.034A Agriculture sales-enhanced

"Agricultural sales-enhanced" means the selling of agricultural products grown or raised locally that have been enhanced to improve market value. Enhanced agricultural sales activities include, but are not limited to: sales of prepared food or beverages, crafts, floral arrangements; and tasting rooms. Marijuana product sales are excluded. Enhanced agricultural sales operations may also include the retail sale of fresh or unprocessed agricultural products. Ord. 2014-015, 2014;

17.08.034B Agricultural enhanced uses (AEU)

"Agricultural enhanced uses (AEU)" refers to a use that is accessory to a working farm, approved winery, distillery, cider house or brewery or any agricultural, horticultural, or agribusiness operation that is open to the public for the purpose of enjoyment, education, or active involvement in the activities of the agricultural operation. These activities must be related to agriculture, and incidental to the primary operation on the site. The retail sales of agricultural related products is considered accessory and subordinate to the agricultural operation when the products sold are grown or produced on site. ~~AEUS may include, but are not limited to, accessory seasonal uses such as farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses.~~ (Ord. 2016-023, 2016)

17.08.034C Agricultural direct marketing activities

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

17.08.034D Agricultural seasonal harvest festivities

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

17.08.034E Agricultural expanded seasonal harvest festivities

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

Kittitas County Code Title 17 Zoning, amendment to Section 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands, is proposed as follows:

17.15.060

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use * See KCC Chapter 17.08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 549	Rural 549	Ag 2049	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			P55	P55		P55		
<u>Agricultural direct marketing activities*</u>	<u>P62</u>	<u>P62</u>	<u>P62</u>	<u>P62</u>				
<u>Agricultural seasonal harvest festivities*</u>	<u>P63</u>	<u>P63</u>	<u>P63</u>	<u>P63</u>				
<u>Agricultural expanded seasonal harvest festivities*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				

Animal boarding*	P	P	P	P		CU	CU	
Agriculture processing*	CU23		CU23	CU**		P		
Agriculture production*	P24	P	P	P24	P24	P24	P24	P24
Farm Stand,*	P22 / AC51	P22 / AC51	P22 / AC51	P22 / AC51	P22 / AC51	P	P22 / AC51	P22 / AC51
Agriculture Sales,*	CU		CU			P		

Footnotes

62. Agricultural direct marketing activities shall comply with all of the following standards:
- a. The subject property shall be actively farmed by the property owner.
 - b. Retail structures shall not total more than three thousand (3,000) square feet.
 - c. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
 - d. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted.
 - e. The use shall be operated in accordance with all applicable federal, state, and local ordinances.
 - f. New structures or existing structures converted for public use shall meet current building and fire codes.
 - g. Adequate sanitary facilities shall be provided in accordance with Kittitas County Public Health Department requirements.
 - h. Adequate ingress/egress shall be provided to and from the site in accordance with Kittitas County Public Works requirements.
 - i. Sufficient land area is provided to accommodate the proposed use and related parking, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.
63. Agricultural seasonal harvest festivities shall comply with all of the following standards:
- a. The site shall conform to the requirements for “agricultural direct marketing activities” except as provide for herein.
 - b. Hours of operation shall occur between 8:00 a.m. and 6:00 p.m.
 - c. Seasonal harvest festivities are prohibited on vacant property, unless the vacant land adjoins property occupied by the owner/operator of the festivities.
 - d. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday, and Monday, from the second weekend of June through the December 31.
 - e. Inflatable amusement devices, such as moonwalks, slides, or other inflatable games for children, shall be limited to a maximum of five (5) per seasonal harvest festivities event.

Exhibit K: Docket Item 21-11

Amendment to Short Plats

16.12.040 Comprehensive plan and zoning regulation conformance.

All proposed subdivisions shall conform to the county comprehensive plan and all applicable zoning regulations in effect at the time they are submitted for approval. Lots shall be of sufficient area, width and length to satisfy zoning requirements, or, where zoning controls do not apply, to satisfy the minimum health and sanitation requirements of the county health department.

If, as of July 26, 1996, an existing lot was lawfully occupied by two (2) single family dwellings, such lot may be granted short plat approval under KCC Chapter 16.32 in order to permit the segregated sale or refinance of such dwellings, even though one or both of the resulting new lots will have dimensions less than required for the zoning district in which the property is located; provided, however, that the degree of density nonconformity shall not be increased.

(Ord. 2016-023, 2016; Ord. 2005-31, 2005)

Exhibit L: Docket Item 21-12

Amendment to PUD Density

17.36.025 Allowed density.

1. Inside the Urban Growth Area (UGA): The county may approve an increase of dwelling unit density for residential PUDs of not more than three (3) times the density permitted in the underlying zone, provided development rights are transferred pursuant to KCC Chapter [17.13](#) and additional natural and social amenities beyond the required minimums are provided.
2. Outside the Urban Growth Area (UGA) and Rural LAMIRDs: The density of the underlying zone [or existing density within the boundaries of the proposed PUD](#) shall not be exceeded by a PUD. For Rural LAMIRDs, the density shall be consistent with the character of the existing area as required by RCW [36.70A.070\(5\)d](#).

([Ord. 2013-001](#), 2013)

Kittitas County Code Title 16 Subdivisions, amendment to Section 16.10.010, is proposed as follows:

16.10.010 Applicability.

A boundary line adjustment is an acceptable means of transferring land between abutting legally created parcels, provided:

1. No additional lots, parcels or tracts are created as part of the transfer;
2. No lot that currently conforms to minimum area and dimension regulations shall be adjusted so as to become nonconforming, [except that existing lots within an existing planned unit development \(PUD\) may be adjusted through the PUD review and approval process contained in KCC 17.36, provided that the overall density of the PUD shall not be exceeded;](#) and
3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity, [except that existing lots within an existing planned unit development \(PUD\) may be adjusted through the PUD review and approval process contained in KCC 17.36, provided that the overall density of the PUD shall not be exceeded.](#)
4. No parcels with split zoning are created as a part of the transfer per KCC Chapter [16.04.025](#).

([Ord. 2014-015](#), 2014;)

Exhibit M: Docket Item 21-13

Amendment to Access Permits

12.05.050 Construction of Access.

- A. The issued access permit will be provided to the permittee along with the requirements for construction. The permittee will have ~~6 months~~ the amount of time defined by the accompanying building permit from the date of issuance, as shown on the permit, to complete construction of the access and request inspection by the Department. In the absence of a building permit the permittee will have 12 months from the date of issuance to complete construction and request inspection by the Department.
- B. ~~An extension to the access permit will only be considered if construction of the access has been substantially completed and the extension request is made prior to the permit expiration date. The permittee can request an extension to the Department in writing. The Department will determine if the approach has been substantially completed and determine the length of the extension, if granted.~~ The construction of the access suitable to Public Works inspection staff must complete prior to issuance of final occupancy.
- C. The expected dates of construction and use of the access shall be included on the request for an access. The permittee shall notify the Department at least 48 hours prior to any construction in County right-of-way.
- D. The Department shall inspect the access upon completion of construction to ensure that all terms and conditions of the permit are met. The Department may request to inspect the access during construction.
- E. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee.
- F. It is the responsibility of the permittee to complete the construction of the access according to the terms and conditions of the permit. The Department may order a halt to any unauthorized construction or use.
- G. Adequate construction signing, in conformance with MUTCD, most recent edition, is required at all times during access construction. This may include, but is not limited to, the use of signs, flashers, barricades and flaggers. The Department and its duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained during construction of the access.
- H. The hours of work on or immediately adjacent to the highway may be restricted due to peak hour traffic demands and other pertinent roadway operating restrictions.
- I. A copy of the permit shall be available for review at the construction site. If necessary, minor changes and additions may be ordered by the Department to meet unanticipated site conditions.

(Ord. 2015-010, 2015)

Exhibit N: Docket Item 21-14

Amendment to No Parking Areas

Chapter 10.07 NO PARKING AREAS

Sections

10.07.010 Areas designated.

10.07.020 Winter areas designated.

10.07.025 No overnight parking areas designated.

10.07.030 School areas - Bus stops.

10.07.040 Thirty-minute parking zone.

10.07.050 Turnaround areas on county roads.

10.07.060 Towing and impounding of vehicles violating parking restrictions.

10.07.010 Areas designated.

The board of county commissioners, in the best interest of the public, directs the director of public works to post the following roads with "No Parking":

1. Anderson Road, from Umptanum Road to Ellensburg City limits on west side.
2. Umptanum Road, from Anderson Road to Yakima River Bridge on north side.
3. Umptanum Road, from Anderson Road to I-90 overpass on south side.
4. Lake Cle Elum Dam Road, at dam (end of road), in turnaround area.
5. Mill Creek Road, both sides entire road.
6. Pfenning Road, from First Avenue to Third Avenue on east side.
7. Via Kachess Road, from milepost 0.85 to milepost 2.22 (end of road) both sides.
8. Kachess Lake Road, from milepost 2.895 to milepost 2.940, both sides
9. Huntzinger Road, from milepost 2.66 to milepost 2.78, both sides.
10. Huntzinger Road, from milepost 3.00 to milepost 3.30 on east side.
11. Wilson Creek Road, at milepost 8.90, in turnaround area.
12. Thorp Highway from milepost 6.65 to milepost 6.80, 8:00 a.m. to 4:00 p.m., except Saturday, Sunday and legal holidays, on north side.
13. All roads contained in the Hyak RID No. 96-1; including milepost 0.438 to milepost 0.569 on East Hyak Drive.
14. Ringer Loop Road from mile post 0.53 to 0.82 on the east side of Ringer Loop and from mile post 0.82 to mile post 1.15 on the north side of Ringer Loop.
15. Canyon Road, from Stone Road south 0.25 miles, both sides.
16. Sparks Road, from milepost 0.00 at West Sparks Road to milepost 0.26 southwest of West Sparks Road, both sides.
17. Any portion of a vehicle parked within ten feet of the roadway centerline measured to the edge of the roadway (traveled way).

(Ord. 2020-002, 2020; Ord. 2015-005, 2015; Ord. 2013-004, 2013; Ord. 2008-02, 2008; Ord. 2007-24, 2007; Ord. 2000-20, 2000; Ord. 99-02 § 2, 1999; Ord. 98-12, 1998; Ord. 98-06, 1998; Ord. 96-21 (part), 1996; Ord. 94-11, 1994; Ord. 92-22 (part), 1992; Ord. 91-2, 1991; Ord. 87-2, 1987; Ord. 86-5, 1986; Ord. 85-3 § 1, 1985; Ord. 83-1 (part), 1983; Res. DPW-2-82, 1982; Res. DPW-75-81, 1981; Res. DPW-74-81, 1981; Res. DPW-67-80, 1980).

10.07.020 Winter areas designated.

1. It shall be unlawful to park any vehicle from November 1 each year until the following April 30 on:

- Via Kachess Road from mile post 0.00 to mile post 0.85
 - Middle Fork Teanaway Road at the turn around on the northerly end
 - Yellowstone Trail from mile post 0.12 to mile post 0.74
 - Woods and Steele Road on the north side from mile post 0.65 to mile post 0.79 and the turn-around at the southwest end of the county portion of said road
 - In the turn-around area at approximately milepost 1.70, Teanaway Road, North Fork
 - Salmon La Sac Road - the specific area to be designated shall be determined by the department of public works and will become effective upon installation of the appropriate signs.
 - The west side of North Lake Cabins Road; the board of county commissioners may direct the removal or covering of the signs for short periods of time to allow parking during special periods or events
 - In the turn-around area at the end of the county portion of Kachess Lake Road, and on the northwesterly side of Kachess Lake Road between the intersection with Via Kachess Road and the turn-around at the end of the county portion of Kachess Lake Road
 - In the turnaround area at the intersection of Cabin Creek Road and Prentice Avenue in Easton (Cabin Creek Road mile post 0.31)
2. A special winter recreation parking area permit is required to park on Kachess Lake Road and Salmon La Sac Road, as determined by the department of public works, and will be effective upon installation of the appropriate signs.
 3. Special winter recreational/emergency parking areas shall be allowed as determined by the department of public works and will become effective upon installation of the appropriate signs. (Ord. 2014-013, 2014; Ord. 2012-003, 2012; Ord. 97-01, 1997; Ord. 94-30, 1994; Ord. 94-23, 1994; Ord. 94-5, 1994; Ord. 92-31, 1992; Ord. 92-23, 1992; Ord. 85-3 § 2, 1985; Ord. 83-7 (part), 1983; Ord. 83-1 (part), 1983; Ord. 82-13, 1982).

10.07.025 No overnight parking areas designated.

It shall be unlawful to park any vehicle overnight on the below listed roads: Gladmar Road, entire length (Ord. 98-07, 1998).

10.07.030 School areas - Bus stops.

1. "No parking" zones shall be established on the below listed roads at the locations indicated, between the hours of 7:00 a.m. to 8:00 a.m. and from 3:30 p.m. to 4:30 p.m., Monday through Friday, during the school year only:
 - a. Camas Lane in cul-de-sac
 - b. Cedar Cove Road in cul-de-sac
 - c. Charlton Road in cul-de-sac
 - d. Cooke Canyon Road in cul-de-sac
 - e. Fields Road in cul-de-sac
 - f. Lower Peoh Point Road turnaround at milepost 4.28
 - g. Naneum Road in cul-de-sac
 - h. Payne Road in cul-de-sac
 - i. Pioneer Road in cul-de-sac
 - j. Stone Road in cul-de-sac
 - k. Susan Road in cul-de-sac
 - l. Umptanum Road at its intersection with South Riverbottom Road
 - m. Umptanum Road in Shushuskin Ridge Road Turnaround
 - n. Upper Green Canyon Road in cul-de-sac

2. Deleted by Ord. 92-22.

(Ord. 2012-003, 2012; Ord 2004-02, 2004; Ord. 93-16 (part), 1993; Ord. 92-22 (part), 1992; Ord. 86-3, 1986; Ord. 84-1, 1984).

10.07.040 Thirty-minute parking zone.

Thirty-minute parking zone from 8:00 a.m. to 4:00 p.m., except Saturday, Sunday and legal holidays, is established on the south side of the Thorp Highway from milepost 6.65 to mile post 6.80 (in front of the Thorp Schools). (Ord. 9222 (part), 1992).

10.07.050 Turnaround areas on county roads.

"No Parking" zones shall be established on county road turnarounds. The specific area designated shall be determined by the department of public works and will become effective upon installation of the appropriate signs. (Ord. 95-1, 1995).

10.07.060 Towing and impounding of vehicles violating parking restrictions.

Any vehicle parking in violation of this chapter in any no parking area or no parking zone designated in this chapter may be towed and impounded at the owner's expense as provided in Ch 46.55 RCW. Vehicles parked in the locations specified in KCC 10.07.010~~(13)~~ and in violation of RCW 46.61.560 are subject to a \$200 fine payable and appealable as provided in Ch. 46.63 RCW. Said fines and impoundment shall be effective upon installation of appropriate signs. (Ord. 2020-002, 2020; Ord. 2019-012, 2019; Ord. 96-16, 1996).

Exhibit O: Docket Item 21-15

Amendment to Franchise Agreement Language

12.56.020 Rights of grantee.

The grantee shall have the right and authority, to the extent expressed in the resolution of the board of county commissioners granting such franchise, or in any supplemental document, to enter upon the streets, avenues, alleys, roads, highways, rights-of-way and public places designated by such franchise for the purpose of construction work, extension of existing systems, connection of such systems with consumers' pipelines, cables, lines or equipment, repairing of equipment and in all fashions maintaining and operating the improvements installed within such county property, ~~and to make rules and regulations governing the same in conformity with state and federal statutes and regulations now in force or hereafter enacted and adopted by state and/or federal agencies governing such utilities.~~ (Ord. 82-7 § 5, 1982).

Exhibit P: Docket Item 21-17

Amendment to Animal Crematory

Kittitas County Code Title 17 Zoning, amendment to 17.08 definitions and amendment to Sections 17.15.050.1 Allowed Uses in Resource Lands: Resource Use Table, is proposed as follows:

17.08.068 Animal Crematory: A dedicated area within a building approved for animal cremation services or an accessory building wherein animal remains are cremated.

17.15.050.1 Resource Use Table

17.15.050 Allowed Uses in Resource Lands.

17.15.050.1 Resource Use Table

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

Exhibit Q: Docket Item 21-18

Amendment to KCC Title 19 Airports

19.04.10 Purpose and intent.

The Purpose and intent of this chapter is to allow the Kittitas County Airport to establish appropriate minimum standards of commercial aeronautical operation, rules and regulations of public use, aeronautical infrastructure design standards and provide safety of operation through these three documents. These documents are designed to be fluid and easily amendable, capturing the intent of the FAA while providing flexibility of operations to accommodate the most appropriate and up to date aeronautical use and safety regulations.

19.04.20 Minimum Standards for commercial aeronautical operations at Bowers Field

Reference the Minimum Standards Document located on the Kittitas County Airport web page.

19.04.30 Rules and Regulations for public use of Bowers Field

Reference the Rules and Regulations Document located on the Kittitas County Airport web page

19.04.40 Design Standards for aeronautical development on Bowers Field

Reference the Design Standards on the Kittitas County Airport web page written in accordance with KCC 17.58 - Airport Zone

Exhibit R: Docket Item 21-19

Amendment to Airport Influence Area Notice

Chapter 17.75

Notice of Airport Influence Area

Sections

17.75.010 Purpose and intent.

17.75.020

~~17.75.030~~ Notification and disclosure.

17.75.010 Purpose and intent.

The purpose of this chapter is to provide notice of potential airport impacts to purchasers of lots located in the vicinity of an airport.

17.75.020 Definitions:

"Airport" means public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field).

~~17.75.030~~ Notification and disclosure.

~~All plats or short plats approved within _____ the Airport Overlay Zone _____ feet of an airport shall contain the following notice:~~ All plats, short plats, development permits, and building permits issued for development activities on or within one mile of an airport property boundary shall contain the following notice:

"The subject property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person."

Disclosure Statement. The disclosure statement required by this section shall be used under the following circumstances and in the following manners:

- a. Copies of the disclosure statement notice substantially in the form as set forth in sub-part (2)(a) herein shall be posted for public view in appropriate locations in the Kittitas County Courthouse and other appropriate county public building locations. Copies of such disclosure statement notices shall also be transmitted to real estate agents, title companies and attorneys located in Kittitas County for their use in posting or such other use as they may deem appropriate to assist them in advising their clients of the existence of this chapter.
- b. Upon the issuance of a development permit by Kittitas County Community Development Services including, but not limited to, subdivision permits and use permits, for use on or adjacent to airport lands, the development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgment containing the Disclosure set out in sub-part (2)(a) on forms provided, which shall then be recorded with Kittitas County.