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No. 88165-I

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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

ELLENSBURG CEMENT PRODUCTS, INC.,

Respondent,

v.

KITTITAS COUNTY,

Petitioner,

v.

HOMER L. (LOUIE) GIBSON,

Petitioner.

STATEMENT OF ADDITIONAL AUTHORITY

300 East Pine Street
Seattle, Washington 98122
(206) 628-9500
(206) 628-9506 Facsimile

GROFF MURPHY, PLLC

Michael J. Murphy, WSBA #11132
William J. Crittenden, WSBA #22033

Attorneys for Respondent

March 27, 2013

 ORIGINAL

Pursuant to RAP 10.8, respondent Ellensburg Cement Products, Inc., (“ECP”) submits the following additional authority.

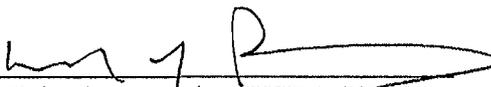
Kittitas County Ordinance No. 2013-001, adopted February 11, 2013, amends KCC 17.28.020, KCC 17.28A.020, KCC 17.29.020, and KCC 17.31.020 to delete the use classification “processing of products produced on the premises.”

Ordinance 2013-001 also amends KCC 17.15.050, KCC 17.15.060 and KCC 17.15.080 to specify that “rock crushing” is a permitted use in the Commercial Forest (CF) and Forest & Range (FR) zones, and that “rock crushing” is a conditional use in the Rural 3 (R-3) and Rural 5 (R-5) zones.

The relevant portions of Ordinance No. 2013-001 are attached hereto as an Appendix.¹

Respectfully submitted this 27th day of March, 2013.

GROFF MURPHY, PLLC



Michael J. Murphy, WSBA #111132
William J. Crittenden, WSBA #22033
Attorneys for Respondent

¹ The complete ordinance is available on the Kittitas County web site at <http://www2.co.kittitas.wa.us/fileuploads/ordinances/2013-001-ordinance.pdf> (last visited March 26, 2013).

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served on March 27, 2013 a true and correct copy of the foregoing document to the parties listed below, via the method indicated:

Neil A. Caulkins
Deputy Prosecuting Attorney
Kittitas County
205 W. Fifth, Room 213
Ellensburg, WA 98926
Counsel for Kittitas County

- Hand Delivery Via Messenger Service
- First Class Mail
- Federal Express
- Facsimile
- E-mail (per agreement)

James C. Carmody
Velikanje Halverson PC
405 E. Lincoln Ave.
P.O. Box 22550
Yakima, WA 98907
Counsel for Homer L. Gibson

- Hand Delivery Via Messenger Service
- First Class Mail
- Federal Express
- Facsimile
- E-mail (per agreement)

DATED: March 27, 2013.


Beth A. Russo, Legal Secretary
Groff Murphy, PLLC
E. brusso@groffmurphy.com

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

ORDINANCE

NO. 2013-001

**REVISIONS OF KITTITAS COUNTY COMPREHENSIVE PLAN
And
TITLES 15A, 16 AND 17 OF THE KITTITAS COUNTY CODE
FOR THE PURPOSE OF COMPLIANCE WITH ORDER NUMBER 07-1-0004c
And
NUMBER 07-1-0015 OF THE
EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD**

Whereas, this ordinance, revising the Kittitas County Comprehensive Plan and Kittitas County Code, contains three sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures
- Exhibits

EXHIBIT G

GMA Compliance 2012

Description: Amend Kittitas County Code Title 17

Kittitas County Code, Title 17 ZONING is amended as follows:

Kittitas County Code

Title 17 | ZONING*

Chapters

- 17.04 General Provisions and Enforcement
- 17.08 Definitions
- 17.11 Urban Growth Area
- 17.12 Zones Designated - Map
- 17.13 Transfer of Development Rights
- ~~17.14 Performance Based Cluster Plat Uses~~
- ~~17.15 Allowed Uses Transition Zones (reserved)~~
- 17.16 R - Residential Zone
- 17.18 R-2 - Residential 2 Zone
- ~~17.19 R-3-Rural-3 Zone~~
- ~~17.20 RR - Rural Residential Zone~~
- 17.22 UR - Urban Residential Zone
- 17.24 HT-C - Historic Trailer Court Zone
- 17.28 A-3 - Agriculture-3 Zone
- 17.28A A-5 - Agricultural Zone
- 17.29 A-20 - Agricultural Zone
- ~~17.30 Rural Recreation R-3-Rural-3 Zone~~
- 17.30A R-5 - Rural-5 Zone
- 17.31 CA - Commercial Agriculture Zone
- 17.32 C-L - Limited Commercial Zone
- 17.36 PUD - Planned Unit Development Zone
- 17.37 Master Planned Resorts
- ~~17.38 Fully Contained Communities (Reserved)~~
- 17.40 C-G - General Commercial Zone
- 17.44 C-H - Highway Commercial Zone
- 17.48 I-L - Light Industrial Zone
- 17.52 I-G - General Industrial Zone
- 17.56 F-R Forest and Range Zone
- 17.57 CF - Commercial Forest Zone
- 17.58 Airport Zone
- 17.59 Liberty Historic Zone
- 17.60A Conditional Uses
- 17.60B Permitted Administrative Uses
- 17.61 Utilities
- 17.61 A Wind Farm Resource Overlay Zone
- 17.61 B Small Wind Energy Systems
- 17.62 Public Facilities Permits
- 17.65 Repealed (Ord. 2005-35, 2005)
- ~~17.66 Electric Vehicle Infrastructure Charging Stations~~
- 17.72 Signs
- 17.74 Right to Farm for Protection of Agricultural Activities
- 17.80 Nonconforming Uses

17.15.050.1 Resource Use Table

P Permitted PA Permitted Administrative CU Conditional Use *See KCC Chapter 17.08 Definitions	Resource	
	Commercial Agriculture	Commercial Forest
Group home*		
Guest ranch*	CU	
Home occupation*	p ⁸	p ⁸
Manufactured home*	P	P
Mobile home	p ⁶	p ⁶
Special care dwelling*	p ⁷	p ⁷
Temporary trailers	CU ¹¹	CU ¹¹
G. Resource		
Forestry*	P	P
Forest product sales*		P
Mining and excavation*	CU ¹⁴	P
Rock crushing*		P
H. Utilities and Public Facilities		
Electric vehicle Infrastructure*	p ³	p ³
Public facilities*	PA ¹⁹	PA ¹⁹
Utilities	p ¹	p 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 are 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;

17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

P Permitted PA Permitted Administrative CU Conditional Use *See KCC Chapter 17:08 Definitions	Rural Non-LAMIRD							
	Rural Residential		Rural Working		Rural Recreation			Rural Residential & Rural Recreation
	Agriculture 5	Rural 5	Agriculture 20	Forest & Range	Master Planned	General Commercial	Rural Recreation	PUD
E. Recreation								
Campground*	CU ¹²	CU ¹²	CU ¹²	CU ^{12, 37}	P ¹³	CU ¹²	CU ¹²	
Commercial recreation, indoor*					P		CU	p ²⁶
Commercial recreation, outdoor*					CU	CU	CU	p ²⁶
Golf course*	CU	CU	CU	CU ³⁷	CU		CU	
Parks and playgrounds	P	P	P ³	P	P		P	P
Recreational vehicle storage							CU	p ²⁶
Stadiums								
F. Residential								
Accessory dwelling unit*	PA ²⁷	PA ²⁷	PA ²⁷	PA ^{27, 37}			PA ²⁷	p ²⁷
Accessory living quarters*	p ²⁸	p ²⁸	p ²⁸	p ^{28, 37}	p ²⁸		p ²⁸	p ²⁸
Adult family home*	p ⁴¹	p ⁴¹	p ⁴¹	p ⁴¹	p ⁴¹	p ⁴¹	p ⁴¹	p ⁴¹
Boarding house			CU ²⁹	CU ^{29, 37}				
Convalescent home			CU	CU ³⁷				
Dwelling, single-family*	p ³³	p ⁴⁰	P	p ³⁴	p ¹	PA ²	P	P
Dwelling, two-family*	P		P ³	p ³⁴	p ¹		CU	P
Dwelling, multiple-family*					p ¹			P
Farm labor shelter*	CU ⁴		CU ⁴	CU ^{4, 37}				
Group home*	CU	CU		CU			CU	
Guest ranch*	CU	CU	CU	CU ³⁷			CU	
Home occupation*	p ⁵	p ⁵	p ⁵	p ^{5, 37}	p ⁵		p ⁵	p ⁵
Manufactured home*	P	P	P	p ³⁷			P	P
Mobile home	p ³⁸	p ³⁸		p ³⁴				
Special care dwelling*	p ³⁰	p ³⁰	p ³⁰				CU ³⁰	p ³⁰
Temporary trailer	CU ⁷	CU ⁷	CU ⁷	CU ^{7, 37}	CU ⁷	CU ⁷	CU ⁷	CU ⁷
G. Resource								
Forestry*	P	P	P	p ³⁴				
Forest product sales*				P				
Mining and excavation*	CU	CU ³⁹	CU	p ³⁴				
Rock crushing*		CU ³⁹		p ³⁴				
H. Utilities								

17.15.070.1 Rural LAMIRD Use Table

P Permitted PA Permitted Administrative CU Conditional Use *See KCC Chapter 17.08 Definitions	Rural LAMIRD												
	Residential	Residential 2	Agriculture 3	Agriculture 20	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Adult family home	P ⁴²	P ⁴²	P ⁴²			P ⁴²	P ⁴²						
Boarding house	CU ³⁷		CU ³⁷	CU ³⁷								CU ³⁷	
Convalescent home				CU								CU	
Dwelling, single-family	P	P	P	P	P	P	P	P	P ²⁵			P	P
Dwelling, two-family	P	P	P	P ¹⁰			P	P	P ²⁵			P	P
Dwelling, multiple-family	CU						P						P
Farm Labor Shelter			CU ²⁶	CU ²⁶								CU ²⁶	
Group Home					CU	CU						CU	
Guest Ranch			CU	CU	CU	CU						CU	
Home occupation	P ²⁷	P ²⁸						P ²⁸	P ²⁸				
Manufactured home													P
Mobile homes		P ³⁸			P ³⁸	P ⁶						P	
Special care dwelling	P ³⁹	P ³⁹	P ²⁵				P						
Temporary trailers	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹						
G. Resource													
Forestry*			P	P	P	P						P	
Forest product sales*												P	
Mining and excavation*			CU ³⁰	CU ³⁰	CU ³¹	CU ³¹						P	
Rock crushing*					CU ³¹	CU ³¹						P	
H. Utilities													
Electric vehicle infrastructure	P ²³	P ²³	P ²³	P ²³	P ²³	P ²³	P ³⁵						
Public facilities			CU	CU		CU		CU		P ³²		CU	
Utilities	P ³³	P ³³	P ³³	P ³⁴	P ³³	P ³³	P ³³		P ³³	P ³³	P ³³	P ³³	P ³³
Watershed management activities	PA	PA	PA	PA	PA	PA	PA						

17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.

- Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one acre or more.
- Limited to products produced on the premises.
- Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
- Feed yards, livestock sales yards and slaughterhouses require a conditional use permit.
- Provided the lot contains one acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
- 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.
- When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.

P Permitted PA Permitted Administrative CU Conditional Use <i>*See KCC Chapter 17.08 Definitions</i>	Urban												
	Residential	Urban Residential	Historic Trailer Court	Agriculture 3	Rural 3	Rural 5	Limited Commercial	General Commercial	Highway Commercial	Light Industrial	General Industrial	Forest & Range	PUD
Boarding house	CU ³⁷			CU ³⁷								CU ³⁷	
Convalescent home												CU	
Dwelling, single-family*	P	P	P ⁴⁰	P	P	P	P	P ²⁵				P	P
Dwelling, two-family*	P	P		P			P	P ²⁵				P	P
Dwelling, multiple-family*	CU												P
Farm labor shelter*				CU ²⁶								CU ²⁶	
Group home*					CU	CU						CU	
Guest ranch*				CU	CU	CU						CU	
Home occupation*	P ²⁷	P ²⁸		P ²⁸	P ²⁸	P ²⁸						P ²⁸	P ²⁸
Manufactured home*													P
Mobile home		P ³⁸	P ⁴⁰		P ³⁸							P ³⁸	P ³⁸
Special care dwelling*	P ¹⁷	P ¹⁷		P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷						P ¹⁷
Temporary trailer	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹	CU ²⁹
G. Resource													
Forestry*				P	P	P						P	
Forest product sales*												P	
Mining and excavation*				CU ³⁰	CU ³¹	CU ³¹						P	
Rock crushing*					CU ³¹	CU ³¹						P	
H. Utilities													
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*		CU		CU	CU			CU	P ³²			CU	
Utilities	P ³³	P ³³		P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³
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 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:

- ~~1. One family or two family dwellings;~~
- ~~2. Parks and playgrounds;~~
- ~~3. Public and parochial schools, public libraries;~~
- ~~4. Single family homes not including mobile homes or trailer houses;~~
- ~~5. Duplexes and residential accessory buildings;~~
- ~~6. All types of agriculture and horticulture not otherwise restricted or prohibited herein;~~
- ~~7. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;~~
- ~~8. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;~~
- ~~9. Community clubhouses, parks and playgrounds, and public utility buildings, pumping plants and substations;~~
- ~~10. Commercial greenhouses and nurseries;~~
- ~~11. Minor and major alternative energy facilities, excluding wind farms and wind turbines, and other renewable energy projects are a permitted use within the Bowers Field Overlay Zone. (Publisher's note: this number was inadvertently added to the incorrect section by Ord. 2011-013, 2011.)~~
- ~~12. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;~~
- ~~13. Existing cemeteries;~~
- ~~14. Airport;~~
- ~~15. Processing of products produced on the premises;~~
- ~~16. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;~~
- ~~17. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.~~
- ~~18. Gas and oil exploration and construction;~~
- ~~19. Uses customarily incidental to any of the above uses;~~
- ~~20. Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within ten working days of notification pursuant to Title 15A of this code, Project permit application process.~~
- ~~21. Accessory Dwelling Unit (if in UGA or UGN)~~
- ~~22. Accessory Living Quarters~~
- ~~23. Special Care Dwelling~~
- ~~24. Electric Vehicle Infrastructure. See KCC Chapter 17.66 (Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 88-4-5-3, 1988; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)~~

17.28.030 Lot size required.

1. The minimum residential lot size shall be three (3) acres in the Agricultural-3 zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (1/2) acre. The overall density of any residential development shall not exceed one dwelling for each three acres, ~~except as provided for in Kittitas County Code 16.09, Performance-Based Cluster Platting.~~
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2007-22, 2007; Res. 83-10, 1983)

17.28.040 Yard requirements - Front.

There shall be a minimum front yard of twenty-five (25) feet. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

- 14. ~~Airport;~~
- 15. ~~Processing of products produced on the premises;~~
- 16. ~~Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;~~
- 17. ~~Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.~~
- 18. ~~Gas and oil exploration and construction;~~
- 19. ~~Single family homes not including mobile homes or trailer houses;~~
- 20. ~~Duplexes and residential accessory buildings;~~
- 21. ~~All types of agriculture and horticulture not otherwise restricted or prohibited herein;~~
- 22. ~~The raising of animals (excluding swine and mink), providing an area of not less than one acre is available.~~
- 23. ~~Electric Vehicle Infrastructure. See KCC Chapter 17.66 (Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. 2006-01, 2006; Ord. 2005-05, 2005)~~

17.28A.030 Lot size required.

1. The minimum residential lot size shall be five (5) acres in the agricultural zone, unless within a cluster plat as provided for in KCC Chapter 16.09, Cluster Platting and Conservation Platting. Lots within a cluster plat shall be a minimum of one-half (1/2) acre. The overall density of any residential development shall not exceed one (1) dwelling for each five (5) acres.
2. The minimum average lot width shall be two hundred fifty (250) feet. (Ord. 2007-22, 2007; Ord. 2005-05, 2005)

17.28A.040 Yard requirements - Front.

There shall be a minimum front yard of twenty-five (25) feet. (Ord. 2005-05, 2005)

17.28A.050 Yard requirements - Side.

Side yard shall be a minimum of five (5) feet. On corner lots the side yard shall be a minimum of fifteen (15) feet on the side abutting the street. (Ord. 2005-05, 2005)

17.28A.060 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five (25) feet to the main building. (Ord. 2005-05, 2005)

17.28A.065 Yard requirements ~~and~~ Zones Adjacent to Commercial Forest Zone.

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

17.28A.080 Sale or conveyance of lot portion.

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure or the remainder of the lot with less than the minimum lot, yard or setback requirements of this zone~~district~~. (Ord. 2005-05, 2005)

17.28A.090 Off-street parking.

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Ord. 2005-05, 2005)

17.28A.100 Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-(60)- foot right-of-way or existing county road. (Ord. 2005-05, 2005)

17.28A.110 Setback lines.

None of the following uses shall be located within the distances indicated of any public street or road,

encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. (Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

17.29.020 Allowed Uses permitted.

Uses allowed in the agricultural (A-20) zone include those uses pursuant to KCC Chapter 17.15.

1. ~~The following uses are permitted:~~
 - a. ~~One-family or two-family dwellings;~~
 - b. ~~Parks and playgrounds;~~
 - c. ~~Public and parochial schools, public libraries;~~
 - d. ~~Single-family homes not including mobile homes or trailer houses;~~
 - e. ~~Duplexes and residential accessory buildings;~~
 - f. ~~All types of agriculture and horticulture not otherwise restricted or prohibited herein;~~
 - g. ~~Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;~~
 - h. ~~Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;~~
 - i. ~~Commercial greenhouses and nurseries;~~
 - j. ~~Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;~~
 - k. ~~Existing cemeteries;~~
 - l. ~~Airport;~~
 - m. ~~Processing of products produced on the premises;~~
 - n. ~~Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;~~
 - o. ~~Home occupations that do not involve outdoor work or activities, which do not produce noise;~~
 - p. ~~Gas and oil exploration and construction;~~
 - q. ~~Uses customarily incidental to any of the above uses;~~
 - r. ~~Any use not listed which is nearly identical to a listed use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions to the Hearing Examiner within ten working days of notification pursuant to Title 15A of this code, Project permit application process;~~
 - s. ~~Accessory Dwelling Unit (if in UGA or UGN);~~
 - t. ~~Accessory Living Quarters;~~
 - u. ~~Special Care Dwelling;~~
 - v. ~~Hay processing and container storage;~~
2. ~~Agriculture Study Overlay Zone: The list of permitted in subsection A shall apply, except that the following uses are not permitted:~~
 - a. ~~Parks and playgrounds;~~
 - b. ~~Public and parochial schools, public libraries;~~
 - c. ~~Duplexes and residential accessory buildings;~~
 - d. ~~Community clubhouses, parks, playgrounds, public utility buildings, pumping plants and substations;~~
 - e. ~~Airport;~~
 - f. ~~Gas and oil exploration and construction. (Ord. 2011-013, 2011; Ord. 2009-25, 2009; Ord. 2007-22, 2007; Ord. 92-1 (part), 1992; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)~~

17.29.030 Conditional uses.

It is the intent of this code that all conditional uses permitted in this zone shall be subordinate to primary agricultural uses of this zone. The following are conditional uses:

1. ~~Auction sales of personal property, other than livestock~~
2. ~~Bed and breakfast business~~

17.31.080 Yard requirements - Sale or conveyance restrictions.

17.31.090 Dimensional requirements.

17.31.100 Access.

17.31.110 Special setback requirements.

~~17.31.120 Administrative uses.~~

17.31.010 Purpose and intent.

The commercial agriculture zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture. (Ord. 96-15 (part), 1996)

17.31.020 Allowed uses permitted.

~~The following uses are permitted:~~ Uses allowed in the commercial agriculture zone include those uses pursuant to KCC Chapter 17.15.

- ~~1. One family or two family dwellings;~~
- ~~2. Hay processing and container storage;~~
- ~~3. Agriculture, livestock, poultry or swine, or mink raising, and other customary agricultural uses; provided, that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;~~
- ~~4. Community clubhouse, schools and public utility buildings, pumping plants, and substations;~~
- ~~5. Commercial greenhouses and nurseries;~~
- ~~6. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty five feet from the centerline of the public street or highway;~~
- ~~7. Existing cemeteries;~~
- ~~8. Private airplane landing strips used primarily in conjunction with agricultural activities;~~
- ~~9. Processing of products produced on the premises;~~
- ~~10. Home occupations that do not involve outdoor work or activities, or which do not provide noise;~~
- ~~11. Farm implement repair and maintenance;~~
- ~~12. Accessory Dwelling Unit (if in UGA or UGN)~~
- ~~13. Accessory Living Quarters~~
- ~~14. Special Care Dwelling~~
- ~~15. Electric Vehicle Infrastructure. See KCC Chapter 17.66 (Ord. 2011-013, 2011; Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 96-15 (part), 1996)~~

17.31.030 Conditional uses.

~~It is the intent of this code that all conditional uses permitted in this zone shall be subordinate to primary agricultural uses of this zone. The following are conditional uses:~~

- ~~1. Auction sales of personal property, other than livestock~~
- ~~2. Bed and breakfast business~~
- ~~3. Commercial Activities Associated with Agriculture~~
- ~~4. Churches~~
- ~~5. Day care facilities~~
- ~~6. Farm labor shelters; provided, that:~~
 - ~~a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor needed status;~~
 - ~~b. The shelters must conform with all applicable building and health regulations;~~
 - ~~c. The number of shelters shall not exceed four per twenty-acre parcel;~~
 - ~~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 building and health regulations~~
 - ~~A. Feed mills, canneries and processing plants for agricultural products~~
 - ~~B. Governmental uses essential to residential neighborhoods~~
 - ~~C. Guest ranches~~

OFFICE RECEPTIONIST, CLERK

To: Beth Russo
Cc: mmurphy@groffmurphy.com; William Crittenden
Subject: RE: Ellensburg Cement v. Kittitas County (88165-I)

Rec'd 3-27-13

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From: Beth Russo [<mailto:brusso@groffmurphy.com>]
Sent: Wednesday, March 27, 2013 10:25 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: mmurphy@groffmurphy.com; William Crittenden
Subject: Ellensburg Cement v. Kittitas County (88165-I)

Re: Ellensburg Cement v. Kittitas County (88165-I)

Dear Clerk:

Attached please find a Statement of Additional Authority for the above matter. This pleading is filed by Michael J. Murphy (WSBA #11132, mmurphy@groffmurphy.com) and William Crittenden (WSBA #22033, wicrittenden@groffmurphy.com), both of whom can be reached at 206-628-9500.

Please let me know if you have any difficulty opening this attachment.

Beth A. Russo
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