



## STAFF REPORT

TO: Kittitas County Planning Commission

FROM: Dan Carlson, AICP, Community Development Services Director

DATE: November 28, 2017

SUBJECT: 2017 Annual Kittitas County Comprehensive Plan and Code Amendments Public Hearing

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This public hearing is being held to review and make recommendations on the items docketed for the 2017 Annual Amendment of the Kittitas County Comprehensive Plan and Kittitas County Code. This year’s docket does not include any Comprehensive Plan amendments. This staff report summarizes each proposed Kittitas County Code amendment and includes relevant documentation and proposed policy for your consideration.

The record for each proposed docket item will eventually be presented to the Board of County Commissioners with the recommendations you make regarding approval or disapproval of the proposals. The record of this meeting and other information will be presented to the Commissioners in digital form.

The public has had access to the proposed docket items at the Kittitas County Community Development Services Comprehensive Plan web page, <http://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>. One printed copy has also been available for viewing at the Community Development Services front desk at:

Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg WA 98926

There are eight (8) items being considered for amendment, all within the Kittitas County Code. In summary, the proposed amendments include:

1. **Docket Item 1** – This item was recommended by the Board of County Commissioners (BOCC). The amendment would require an event permit for any event where more than 100 people are expected to attend, and where a charge or contribution is required for admission or access. An admissions tax may be levied or imposed in accordance with KCC 3.22. KCC 3.22 is attached. The amendment also includes provisions for limiting admissions where the size of the crowd exceeds the applicant’s estimated crowd size, and provisions for indemnity agreement and insurance.
2. **Docket Item 2** – This item, recommended by the BOCC, would exempt subdivisions from the Adequate Water Supply Determination requirement of Title 13 when the subdivision is for a government purpose that would render the new lots as unbuildable. According to KCC

13.03.010, An Adequate Water Supply Determination is performed by KCPHD to determine if the water system being proposed is adequate in the ability to supply potable water and protect health and safety of the users of the water system. According to KCC 13.35.010, The Health Officer of the Kittitas County Public Health Department has the authority, on behalf of the County, to ascertain whether there is evidence of an adequate water supply per [Section 19.27.097 RCW](#), including whether proposed water systems comply with all state and local engineering, design and construction standards as set forth in the Joint Plan of Responsibility between the State of Washington Department of Health and the Kittitas County Public Health Department.

During the November 21, 2017, docket work session, the Planning Commission requested clarification on how “quasi-governmental” is defined. Kittitas County Code Title 13 does not contain a definition, but Webster defines “quasi-governmental” as “supported by the government but managed privately.”

3. **Docket Item 3** –Community Development Services (CDS) proposes an amendment to Title 14 to clarify minimum submittal requirements for building permit application and construction plan submittals. This would codify the current practice of requiring site plans, floor plans, foundation plans, roof framing plans, elevations, cross sections, and construction details.
4. **Docket Item 4** – Item requested by the BOCC to allow administrative short subdivision review for up to nine lots within any urban growth area. This would match what is allowed in state law for short subdivision review.
5. **Docket Item 5** – This item includes the following amendments to Title 16 recommended by CDS:
  - Delete KCC 16.09.080(1) and KCC 16.09.080(5)(a)(i)&(ii), thereby eliminating the requirement for a pre-application conference for an Agricultural Plat. A pre-application conference is not required for a standard short plat. A pre-application conference would still be required for Conservation and Cluster plats in accordance with KCC 15A.03.020.
  - This amendment would clarify that a plat extension is request is due at least 30 days prior to expiration, rather than “within 30 days before” expiration as the code currently reads.
6. **Docket Item 6** – The following amendments to Title 17 are proposed:
  - Add a definition for “Interpretive Center” and allow interpretive centers in the Ag-20, Forest and Range, and Rural Recreation zoning districts subject to Administrative Conditional Use Permit approval.
  - Add a definition for “RV Storage” and allow RV storage as a permitted use in LAMIRDS and UGAs. This would match districts where ministorage uses are allowed.
  - Clarify the definition of Nonconforming Use. Currently, the Nonconforming use provisions would only apply to buildings or land in place in 1983 when Resolution 83-10 became affective. The amendment to extend nonconforming provisions to all structures or uses that were legally established according to zoning and/or building regulations at the time, but which don’t meet current regulations.
  - Add “Group Care Facilities” to the land use tables. A definition for Group Care Facilities was added by Ordinance 2007-022, but the use was never added to the land use tables.

The use would be allowed by Conditional Use Permit in the Ag 5, Rural 5, Ag 20, Forest & Range, and Rural Recreation zoning districts. This is a citizen-requested amendment.

- Add “Commercial Activities Associated with Agriculture” to land use tables in accordance with Ord. No. 2009-25. These uses were previously approved, but were not added to the tables. Commercial Activities Associated with Agriculture would be allowed by Conditional Use Permit in the Rural Residential, Urban Residential, Ag 3, Ag 5, Ag 20, and Commercial Agriculture zoning districts.
  - Item requested by the BOCC would add “Manufactured Home Parks” as an allowed use in the General Commercial zoning district.
  - Revise KCC 17.15.060.1, Footnote 23 to clarify permitted uses. KCC 17.15.060.1 requires a conditional use permit in Ag 5 and Ag 20 zoning districts, but Footnote 23 allows some uses to be permitted without conditional use permit approval. Two commas would be added to the footnote to clarify that hay processing is one permitted use, and small-scale processing of agricultural products produced on the premises is a separate permitted use.
  - Add “Recreational Vehicle Park” as a conditional use in Rural Non-LAMIRD PUD zone. This is a clean-up item from the 2016 docket (Ordinance No. 2016-023). This change was approved in the 2016 ordinance but never reflected in code.
  - Amend KCC 17.61.040 to require minimum property line setback of 1.2 times the height of the structure for communication towers. The setback may be reduced provided the applicant can provide evidence that it would not be possible for the tower to fall on neighboring properties.
7. **Docket Item 7** – The BOCC proposes to add a dog control ordinance to Kittitas County Code.
8. **Docket Item 8** – The BOCC proposes an amendment to the Road Variance section of the Title 12 to include fairness standards including standards for recusal and adherence the appearance of fairness doctrine. This is a recommendation of the Prosecuting Attorney’s office that has been the current practice for the past several months.

Staff recommends that the Planning Commission recommend approval of these items to the Board of County Commissioners.

Attachments: Draft Code Amendments  
KCC 3.22

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-01	KCC Title 5	KCC 5.20- Make changes to event permit requirements	BOCC		

**DRAFT – November 2017**

*Kittitas County Code Title 5 Business licenses and regulations, amendment to Section 5.20 is proposed as follows:*

**5.20.010 Basic clause.**

It is unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, sporting event, or show or assembly of persons wherein the primary purpose will be entertainment, amusement, sporting event, or show, which the person, corporation, organization, landowner, or lessor believes or has reason to believe will attract one hundred (100) or more persons, and where a charge or contribution is required for admission or access. -unless a valid county permit has been obtained for the operation of said public amusement, entertainment or assembly. One such permit shall be required for each public entertainment or other amusement events. An admissions tax may also be levied or imposed on said event by KCC chapter 3.22. -Criminal or civil liability for failure to comply with the provisions of this chapter shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this section. (Ord. 2009-22, 2009; Ord. 99-06, 1999; Ord. 9217, 1992; Ord. 69-11 § 2, Vol. O, p. 129, 1969)

**5.20.015 Exceptions.**

The requirement of KCC 5.20.010 to obtain a permit shall not apply to:

~~1.~~ **De Minimis Exception**

~~-Persons, corporations, organizations, landowners or lessors believing that an event falling under KCC 5.20.010 will attract less than 300 person and will comply with all other county ordinances and laws of the State of Washington, assuming that such belief is reasonable.~~

~~2.~~ **Conditional Use Permit Exception**

~~-Events that occur on a parcel or parcels with a valid Conditional Use Permit that specifically contemplates and authorizes such gatherings ~~of more than 300 persons.~~~~

~~3.~~ **The Kittitas County Fair, events conducted on the Kittitas County Fairgrounds, or Events conducted by Kittitas County or its subdivisions.**

~~4.~~ **Events held in connection with and upon the same lot as a building that has been permitted, including a passing final inspection, for occupancy of at least as many individuals as are reasonably anticipated at the event, inclusive of any persons that will be at the building or on the lot even if not in connection with the event. Provided that such building has received a passing fire and life safety inspection from the Kittitas County Fire Marshall's Office within the last year.**

Note: The exceptions in this section only waive the requirement of obtaining a permit found in KCC 5.20.015, not the requirement for a public assembly/special event permit from the Fire Marshal, or any other requirement of this Chapter or State or local law. (Ord. 2009-22, 2009; Ord. 99-06, 1999; Ord. 9217, 1992; Ord. 69-11 § 2, Vol. O, p. 129, 1969)

#### **5.20.020 Permit application - Approval - Denial.**

Written application for event permits shall be made to the Board of County Commissioners and the application must be submitted 60 or more days prior to the day upon which such event is to be or may be held. When available, the application should include a completed Event Application Form. Approval or denial of permits as provided for in this chapter shall be made within 45 days after application. The board of county commissioners may waive or shorten any deadlines set out in this chapter upon the request of the applicant. Denial of the permit or waiver or shortening of deadlines by the Board of County Commissioners shall be in writing with reasons for the same stated therein. Any denial of the permit shall be subject to appeal to the superior court by action filed within 10 days of the denial.

When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five or more days before event for which an application is submitted shall begin and shall be subject to inspection by the approving agencies or departments at their convenience. The inspections shall be made and approval or disapproval granted on or before the fifth day preceding the event. Failure to act by the County within said period constitutes a waiver of the before mentioned inspection by the County. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn. No inspection fee or approval fee shall be charged other than the general permit fee required hereunder.

Every application made under this chapter shall be accompanied by plans for sanitary facilities, food and drink services and facilities, solid waste disposal, fire safety and protection, traffic control, parking, security, liability insurance and a statement of the anticipated impact, including noise, of the public entertainment, amusement or assembly on the citizens and public agencies of Kittitas County.

Upon receipt of the application, the clerk for the Board of County Commissioners shall submit copies of the application to the following officers, agencies or elected officers of Kittitas County or other governmental or regulatory agencies for their input on the following:

- 1.The County Health Officer regarding the plan for sanitary facilities, food and drink services and facilities; and
- 2.The County Fire Marshal regarding fire protection and safety; and
- 3.The County Sheriff regarding traffic control, parking, security, noise and any other health and safety problems; and
- 4.The County Prosecuting Attorney regarding liability insurance; and
- 5.The County Public Works Department regarding potential impacts on roads; and
- 6.The County Solid Waste Programs Department regarding solid waste disposal; ~~and~~
- [7. The County Auditor regarding the levy and imposition of any admissions tax pursuant to KCC chapter 3.22.](#)

The application must provide written approval of any other federal, state or local agency if the application involves an event, activity or instrumentality regulated by such agency. If any of the above county officers, agencies or elected officials of Kittitas County do not approve of the portions of the applicant's plans submitted to them; they shall set forth in writing the details supporting their disapproval.

**5.20.085 – Right to limit further admissions.**

If at any time during said event the size of the crowd exceeds by 20 percent (20%) the number of persons represented by the applicant to be expected in attendance, the Kittitas County Sheriff shall have the discretion to require the applicant to limit further admissions.

(1) The applicant shall agree that if the permit is granted, the following indemnity agreement applies to the event: the applicant shall assume the risk of all damage, loss, cost, and expense to defend, hold harmless and indemnify the county and its elected and appointed officials, officers, and employees from and against any and all liability which may accrue to or be sustained by Kittitas County, except for the sole negligence and willful misconduct of Kittitas County and its employees.

(2) A certificate of insurance, and accompanying endorsement, shall be filed with the county prior to the issuance of the permit which names Kittitas County, its officers and employees, as an additional insured party with respect to activities in connection with this permit for no less than \$1,000,000 per occurrence. The county shall approve the certificate and may impose other insurance requirements, as deemed necessary by the county.

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-02	KCC Title 13	Exempt subdivisions from water and sewer requirements when they are for a government purpose which will render new parcels as non-buildable	BOCC	N/A	

**DRAFT – November 2017**

*Kittitas County Code Title 13 Water and Sewers, amendment to Section 13.35.020 is proposed as follows:*

**13.35.020 Applicability.**

All new uses of water must comply with KCC 13.35.027-Permanent Measures. An Adequate Water Supply Determination is required of all persons who are:

1. applying for a building permit with either:
  - a. a proposed new structure which will have potable water or
  - b. a proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or
  - c. a replacement or rebuild of a building with potable water; or
  - d. changes to a pre-existing water system that adds fixtures; or
2. making applications for land uses that require water, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, or conditional uses.\* [However, an adequate water supply determination is not required for long plats, short plats, binding site plans and/or large lot subdivisions when applications for such are being submitted by a government or quasi-government agency or by another party when the property being utilized to create new parcels as part of the long plat, short plat, binding site plan or large lot subdivision is included in a purchase contract between the party and a government or quasi-government agency and the new parcels will not require water. Evidence that the new parcels will not require water may be provided in the form of a conservation easement, plat notes which do not allow development which requires water, or another form satisfactory to the county health officer and planning official that water will not be required for the resulting land use.](#)

An Adequate Water Supply Determination shall not be required for building permits:

1. On lots created through formal platting and utilizing an approved Group A water system operated within an incorporated areas or Master Planned Resort of Kittitas County; or
2. On lots that do not require a change in the water system; or
3. On structures which will not have potable water plumbing.

Kittitas County hereby finds that new uses of groundwater that are not mitigated in the Yakima River drainage basin threaten to interfere with senior water rights and stream flows creating a public health and safety threat that warrants elimination of all vesting under RCW 58.17.170(3) for this chapter. Kittitas County hereby eliminates all such vesting pursuant to the authority granted in RCW 58.17.170(3) for this chapter. (Ord. 2017-007, 2017; Ord. 2015-010, 2015; Ord. 2015-007, 2015; Ord. 2014-005, 2014; Ord. 2011-006, 2011)

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-03	KCC Title 14	14.04.020 Addition of language for clarity regarding building permit application submittal requirements	Staff	CDS Building	Approve

**DRAFT – November 2017**

*Kittitas County Code Title 14 Building and Construction, amendment to Section 14.04.020 is proposed as follows:*

**14.04.020 General requirements.**

4. Permit application and construction plan submittal: All submitted construction documents must be of sufficient detail and clarity to indicate the nature and extent of the work proposed. The amount of detail required will vary, depending on the nature and complexity of the project. [Buildings and structures require site plans, floor plans, foundation plans, roof framing plans, elevations, cross sections and construction details at a minimum.](#) Additional documentation such as truss engineering, lateral and gravity calculations, energy code information, etc. may also be required. Building permit applications and drawings deemed incomplete by Kittitas County Community Development Services will not be accepted. The following are minimum submittal standards for construction drawings:
  1. Plans drawn to a minimum of 1/4" scale on minimum page size of 11" x 17".
  2. Plans must have clear and readable text.
  3. Permit application in compliance with [RCW 19.27.095](#) and [RCW 19.27.097](#).

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-04	KCC Title 16	KCC 16.08.186 – Revise definitions of short subdivision to allow administrative review for up to nine lots in any urban growth area.	BOCC	CDS-Planning	Approve

**DRAFT – November 2017**

*Kittitas County Code Title 16, amendment to Section 16.08.186 is proposed as follows:*

**16.08.186 Short Subdivision.**

"Short subdivision" means the division or re-division of land outside any urban growth area into four (4) or fewer lots, tracts, parcels, sites or divisions, for the purpose of sale, lease, or transfer of ownership ~~any one of which is less than twenty (20) acres~~. Short subdivision means the division or re-division of land inside any urban growth area into nine (9) or fewer lots, tracts, parcels, sites or divisions, for the purpose of sale, lease, or transfer of ownership.

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-05	KCC Title 16	Housekeeping Amendments: <ul style="list-style-type: none"> <li>• 16.09.080.1- Add language to eliminate pre-app for Ag short plat</li> <li>• 16.32.090- Typo to correct short plat extension language, to state application shall be submitted at least 30 days 'prior' to expiration</li> </ul>	Staff	CDS Building	Approve

**DRAFT – November 2017**

*Kittitas County Code Title 16 Subdivisions, amendments are proposed as follows:*

**16.09.080 Process for Approval**

- ~~1. Prior to submitting an application the applicant shall submit a request for a Pre-application Conference with the staff of Community Development Services. (CDS). CDS will schedule the pre-application conference and invite other county departments and outside agencies as appropriate to review and offer comments regarding the application and to assist the applicant in the appropriate process.~~
- ~~2.~~ 1. Submit preliminary Cluster Plat or Conservation Plat map in conformance with requirements in KCC Chapter 15A Project Permit Application Review, KCC Chapter 16.12 Preliminary Plats or KCC Chapter 16.32 Short Plat Requirements, as applicable, and Title 12 Road Standards.
- ~~3.~~ 2. Cluster Plats and Conservation Plats are to be processed as a short subdivision or subdivision, depending on the number of lots proposed, and are subject to the review process as provided for in KCC Title 15A Project Permit Application Process.
- ~~4.~~ 3. Final Cluster Plat or Conservation Plat approval must be in conformance with KCC Chapter 16.20 Final Plats.
- ~~5.~~ 4. Process for Approval of Agricultural Plats
  - a. Agricultural Plats
    - ~~i. Prior to submitting an application the applicant and the County shall hold a pre-application meeting.~~
    - ~~ii. After the pre-application meeting the applicant shall submit an agricultural plat based on information and input from the County at the pre-application meeting.~~
    - ~~iii.~~ i. The Agricultural Plat shall be processed as a short plat or long plat as defined in Title 16.
- ~~6.~~ 5. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of KCC Chapter 16.09.

**16.32.090 Expiration**

A final short plat meeting all requirements of this chapter shall be submitted and approved within the timeframe specified by RCW 58.17.140 . Failure to do so will result in the short plat being expired and no longer valid. No further action is necessary regarding an application once the short plat has expired pursuant to this chapter. Any applicant who files a written request with the administrator ~~within 30 days before~~ at least 30 days prior to the

expiration date, showing that the applicant has attempted in good faith to submit the final short plat within the time period and that the associated fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted five times. ( Ord. 2010-014 , 2010)



		<p>use in Urban and LAMIRD Land use, (to mirror Mini storage use)</p> <ul style="list-style-type: none"> <li>• 17.61.040- Addition of property line setback of 1.2 times the height of the structure for communication facilities/towers</li> </ul>			
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Kittitas County Community Development Services proposes amending KCC Title 17 Zoning: Chapter 17.08 (Definitions), Section 17.15 (Allowed Uses), Section 17.61.040 (Communication Facilities). The majority of these amendments are for clarity and consistency

Staff recommends revisions for the following:

- KCC Section 17.08- Add a definition for “Interpretive Center”
- KCC Section 17.08- Add a definition for “RV Storage”
- KCC Section 17.08.550- Make clarifying changes to the definition of “Non-conforming use”
- KCC 17.15, Allowed Use Table, as follows:
  - Add Group Care Facilities to tables
  - Add “Commercial Activities Associated with Agriculture” into use tables per ordinance 2009-25
  - Add interpretive centers as an allowed use in Ag 20 with an ACUP
  - Add Manufactured home parks as an allowed use in general commercial
  - Add RV storage as permitted use in Urban and LAMIRD Land use, (to mirror Mini storage use)
  - 17.15.060.1- Revise foot note 23: Hay processing to make clearer (add comma)
  - 17.15.070-Footnote 24, take out a & b bullets: permitted ADUs in LAMIRDS and UGA clarification
  - 17.15.060.1- Add RV Park as a CU in Rural non LAMIRD, PUD zone, approved via ordinance No.2016-023
- KCC Section 17.61.040- Addition of property line setback of 1.2 times the height of the structure for communication facilities/towers

**DRAFT – November 2017**

*Kittitas County Code Title 17 Zoning, amendments to KCC Chapter 17.08 (Definitions), Section 17.15 (Allowed Uses), Section 17.61.040 (Communication Facilities) are proposed as follows:*

**17.08 Definitions**

[RV Storage: a commercial indoor and or outdoor space/area used to store recreational vehicle for any amount of time.](#)

[Interpretive Center: An institution for dissemination of knowledge of natural or cultural heritage of the surrounding area.](#)

**17.08.550 Use**

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

1."Permitted use" means a use allowed outright within a zone classification.

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

3. "Administrative Conditional use" means a use which may be permitted in a zone classification following review under the provisions of KCC Chapter 17.60A.

4. "Conditional use" means a use which may be permitted in a zone classification following review and hearing under the provisions of KCC Chapter 17.60A.

5. "Nonconforming use" means a use ~~to which a~~ or structure, that was legally established according to the applicable zoning and/or building regulations of the time, but which does not meet current zoning and/or building regulations ~~building or land was lawfully put at the time this resolution became effective but which is not a permitted use in the area in which it is located.~~

6. "Prohibited use" means those uses not specifically enumerated as allowed uses under the provisions of KCC Chapter 17.15. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Res. 83-10, 1983)

## 17.15 Allowed Uses

### 17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
A. Agriculture		
Animal boarding*	P	P
Agricultural Enhanced Uses*	P <sup>30</sup>	P <sup>30</sup>
Agriculture processing*	CU <sup>17</sup>	
Agriculture production*	P	P
Agriculture sales*, Produce Farm	P <sup>16</sup> / AC <sup>28</sup>	
Agriculture sales	CU	
Dairy	CU	CU
Feedlot*	CU	CU
Grazing*	P	P
Marijuana Processing*		
Marijuana Production*		
Marijuana, retail sales*		
Nurseries	P	
Riding academies	CU	
Small-scale event facility*	AC <sup>25</sup> / CU	
U-Pick/U-Cut Operations*	AC <sup>29</sup>	AC <sup>29</sup>
Farm Visit*	AC <sup>29</sup>	
<a href="#">Commercial Activities associated with agriculture*</a>	<a href="#">CU</a>	
	Commercial Agriculture	Commercial Forest
B. Civic Cultural Uses		
Cemetery	P <sup>13</sup>	
Clubhouses, fraternities and lodges*	AC <sup>24</sup>	
Cultural and educational facilities		
Libraries		

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
Meeting facilities		
Museums and galleries		
Religious institutions*	CU	
School, public or private*	CU <sup>12</sup>	
<a href="#">Interpretive Center*</a>		
	Commercial Agriculture	Commercial Forest
C. Commercial		
Auction sales of non-agriculture products		
Bank		
Bed and breakfast*	AC	
Clinic*		
Day care facilities*		
Funeral home/mortuary		
Hospital*		
Hospital, animal or veterinary*		
Hotel/motel		
Office*		
Restaurant		
Retail sales,* general		
Retail sales,* lumber and building materials		
Retail sales,* vehicles and equipment		
Services		
Shooting range*	CU <sup>23</sup>	CU <sup>23</sup>
Taverns		
Temporary sales office		
Vehicle/equipment service and repair*	P <sup>22</sup>	
	Commercial Agriculture	Commercial Forest
D. Industrial		
Airport*	P <sup>20</sup>	P <sup>21</sup>
Asphalt/concrete plants		
Forest product processing* (portable)		P
Forest product processing* (permanent)		CU
Freighting and trucking yard or terminal*		
Hazardous waste storage*		
Hazardous waste treatment*		
Impound/towing yard*		
Junkyard*		

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
Manufacturing*		
Mini-warehouse		
<a href="#">RV Storage</a>		
Refuse disposal/recycle*	CU	CU
Research laboratories		
Wastewater treatment		
Warehousing and distribution	PA <sup>27</sup> / CU <sup>26</sup>	
Wholesale business		
	Commercial Agriculture	Commercial Forest
E. Recreation		
Campground*		CU <sup>18</sup>
Golf course*		
Guest ranch or Guest Farm*	CU	
Parks and playgrounds*		P <sup>15</sup>
Recreation, indoor*		
Recreation, outdoor*		P <sup>18</sup>
Recreational vehicle storage		
Stadium		
Trails	PA	PA
	Commercial Agriculture	Commercial Forest
F. Residential		
Accessory dwelling unit*	P <sup>4</sup>	
Accessory living quarters*	P <sup>5</sup>	
Adult family home*	P <sup>10</sup>	P <sup>10</sup>
Boarding house		
Convalescent home		
Dwelling, single-family*	P	P
Dwelling, two-family*	P	
Dwelling, multiple-family*		
Farm labor shelter*	CU <sup>2</sup>	
Group home*		
<a href="#">Group Care Facility*</a>		
Home occupation*	P <sup>8</sup>	P <sup>8</sup>
Manufactured home*	P	P
Manufactured home park		

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
Mobile home	P 6	P 6
Special care dwelling*	P 7	P 7
Temporary trailers	P 11	P 11
	Commercial Agriculture	Commercial Forest
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU 14	P
Rock crushing*		P
	Commercial Agriculture	Commercial Forest
H. Utilities and Public Facilities		
Electric vehicle infrastructure*	P 3	P 3
Public facilities*	PA 19	PA 19
Utilities	P 1 /ACU 1 /CU 1	P 1 /ACU 1 /CU 1
Watershed management activities*	PA	PA

**17.15.050.2 Footnotes Associated with Resource Use Table.**

1. Pursuant to KCC Chapter 17.61, Utilities.
2. Provided:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.
4. Subject to the following requirements:
  - a. ADUs shall be allowed as a permitted use within designated UGAs;
  - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
  - c. Only one ADU shall be allowed per lot;
  - d. Owner of the property must reside in either the primary residence or the ADU;
  - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
  - f. All setback requirements for the zone in which the ADU is located shall apply;
  - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
  - i. The ADU shall provide additional off-street parking;

- j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
5. Subject to the following requirements:
    - a. Accessory Living Quarters shall be located within an owner occupied primary residence;
    - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
    - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
    - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
    - e. Accessory Living Quarters are to provide additional off-street parking;
    - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
  6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
  7. Subject to the following requirements:
 

The Special Care Dwelling must meet all setback requirements for the zone in which it is located;

    - a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
    - b. Placement is subject to obtaining a building permit for the manufactured home;
    - c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
    - d. The Special Care Dwelling unit cannot be used as a rental unit;
    - e. The Special Care Dwelling unit must be removed when the need for care ceases;
    - f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
  8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.
  9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
  10. Pursuant to RCW70.128.140.
  11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
  12. Existing schools are permitted; new schools require a conditional use permit.
  13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
  14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
  15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.
  16. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
  17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
  18. Limited to dispersed recreation and recreational facilities such as primitive campsites.
  19. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
  20. When used primarily in conjunction with agricultural activities.
  21. For emergency and forest related management uses and practices only.
  22. Limited to farm implement repair and maintenance.
  23. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction

with other permitted or conditional uses for the specified zone. Shooting ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:

- a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
24. Limited to facilities that serve traditional rural or resource activities (such as granges).
  25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
  26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
  27. Limited to seasonal, non-structural hay storage.
  28. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
  29. When enhanced agricultural sales are provided.
  30. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
A. Agriculture								
Agricultural Enhanced Uses*			P <sup>55</sup>	P <sup>55</sup>		P <sup>55</sup>		
Animal boarding*	P	P	P	P		CU	CU	
Agriculture processing*	CU <sup>23</sup>		CU <sup>23</sup>	CU**		P		
Agriculture production*	P <sup>24</sup>	P	P	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>
Farm Stand,*	P <sup>22</sup> / AC <sup>51</sup>	P	P <sup>22</sup> / AC <sup>51</sup>	P <sup>22</sup> / AC <sup>51</sup>				
Agriculture Sales,*	CU		CU			P		
Dairy	CU	CU	CU	CU	CU	CU	CU	
Feedlot*			CU	CU**				

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Grazing*	P	P	P	P	P	P	P	P
Marijuana processing*								
Marijuana production*								
Marijuana, retail sales*								
Nurseries	P		P	CU**		P		
Riding academies	CU		CU	CU	CU		CU	
Small-scale event facility*	AC <sup>45</sup> /CU	AC <sup>45</sup> /CU	AC <sup>45</sup> /CU	AC <sup>45</sup> /CU				
U-Pick/U-Cut Operations*	P / AC <sup>51</sup>	CU	P / AC <sup>51</sup>	P / AC <sup>51</sup>			CU	
Farm Visit	CU	CU	AC <sup>51</sup>	AC <sup>51</sup>	CU	CU	CU	P <sup>52</sup>
<a href="#">Commercial Activities associated with agriculture*</a>	<a href="#">CU</a>		<a href="#">CU</a>					

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  <i>* See KCC  Chapter 17.08  Definitions</i>	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
B. Civic Uses/Community Services								
Cemetery	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	CU <sup>**</sup>				
Clubhouses, fraternities and lodges*	AC <sup>44</sup>	AC <sup>44</sup>	AC <sup>3</sup>	AC <sup>35</sup>	AC		AC	
Cultural and education facilities					P		P	
Libraries			CU <sup>3</sup>			CU		
Meeting facilities					P			
Museums and galleries						CU		
Religious institutions	CU		CU	CU	CU	CU	CU	
Schools, public or private*	P <sup>25</sup>		P <sup>25</sup>	CU			CU	

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
<a href="#">Interpretive Center*</a>			<a href="#">AC</a>	<a href="#">AC</a>			<a href="#">AC</a>	
C. Commercial								
Auction sales of non-agriculture products						CU		
Bank						CU		
Bed and breakfast*	AC	AC	AC	AC**			AC	
Clinic*								
Day care facilities*								
Funeral home/mortuary								
Hospital*								
Hospital, animal or veterinary*			CU			CU		

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Hotel/motel					CU 6			
Office*						P 17		
Restaurant				CU 36	P	CU	CU	
Retail sales,* general				CU 36	P	CU 18	CU 18	
Retail sales,* lumber and building materials								
Retail sales,* vehicles								
Services					P 20	CU 50		
Shooting range*			CU 31	CU ** 31			CU 31	
Tavern				CU 36	P	CU		
Temporary sales office					P			

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Vehicle /equipment service and repair*	P 16		P 16	CU 36	P 42	P 42		
D. Industrial								
Airport*	CU		CU	CU	CU	CU	CU	
Asphalt/Concrete plants				CU 37				
Forest product processing* (portable)	P	P	CU	CU 35				
Forest product processing* (permanent)			CU	CU **				
Freighting and trucking yard or terminal*								
Hazardous waste storage*								
Hazardous waste								

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
treatment*								
Impound/towing yard*								
Junkyard*								
Manufacturing*								
Mini-Warehouse						CU <sup>14</sup>		
<a href="#">RV Storage</a>						<a href="#">CU</a>		
Refuse disposal /recycle*			CU <sup>19</sup>					
Research laboratories								
Wastewater treatment								
Warehousing and distribution	PA <sup>47</sup>	PA <sup>47</sup>	PA <sup>47</sup> /CU <sup>46</sup>	PA <sup>47</sup>				
Wholesale business								

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  <i>* See KCC  Chapter 17.08  Definitions</i>	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
E. Recreation								
Campground*	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12</sup>	CU <sup>12</sup> P <sup>54</sup> **	CU <sup>13</sup>	CU <sup>12</sup>	CU <sup>12</sup>	CU
Golf course*	CU	CU	CU	CU**	CU		CU	
Guest ranch or guest farm*	CU	CU	CU	CU**			CU	
Parks and playgrounds*	P	P	P <sup>3</sup>	P	P	P	P	P
Recreation, indoor*					P	CU	CU	P <sup>26</sup>
Recreation, outdoor*	AC	AC	CU	CU	AC	AC	AC	P <sup>26</sup>
Recreational vehicle park*	CU	CU			CU		CU	<a href="#">CU</a>
Recreational vehicle storage							CU	P <sup>26</sup>
Stadiums								

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Trails	PA	PA	PA	PA	PA	PA	PA	PA
	Ag 5 <sup>51</sup>	Rural 5 <sup>51</sup>	Ag 20 <sup>51</sup>	Forest & Range <sup>51</sup>	Master Planned	General Commercial	Rural Recreation	PUD
F. Residential								
Accessory dwelling unit*	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27</sup>	PA <sup>27</sup> **			PA <sup>27</sup>	PA <sup>27</sup>
Accessory living quarters*	P <sup>28</sup>	P <sup>28</sup>	P <sup>28</sup>	P <sup>28</sup> **	P <sup>28</sup>		P <sup>28</sup>	P <sup>28</sup>
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>
Boarding house			CU <sup>29</sup>	CU <sup>29</sup> **				
Convalescent home			CU	CU**				
Dwelling, single-family*	P <sup>33</sup>	P <sup>40</sup>	P	P <sup>34</sup>	P <sup>1</sup>	PA <sup>2</sup>	P	P
Dwelling, two-family*	P		P <sup>3</sup>	P <sup>34</sup>	P <sup>1</sup>		CU	P

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Dwelling, multiple-family*					P 1			P
Farm labor shelter*	CU <sup>4</sup>		CU <sup>4</sup>	CU <sup>4**</sup>				
Group home*	CU	CU					CU	
<a href="#">Group Care Facility*</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>			<a href="#">CU</a>	
Home occupation*	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5**</sup>	P/CU <sup>5</sup>		P/CU <sup>5</sup>	P/CU <sup>5</sup>
Manufactured home*	P	P	P	P**	P	PA <sup>2</sup>	P	P
Manufactured home park						<a href="#">P</a>		
Mobile home	P <sup>38</sup>	P <sup>38</sup>		P <sup>34</sup>				
Special care dwelling*	P <sup>30</sup>	P <sup>30</sup>	P <sup>30</sup>	P <sup>30</sup>			CU <sup>30</sup>	P <sup>30</sup>
Temporary trailer	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7**</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  <i>* See KCC  Chapter 17.08  Definitions</i>	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Ag 5 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
G. Resource								
Forestry*	P	P	P	P <sup>34</sup>				
Forest product sales*				P				
Mining and excavation*	CU	CU <sup>39</sup>	CU	P <sup>34</sup>				
Rock crushing*		CU <sup>39</sup>		P <sup>34</sup>				
	Ag 5 <sup>51</sup>	Rural 5 <sup>51</sup>	Ag 20 <sup>51</sup>	Forest & Range <sup>51</sup>	Master Planned	General Commercial	Rural Recreation	PUD
H. Utilities and Public Facilities								
Electric vehicle infrastructure*	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>32</sup>	P <sup>26</sup>
Public facilities*	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>	PA <sup>53</sup>
Utilities	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>	P <sup>10</sup> /ACU <sup>10</sup> /CU <sub>10</sub>	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>	P <sup>11</sup> /ACU <sup>11</sup> /CU <sub>11</sub>	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>	P <sup>9</sup> /ACU <sup>9</sup> /CU <sub>9</sub>

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 <sup>49</sup>	Rural 5 <sup>49</sup>	Ag 20 <sup>49</sup>	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
Watershed management activities*	PA	PA	PA	PA	PA	PA	PA	

**17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.**

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).
4. Provided:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.
5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.
6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.
12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
  - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
  - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
  - d. Adequate and convenient vehicular access, circulation and parking should be provided;
  - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.
14. The following standards shall apply to the approval and construction of mini-warehouses:
  - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
  - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;

- e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.
- 15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
- 16. Limited to farm implement repair and maintenance.
- 17. Limited to offices directly related to tourism and recreation.
- 18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.
- 19. Limited to composting facilities.
- 20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.
- 21. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
- 22. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
- 23. Hay processing, and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permits.
- 24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
- 25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.
- 26. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.
- 27. Subject to the following requirements:
  - a. ADUs shall be allowed as a permitted use within designated UGAs;
  - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
  - c. Only one ADU shall be allowed per lot;
  - d. Owner of the property must reside in either the primary residence or the ADU;
  - e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
  - f. All setback requirements for the zone in which the ADU is located shall apply;
  - g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - h. No mobile homes or recreational vehicles shall be allowed as an ADU;
  - i. The ADU shall provide additional off-street parking;
  - j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - k. An ADU must have adequate acreage to meet maximum density within the zone classification.
- 28. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner-occupied primary residence;
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
  - e. Accessory Living Quarters are to provide additional off-street parking;
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
- 29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
- 30. Subject to the following requirements:
  - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
  - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;

- c. Placement is subject to obtaining a building permit for the manufactured home;
  - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
  - e. The Special Care Dwelling unit cannot be used as a rental unit;
  - f. The Special Care Dwelling unit must be removed when the need for care ceases;
  - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
    - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
    - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
    - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
    - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
  32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
  33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.
  35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
  36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.
  37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.
  38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.
  40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
  41. Pursuant to RCW 70.128.140.
  42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
  43. Includes truck stop operations. Minor repair work permitted.
  44. Limited to facilities that serve traditional rural or resource activities (such as granges).
  45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
  46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
  47. Limited to seasonal, non-structural hay storage.
  48. Services limited to resource based industries
  49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.

50. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
51. When enhanced agricultural sales are provided.
52. When approved as part of the PUD development plan.
53. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
54. Limited to primitive campgrounds.
55. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 4,000 square feet of total indoor floor area.

**17.15.070 Allowed Uses in Rural LAMIRD Lands.**

Note to Reader: All allowed uses within Type 3 LAMIRDs, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one third (1/3) of the lot.

**17.15.070.1 Rural LAMIRD Use Table**

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
A. Agriculture														
Animal boarding*	CU <sup>1</sup>	P	P	P	P			P			P			
Agriculture processing*				P <sup>2</sup>	P/CU <sup>4</sup>		P/CU <sup>4</sup>	P/CU <sup>4</sup>	CU		P/CU <sup>4</sup>	P/CU <sup>4</sup>	P/CU <sup>4</sup>	P/CU <sup>4</sup>
Agriculture production*	CU <sup>1</sup>		P	P <sup>5</sup>			P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>					P <sup>4</sup>
Agriculture sales,* Farm stand*				P <sup>7</sup> /AC	P	P					P	P	P	
Agriculture sales				CU										
Feedlot*														
Grazing*			P	P	P	P	P	P	P		P	P	P	P
Marijuana Processing*							ACU <sup>56</sup>	ACU <sup>56</sup>						
Marijuana Production*							ACU <sup>56</sup>	ACU <sup>56</sup>						
Marijuana,														

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
retail sales*														
Nurseries	CU			P					CU		CU	CU	CU	CU
Riding academies				CU					CU					
Small-scale event facility*														
U-Pick/Cut Operations*														
Farm Visit*														
<a href="#">Commercial Activities associated with agriculture*</a>	<a href="#">CU</a>			<a href="#">CU</a>										
	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. Civil and Cultural														
Cemetery			P <sup>9</sup>	P <sup>9</sup>					CU					
Clubhouses, and lodges*	CU		P	P <sup>10</sup>					CU					
Cultural and	CU													

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
education facilities														
Libraries	CU			CU	CU									
Meeting facilities														
Museums and galleries	CU			CU	CU	CU			CU			CU	CU	
Religious institutions*	CU	CU		CU					CU					
Schools, public and private*	CU	CU	CU	CU	CU				CU					
<a href="#">Interpretive Center*</a>														
	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
C. Commercial														
Auction sales of non-agriculture products											P	P		
Bank					PA	PA								
Bed and	CU	CU	CU	CU	CU	CU			CU	CU	CU <sup>51</sup>	CU <sup>51</sup>	CU <sup>51</sup>	

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
breakfast*														
Clinic*	CU <sup>12</sup>			CU	CU									
Day care facilities*				CU	CU							CU		
Funeral home/mortuary					CU									
Hospital*														
Hospital, animal or Veterinary*					CU						CU	CU		
Hotel/motel					CU	CU						CU <sup>53</sup>	CU <sup>53</sup>	
Office*					PA	PA <sup>13</sup>						PA	PA <sup>13</sup>	
Restaurant					PA	PA					P	P	P	
Retail sales,* general					P <sup>48</sup>	P <sup>14</sup>					P <sup>48</sup>	P <sup>48</sup>	P <sup>14</sup>	
Retail sales,* lumber and building materials					P <sup>15</sup>							P <sup>15</sup>		
Retail sales,* vehicles												PA		

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
Services					P <sup>45</sup>	P					P <sup>45</sup>	P <sup>45</sup>		
Shooting range*					CU <sup>40</sup>							CU <sup>40</sup>		
Tavern					P	P				P		P	P	
Temporary sales office														
Vehicle/equipment service and repair*					P <sup>11</sup>	P <sup>19</sup>					P <sup>18</sup>	P <sup>11</sup>	P <sup>19</sup>	
	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
D. Industrial														
Airport*				CU										CU <sup>46</sup>
Asphalt/Concrete plants									CU <sup>47</sup>					
Forest product processing* (portable)			P	P					CU			CU		CU
Forest product processing* (permanent)				CU					CU			CU		CU

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
Freighting and trucking yard or terminal*														
Hazardous waste storage*														CU
Hazardous waste treatment*														
Impound/Towin g Yard*														
Junkyard*														
Manufacturing*											P			P
Mini-warehouse					CU <sup>22</sup>		P		CU <sup>22</sup>		P <sup>22</sup>	P <sup>22</sup>		P
<a href="#">RV Storage</a>					<a href="#">CU</a>		<a href="#">P</a>		<a href="#">CU</a>		<a href="#">P</a>	<a href="#">P</a>		<a href="#">P</a>
Refuse disposal/recycl e*														
Research laboratories											CU			P
Wastewater treatment														

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
Warehousing and distribution														
Wholesale business											CU <sup>54</sup>	P <sup>54</sup>		P <sup>54</sup>
	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
E. Recreation														
Campgrounds			CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>			CU <sup>21</sup> P <sup>57</sup>				CU <sup>21</sup>	
Golf courses			CU	CU					CU					
Guest ranch or guest farm			CU	CU					CU					
Parks and playgrounds*	P	P	P	P	P	P			P	P	P	P	P	
Recreation, indoor*					P	P				P <sup>35</sup>		P	P	
Recreation, outdoor*					CU	CU				P <sup>35</sup>		CU	CU	
Recreational vehicle park*										P <sup>35</sup>				
Recreational vehicle										P <sup>35</sup>				

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
storage*														
Stadiums														
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
	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
F. Residential														
Accessory dwelling unit	p <sup>24</sup>	p <sup>24</sup>	p <sup>24</sup>	p <sup>24</sup>	p <sup>25</sup>					p <sup>24</sup>				
Accessory living quarter	p <sup>36</sup>	p <sup>36</sup>	p <sup>36</sup>	p <sup>36</sup>	p <sup>25</sup>					p <sup>36</sup>	p <sup>36</sup>	p <sup>36</sup>		
Adult family home	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>			p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	p <sup>42</sup>	
Boarding house	CU <sup>37</sup>			CU <sup>37</sup>					CU <sup>37</sup>					
Convalescent home				CU					CU					
Dwelling, single-family	P	P	P	P	P				P	P	p <sup>25</sup>	p <sup>25</sup>		
Dwelling, two-family	P	P		P	p <sup>25</sup>				P	P				
Dwelling,	CU									P				

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
multiple-family														
Farm Labor Shelter				CU <sup>26</sup>					CU <sup>26</sup>					
Group Home			CU											
<a href="#">Group Care Facility*</a>			<a href="#">CU</a>						<a href="#">CU</a>					
Home occupation	P/CU <sup>27</sup>	P/CU <sup>28</sup>	P/CU <sup>28</sup>	P/CU <sup>28</sup>	P/CU <sup>28</sup>									
Manufactured home	P	P	P	P	P				P	P	P25	P25		
Manufactured home park					<a href="#">P</a>					<a href="#">P</a>		<a href="#">P</a>		
Mobile homes		P <sup>38</sup>	P <sup>6</sup>						P					
Special care dwelling	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>	P <sup>39</sup>					P	P <sup>39</sup>	P <sup>39</sup>		
Temporary trailers	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>	P <sup>29</sup>		P <sup>29</sup>	P <sup>29</sup>		P <sup>29</sup>				
	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
G. Resource														

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definition s	Rural LAMIRD <sup>49</sup> (Type 1 LAMIRDs)										Rural Employment Centers <sup>50,52</sup> (Type 3 LAMIRDs)			
	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
Forestry*			P	P					P					
Forest product sales*									P					
Mining and excavation*												CU		CU
Rock crushing*												CU		CU
	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
H. Utilities and Public Facilities														
Electric vehicle infrastructure	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>35</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>
Public facilities	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55,32</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55</sup>	PA <sup>55,32</sup>
Utilities	P <sup>33</sup> /ACU <sup>33</sup> /C U <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> /C U <sup>33</sup>	P <sup>33</sup> /AC U <sup>33</sup> /CU <sup>3</sup> 3	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>3</sup> 3/CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>3</sup> 3/CU <sup>33</sup>	P <sup>33</sup> /AC U <sup>33</sup> /CU <sup>3</sup> 3	P <sup>33</sup> /A CU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>33</sup> / CU <sup>33</sup>	P <sup>33</sup> /ACU <sup>3</sup> 3/CU <sup>33</sup>
Watershed management activities	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

**17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.**

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Single family and mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
7. When located no more than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Not permitted in the Agriculture Study Overlay Zone.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes
18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
  - a. All chemical manufacture, storage and/or packaging;
  - b. Asphalt manufacture, mixing, or refining;
  - c. Automobile dismantling, wrecking or junk yards;
  - d. Blast furnaces or coke ovens;
  - e. Cement, lime, gypsum or plaster of Paris manufacture;
  - f. Drop forge industries;
  - g. Explosives, storage or manufacture;
  - h. Reduction or disposal of garbage, offal or similar refuse;
  - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
  - j. Rubber reclaiming;
  - k. Feed yards, livestock sales yards or slaughterhouses;
  - l. Smelting, reduction or refining of metallic ores;
  - m. Tanneries;

- n. Wineries;
- o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
- p. Waste (refuse) recycling and processing;
- q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

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

- a. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
  - b. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors, and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
21. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
- a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
  - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
  - d. Adequate and convenient vehicular access, circulation and parking should be provided;
  - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).
22. The following standards shall apply to the approval and construction of mini-warehouses:
- a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
  - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
  - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
  - d. Lease documents shall spell out all conditions and restrictions of the use;
  - e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area; and
  - f. In Type 3 LAMIRDS, the use shall be conducted wholly within an enclosed building.
23. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
24. Subject to the following requirements:
- ~~a. ADUs shall be allowed as a permitted use within designated UGAs;~~
  - ~~b. ADU's shall be subject to obtaining an Administrative Use permit in areas outside of UGAs;~~
  - ~~e.a.~~ Only one (1) ADU shall be allowed per lot;
  - ~~e.b.~~ Owner of the property must reside in either the primary residence or the ADU;
  - ~~e.c.~~ The ADU shall not exceed the square footage of the habitable area of primary residence;
  - ~~f.d.~~ The ADU shall be designed to maintain the appearance of the primary residence;
  - ~~g.e.~~ All setback requirements for the zone in which the ADU is located shall apply;
  - ~~h.f.~~ The ADU shall meet the applicable health department standards for potable water and sewage disposal;
  - ~~i.g.~~ No mobile homes or recreational vehicles shall be allowed as an ADU;
  - ~~j.h.~~ The ADU shall provide additional off-street parking;
  - ~~k.i.~~ An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - ~~h.j.~~ An ADU must have adequate acreage to meet maximum density within the zone classification.

25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
26. Provided that:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In Type 3 LAMIRDS, home occupations are allowed only in existing residences.
29. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to KCC Chapter 17.66.
36. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner occupied primary residence;
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
  - c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot;
  - e. Accessory Living Quarters are to provide additional off-street parking;
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists; and
  - g. In Type 3 LAMIRDS, Accessory Living Quarters may only be allowed in an existing residence.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Subject to the following requirements:
  - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
  - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
  - c. Placement is subject to obtaining a building permit for the manufactured home;
  - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;

- e. The Special Care Dwelling unit cannot be used as a rental unit;
  - f. The Special Care Dwelling unit must be removed when the need for care ceases;
  - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
40. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. Shooting ranges in Type 1 LAMIRDS must be indoors. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
    - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
    - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
    - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
    - d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW36.70A.177 (3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
  41. Outdoor recreation activities that cause noise require a conditional use permit.
  42. Subject to provisions of RCW 70.128.140.
  43. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
  44. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.
  45. Services limited to resource based industries, barbershops, beauty parlors, dry cleaning and laundry branch offices, self-service laundry and cleaning, shoe repair shops and physical culture and health services.\*
  46. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.\*
  47. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.\*
  48. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.\*
  49. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.i. RCW 36.07A.070(5)(d)(i).\*
  50. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.iii RCW 36.70A.070(5)(d)(iii).\*
  51. Allowed only in existing residences.\*
  52. Any new Type 3 LAMIRD is required to be at least one-half mile from another Type 3 LAMIRD, and will permit only one business and/or businesses associated with the primary business in the new LAMIRD Type 3. Type 3 LAMIRDS existing as of 2014 are not limited to one business.\*
  53. Permitted only within existing Type 3 LAMIRDS.\*
  54. Wholesale activity will not exceed 4000 square feet in space.\*
  55. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
  56. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.
  57. Limited to primitive campgrounds.

**17.15.080 Allowed Uses in Urban Lands**

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
A. Agriculture													
Animal boarding*	CU <sup>1</sup>			CU				CU				CU	
Agricultural Enhanced Uses*								P <sup>49</sup>				P <sup>49</sup>	
Agriculture processing*				P <sup>2</sup>				P		P <sup>4</sup>	P <sup>4</sup>	CU	
Agriculture production*	CU <sup>1</sup>	CU <sup>5</sup>		P <sup>5</sup>	P	P				P <sup>4</sup>	P <sup>4</sup>	P <sup>5</sup>	
Agriculture sales,* Produce Farm stand				P <sup>7</sup> / AC <sup>46</sup>					P			P <sup>7</sup> / AC <sup>46</sup>	
Agriculture sales		CU		CU				CU				CU	
Dairy													
Feedlot*				CU <sup>8</sup>								CU <sup>8</sup>	
Grazing*		P		P	P	P	P	P	P	P	P	P	
Marijuana Processing*										ACU <sup>44</sup>	ACU <sup>44</sup>		

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Marijuana Production*										ACU <sup>44</sup>	ACU <sup>44</sup>		
Marijuana, retail sales*													
Nurseries	CU	CU		P								CU	
Riding Academies		CU		CU		CU						CU	
Small-scale event facility*				AC <sup>42</sup> /CU	AC <sup>42</sup> /C U	AC <sup>42</sup> /C U						AC <sup>42</sup> /C U	
U-Cut/U-Pick operation*				P / AC <sup>45</sup>									
Farm Visit*				CU	CU	CU	CU	CU	CU			CU	
<a href="#">Commercial Activities associated with agriculture*</a>		<a href="#">CU</a>		<a href="#">CU</a>									
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
B. Civic and Cultural													
Cemetery				P <sup>9</sup>		P <sup>9</sup>						CU	
Clubhouses, fraternities and lodges*	AC	AC		P	P	P						AC	

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Cultural and educational facilities	CU												
Libraries				CU			P	P					
Meeting facilities													
Museums and galleries	CU	CU		CU				P <sup>11</sup>	P			CU	
Religious institutions*	CU	CU		CU								CU	
Schools, public or private*		CU		CU			P	P				CU	
<a href="#">Interpretive Center*</a>													
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
C. Commercial													
Auction sales of non-agriculture products				CU				P				CU	
Bank								P	P				
Bed and breakfast*				AC		AC						AC	
Clinic*	CU <sup>12</sup>												

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Day care facilities*				CU			CU	CU	CU			CU	
Funeral home/mortuary								CU					
Hospital*	CU			CU				P				CU	
Hospital, animal or veterinary*								CU					
Hotel/motel								P	P				P
Office*								P	P <sup>13</sup>				
Restaurant							P	P	P				P
Retail sales,* general							P <sup>11</sup>	P <sup>11</sup>	P <sup>14</sup>				P
Retail sales,* lumber and building materials								P <sup>15</sup>					P
Retail sales,* vehicles								P					P
Services							P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>				
Shooting range*								CU <sup>6</sup>				CU <sup>6</sup>	
Tavern								P	P				P

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Temporary sales office													
Vehicle/equipment service and repair*							P 18	P 11	P 19	P 19			
	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
D. Industrial													
Airport*				CU				CU		CU		CU	
Asphalt/Concrete plants												CU	
Forest product processing* (portable)				P	P	P						P	
Forest product processing* (permanent)				CU								CU	
Freighting and trucking yard or terminal*								CU		P	P	CU	
Hazardous waste storage*								CU		CU	CU <sup>20</sup>		
Hazardous waste treatment*								CU		CU	CU <sup>20</sup>		

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Impound/Towing Yard*								ACU	ACU	P	P		
Junkyard*								CU			CU <sup>20</sup>		
Manufacturing*								P		P	P <sup>20</sup>		
Mini-Warehouse					CU <sup>22</sup>	CU <sup>22</sup>	P <sup>11</sup>	P <sup>11</sup>		P		CU <sup>22</sup>	
<a href="#">RV Storage</a>					<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">P</a>	<a href="#">P</a>		<a href="#">P</a>		<a href="#">CU</a>	
Refuse disposal/recycle*										CU	CU <sup>20</sup>	CU	
Research laboratories										P	P		
Wastewater treatment													
Warehousing and distribution	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	PA <sup>43</sup>	P	P	PA <sup>43</sup>	
Wholesale business								P		P	P		
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
E. Recreation													
Campground*				CU <sup>21</sup>	CU <sup>21</sup>	CU <sup>21</sup>		CU <sup>21</sup>	CU <sup>21</sup>			CU <sup>21</sup> P <sup>48</sup>	

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Golf course*				CU	CU	CU						CU	
Guest ranch or guest farm*				AC	AC	AC						AC	
Parks and playgrounds*	P	P		P	P	P	P	P				P	P
Recreation, indoor*				CU	CU	CU		P	P			CU	P <sup>35</sup>
Recreation, outdoor*				AC	AC	AC		P <sup>39</sup>	P <sup>39</sup>			AC	P <sup>35</sup>
Recreational vehicle park*													
Recreational vehicle storage													P
Stadiums								CU					
Trails	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
	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
F. Residential													
Accessory dwelling unit*	P <sup>24</sup>	P <sup>24</sup>		P <sup>24</sup>	P <sup>24</sup>	P <sup>24</sup>		P <sup>25</sup>					P <sup>24</sup>
Accessory living quarters*	P <sup>36</sup>	P <sup>36</sup>		P <sup>36</sup>	P <sup>36</sup>	P <sup>36</sup>		P <sup>25</sup>					P <sup>36</sup>

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Adult family home*	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>	P <sup>41</sup>		P <sup>41</sup>	P <sup>41</sup>
Boarding house	CU <sup>37</sup>			CU <sup>37</sup>								CU <sup>37</sup>	
Convalescent home												CU	
Dwelling, single-family*	P	P	P <sup>40</sup>	P	P	P	P	P <sup>25</sup>				P	P
Dwelling, two-family*	P	P		P			P	P <sup>25</sup>				P	P
Dwelling, multiple-family*	AC												P
Farm labor shelter*				CU <sup>26</sup>								CU <sup>26</sup>	
Group home*					CU	CU						CU	
<a href="#">Group Care Facility*</a>						<a href="#">CU</a>						<a href="#">CU</a>	
Home occupation*	P/CU <sup>27</sup>	P/CU <sup>28</sup>		P/CU <sup>28</sup>	P/CU <sup>28</sup>	P/CU <sup>28</sup>						P/CU <sup>28</sup>	P/CU <sup>28</sup>
Manufactured home*	P	P	P	P	P	P	P	P				P	P
Manufactured home park	CU <sup>50</sup>	CU <sup>50</sup>		CU <sup>50</sup>	CU <sup>50</sup>	CU <sup>50</sup>		<a href="#">P</a>				CU <sup>50</sup>	CU <sup>50</sup>
Mobile home		P <sup>38</sup>	P <sup>40</sup>		P <sup>38</sup>							P <sup>38</sup>	P <sup>38</sup>

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Special care dwelling*	P 17	P 17		P 17	P 17	P 17	P 17						P 17
Temporary trailer	P 29	P 29	P 29	P 29	P 29	P 29	P 29	P 29	P 29	P 29	P 29		CU 29
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
G. Resource													
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU 30	CU 31	CU 31						P	
Rock crushing"					CU 31	CU 31						P	
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
H. Utilities and Public Facilities													
Electric vehicle infrastructure*	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10	P 10
Public facilities*	PA 47	PA 47	PA 47	PA 47	PA 47	PA 47	PA 47	PA 47	PA 32, 47	PA 47	PA 47	PA 47	PA 47
Utilities	P 33/ACU 33/ CU 33	P 33/ACU 33/ CU 33		P 33/ACU 33/ CU 33	P 33/A CU 33/	P 33/A CU 33/	P 33/ACU 33/C U 33	P 33/ACU 33/C U 33	P 33/ACU 33/C U 33	P 33/ACU 3 3/CU 33	P 33/ACU 3 3/CU 33	P 33/A CU 33/	P 33/A CU 33/

P Permitted PA Permitted Administrative CU Conditional Use ACU Admin. Conditional Use  *See KCC Chapter 17.08 Definitions	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
					CU <sup>33</sup>	CU <sup>33</sup>						CU <sup>33</sup>	CU <sup>33</sup>
Watershed management activities*	PA	PA		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA

#### **17.15.080.2 Footnotes Associated with Urban Use Table.**

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Feed yards, livestock sales yards, and slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board review of said site plan and the proposal as a whole shall include, but not be limited to the following criteria:
  - a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
  - b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
  - c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
  - d. Proposed shooting ranges in areas designated as agricultural land of long term commercial significance shall comply with RCW36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
7. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein and such operations shall comply with all state and/or county health regulations.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Subject to the following requirements:
  - a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located.
  - b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal.
  - c. Placement is subject to obtaining a building permit for the manufactured home.
  - d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.
  - e. The Special Care Dwelling unit cannot be used as a rental unit.
  - f. The Special Care Dwelling unit must be removed when the need for care ceases.
  - g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.

18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
19. Includes truck stop operations. Minor repair work permitted.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
  - a. All chemical manufacture, storage and/or packaging;
  - b. Asphalt manufacture, mixing, or refining;
  - c. Automobile dismantling, wrecking or junk yards;
  - d. Blast furnaces or coke ovens;
  - e. Cement, lime, gypsum or plaster of Paris manufacture;
  - f. Drop forge industries;
  - g. Explosives, storage or manufacture;
  - h. Reduction or disposal of garbage, offal or similar refuse;
  - i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
  - j. Rubber reclaiming;
  - k. Feed yards, livestock sales yards or slaughterhouses;
  - l. Smelting, reduction or refining of metallic ores;
  - m. Tanneries;
  - n. Wineries;
  - o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
  - p. Waste (refuse) recycling and processing;
  - q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

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

- a. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
  - b. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
21. In considering proposals for location of such campgrounds, the Board shall consider at a minimum the following criteria:
    - a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances.
    - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
    - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
    - d. Adequate and convenient vehicular access, circulation and parking should be provided.
    - e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation)
  22. The following standards shall apply to the approval and construction of mini-warehouses:
    - a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
    - b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
    - c. No commercial or manufacturing activities will be permitted within any building or storage unit;
    - d. Lease documents shall spell out all conditions and restrictions of the use;

- e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area;
- 23. Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one (1) acre is available. Excluding swine and mink.
- 24. Accessory Dwelling Unit (ADU) subject to the following requirements:
  - a. ADUs shall be allowed as a permitted use within designated UGAs.
  - b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.
  - c. Only one (1) ADU shall be allowed per lot.
  - d. Owner of the property must reside in either the primary residence or the ADU.
  - e. The ADU shall not exceed the square footage of the habitable area of primary residence.
  - f. The ADU shall be designed to maintain the appearance of the primary residence.
  - g. All setback requirements for the zone in which the ADU is located shall apply.
  - h. The ADU shall meet the applicable health department standards for potable water and sewage disposal.
  - i. No mobile homes or recreational vehicles shall be allowed as an ADU.
  - j. The ADU shall provide additional off-street parking.
  - k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
  - l. An ADU must have adequate acreage to meet maximum density within the zone classification.
- 25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.
- 26. Provided that:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed
- 27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.
- 28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. No sign advertising a home occupation shall exceed sixteen (16) square feet in size.
- 29. When used for temporary occupancy for a period not to exceed one (1) year related to permanent home construction or seasonal/temporary employment.
- 30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
- 31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
- 32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
- 33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
- 34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
- 35. Where the use is only serving a residential PUD and where all applicable standards are met.
- 36. Subject to the following requirements:
  - a. Accessory Living Quarters shall be located within an owner occupied primary residence.
  - b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.

- c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.
  - d. Only one (1) Accessory Living Quarters shall be allowed per lot.
  - e. Accessory Living Quarters are to provide additional off-street parking.
  - f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
  38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
  39. Outdoor recreation activities that cause noise require a conditional use permit.
  40. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.
  41. Pursuant to RCW 70.128.140.
  42. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.
  43. Limited to seasonal, non-structural hay storage.
  44. Required to meet all the review criteria requirements for conditional use permits found in KCC 17.60A.015.
  45. An administrative conditional use permit is required when enhanced agricultural sales or sales of goods produced offsite are provided and/or when the farm stand is located more than forty-five (45) feet from the centerline of the public street or highway.
  46. When enhanced agricultural sales are provided.
  47. Pursuant to KCC Chapter 17.62, Public Facilities Permits.
  48. Limited to primitive campgrounds.
  49. Agricultural Enhanced Uses which include eating and drinking establishments and/or event facilities for seminars or other social gatherings are limited to 10,000 square feet of total indoor floor area.
  50. Subject to the following requirements:
    - a. Manufactured home parks shall require approval of a binding site plan pursuant to KCC Title 16.
    - b. Manufactured home park density shall not to exceed twelve (12) units per acre. A minimum of five (5) manufactured home spaces shall be required per park.
    - c. Manufactured home parks shall provide not less than ten percent (10%) of the gross area of the park for common open space for the use of its residents.
    - d. Each manufactured home space shall have direct frontage on a public or private street.
    - e. The minimum setbacks shall be consistent with the zoning classification they are located in.

#### 17.61.040 Communication facilities - Administrative review - General requirements

1. Communication facilities may be authorized by the Community Development Services director as an administrative conditional use in all zoning districts, pursuant to the criteria and procedures of this chapter and [KCC Title 15A](#) and [KCC 17.60](#). An administrative conditional use permit is not required for the operation of amateur or noncommercial communication equipment as defined by FCC regulations under Part 95D and Part 97 CFR (i.e., citizen band, ham radio).
2. Construction of all improvements shall be completed within one year of the date of permit issuance except as provided for in subsections E and F of this section.
3. The property line setback shall be 1.2 times the height of the structure. The lot line setback requirements of this title may be ~~waived-reduced~~ by the Community Development Services director, in order to improve the facilities' reception and/or transmission capabilities or to achieve greater levels of audible or visual screening ~~than that which would be available by using the applicable zone's yard requirements provided the applicant can provide evidence that it would not be possible for the tower to fall on neighboring properties.~~ Communication facilities shall be designed to blend with existing surroundings; provided, no conflicts exist with existing Federal Communications Commission and the Federal Aviation Administration regulations relating to aircraft safety. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands.
4. The co-location of antennas on both existing and proposed transmission structures is encouraged. Communication antennas shall be permitted outright in all zoning districts provided the following:
  - a. An antenna shall not extend more than six feet horizontally from any structure to which it is attached.
  - b. An antenna shall not extend vertically more than 15 feet above the uppermost portion of the structure to which it is mounted or attached.
5. Modifications to, including the expansion of, existing approved communication facilities shall be outright permitted; provided, there is no increase in the height of the transmission tower. For purposes of this subsection, "transmission tower" means a pole or lattice-work structure specifically designed and intended to support antenna and related communication equipment. (Ord. 2007-22, 2007; Ord. 2001-12 (part), 2001; Ord. 2000-06 (part), 2000)

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-07	Dog Control	Implementing a dog control ordinance	BOCC		

**DRAFT – November 2017**

*Kittitas County Code Title 9 amendment is proposed as follows:*

**6.01.010 Purpose of provisions.**

The purpose of the dog control ordinance codified in this Chapter is to enhance public health, safety, and welfare through the regulation of dog ownership and reduce or eliminate offensive dog behavior.

**6.01.020 Definitions**

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning appears from the context:

1. "Adult dog" means any dog having a set of permanent canine teeth, or older than six months of age.
2. "Aggressive behavior" means any physical contact between dog and person, where a responsible person feels threatened, that includes, but is not limited to any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, or lunging, but not to include a bite or bites.
3. "Animal" means any dog, cat, exotic, wild or dangerous animal or livestock.
4. "At large" means, with regard to dogs, being physically present on public property and not under the actual control of a person, or being physically present on private premises without permission of the person in control of such premises. Exceptions: "At large" does not include:
  - (a) Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs; or
  - (b) The use of a dog under the supervision of a person wither to hunt wild animals or game birds during the open seasons, or to chase or tree predatory animals; or
  - (c) The use of a dog either to control or protect livestock or property or in other related agriculture activities under the supervision of dog owner.
5. "Bite" means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes a breaking of the skin, causing an exchange or transfer of saliva.
6. "Board" means the Board of Kittitas County Commissioners.
7. "Capable person" means any individual having attributes, including physical and mental abilities, sufficient to control an animal and being at least 18 years of age.
8. "Conviction" means either an adjudication of guilt for a misdemeanor or gross misdemeanor pursuant to Kittitas County Code Chapter 6.01 including a verdict of guilty, a finding of guilty, an acceptance of a plea of guilty or a forfeiture or bail; or any committed finding after adjudication for an infraction pursuant to Kittitas County Code Chapter 6.01.

9. "County" means the unincorporated area of Kittitas County, Washington.
10. "Dangerous dog" means any dog that, according to the records of an appropriate authority, including but not limited to the records of the county dog control department, the county sheriff's office, or the records of any other municipal, state or federal law enforcement or public safety department:
  - (a) Without provocation has bitten or otherwise inflicted serious physical injury on a human being on public or private property;
  - (b) Has killed livestock or a domestic animal without provocation while off the dog owner's property.
  - (c) Has displayed aggressive behavior, attacked, or endangered the safety of humans or domestic animals after such dog has been determined by an appropriate authority, including but not limited to any officer of the county dog control department, to be potentially dangerous, and the owner of such dog has been notified, either orally or in writing that the dog has been determined to be potentially dangerous.
11. "Department" means the Kittitas County Sheriff's Office.
12. Kennel Definitions.
  - (a) "Kennel" means buildings, animal runs, enclosures, and/or any other facilities used for the keeping or housing of dogs sufficient to secure the dogs on the premises.
  - (b) "Commercial Kennel" means the business of boarding, breeding, letting for hire, selling, bartering, or giving away dogs; provided, selling of three or fewer litters of offspring per year by a hobby kennel shall not be construed as commercial.
  - (c) "Foster Shelter Kennel" means a kennel where six or more adult dogs are kept and temporary housing and care of owner-released dogs are kept is provided for the purpose of placing them in permanent homes.
  - (d) "Hobby Kennel" means a kennel where ten or less adult dogs are kept for hunting, breeding, exhibition, organized events, field working, working of livestock or obedience trials.
13. "Litter" means two or more viable offspring.
14. "Livestock" means cattle, sheep, horses, llamas, buffalo, deer, elk, rabbits, mules, donkeys, goats, swine, fowl, poultry, and any fur-bearing animal bred and maintained commercially or otherwise within pens, fences, cages or hutches.
15. "Microchip" means a device implanted for identification purposes.
16. "Nuisance" means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures, or endangers the comfort, repose, health or safety of other persons, or interferes with other persons' use of property.
17. "Owner" means any person or legal entity who knowingly harbors, keeps, possesses or maintains an animal, or who encourages an animal to remain about their property for a period of 72 hours or more, or who is the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen years of age shall be deemed the owner for the purposes of this chapter.
18. "Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.

19. "Person" means any individual or natural person at least 18 years of age, association, firm, partnership, corporation or other legal entity.
20. "Physical Injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, scrapes, cuts, punctures or other evidence of physical injury, but not to include dog bite or bites.
21. "Potentially Dangerous Dog" means:
  - (a) Any dog that without provocation:
    - (i) Bites or otherwise injures a human person or a domestic animal on either public or private property; or
    - (ii) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of aggression or attack; or
  - (b) Any dog which reasonably should be known by its owner to be disposed:
    - (i) To attack or chase or approach persons in a menacing fashion or apparent attitude of aggression or attack without provocation; or
    - (ii) To cause injury, or otherwise threaten the safety of humans or domestic animals.
22. "Premises" means the area of land to which a person has legal or equitable rights of possession, use and control.
23. "Quarantine area" means any area defined by, but not limited to, a veterinarian, physician, public health official, or Animal Control Officer, where, for a specified period of time, a dog is to be kept separated from other animals or people.
24. "Secure enclosure" means secure confinement of a dangerous dog or a potentially dangerous dog on its owner's premises, either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, a secure top and a secure bottom, and shall also provide protection from the elements for the dog.
25. "Serious physical injury" means any physical injury which creates a substantial risk of death or causes permanent loss or protracted impairment of any bodily organ or function, or substantial disfigurement.
26. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
27. "Tag" means a pre-numbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.
28. "Tattoo" means a pre-designated identification number inked into the inside of the ear, lip or flank of the dog.

#### **6.01.030 Dog control zone established.**

Pursuant to RCW Chapter 16.10, the unincorporated territory of Kittitas County is hereby declared to a dog control zone subject to the regulations of this chapter.

**6.01.040 Kittitas County Sheriff’s Office –Dog Ordinance– powers and duties.**

1. The Kittitas County Sheriff’s Office shall:
  - (a) Enforce the provisions of this chapter, the Kittitas County Code and the laws of the State of Washington relating to dogs, and to discharge the duties provided herein.
  - (b) Maintain or contract for the maintenance of an animal shelter or other place where all animals subject to the impoundment may be safely kept and provided with proper and sufficient food and water, or may be disposed of when authorized by this chapter.
2. To collect, according to the provisions of the Kittitas County Code, any costs, fees or charges for registration, licensing and impounding or keeping any dog.

**6.01.050 Violations – Penalties.**

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction, except that any person who violates Kittitas County Code 6.01.060, 6.01.070, 6.01.080, 6.01.180(1)-(3), 6.01.190(1)(a), and/or 6.01.190(1)(b), shall be guilty of a misdemeanor. Any person who violates Kittitas County Code 6.01.180(4)-(6) and/or 6.01.190(1)(c)-(d), shall be guilty of a gross misdemeanor. Upon conviction of any misdemeanor violation of this Chapter, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Unless otherwise specified in this Chapter, any person found guilty of a civil infraction of this Chapter shall be fined one hundred twenty-five dollars (\$125.00) for each violation. Any violation of this Chapter may result in the dog being impounded, and/or destroyed by order of the court.

**6.01.060 Receiving and responding to infraction notices.**

1. A person who is to receive a notice of civil infraction or criminal citation under this Chapter is required to identify himself or herself to the animal control officer or law enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicaid.
2. A person who is unable to or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction or criminal citation.
3. A person who fails to sign a notice of civil infraction or criminal citation is guilty of a misdemeanor as set out in Kittitas County Code 6.01.050.
4. Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction or criminal citation is guilty of a misdemeanor as set out in Kittitas County Code 6.01.050 regardless of the disposition of the notice of civil infraction or criminal citation.

**6.01.070 Habitual Violators.**

Any Owner:

1. Having been convicted of two or more criminal violations of this Chapter, whether

singularly or in combination within a five-year period; or

2. Having been found to have committed four or more civil infractions of this Chapter, whether singularly or in combination within a five-year period, shall be guilty of a misdemeanor as set out in Kittitas County Code 6.01.050.

**6.01.080 Ownership by person under 18 years of age.**

Any person under the age of eighteen years old who owns any dangerous animal as defined in Kittitas County Code 6.01.020(10) shall be guilty of a misdemeanor as set out in Kittitas County Code 6.01.050.

**6.01.090 Abatement of nuisances.**

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, whether such injunction be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity, and shall be liable for all costs and expenses of abating the same.

**6.01.100 Enforcement.**

1. The department shall not be required to enforce provisions of this chapter except:
  - (a) Upon receipt of a written complaint of a person who has satisfactorily identified himself to the department and is willing to testify that the dog has acted in a manner that puts the animal in the definition of KCC 6.01.010 (10) or (21). The complainant has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have an owner; or
  - (b) Actions of the dog in question are witnessed by an animal control authority or law enforcement officer; or
  - (c) Dog bite reports filed with the animal control authority as required by this Chapter or State law.
2. The department or its authorized agent may find and declare a dog potentially dangerous if it has probable cause to believe that the animal falls under the definition stated in KCC 6.01.020(21).
  - (a) The declaration of potentially dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
    - (i) Certified mail to the owner or keeper's last known address if known; or
    - (ii) Personally; or
    - (iii) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
  - (b) The declaration of a potentially dangerous dog shall state:
    - (i) A description of the dog;
    - (ii) The name and address of the owner or keeper of the dog if known;
    - (iii) The whereabouts of the dog if it is not in the custody of the owner;
    - (iv) The facts upon which the declaration of a potentially dangerous dog is based;
    - (v) The restrictions placed on the animal as a result of the declaration of potentially dangerous dog;

- (vi) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner;
  - (vii) The owner has fifteen (15) days to object to the declaration;
  - (viii) The availability of a court hearing if the owner of the dog objects to the declaration and submits a request for a hearing to the district court;
  - (ix) If the court finds there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby annulled. No court costs will be assessed against any Kittitas County officer or authority if the dog is not found to be potentially dangerous.
  - (x) If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant and may impose additional restrictions on the animal.
- (c) The owner of any animal found to be a potentially dangerous dog under this Chapter shall be assessed all service costs under this Section.
- (d) The owner of any animal found to be a potentially dangerous dog under this Chapter must keep animal control authority notified of the location of the animal at all times and must have the consent of the animal control authority to move the dog in or out of Kittitas County.
- (e) Following service of a declaration of potentially dangerous dog, and pending appeals under this Section or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this Chapter, until a court orders either its redemption or destruction.
- (f) Any owner found to be in possession of a potentially dangerous dog shall control the animal as under KCC 6.01.190.
- (g) The owner of a dog found to be potentially dangerous shall obtain an addition license fee than those fees found in KCC 6.01.140. The license fee for each potentially dangerous dog licensed under this Chapter is one hundred dollars (\$100.00). The annual renewal fee for each potentially dangerous dog licensed under this Chapter is fifty dollars (\$50.00).
3. (a) The department or its authorized agent may find and declare a dog dangerous if it has probable cause to believe that the animal falls under the definition stated in KCC 6.01.020(10). The declaration of dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
- (i) Certified mail to the owner or keeper's last known address if known; or
  - (ii) Personally; or
  - (iii) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.
- (b) The declaration of a dangerous dog shall state:
- (i) A description of the dog;
  - (ii) The name and address of the owner or keeper of the dog if known;
  - (iii) The whereabouts of the dog if it is not in the custody of the owner;
  - (iv) The facts upon which the declaration of a dangerous dog is based;
  - (v) The restrictions placed on the animal as a result of the declaration of dangerous dog;
  - (vi) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner;
  - (vii) The owner has fifteen (15) days to object to the declaration;

- (viii) The availability of a hearing if the owner of the dog objects to the declaration and submits a request for a hearing to the district court;
  - (ix) If the court finds there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby annulled. No court costs will be assessed against any Kittitas County officer or authority if the dog is not found to be dangerous.
  - (x) If the court finds sufficient evidence to support the declaration, it shall impose court costs on the appellant and may impose additional restrictions on the animal.
  - (c) The owner of any animal found to be a dangerous dog under this Section shall be assessed all service costs under this Subsection.
  - (d) The owner of any animal found to be a dangerous dog under this Section must keep animal control authority notified of the location of the animal at all times and must have the consent of the animal control authority to move the dog in or out of Kittitas County.
  - (e) Following service of a declaration of potentially dangerous dog, and pending appeals under this Chapter or to any other court with jurisdiction, the animal control authority may, if circumstances require, impound the animal at the owner's expense, pursuant to the provisions of this Chapter, until a court orders either its redemption or destruction.
  - (f) Any owner found to be in possession of a dangerous dog shall control the animal as under KCC 6.01.190.
  - (g) All dogs that are found to be dangerous dogs shall be registered as under KCC 6.01.350.
4. All civil infractions under this section are subject to KCC 6.01.060.

## **ARTICLE II: REGISTERING AND LICENSING DOGS**

### **6.01.110 Dog registration and license – Required.**

All adult dogs within the unincorporated area of the county shall be registered with and licensed by the department or its designee at all times; provided, however, that a license issued by other governments located in the county shall be valid under the provisions of this chapter until the last day of December for the current year; and provided, further, that dogs kept in kennels are licensed pursuant to this chapter shall be exempt from the provisions of this section. Provided, further, that dogs kept at the Humane Society under RCW Chapter 16.52 shall be exempt from licensing. All dogs kept at any humane society are required to be licensed upon being sold or adopted. Any person guilty of a violation of this Section shall be fined one hundred twenty-five dollars (\$125.00) for each violation.

### **6.01.120 Dog registration and license – Application**

The person registering and licensing a dog shall submit to the department or its designee the following information:

1. The name and the physical and mailing addresses of the owner of the dog being registered;
2. The name and the physical and mailing addresses of the person having custody of the

- dog, if such person is one other than the owner;
3. The name, age, breed, color and sex of the dog being registered, and whether or not such dog has been neutered or spayed;
  4. Distinguishing features, markings, tattoos or micro-chip number of the dog being registered;
  5. The address of the premises where the dog is ordinarily kept or maintained;
  6. A certificate of a veterinarian indicating the last date on which the dog received an initial or booster vaccination against the disease of rabies, along with the expiration date of such vaccination. Should the dog be unable to be immunized against rabies for medical reasons, the signed statement of a veterinarian shall be accepted as proof in lieu of the rabies vaccination certificate. If the owner is unable to produce a certification by veterinarian as to the rabies vaccination, the owner's certification under oath that the dog has had a rabies vaccination may be accepted.

**6.01.130 Vaccination required for dog registration and license.**

As prerequisite to licensing, any dog four months of age or older shall be currently vaccinated against the disease of rabies.

**6.01.140 Dog registration and license – fees.**

The fee for registration and licensing of any dog shall be:

1. For dogs which have been spayed or neutered, fifteen dollars (\$15.00) for a license valid for one year and thirty-seven dollars (\$37.00) for a license valid for three years. Proof of a dog having been either spayed or neutered shall be by certificate from a veterinarian or, if such is unavailable, a statement from the owner under oath, certifying that the dog for which a license application is made is either a spayed female or a neutered male.
2. For dogs which have not been spayed or neutered, thirty dollars (\$30.00) for a license valid for one year and seventy-eight dollars (\$78.00) for a license valid for three years.
3. The registration and license fee amount shall be deposited into the dog control fund.
4. No license fee shall be charged to an owner who is legally blind and uses such dog as a guide dog, or to a legally deaf person who uses such dog as hearing-ear dog, or to any owner who has been determined to be disabled pursuant to 42 U.S.C. § 1382 (supplement security income) and uses such dog as a support dog. The license shall be valid for the life of the dog.
5. Dogs that are spayed or neutered and owned by person over the age of sixty-two years may be registered and licensed for twenty-five dollars (\$25.00). The license shall be valid for the life of the dog or until transfer of ownership of the animal.
6. The fee for replacement tags shall be five dollars (\$5.00).
7. The department may provide for optional registration of dogs by other suitable parties, in which case an "agent fee" of three dollars (\$3.00) shall be added to the licensing fee.

**6.01.150 Dog registration and license – Applications and renewals**

1. Applications for registration and license issuance shall be made within a timely manner

as listed in the conditions set for the below:

- (a) Applications for registration can be made at any time and shall be valid for a period  
Either:
  - (i) one year from date of purchase, if purchasing a one year license; or
  - (ii) three years from the date of purchase, if purchasing a three year license.
- (b) In the case of a newly acquired dog, the application shall be made within thirty days of either the date of acquisition or the date when the dog reaches six months of age, whichever comes later;
- (c) In the case of a new resident to the county with a licensed or an unlicensed adult dog, the application shall be made within thirty days of establishing residency;
- (d) In the case of a dog licensed by another jurisdiction within Kittitas County, the license shall be valid until after the last day of December of the year they established residency in the county.

#### **6.01.160 Dog registration and license – Tag.**

Upon application, certification or submission of proof of immunization and payment of fees by the owner or person having the custody and control of any adult dog, the department or its designated agent, shall issue to the applicant a numbered license identification tag for each dog so registered. The applicant shall ensure that the tag is securely fastened to a substantial collar or harness to be worn at all times by the dog.

#### **6.01.170 Incomplete applications.**

1. In the event any registration and license applicant fails to provide all required information or fees, the department shall notify such applicant by first class mail at the mailing address stated on the application or notify applicant by phone of any such deficiency, requesting that any required information or fees be provided to the department within thirty days, and stating that if the required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.
2. If any applicant fails to timely provide the information requested under this section, a new application and fee shall be required after the thirty days have expired and any tag previously supplied shall be voided.
3. Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment.

## **ARTICLE III: HUMAN RESPONSIBILITY FOR DOGS**

### **06.01.180 Control of Dogs.**

It is unlawful for any owner to permit any dogs to engage in any of the following behavior:

1. Level 1 Behavior. Level 1 behavior occurs when a dog is at large.
2. Level 2 Behavior. Level 2 behavior occurs when a dog while at large, menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person, domestic animal or livestock.
3. Level 3 Behavior. Level 3 behavior occurs when a dog while at large, causes physical injury to any person, domestic animal or livestock.
4. Level 4 Behavior. Level 4 behavior occurs when a dog, although not at large, bites or causes physical injury to any person, domestic animal or livestock.
5. Level 5 Behavior. Level 5 behavior occurs when a dog while at large, bites or causes severe injury to any person, domestic animal or livestock.
6. Level 6 Behavior. Level 6 behavior occurs when a dog:
  - (a) Whether or not confined, causes the serious physical injury or death of a natural person; or
  - (b) Is used as a weapon in the commission of a crime; or
  - (c) Kills any domestic animal or livestock.

### **06.01.190 Control of potentially dangerous/dangerous dogs.**

1. It is unlawful for any owner to fail to comply with the following provisions applicable to dogs which have engaged in behaviors described in Section 06.01.180, which may result in the dog being impounded and held until the animal owner has met the following requirements:
  - (a) Dogs which have exhibited Level 2 behavior shall be restrained in a manner that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as not to interfere with the public's legal access to the dog owner's property. Whenever the dog is off the animal owners premises it must be on a chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warning signs and obtain and maintain proof of public liability insurance as required in Kittitas County Code 6.01.350(2).
  - (b) Dogs which have exhibited Level 3 behavior shall be physically restrained by a chain leash, confined within a secure enclosure or inside the home of the owner that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as to not interfere with the public's legal access to the owner's property. Whenever that dog is not physically restrained or confined or is off the animal owner's premises, it must be on a chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warnings signs and obtain and maintain proof of public liability insurance as required in Kittitas County Code 6.01.350(2).
  - (c) Dogs which have exhibited Level 4 or Level 5 behavior shall be confined within a

secure enclosure whenever the dog is not inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the dog owner's property, and the dog owner shall conspicuously post warning signs, which must be approved by the department, on the property where the dog is kept. In addition, the department may require the dog owner to obtain and maintain proof of public liability insurance as required in Kittitas County Code 6.01.350(2).

The dog owner shall not permit the dog to be outside of the secure enclosure unless the dog is muzzled, on a chain leash and under the control of a capable person.

(d) Dogs which have exhibited Level 6 behavior shall be euthanized at the owner's expense.

2. All potentially dangerous dogs may be required by the department to be micro chipped at the owner's expense.
3. If a dog which is declared to be a dangerous or potentially dangerous dog is destroyed or dies, the owner must present to the animal control authority sufficient evidence of that fact.

#### **06.01.200 Dog in estrus at large prohibited.**

It is unlawful for any person to permit a female dog in estrus, also know as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. Any person found guilty of a violation of this Section shall be fined two hundred and twenty-five dollars (\$225.00) for each violation.

#### **06.01.210 Restraint within quarantine area.**

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. Any person found guilty of a violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.

#### **6.01.220 Abuse of dogs prohibited.**

It is unlawful for any person to physically abuse any dog or to fail to furnish adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest and medical attention, or to confine a dog with any dangerous dog. Any person found guilty of a violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.

#### **6.01.230 Abandonment of dogs prohibited.**

It is unlawful for any person to leave any dog unattended for more than twenty-four hours without adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest, medical attention. Any person found guilty of a violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.

**6.01.240 Confinement in motor vehicle prohibited.**

It is unlawful for any person to leave any dog confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the dog, including without limitation conditions involving dangerous temperature, lack of food, water or attention. Any person found guilty of a violation of this Section shall be fined nine hundred ninety-five dollars (\$950.00) for each violation.

**6.01.250 Removal of dog waste from public areas.**

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises. Any person found guilty of a violation of this Section shall be fined one hundred twenty-five dollars (\$125.00) for each violation.

**6.01.260 Rabies inoculation required – Exception.**

No person may keep any adult dog unless that dog has been inoculated against rabies, unless the dog has, for medical reasons stated in writing by a license veterinarian, been specifically exempted from rabies inoculation. Any person found guilty of a violation of this Section shall be fined two hundred twenty-five dollars (\$225.00) for each violation.

**6.01.270 Barking dogs prohibited.**

1. It is unlawful for any owner in control of premises to keep, harbor or maintain thereon any dog or dogs which individually or together habitually bark, growl, yelp, howl or whine so loudly and for such duration of time as to unreasonably disturb the peace, quiet, comfort and repose of others within the unincorporated area of Kittitas County. Habitually, as defined for this Section, means to make any bark, growl, yelp, howl or whine as described above for more than five consecutive minutes for each incident. Any person found guilty of a violation of this Section shall be fined one hundred twenty-five dollars (\$125.00) for each violation.
2. It shall be an affirmative defense to subsection (1) of this section that the howling, yelping, barking or other noise complained of was by a guard dog or watch dog which was responding to intruders, trespassers, or other persons entering onto the premises of the dog owner.

**6.01.280 Dog bites to be reported.**

Any person who is bitten by a dog, or who otherwise is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog or has otherwise been exposed to dog saliva through an open wound within the unincorporated territory of the County shall notify the department of such

bite or exposure, giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person.

## **ARTICLE IV: IMPOUNDMENT**

### **6.01.290 Impoundment of Dogs**

Dogs found or reasonably believed to be kept in violation of this Chapter may be impounded by the department; provided that, if a complaint identifying the dog owner of a dog at large, a barking dog or an unlicensed dog is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner.

### **6.01.300 Interference with impounding.**

It is unlawful for any person to interfere with, hinder, delay or impede any officer or enforcing official in the enforcement of this chapter as herein provided. Any person found guilty of a violation of this Section shall be fined one hundred twenty-five dollars (\$125.00) for each violation.

### **6.01.310 Notice of impoundment**

1. The department or its designee shall, within twenty-four hours after impounding any dog, or the next business day:
  - (a) attempt to contact the animal owner by phone; and
  - (b) leave a written notice at home or by mail to the registered owner of the dog containing:
    - (i) a notice of the impoundment of such dog; and
    - (ii) the terms upon which such dog can be released; and
    - (iii) the consequences of failure to obtain the release of any dog within any applicable time limits.
2. If the owner of any impounded dog is unknown, then the department or its designee shall within twenty-four hours of impoundment or by the end of the next business day post at the animal shelter a notice of impoundment describing the dog.

### **6.01.320 Recovery of impounded dogs.**

1. A dog wearing a dog tag, tattoo or microchip may be recovered within five business days of impoundment. Dogs not wearing a dog tag, tattoo or microchip may be recovered within three business days of impoundment. Injured or sick dogs shall be exempt from these recovery periods.
2. Dogs may be recovered only by a person who offers satisfactory proof of ownership or authorization to obtain custody of the dog and who pays the charges for recovering impounded dogs as established by the department.

**6.01.330 Disposition of dogs.**

1. A dog which has not been recovered within the applicable time frame after impoundment as set forth in this Chapter, may be sold or destroyed.
2. A dog voluntarily given to the department by the dog owner for the purpose of disposal may be sold or destroyed forthwith without awaiting expiration of recovery period.

**6.01.340 Remittance of fees and charges**

Where dogs are impounded in an animal shelter maintained by a private organization under contract with the county, the impoundment charge, additional charges and applicable fines shall be remitted to the county for deposit in the dog control fund.

**ARTICLE V: REGISTRATION OF DANGEROUS DOGS**

**6.01.350 Dangerous dogs – Registration requirements – Fees.**

1. In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for a person to keep any dog which is considered a dangerous dog in the county without a certificate of registration issued under this section. This section shall not apply to dogs used in law enforcement officials for police work. Any person found guilty of violation of this Section shall be fined five hundred dollars (\$500.00) for each violation.
  2. The department shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the department sufficient evidence of:
    - (a) A proper enclosure to confine the dangerous dog and the posting of the premises with clearly visible warnings signs that there is a dangerous dog on the property. In addition, the owner shall conspicuously display warning symbols that informs children of the presence of a dangerous dog.
    - (b) A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the department in the sum of at least two hundred and fifty thousand dollars (\$250,000.00), insuring the owner against liability to any person for injuries inflicted by the dangerous dog.
    - (c) A policy of liability insurance, such as a homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.
3. A fee of one hundred fifty dollars (\$150.00) shall be paid to the department by any person seeking to register a dangerous dog. The annual renewal fee for each dangerous dog licensed under this Chapter is one hundred dollars (\$100.00).

## **ARTICLE VI: KENNELS**

### **6.01.360 Kennel license – Requirements.**

It is unlawful for any person to own, maintain or operate a kennel unless such person has obtained the applicable license as provided hereinafter. If there is a change in the ownership of any kennel, the new owner shall have the license transferred to his name upon receipt of a new updated application and payment of the twenty-five-dollar (\$25.00) transfer fee. Any person found guilty of this Section shall be fined nine hundred and fifty dollars (\$950.00) for each violation.

### **6.01.370 Kennel license – Application.**

1. Information required. Any person making application for a kennel license shall submit to the department the following information:
  - (a) The name, address and phone number of the owner of the kennel;
  - (b) The name, address and phone number of the person having primary supervision of the kennel;
  - (c) The address or location and phone number of the kennel;
  - (d) The maximum number of adult dogs which the kennel will contain at any time;
  - (e) The name and address of the person designated by the applicant as agent for service of legal process or notice;
  - (f) A statement giving permission for the inspection of the kennel at any reasonable time;
  - (g) For all hobby, commercial and foster shelter kennels a certificate of zoning compliance issued by the appropriate department of Kittitas County pursuant to Title 17 of Kittitas County Code.
2. Notice of Deficiencies. In the event any kennel license applicant fails to provide all required information or fees, the department shall notify such applicant either by telephone or by first class mail at the mailing address stated on the application of any such deficiency, demanding that any required information or fees be provided to the department within thirty (30) days, and stating that if the such required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.
3. Failure to Provide information. If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty (30) days have expired, and any tag previously supplied shall be voided.
4. Disposition of Fees Received. Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty (30) days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty (30) days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety (90) days of such overpayment.
5. Appeals. Any decision made concerning the typed of kennel to be licensed and the fee

required may be appealed to the board of county commissioners. Should the appeal be determined in favor of the applicant, the excess of the license fee shall be refunded from the date the appeal was filed, on a prorated monthly basis.

6. Refunds. Any moneys from the initial application fees that cannot be processed shall be deposited into a special revenue account in the dog control department fund as a special revenue item at the end of the forfeiture period. Amounts not forfeited shall be deposited into the kennel license fees category when correct fees are received. All refunds are to be made from the kennel license fee revenue account upon completion of a completed and approved refund request form.

#### **6.01.380 Kennel license – Fees and late penalties.**

1. The application for a kennel license shall be accompanied by a fee as follows:
  - (a) **Commercial or Foster Shelter Kennel:** Two hundred fifty dollars (\$250.00) per year upon submission, inspection and approval of the enforcement agency and officer.
  - (b) **Hobby Kennel:** Fifty dollars (\$50.00) per year upon submission, with a surcharge of ten dollars (\$10.00) per unaltered dog, upon inspection and approval of the enforcement agency and officer.
  - (c) **Late Penalty:** One-half the applicable amount.
2. The late penalty shall be assessed if the license is not obtained by the 31<sup>st</sup> of January.

#### **6.01.390 Kennel license – Inspection of facilities.**

Upon initial application for a kennel license, the department or its designee shall inspect the subject facilities to determine if they may properly be licensed.

#### **6.01.400 Kennel license – Display.**

The license issued for a kennel shall be posted in a conspicuous place upon the premises where such kennel is located.

#### **6.01.410 Kennel license – Expiration and renewal.**

Kennels shall be licensed in January on a yearly basis ending December 31<sup>st</sup>. Fees for new applications shall be prorated and charged one-twelfth the fee for each month remaining in the calendar year. License renewals shall be processed in the same manner as the original application, except that a certificate of zoning compliance is not required. Each kennel may choose from the following options at the time of renewal:

1. License each dog individually; or
2. Pay the appropriate kennel fee.

#### **6.01.420 Kennel license – Revocation, denial or refusal to renew.**

A license for any kennel may be revoked, denied or not renewed, for failure to comply with the provisions of this chapter, and such action by the department shall be final and conclusive unless within twenty days of written notification thereof an appeal is filed.

**6.01.430 Kennel license – Records required.**

Each kennel shall prepare, maintain and make available to the department a current record of all dogs auctioned off, sold, let or otherwise disposed of, proof of vaccination, and a current record of all dogs born within such facility or acquired from other sources. Such records shall include the origin, the age and type of dog, and the name and address of the transferee or transferor. A kennel shall have available for inspection at any time all required records, tags, tattoos or micro-chip numbers for each dog.

**6.01.440 Vaccination required.**

Each kennel shall cause each dog owned or sold by it to receive current and proper immunization for distemper, hepatitis, parainfluenza and parvovirus inoculation for dogs over eight weeks of age and, in addition, rabies inoculation for dogs over four months of age.

**ARTICLE VII: MISCELLANEOUS PROVISIONS**

**6.01.450 Severability.**

Should any section or provision of the ordinance codified in this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**6.01.460 Immunity.**

Kittitas County, the animal control authority and the animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this Chapter, or for any failure take action to enforce the provisions of this Chapter. It is not the purpose or intent of this Chapter to create on the part of Kittitas County or its agents any special duties or relationships with specific individuals.

Docket Item No.	Project Name	Brief Description of Suggested Amendment	Who Suggested Amendment	Staff Lead	Staff Recommendation
17-08	Variance Standards	Update existing variance fairness standards	BOCC		

**DRAFT – November 2017**

*Kittitas County Code Title 12, amendment to Section 12.01 is proposed as follows:*

**12.01.130 Variances (Departures from the Standards) and Appeals.**

Variances from these Standards may be granted by the Road Variance Committee, comprised of the Public Works Director, Community Development Services representative, Fire Marshal, or designees, and three citizens appointed by the BOCC.

The granting of a variance shall be in the public interest. When the need for a variance can be identified in advance, the variance should be proposed at preliminary plat stage and be included for consideration during plan review and public hearing. Variances from the standards in this title will be considered on a case-by-case basis. Variances will be granted only upon evidence that the variance demonstrates the following:

- A. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district; and
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the developer possessed by the owners of other properties in the same vicinity or district; and
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located; and
- D. Special conditions and circumstances do not result from the actions of the developer; and
- E. The granting of such variance will not adversely affect the realization of the Kittitas County Comprehensive Plan, Long-Range Transportation Plan or this title.

The variance request(s) shall consist of:

- A. Variance fee.
- B. Variance application.
- C. Identification of the standard provision to be waived or varied.
- D. Identification of the alternative design or construction standards to be adhered to.
- E. A thorough justification of the variance request.

Requests may be prepared by the developer, professional civil engineer licensed to practice in Washington, or professional land surveyor licensed to practice in Washington. To appeal the denial or imposition of conditions of a variance decision, an appeal shall be filed per [KCC 15A.07](#) or [KCC 15A.08](#), based on the underlying land use decision in accordance with [Ch. 36.70B RCW](#). (Ord. 2015-010, 2015)

**[12.01.135 Variance Fairness Standard](#)**

- A. [Disqualification](#)

1. A Road Variance Committee member shall disqualify himself or herself from a proceeding in which the committee member's impartiality might reasonably be questioned. The fact that a committee member has considered the same or a similar proposal in another hearing, has made a ruling adverse to the interests of a party in this or another hearing, or has previously considered and ruled upon the same or a similar issue, is not a basis for disqualification.
2. A request for disqualification shall be granted whenever the committee member:
  - i. Has a personal bias or prejudice concerning the party;
  - ii. Has served in a professional or business relationship with respect to the matter in issue, or is currently associated with a person who is or was so engaged; or
  - iii. Has directly, or through a family member or fiduciary relationship, a financial or personal interest in the outcome of the matter or issue.

B. Ex Parte Contacts

All Road Variance Committee quasi-judicial proceedings are subject to the appearance of fairness doctrine. No person shall contact a Road Variance Committee member off the record for the purpose of influencing the committee member's decision. Ex parte contacts limited strictly to the clarification of procedural matters (and not to the merits of a dispute) are permitted. A deliberate ex parte contact in violation of this section may be deemed an attempt to interfere with Road Variance Committee duties. If a substantive ex parte communication is made to or by the committee member, the committee member shall publicly disclose it.

**12.01.140 Authority of the Public Works Director.**

The Director of Public Works or his/her designee shall have the authority, on behalf of the County, to ascertain that all design and construction complies with the requirements set forth in these Standards. (Ord. 2015-010, 2015)

## Chapter 3.22 ADMISSIONS TAX

### Sections

- 3.22.010 Definitions.
- 3.22.020 Imposition.
- 3.22.030 Exemptions.
- 3.22.040 Price to show on ticket.
- 3.22.050 Collection and payment.
- 3.22.060 Penalty for late payment.
- 3.22.070 Registration.
- 3.22.080 Successor to business.
- 3.22.090 Recordkeeping.
- 3.22.100 Rules and regulations adopted by the County.
- 3.22.110 Effective date.
- 3.22.120 Violation penalty.
- 3.22.130 Jurisdiction.
- 3.22.140 Revenue from admissions tax.
- 3.22.150 Severability.

Previously repealed by Ord. 2001-05.

### **3.22.010 Definitions.**

For purposes of this chapter, words and phrases shall have the following meanings:

- a. "Admissions charge," in addition to its usual and ordinary meaning includes but shall not be limited to a charge for participation in an event or activity; a charge made for season tickets or subscriptions, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; and a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charges shall be considered as an admission charge. A donation for admittance shall also be deemed an admission charge. Admission charge includes any money paid within or without of Kittitas County for any of the kinds of admission charges defined herein so long as the facilities, entertainment, recreation or amusement privilege derived from such admission charge occurs in Kittitas County.
- b. "Auditor" means the Kittitas County Auditor's Office.
- c. "County" means the County of Kittitas, State of Washington.
- d. "Nonprofit organization" means any organization organized and operated for charitable, education or other purposes, which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.
- e. "Person" means any individual, receiver, assignee, firm, partnership, joint stock company, association, society, corporation, or any group of individuals acting as a unit whether mutual, cooperative, fraternal, nonprofit or otherwise. It shall not include the State of Washington nor the U.S. government.

- f. "Place" means and includes, but is not restricted to theaters, dancehalls, amphitheaters, auditoriums, stadiums, athletic pavilions and fields, baseball and athletic parks, circuses, side shows, swimming pools, outdoor amusement parks, carnivals, fairs, rodeos, concerts, mountain recreation areas, snow recreation areas, bowling alleys and golf courses, marathon, bicycle, horse, or motor vehicle routes.
- g. "Treasurer" means the Kittitas County Treasurer's Office.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.020 Imposition.**

- a. There is levied and imposed an admissions tax in the amount of five percent (5%) of the admission charge. Such taxable activities or events, unless exempted in Section 3.22.030 herein, include but are not limited to:
  - i. golf
  - ii. rodeos
  - iii. county fairs
  - iv. circuses
  - v. bowling
  - vi. football, basketball, and baseball games
  - vii. snow tubing/sledding areas
  - viii. cinema and films
  - ix. musical concerts or other performances with anticipated ticket sales of over \$2,500.00
  - x. cross country ski area
- b. Such admissions tax is levied and imposed upon any person (including children, without regard to age) who pays an admission charge to any place not exempted in Section 3.22-030 herein, including persons who are admitted at reduced rates to any place for which other persons pay a charge or a regular higher price for the same or similar privileges or accommodations.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.030 Exemptions.**

- a. The admissions tax imposed by this ordinance shall not apply to the purchase of a permit from a governmental entity, including but not limited to Discover Passes, Groomed Trail Passes, and Snow Park Permits.
- b. The admissions tax imposed by this ordinance shall not apply to any person paying an admission to any activity or event sponsored or conducted by an "elementary" or "secondary" school. For purposes of this ordinance "elementary" or "secondary" school means a school enrolling students in grades kindergarten through twelve.
- c. The admissions tax imposed by this ordinance shall not apply to any portion of an admission charge which is designated for donation to a nonprofit organization as defined in this chapter, provided: to otherwise qualify for this exemption, the natural or corporate person charging admission to any place must: obtain advanced, written approval from the legislative authority of the county; clearly identify the portion of the admission charge designated as a donation on the face of the ticket; and, provide the Treasurer with sufficient documentation, including books,

records and/or accounts, to clearly establish donated amounts collected and delivered to the nonprofit organization, by December 31st of each year.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

**3.22.040 Price to show on ticket.**

Whenever a charge is made for admission to any place, a serially numbered or reserved ticket shall be furnished to the person paying such charge unless written approval has been obtained from the Auditor to use a turnstile or other counting device which will accurately count the number of paid admissions. The established admission price, admissions tax imposed by this ordinance, and total price at which every such admission ticket or card is sold shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained. The admissions tax due shall be based on the established price printed on each ticket. When a charge is made for admission, a sign must be posted in a conspicuous place on the entrance or ticket office which breaks down the admission charge as follows:

Admission charge . . . . .	.
County admissions tax . . . . .	.
Total price . . . . .	.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

**3.22.050 Collection and payment.**

- a. Any person, including any municipal or quasi-municipal corporation, who receives any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment and shall remit the same as provided for in this section. The tax imposed under this ordinance shall be deemed to be held in trust by that person required to collect the tax until it is paid to the County as herein provided. Any person required to collect the tax imposed under this ordinance who fails to collect the same, or having collected the same, fails to remit the same, to the County in the manner prescribed by this ordinance, whether such failure be the result of his or her own act or the result of acts or conditions beyond his or her control, shall nevertheless be personally liable to the County for the amount of such tax, and shall, unless remittance is made as required in this section, be guilty of a violation of this ordinance. The tax imposed shall be collected at the time admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the Treasurer in quarterly installments on or before the last day of the month next succeeding the end of the quarterly period in which the tax is collected or received. The county may extend the time for making and filing the return and remittance of the tax for a period not to exceed thirty (30) days. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the county. Checks should be made payable to the Kittitas County Treasurer. Payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax unless the check is honored and in the full and correct amount. Any person receiving any payment for admissions shall make out a return upon such forms providing the information the county may require. Whenever any person makes an admission charge which is subject to the law levied in this

ordinance, and the same is of a transitory or temporary nature, of which the county shall be the judge, the county shall require the report and remittance of the admissions tax immediately upon the collections of the tax at the conclusion of the performance or exhibition, or at the conclusion of a series of performances or exhibitions, or at such other time as the county shall determine. The Treasurer may require the person owing the tax to the County under this ordinance to deposit a sum of money or bond in advance of any performance, show or amusement. This deposit or bond shall be returned upon the faithful compliance with the provisions of this ordinance.

- b. Failure to comply with any requirements of the county as to reporting and remitting the tax shall be a violation of this ordinance.
- c. The books, records and accounts of every person collecting a tax levied in this ordinance shall, as to admission charges and tax collections, be subject to examination and audit by the Auditor at all reasonable times.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.060 Penalty for late payment.**

- a. If payment of any tax due under this ordinance is not received by the Treasurer by the last day of the month in which the tax was due, there shall be added to such tax a penalty of fifteen percent (15%) of the tax due.
- b. The Treasurer shall notify the taxpayer by mail of the amount of any penalties so added or assessed and these shall become due and payable within thirty (30) days from the date of such notice.
- c. In addition to this penalty, the Treasurer may charge the taxpayer interest of one percent of all taxes due for each thirty day period or portion thereof that such amounts are past due.
- d. Failure to make payment in full of all tax amounts and penalties within sixty (60) days following the day the tax amount initially became due shall be a civil and/or criminal violation of this section.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.070 Registration.**

Any person conducting or operating any activity for which an admission charge is made shall register with the Auditor. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.080 Successor to business.**

Whenever any person required to pay a tax under this ordinance shall quit business or otherwise dispose of his or her business, any admissions tax payable shall immediately become due and payable, and if such tax is not paid by such person within ten (10) days from the date of such sale, exchange or disposal of the business, the purchaser or successor shall also become liable for the payment of the full amount of such tax plus accrued penalties. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.090 Recordkeeping.**

It shall be the duty of every person liable for any tax imposed by this ordinance to keep and preserve

for a period of five (5) years suitable records as may be necessary to determine the amount of any tax for which he or she may be liable under the provisions of this ordinance. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.100 Rules and regulations adopted by the County.**

The county shall have the power to adopt rules and regulations not inconsistent with the terms of this ordinance for carrying out and enforcing the payment, collection and remittance of the tax levied by this ordinance and a copy of the rules and regulations shall be on file and available for public examination at the Auditor's Office. Failure or refusal to comply with any rules and regulations shall be deemed a violation of this ordinance. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.110 Effective date.**

This ordinance shall become effective, against all persons, thirty (30) days after passage by the Board of County Commissioners. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.120 Violation penalty.**

In addition to civil penalties that may be imposed, it is a misdemeanor to violate any of the provisions of this ordinance. Each person who violates or fails to comply with any of the provisions of this ordinance, unless otherwise specified, shall be subject to criminal penalties of a fine not to exceed five hundred dollars (\$500) or imprisonment not to exceed ninety (90) days in jail, or to both a fine and imprisonment. Each day a person shall continue to violate or fail to comply with the provisions of this ordinance shall constitute a separate offense. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.130 Jurisdiction.**

The admissions tax enacted by this ordinance shall be imposed in all areas of Kittitas County except for incorporated areas of the County where the city or town has levied a similar tax within its corporate limits. The admissions tax levied and imposed by this ordinance shall be payable where the admission charge was paid within or without the geographical boundaries of Kittitas County so long as the facilities, entertainment, recreation or amusement privileges derived from such admission charge occurs in Kittitas County. (Ord. 2016-003, 2016; Ord. 2016-001, 2016)

### **3.22.140 Revenue from admissions tax.**

The revenue from the admissions tax collected under this ordinance shall be deposited in the County General Fund and distributed in the following manner:

- a. The County Auditor shall retain funds as approved annually by the Board of County Commissioners for expenses directly related to implementing and collecting the tax; then
- b. The first \$100,000 in admissions tax collected each year after expenses in Section 14 (a) shall be dedicated for use by the Kittitas County Public Health Department; then
- c. All taxes collected in addition to those in Sections 14 (a) and (b) shall be placed into the County General Fund and allocated annually at the discretion of the Board of County Commissioners.

(Ord. 2016-003, 2016; Ord. 2016-001, 2016)

**3.22.150 Severability.**

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. (Ord. [2016-003](#), 2016; Ord. [2016-001](#), 2016)