

ORDINANCE NO. 4807

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 “DEFINITIONS” AND SECTIONS 15.130.010, 15.130.030, 15.130.040, 15.130.060; 15.130.070, 15.130.080, 15.130.130, 15.130.150, 15.130.190, 15.130.200, 15.130.220, AND 15.130.230; AMENDING CHAPTER 15.210 “PERMIT REVIEW PROCESS ‘TYPES’” AND SECTIONS, 15.210.030 THROUGH 15.210.050; AMENDING CHAPTER 15.220 “PERMIT REVIEW PROCEDURES” AND SECTIONS 15.220.010 THROUGH 15.220.050, AND 15.220.070; AMENDING CHAPTER 15.230 “GENERAL PROVISIONS FOR PERMIT APPLICATION HEARINGS AND APPEALS” AND SECTIONS 15.230.020, 15.230.080, AND 15.230.090; AMENDING CHAPTER 15.250 “REVIEW AND DECISION CRITERIA FOR CERTAIN PERMITS” AND SECTION 15.250.090; AMENDING CHAPTER 15.260 “SUBDIVISIONS” AND SECTIONS 15.260.040 THROUGH 15.260.060, 15.260.100, 15.260.120, 15.260.140, AND 15.260.180; AMENDING CHAPTER 15.270 “ENVIRONMENTAL PROCEDURES – STATE ENVIRONMENTAL POLICY ACT (SEPA)” AND SECTIONS 15.270.110 AND 15.270.120; AMENDING CHAPTER 15.280 “ELLENSBURG LANDMARKS REGISTER AND PROCEDURES” AND SECTIONS 15.280.050 AND 15.280.090; AMENDING CHAPTER 15.300 “ZONES, MAPS AND DESIGNATIONS” AND SECTIONS 15.300.040 AND 15.300.050; AMENDING CHAPTER 15.310 “PERMITTED USES” AND SECTIONS 15.310.040 AND 15.310.050; RENAMING AND AMENDING CHAPTER 15.320 “FORM AND INTENSITY STANDARDS” AND SECTIONS 15.320.030, 15.320.050; 15.320.070; 15.320.090 THROUGH 15.320.130; AMENDING CHAPTER 15.330 “DENSITY BONUS INCENTIVES” AND SECTIONS 15.330.020 AND 15.330.030; AMENDING CHAPTER 15.340 “INDEX OF SUPPLEMENTAL USE CRITERIA” AND SECTIONS 15.340.020, 15.340.040, AND 15.340.070; AMENDING CHAPTER 15.350 “AIRPORT OVERLAY ZONE (A-O) STANDARDS” AND SECTIONS 15.350.010 THROUGH 15.350.050; AMENDING CHAPTER 15.420 “SUBDIVISION DESIGN AND BLOCK STRUCTURE” AND SECTIONS 15.420.020 THROUGH 15.420.050; AMENDING CHAPTER 15.520 “SITE PLANNING AND DESIGN ELEMENTS” AND SECTION 15.520.060; AMENDING CHAPTER 15.540 “HOUSING TYPE STANDARDS” AND SECTIONS 15.540.010 THROUGH 15.540.050;

AMENDING CHAPTER 15.550 “OFF-STREET PARKING” AND SECTIONS 15.550.040 AND 15.550.050; AMENDING CHAPTER 15.720 “MURALS” AND SECTION 15.720.030.

WHEREAS, a review of Title 15 Land Development Code of Ellensburg City Code has identified the need to provide clarity and consistency throughout the code; and

WHEREAS, the proposed amendments to the Ellensburg City Code are categorically exempt from SEPA review requirements per WAC 197-11-800(19); and

WHEREAS, the proposed ordinance was reviewed by the Planning Commission in a public hearing on July 12, 2018. Based on public testimony and other evidence received at said hearing, the Planning Commission developed recommendations to be considered by City Council during a public hearing; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City’s intent to amend the Land Development Code was sent to the Washington State Department of Commerce; and

WHEREAS, on August 9, 2018, the Growth Management Services Review Team for the Department of Commerce granted review of the proposed amendments, and confirmed that the Growth Management Act notice to state agency requirements in RCW 36.70A.106 were met; and

WHEREAS, the City Council conducted a public hearing on August 6, 2018, where it received and considered public comments on the proposed changes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 15 Land Development Code of the Ellensburg City Code as last amended by Ordinance 4803 is hereby amended to read as follows:

Title 15

LAND DEVELOPMENT CODE

Chapters:

Division I. General Provisions

- 15.100 User Guide**
- 15.110 Purpose/Authority/Interpretation**
- 15.120 Comprehensive Plan**
- 15.130 Definitions**

Division II. Permits, Legislative Actions and Procedures

- 15.200 Purpose/Administration**
- 15.210 Permit Review Process “Types”**
- 15.220 Permit Review Procedures**
- 15.230 General Provisions for Permit Application Hearings and Appeals**
- 15.240 Nonconformance**
- 15.250 Review and Decision Criteria for Certain Permits**
- 15.260 Subdivisions**
- 15.270 Environmental Procedures – State Environmental Policy Act (SEPA)**
- 15.280 Ellensburg Landmarks Register and Procedures**
- 15.290 Code Enforcement**

Division III. Zoning Districts and Land Uses

- 15.300 Zones, Maps and Designations**
- 15.310 Permitted Uses**
- 15.320 ~~Form~~ Building Setback and Intensity Standards**
- 15.330 Density Bonus Incentives**
- 15.340 Index of Supplemental Use Criteria**
- 15.350 Airport Overlay Zone (A-O) Standards**
- 15.360 Annexations**
- 15.370 Medical Cannabis and State-Licensed Marijuana Businesses**
- 15.380 Development Agreements**
- 15.390 Regional Retail Overlay Zone Standards**
- 15.390A Regional Retail Commercial Design Standards**

Division IV. Community Design

- 15.400 Introduction**
- 15.410 Streetscape Design**
- 15.420 Subdivision Design and Block Structure**

Division V. Project Design

- 15.500 Introduction**
- 15.510 Site Orientation**
- 15.520 Site Planning and Design Elements**
- 15.530 Building Design**
- 15.540 Housing Type Standards**
- 15.550 Off-Street Parking**
- 15.570 Landscaping**
- 15.580 Outdoor Lighting**
- 15.590 *Recodified***

Division VI. Critical Areas

- 15.600 General Provisions**
- 15.610 Applicability, Exemptions and Exceptions**

- 15.620 Wetlands**
- 15.630 Frequently Flooded Areas**
- 15.640 Geologically Hazardous Areas**
- 15.650 Fish and Wildlife Habitat Conservation Area**
- 15.660 Aquifer Recharge Areas**

Division VII. Signs and Murals

- 15.700 (Reserved)**
- 15.710 (Reserved)**
- 15.720 Murals**

Prior legislation: Ords. 2810, 2834, 2851, 2873, 2875, 2893, 2918, 2931, 2933, 2936, 2938, 2962, 2988, 2992, 2993, 2996, 2998, 3015, 3029, 3044, 3054, 3055, 3059, 3061, 3077, 3081, 3100, 3106, 3107, 3108, 3112, 3113, 3121, 3130, 3131, 3132, 3133, 3138, 3145, 3149, 3152, 3167, 3176, 3181, 3199, 3210, 3211, 3223, 3232, 3235, 3241, 3254, 3255, 3264, 3268, 3273, 3298, 3302, 3315, 3330, 3340, 3341, 3347, 3348, 3357, 3360, 3364, 3383, 3397, 3403, 3406, 3432, 3446, 3448, 3456, 3458, 3464, 3491, 3522, 3526, 3527, 3555, 3576, 3583, 3590, 3622, 3637, 3639, 3648, 3652, 3660, 3685, 3690, 3714, 3717, 3739, 3753, 3776, 3786, 3787, 3788, 3792, 3794, 3795, 3817, 3820, 3827, 3836, 3849, 3856, 3862, 3870, 3871, 3880, 3891, 3905, 3906, 3914, 3919, 3930, 3943, 3954, 3955, 3968, 3972, 3973, 3982, 3984, 3985, 3986, 3993, 3997, 3998, 4005, 4007, 4012, 4025, 4026, 4027, 4028, 4044, 4057, 4058, 4059, 4082, 4084, 4092, 4094, 4096, 4116, 4120, 4125, 4140, 4142, 4144, 4146, 4151, 4152, 4157, 4160, 4172, 4173, 4175, 4176, 4177, 4180, 4182, 4196, 4197, 4212, 4224, 4227, 4238, 4243, 4245, 4246, 4247, 4249, 4254, 4255, 4259, 4266, 4271, 4275, 4286, 4289, 4296, 4300, 4303, 4307, 4308, 4310, 4314, 4323, 4325, 4328, 4331, 4336, 4347, 4348, 4349, 4353, 4357, 4362, 4363, 4373, 4379, 4382, 4394, 4401, 4420, 4423, 4427, 4433, 4434, 4437, 4441, 4443, 4446, 4454, 4458, 4464, 4465, 4467, 4468, 4469, 4471, 4473, 4474, 4482, 4497, 4502, 4504, 4505, 4510, 4517, 4524, 4532, 4535, 4537, 4540, 4545, 4556, 4565, 4566, 4568, 4570, 4572, 4573, 4578, 4580, 4586, 4588, 4598, 4601, 4607, 4614, 4627, 4630, 4636, 4638, 4644, 4647 and 4653.

Section 2. Section 15.130.010 A Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add and revise the following definitions:

15.130.010 A definitions

“Apartment” means any building containing three or more dwelling units.

“Accessory building” means a subordinate building or portion of the that is physically detached from the main building, the use of which is incidental and related to that of the main building use on the same lot. See ECC 15.320.110 for related standards.

“Accessory dwelling unit” means a self-contained residential unit that is accessory to a single-family home dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage. See ECC 15.540.040 for special ADU design provisions.

“Accessory structure” means a structure which is incidental and subordinate to the principal building and shall not be used as a dwelling or accessory dwelling. Accessory structures must be on the same property as the building or use to which they are accessory. Examples of accessory structures may include fences, enclosed stair landings, storage sheds, and similar structures.

Section 3. Section 15.130.030 C Definitions of the Ellensburg City Code, Section 1 of Ordinance 4728, is hereby amended to revise the following definitions:

15.130.030 C definitions.

“Certificate of approval/appropriateness” or “COA” means the approval issued by the Landmark and Design Commission indicating the Commission has reviewed the proposed changes for alterations to a designated landmark to a Landmarks register property or within a Landmarks register historic district, or to a property located within a landmark historic district, certifying and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation. having no adverse affect on the significant features of the property that contributed to its designation. See Chapter 15.280 ECC.

“Conditional use” means a use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. Such conditional uses may be permitted in such zoning districts, but only if specific provision for such conditional use is made in this title. See ECC 15.240250.040 and Division III.

Section 4. Section 15.130.040 D Definitions of the Ellensburg City Code, Section 2 of Ordinance 4728, is hereby amended to revise the following definitions:

15.130.040 D definitions.

“Domicile” as it pertains to marijuana cooperatives means a person’s true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located. It is the place where the person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

Dwelling, Duplex. “Duplex” refers to a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot. A duplex will not be considered a duplex for purposes of the Land Development Code standards if more than one duplex building is located on one lot. See ECC 15.540.030 for special duplex provisions.

Dwelling, Multifamily. “Multifamily” refers to a building that contains three or more dwelling units. See definition of multifamily ECC 15.130.130.

Dwelling, Single-Family. “Single-family dwelling” means a dwelling that is entirely surrounded by open space on the same lot, and which means one dwelling unit or one dwelling unit with an attached or detached accessory dwelling unit used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. is designed for and occupied

exclusively by one family and the household employees of the family, if any. See ECC 15.540.020 for special single-family dwelling provisions.

Dwelling, Townhouse. “Townhouse” refers to a single family dwelling constructed in a group of a row of three or more attached single-family dwellings units in which each unit extends from the foundation to roof and with open space on at least two sides. Each unit has its own front and/or rear access to the outside. Ownership of a townhouse includes the unit’s building and associated property. See ECC 15.540.060 for special townhouse provisions.

~~Dwelling, Triplex. “Triplex” refers to a building that is entirely surrounded by open space on the same lot and contains three dwelling units or three dwelling units that are physically separated but on the same lot. See ECC 15.540.030 for special triplex provisions.~~

Section 5. Section 15.130.060 F Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.130.060 F definitions.

“Façade” means the exterior of any wall plane (including enclosed porches) located above ground as seen from one side or view.

Section 6. Section 15.130.070 G Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to revise the following definition:

15.130.070 G definitions.

“General service establishment” refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, automobile fueling, ~~veterinary clinics,~~ and other services.

Section 7. Section 15.130.080 H Definitions of the Ellensburg City Code as last amended by Sections 2 through 4 of Ordinance 4769 is hereby amended to revise the following definition:

15.130.080 H definitions.

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

Section 8. Section 15.130.110 K Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to revise the following definitions:

15.130.110 K Definitions

“Kennel” or “shelter” means any outdoor or indoor facility, which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may be a separate business or an accessory use. A kennel is to be distinguished from a veterinary clinic which houses animals for periods that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed in a veterinary clinic. —see See definition of “Veterinary clinic” in ECC 15.130.220~~Office, medical.~~

Section 9. Section 15.130.130 M Definitions of the Ellensburg City Code as last amended by Section 2 of Ordinance 4725 is hereby amended to add the following definition:

15.130.130 M definitions.

“Mobile home” means a single-family dwelling residence ~~residence~~ transportable in one or more sections, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

“Multifamily.” As a use “multifamily” refers to one lot that contains three or more dwelling units. Multifamily may include duplexes located on contiguous lots. Staff will make determination as to whether a project qualifies as multifamily on a case by case scenario.

Section 10. Section 15.130.150 O Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to revise the following definitions:

15.130.150 O definitions.

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

Office, Medical. “Medical office” means an office or clinic used ~~exclusively primarily~~ by physicians, dentists, optometrists, and similar personnel for the treatment and examination of patients solely on an outpatient basis; provided, that no overnight patients shall be kept on the premises. ~~The term also includes veterinary clinics and such veterinary clinics may keep domestic animals overnight inside the clinics for short periods of time in association with and accessory to the treatment of such domestic animals.~~

Section 11. Section 15.130.190 S Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.130.190 S Definitions.

“Significant feature” means, for purposes of Chapter 15.280 ECC, any physical characteristic of a landmark, landmark site, or landmark district which the commission has stipulated in the

designation as important to the historic value of the property, and for which a certificate of ~~approval~~appropriateness is required prior to alteration.

Section 12. Section 15.130.200 T Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.130.200 T definitions.

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

Section 13. Section 15.130.220 V Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to revise and add the following definitions:

15.130.220 V definitions

“Veterinary Clinic” means an establishment operated by a veterinarian that provides clinical facilities for medical, dental, surgical treatment, care, and grooming for domestic animals. Small domestic animals include but are not limited to dogs, cats, and other animals of similar size. Veterinary clinics may include pens, kennels, or cages for housing small domestic animals overnight for periods of time that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed at the veterinary clinic.

Section 14. Section 15.130.230 W Definitions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.130.230 W definitions.

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

Section 15. Section 15.210.030 Permit review process types - Defined of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.210.030 Permit review process types – Defined.

A. Review Process Type I. These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the LDC or other adopted city development codes. Most of these decisions are made administratively through a Type I review process by the director or by the landmarks and design commission if the project involves properties listed on the landmarks register. There are generally no notice or hearing requirements and no appeal opportunity for Type I decisions except for judicial appeals. Type I

decisions are not subject to environmental review under the State Environmental Policy Act (SEPA), codified at Chapter 43.21C RCW (also see Chapter 15.270 ECC).

B. Review Process Type II. Unless otherwise specified, most Type II decisions are made by the director based on standards and clearly identified criteria in the LDC or other adopted city development codes. Some landmarks and design commission decisions are also Type II decisions. Type II decisions require some level of public notice and typically do not include a public hearing but may include a predecision public meeting, except for Type II process for COAs. See ECC Table 15.210.040(A). The Type II process requires that the director or other designated decision-maker, issue a written report that sets forth a decision to approve, approve with modifications or conditions, or deny the application. The written decision report will also include any threshold determinations under SEPA or critical area final determinations under Division VI. Such Type II project decisions are appealable to the hearing examiner in an open record appeal hearing, except for departure decisions made by the director pursuant to ECC 15.210.060 and certificate of approval-appropriateness decisions made by the landmarks and design commission pursuant to the procedures set forth in Chapter 15.280 ECC, which are appealable to city council in a closed ~~an open~~ record appeal hearing.

C. Review Process Type III. These are quasi-judicial decisions that are made by the designated decision-maker and involve the use of discretionary judgment in the review of each specific application. Type III decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision. Any administrative appeal of a SEPA threshold determination or critical area final determination shall be consolidated with the open record public hearing on the project permit, except a SEPA determination of significance, which must be appealed directly to city council at the time it is issued and prior to any further review on the underlying permit.

D. Review Process Type IV. These quasi-judicial decisions are made by the city council and the hearing examiner and involve the use of discretionary judgment in the review of each specific application. Type IV decisions may require a predecision open record public hearing by the designated body which will then provide recommendations to the decision-maker. The final decision must include findings and conclusions in support of the decision. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a SEPA determination of significance which must be appealed directly to city council at the time it is issued and prior to any further review on the underlying permit.

E. Review Process Type V. These are legislative, nonproject decisions made by the city council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands. Type V actions include comprehensive plan adoption or amendment, area-wide rezones, annexations, adoption or changes to development regulations, and the siting of essential public facilities. Because Type V actions are not project permit applications, they are not governed by the same procedural rules as project

permits. Each Type V action is included separately in the LDC with its own established review and decision process. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 16. Section 15.210.040 Permit review process types – Decision-making, procedures and notice requirements of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.210.040 Permit review process types – Decision-making, procedures and notice requirements.

A. Decision-Making and Appeal Process. Table 15.210.040(A) sets out the permit review decision-making and appeal processes for the permit review process types.

Table 15.210.040(A). Decision-making and appeal process for permit review process types.

	Type I	Type II	Type III	Type IV	Type V
Final decision made by:	Director or designated decision-maker (see ECC 15.210.050(A))	Director or designated decision-maker (see ECC 15.210.050(B))	Designated decision-maker (see ECC 15.210.050(C))	Designated decision-maker (see ECC 15.210.050(D))	City council
Recommendation made by:	NA	NA	Designated body	Designated body	Planning commission
Open record predecision public hearing	No	No Except that landmarks and design commission holds a <u>an</u> predecision-open record public hearing (see Chapter 15.280 ECC)	Yes	Yes	Yes multiple open record predecision hearings can be held
Open record appeal public hearing	No <u>Yes</u>	Yes, except for landmarks and design commission decisions which have a closed record appeal	No	No	No
Closed record appeal hearing	No	No, except for landmarks and design commission decisions	Yes	No	No
Appeal to:	Superior court	Hearing examiner except landmarks and	Hearing examiner or city council	Superior court	Superior court or to the growth management

	Type I	Type II	Type III	Type IV	Type V
		design commission decisions are appealed to city council and director decisions on departures are appealed to city council			hearings board if GMA action
Judicial appeal (see ECC 15.230.100)	Yes	Yes	Yes	Yes	Yes

B. Procedures. Table 15.210.040(B) sets out the permit review procedures for the five permit review process types.

Table 15.210.040(B). Procedures for permit review process types.

	Type I	Type II	Type III	Type IV	Type V
Preapplication meeting (see ECC 15.220.010)	No	No ¹	Yes	Yes	Decketing No
Notice of complete application (see ECC 15.220.040 <u>030</u>)	No	Yes	Yes	Yes	Decketing No
Notice of application (see ECC 15.220.040)	No	Yes	Yes	Yes	Decketing No
SEPA determination (see Chapter 15.270 ECC)	No	Yes If applicable	Yes If applicable	Yes	Yes If applicable
Notice of hearing (see ECC 15.230.020)	No	No	Yes	Yes	Yes
Notice of decision (see ECC 15.220.080)	No Yes	Yes	Yes	Yes	Yes
120 day review period (see ECC 15.220.070)	No ²	Yes	Yes	Yes	No

Notes/conditions:

1. A preapplication meeting shall be required for all major design review projects and short subdivisions as set forth in ECC 15.250.030.
2. Short subdivisions have a 30-60 calendar day deadline for issuance (after determination of complete application). A final subdivision must issue in 30 calendar days and a preliminary subdivision must issue in 90

calendar days (after determination of complete application). See RCW 58.17.140 and ECC 15.260.060 and 15.260.120.

C. Notice Requirements. Table 15.210.040(C) sets out the notice requirements for the five permit review process types.

Table 15.210.040(C). Notice requirements for all permit applications application types, unless otherwise stated. See Chapter 15.220 ECC.

	Send to property owners within 300'	Public notice (see ECC 15.220.040)	Post property (see ECC 15.220.050)	Send to agencies	Send to applicant
Notice of completeness (see ECC 15.220.040)					X
Notice of application (see ECC 15.220.040)	X	X, except for Type I permits	X, except for Type I and II permits	X	X
SEPA determination (see Chapter 15.270 ECC)		X	X	X	X
Notice of open record predecision hearing or meeting, if applicable	X	X	X for site specific proposals		X
Notice of decision (see ECC 15.220.080)		X	X, except for Type I and II permits		X
Notice of appeal hearing, if applicable	X	X			X

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 17. Section 15.210.050 Projects under permit review process types of the Ellensburg City Code as last amended by Sections 8 through 10 of Ordinance 4769 is hereby amended to read as follows:

15.210.050 Projects under permit review process types.

A. Review Process Type I. Table 15.210.050(A) identifies the types of projects and permits that require a Type I review process. Any decision-making, procedural, or noticing variations to the Type I review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(A). Projects under Type I review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type I Project ¹	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
<u>Boundary line adjustments</u>	<u>No variation</u>	<u>ECC 15.260.050</u>
<u>Administrative decision</u> <u>Code interpretation</u>	No variation	<u>ECC 15.130.040</u> <u>ECC 15.110.060(F)</u>
<u>Commercial wireless communication support towers, antenna arrays and facilities in residential zones</u>	<u>No variation</u> <u>Except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. (see ECC 15.340.070)</u>	<u>ECC 15.340.070</u>
<u>Permitted use</u>	No variation	Chapter 15.310 ECC
<u>Commercial wireless communication support towers, antenna arrays and facilities in residential zones</u>	No variation Except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. (see ECC 15.340.070)	ECC 15.340.070
<u>Boundary line adjustments</u>	No variation	<u>ECC 15.260.050</u>
<u>Critical area initial and final determination</u>	<u>See Division VI for process variation</u>	<u>Division VI</u>
<u>Critical area exemption request or allowable activity</u>	No variation	<u>Division VI</u>
Final subdivision approval	Final decision by city council (see ECC 15.260.060)	ECC 15.260.060
Final short subdivision approval	(see ECC 15.260.120)	Chapter 15.260 ECC
<u>Home occupation</u>	<u>No variation</u>	<u>ECC 15.340.020</u>
Minor changes to approved preliminary subdivision	No variation	ECC 15.260.110
<u>Minor preliminary plat alteration</u>	<u>No variation</u>	<u>ECC 15.260.110(A)</u>
<u>Minor revision to regional retail commercial master site plan</u>	<u>No variation</u>	<u>ECC 15.390.040(C)(4)</u>
Nonconforming use determination	No variation	Chapter 15.240 ECC
<u>Critical area exemption request or allowable activity</u>	No variation	<u>Division VI</u>
<u>Critical area initial and final determination</u>	<u>See Division VI for process variation</u>	<u>Division VI</u>
<u>Permitted use</u>	<u>No variation</u>	<u>Chapter 15.310 ECC</u>

Type I Project¹	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Site development permits (no SEPA required)	No variation	ECC 15.250.020
Small wind energy system (one per parcel) ²	No variation Except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. See ECC 15.340.060	ECC 15.340.060
Home occupation	No variation	ECC 15.340.020
Minor revision to regional retail commercial master site plan	No variation	ECC 15.390.040(C)(4)
Minor preliminary plat alteration	No variation	ECC 15.260.110(A)
Temporary use	No variation	ECC 15.250.010
Site development permits (no SEPA required)	No variation	ECC 15.250.020

Notes/conditions:

1. If any Type I project requires a SEPA threshold determination it automatically becomes a Type II project.
2. Where more than one small wind energy system is proposed for a parcel, then a conditional use permit is required.

B. Review Process Type II. Table 15.210.050(B) identifies the types of projects and permits that require a Type II review process. Any decision-making, procedural, or noticing variations to the Type II review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(B). Projects under Type II review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type II Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Administrative variance	No variation	ECC 15.500.040
Code interpretation	No variation	ECC 15.110.060(E)
Temporary use	No variation	ECC 15.250.010
Critical area exception for public agency or reasonable use	No variation	Division VI
Design review, major and minor	No variation	ECC 15.250.030 Division V (Project Design)
Design review departure request for landmarks register property	Decision by landmarks and design commission after a public hearing;	ECC 15.210.060 (departures)

Type II Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
	Appeal closed open record to city council	
Design review departure request for non-landmarks register property	Appeal open record to city council	ECC 15.210.060 (departures)
Commercial wireless communication support towers, antenna arrays and facilities in commercial and industrial zones	No variation, except landmarks register properties require decision by landmarks and design commission after a public hearing	ECC 15.340.070
Landmark certificate of approval <u>appropriateness</u> (COA)	Landmarks and design commission decision after public hearing; Appeal closed open record to city council	ECC 15.280.090
Landmarks register demolition	Landmarks and design commission decision after a public hearing; Appeal closed open record to city council	ECC 15.280.090
Short subdivision, preliminary	No variation	Chapter 15.260 ECC (Subdivisions) Division IV (Community Design)
Short subdivision alteration	No variation	ECC 15.260.170(C)
Site Development Permit (if SEPA required)	No variation	ECC 15.250.020
<u>Temporary use</u>	<u>No variation</u>	<u>ECC 15.250.010</u>

Table 15.210.050(C). Projects under Type III review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type III Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Binding site plan	City council decision	ECC 15.260.420 ¹⁸⁰
Conditional use permit	Planning commission decision after open record hearing; appeal closed to city council	ECC 15.250.040
Variance (includes variance for critical areas regulations)	Hearing examiner decision after open record hearing; appeal closed to city council	ECC 15.250.050
Extension requests for regional retail commercial master site plan projects	City council decision after open record public hearing	ECC 15.390.040(C)(3)

D. Review Process Type IV. Table 15.210.050(D) identifies the types of projects and permits that require a Type IV review process. Any decision-making, procedural, or noticing variations

to the Type IV review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(D). Projects under Type IV review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type IV Project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Preliminary subdivision	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	Chapter 15.260 ECC
Site-specific rezone	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	ECC 15.250.060 Chapter 15.300 ECC
Master plan for P-R zone uses	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	ECC 15.250.080 and 15.310.050
Plat vacation	City council decision after open record hearing	ECC 15.260.110(B)
Plat alteration (major)	City council decision after open record hearing	ECC 15.260.110(C)
Regional retail commercial master site plans	Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing ¹ ; not subject to timelines	ECC 15.390.040 (master site plan provisions for regional retail commercial projects)
Major revisions to regional retail commercial master site plans	Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing; not subject to decision timelines	ECC 15.390.040(C)(5)

Notes/conditions:

1. For review of a regional retail commercial master site plan related to a rezone application, subdivision application, a short subdivision application, or a binding site plan application, see ECC 15.390.040(C).

E. Review Process Type V. Table 15.210.050(E) identifies the types of approvals and permits that require a Type V review process. Any decision-making, procedural, or noticing variations to the Type V review process are described in the middle column. The right column identifies code sections applicable to the permit.

Table 15.210.050(E). Approvals subject to Type V review process.

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

Type V Approvals	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Rezone (other than site specific)	No variation	ECC 15.250.060 and Chapter 15.300 ECC
Land development code amendment	See ECC 15.250.100	ECC 15.250.100
Comprehensive plan amendment	See ECC 15.250.090	ECC 15.250.090
Annexations	No variation	Chapter 15.360 ECC
Essential public facilities	See ECC 15.250.110	ECC 15.250.110; RCW 36.70A.200; and Chapter 11 of the comprehensive plan

[Ord. 4769 §§ 8 – 10, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 18. Section 15.220.010 Preapplication meeting of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended as follows:

15.220.010 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type III or IV permit, major design review project (Type II review) permit, short plats (Type II review), duplexes, multifamily dwellings, and commercial projects. Other applications may be required to have a preapplication meeting at the discretion of the director based on the complexity of the project.

Applicants for other permits are encouraged to request a preapplication meeting with the city. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable city requirements and the permit review process including the permits required by the action, timing of the permits and the approval process.

The director shall specify submittal requirements for preapplication meetings, which shall include a critical areas information form if critical areas are involved with the project. Plans presented at the preapplication meeting are nonbinding and do not “vest” an application or a proposed project unless such plans have been submitted as part of a project permit application that previously has been deemed complete by the city. A summary of a preapplication meeting, including any documentation provided to the city by the applicant or to the applicant by the city, shall be made and included in the project file following the meeting. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 19. Section 15.220.020 Application of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended as follows:

15.220.020 Application.

A. Who May Apply. An application may be submitted by:

1. The property owner or any agent of the property owner with written authorization of agency to submit the application for the property owner for any Type I, II, III or IV permit. The city council, planning commission, or city staff may initiate a Type V application except for comprehensive plan amendments which are governed by ECC 15.250.090.
2. Each applicant submitting a project permit to the city shall designate a single person or entity to receive determinations and notices under this title. The applicant shall include the name, current address and current telephone number of the designated person or entity. The applicant shall be responsible for immediately notifying the city of any change of name, address or telephone number of the designated person or entity.

B. Submittal Requirements.

1. The director shall prepare written submittal requirements for each type of permit application, including type, detail, and number of copies to be submitted for an application to be deemed complete. The director may waive specific submittal requirements determined to be unnecessary for review of an application. The director may require additional material such as maps, studies, or models when the director determines such material is needed to adequately assess the proposed project. Applicants may obtain application materials from the community development department.
2. In addition to the submittal requirements and conditions set forth above, the following project permit applications require specific submittal materials that are set forth in the identified LDC sections:
 - a. Short subdivision, preliminary subdivision, and binding site plan submittal requirements are set forth in Chapter 15.260 ECC;
 - b. Certificate of ~~approval~~ appropriateness application requirements are set forth in Chapter 15.280 ECC;
 - c. Regional retail commercial master site plan application requirements are set forth in Chapter 15.390 ECC; and
 - d. Critical area determinations are set forth in Division VI. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 20. Section 15.220.030 Determination of completeness of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended as follows:

15.220.030 Determination of completeness.

A. Written Determination. Within 28 calendar days after receiving an application for a Type I, II, III or IV decision, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete. If the director does not provide a written determination within the 28 calendar days, the application shall be deemed complete as of the end of the twenty-eighth calendar day.

B. Additional Information Request and Timeline.

1. If the additional information requested by the director is not fully submitted within 90 calendar days from the date it was requested, the application shall be considered withdrawn and any unspent filing fees, as determined by the director, shall be returned to the applicant. The applicant may submit a written request for up to a 90 day extension of this deadline. The director may grant a single extension if there is a demonstration that the applicant is actively working on obtaining the requested information, and such extension is in the interests of the city.
2. Within 14 calendar days after receiving any additional information needed to make the application complete, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.

C. Criteria. A permit application is complete for the purposes of this section when it meets the submittal requirements established by the director in ECC 15.220.020, even though additional information may be required or subsequent project modifications may occur. The determination of completeness shall not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if new information is required to complete review of the application or substantial changes in the permit application are proposed. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 21. Section 15.220.040 Public notice of application of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.220.040 Public notice of application.

A. Issue Notice. Within 14 calendar days of the determination of completeness, the city shall issue a notice of application for all Type II, III, and IV projects. Notice of any SEPA pre-threshold determination comment opportunities available pursuant to Chapter 15.270 ECC or critical area determination comment opportunities pursuant to Division VI shall be combined with the notice of application.

B. Notice Contents. The notice of application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;
2. The name and address of the applicant or the applicant's designated applicant;
3. The location and description of the project;
4. The requested actions and any required studies, if known;
5. The date, time, and place of any predecision public meeting or open record hearing, if one has been scheduled;
6. Identification of any environmental or critical area documents related to the project, if any, and where they are located for review;

7. A statement of the limits of the public comment period. With the exception of short subdivisions which have a 14-day calendar day comment period, the comment period for all applications subject to review under this section is 21 calendar days beginning on the day following the date of notice of application;

8. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

9. The name and phone number and email address of the city staff contact for the application;

10. Identification of the known development regulations that will be used in determining consistency of the project with the comprehensive plan; and

11. Any other information that the city determines to be appropriate.

C. Public Notification. The notice of application shall be made available to the public, through the following methods:

1. Mail. For site-specific proposals requiring a Type II (except signs), Type III or Type IV review process, the department shall mail notice to owners of real property located within 300 feet of the subject property and to any agencies with jurisdiction;

2. Post Site. The applicant for site-specific proposals requiring a Type III or IV review process and/or requiring SEPA review pursuant to Chapter 15.270 ECC, shall post a notice board on the site at the applicant's expense within five calendar days after the date of issuance of the determination of complete application per the requirements set forth in ECC 15.220.050 and 15.270.120; and

3. Newspaper. For Type II permits (except signs), For-site-specific proposals requiring a Type III or Type IV review process, and for non-site-specific proposals requiring a Type V review process, the department shall also publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, staff contact information, and the location where the complete application may be reviewed.

D. Public Comments. The department must receive all comments received on the notice of application by 5:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, faxed, or personally delivered. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 22. Section 15.220.050 Notice board requirements of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.220.050 Notice board requirements.

Posted notice for a proposal as required in ECC 15.220.040(C)(2) shall consist of one or more notice boards posted at the applicant's expense by the applicant within five calendar days following the department's issuance of a determination of completeness as follows:

A. Notice Board. The department shall provide the applicant with a reduced paper copy of the required notice which the applicant shall be responsible for enlarging to a six-square-foot (two feet tall by three feet wide) waterproof sign for posting;

B. Number of Boards. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing. Additional notice boards may be required by the department when:

1. The site does not abut a public road;
2. A large site abuts more than one public road; or
3. The department determines that additional notice boards are necessary to provide adequate public notice;

C. Location of the Notice Board. The notice board shall be located:

1. At the midpoint of the site's street frontage or as otherwise directed by the department for maximum visibility;
2. Five feet inside the street property line except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the department;
3. So that the top of the notice board is between seven to nine feet above grade; and
4. Where it is completely visible and readable from the facing property line of the site;

D. Notice boards shall be:

1. Maintained in good condition by the applicant during the notice period through the time of the final city decision on the proposal, including the expiration of any applicable appeal periods and, for decisions that are appealed, through the time of the final resolution of any appeal. Failure to properly maintain the notice board in good condition and in the proper location as specified above may result in the director making a determination that there is a need to provide additional time for public notice;
2. In place at least 28-21 calendar days prior to the date of any required hearing for a Type III or IV project, or at least 14 calendar days following the department's issuance of a determination of completeness for any Type II project;
3. Removed within 14 calendar days after the final decision has been made on the project and all applicable appeal periods have passed; and

4. Removal of the notice board prior to the required time above may be cause for discontinuance of city review until the notice board is replaced and remains in place for the specified time period; and

E. An affidavit of posting shall be submitted to the department by the applicant within seven days following the department's determination of completeness to allow continued processing of the application by the department. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 23. Section 15.220.070 Permit processing time limits of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.220.070 Permit processing time limits.

A. Decisions on Type I permits should be issued within ~~21~~ 30 calendar days from the date of issuance of a determination that the application is complete ~~of the date the application was received and~~, in the event that the decision will take longer than ~~21~~ 30 calendar days, the applicant shall be notified, provided with a reason for the delay and an estimate of the time frame in which the decision will be made. Decisions on Type II, III, or IV project permits shall be made within 120 calendar days from the date of issuance of a determination that the application is complete. Exceptions to this 120-calendar-day time limit are:

1. Substantial project revisions are made or requested by an applicant, in which case the 120 calendar days will be calculated from the time that the city determines the revised application to be complete;
2. The time required to prepare a critical area report pursuant to Division VI (if applicable) and the time required to issue a draft and final environmental impact statement (EIS) in accordance with the State Environmental Policy Act (if applicable);
3. Any period for administrative appeals of project permits;
4. Landmarks and design commission certificates of ~~approval~~ appropriateness must be issued within ~~21-30 calendar days of the application being deemed complete~~, unless the COA involves another permit application review process, in which case the permit processing time limits are governed by that other permit application review process, or unless the COA is for a demolition in which case the time limits set forth in ECC 15.280.090 shall apply;
5. Amendments to the comprehensive plan or LDC for which the schedule for adoption is established legislatively;
6. Short subdivisions, preliminary and final subdivisions, and binding site plans which are governed by the processing time limits set forth in Chapter 15.260 ECC; or
7. Development agreements (see Chapter 15.380 ECC and RCW 36.70B.200).

B. The time limits set for Type I, II, III, or IV projects do not include:

1. Any period of time during which the applicant has been requested in writing by the department to correct plans, perform studies, including critical area reports pursuant to

Division VI, or provide additional information. This period of time shall be calculated from the date the department notifies the applicant of the need for such additional information, studies or reports, until the date the department determines that the additional information satisfies the request for such information or 14 calendar days after the date the information has been provided to the department, whichever is earlier.

2. If the department determines that the additional information submitted to the department by the applicant under subsection (B)(1) of this section is insufficient, the department shall notify the applicant of the deficiencies in writing within 14 calendar days from the date the information was provided to the department, and the procedures provided in subsection (B)(1) of this section shall apply as if a new request has been made.

C. If the department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall notify the applicant of that inability to issue the final decision within the prescribed time limits. Such notice shall include a statement of the reasons why the time limit has not been met and an estimated date for issuance of the notice of decision. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 24. Section 15.230.020 Public notice of public hearing of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.230.020 Public notice of public hearing.

Notice of the time and place of an open record hearing shall be made available to the public by the department no less than 14 calendar days prior to the hearing, through use of these methods:

A. Mail. Mailing to owners of real property located within 300 feet of the subject property;

B. Newspaper. The department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located; and

C. Post Site. Posting the property (for site-specific proposals). (See ECC 15.220.040.) [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 25. Section 15.230.070 Appeals of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.230.070 Appeals.

Appeals of a project permit decision shall be governed by the following:

A. Time to File. An administrative appeal shall be considered timely only if it is filed with the community development director within 14 calendar days after written notice of the decision is mailed and is accompanied by the appropriate appeal fee. Appeals shall be delivered to the community development department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

B. **Computation of Time.** For the purposes of computing the time for filing an appeal, the day the decision is issued shall not be counted. If the last day of the appeal filing period is a Saturday, Sunday, or holiday designated by RCW 1.16.050 or by a city ordinance, then the appeal must be filed on the next business day.

C. **Acceptance of Appeal.** The director shall accept appeals that meet the requirements of this section and shall schedule such appeals for consideration by the appeal body or city council as provided in ECC 15.230.040. The director shall reject any appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the director rejects an appeal, or in the event that the appellant files a written statement with the director at least 15 calendar days before the scheduled date for consideration of the appeal. In all other cases, the appeal fee shall be nonrefundable.

D. **Content of Appeal.** Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:

1. Appellants' name, address and phone number;
2. A statement describing appellants' standing to appeal;
3. Identification of the application or decision that is the subject of the appeal;
4. Appellants' statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record;
5. The specific relief sought;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellants' signature or the signature of the appellants' agent, provided such agent's authorization is in writing and accompanies the appeal.

E. **Effect.** The timely filing of an appeal shall stay the decision-maker's decision until such time as the appeal is concluded or withdrawn.

F. **Burden of Proof.** The appellant shall bear the burden to demonstrate that at least one of the grounds for administrative appeal as set forth in ECC 15.230.050 has occurred.

G. **Standard of Review.** The appeal body shall determine whether there is substantial evidence in the administrative record to support an affirmative finding that one of the grounds for administrative appeal raised by the appellant has been met. The appeal body may affirm, modify or reverse the decision of the hearing body.

H. **Decision.** The appeal body shall issue a written decision on the appeal supported by written findings and conclusions. The director shall mail notice of the appeal body's decision to the appellant(s), the applicant, and other parties of record. The notice shall consist of the appeal body's decision identifying the case by number and appellants' name. The notice shall also include a statement concerning any appeal rights for the appeal decision. Where applicable, the notice shall comply with the official notice provisions of RCW 34.21C.075. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 26. Section 15.230.080 Open record hearing or appeal hearing proceedings of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.230.080 Open record hearing or appeal hearing proceedings.

A. Responsibility of Director for Hearing. The director shall:

1. Schedule a predecision public hearing or an appeal public hearing as applicable. If the matter is a predecision public hearing, the open record hearing shall be heard within 60 calendar days from the issuance of the notice of application. If the matter is an appeal of a decision which provides for an open record appeal hearing, such appeal hearing shall be held and a decision made within 45 calendar days from the date the appeal is filed unless otherwise established by statute.
2. Provide notice of public hearing as required per ECC 15.230.020.
3. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on a project permit that did not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA.
4. Once a decision has been issued, prepare the notice of decision, if required by the hearing body, and mail a copy of the notice of decision to those required to receive such decision.

B. Conflict of Interest, Ethics, Open Public Meetings Act, Appearance of Fairness. The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended.

C. Ex Parte Communication.

1. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before the hearing body, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless such member provides notice and opportunity for all parties to participate, except as provided in this subsection:
 - a. The hearing body may receive advice from legal counsel;
 - b. The hearing body may communicate with staff members on code or procedural matters; and
 - c. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (C)(2) of this section.

2. If a member of the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

- a. All written communications received;
- b. All written responses to the communication;
- c. A statement of the substance of all oral communications received and all oral responses made; and
- d. The identity of each person from whom the hearing body member received any ex parte communications.

3. Any person in the hearing audience may object to the participation in the hearing of any hearing body member who has placed an ex parte communication on the record and the hearing body member may choose to recuse himself or herself from the hearing or may provide rebuttal to said objection and indicate on the record that he or she believes that they can continue on to hear the matter in a fair and unbiased manner.

D. Disqualification.

1. A member of the hearing body who is disqualified through recusal shall not be counted for purposes of forming a quorum. Any member who is disqualified by recusal may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing room.

2. Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

E. Burden and Nature of Proof. Except for Type V actions, the burden of proof is on the proponent to demonstrate that the project permit application is supported by proof established on the record that it conforms to the applicable elements of the LDC and comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

F. Order of Proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

Before receiving information on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted on the record and, if there is objection, the hearing body has the discretion to proceed or terminate;
2. Any abstentions or disqualifications shall be determined;
3. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record;
4. Information shall be received from the staff and then from proponents and then from opponents. The presiding officer may approve or deny a request from a person attending the

hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony; and

5. When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may not ask further questions of any person without re-opening the public hearing, except that questions to staff of code or procedural clarification or legal question to the city attorney.

G. Decision and Notice of Decision.

1. Following the hearing procedure described in this section, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, affirm with conditions, or reverse the decision that is on appeal.

2. The hearing body's written decision shall be issued within 10 working days after the hearing on the project permit application. The notice of decision shall be issued within 120 calendar days after the city notifies the applicant that the application is complete.

H. Issuance of Notice of Final Decision. The notice of decision shall be issued pursuant to ECC 15.220.080. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 27. Section 15.230.090 Closed record hearing or appeal hearing proceedings of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.230.090 Closed record hearing or appeal hearing proceedings.

A. A closed record hearing or appeal hearing shall be heard and decided within 45 calendar days from the date the appeal is filed unless otherwise established by statute.

B. The procedure for closed record hearing or appeal hearing shall be the same as set forth in ECC 15.230.080, Open record hearing or appeal hearing proceedings, except that:

1. The closed record hearing shall be limited solely to the record established in the predecision open record hearing on which the decision was made and the hearing body shall be limited in its review to determining whether the decision is supported by the record. The appeal body may decide:

- a. To uphold the decision as being supported by the record; or
- b. Reverse the decision as not being supported by the record.

2. Participation in the closed record hearing shall be limited to the city, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee. No new testimony or evidence can be entered into the record although the hearing body can seek clarification of the record.

3. Public noticing requirements for closed record hearings will be limited to the applicant and parties of record.

C. The designated appeal body shall issue a decision on the appeal within ~~40~~ 21 calendar days after the conclusion of the appeal hearing, unless the project permit applicant has agreed in writing to an extension of that time frame. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 28. Section 15.250.050 Variances – Type III review process of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.250.050 Variances – Type III review process.

A. Purpose. A variance is a mechanism by which the city may grant relief from the zoning provisions and standards of the LDC, where practical difficulty renders compliance with the LDC an unnecessary hardship.

B. Procedures. Variance permits are subject to the Type III review process as set forth in Chapter 15.210 ECC.

1. Administrative variances may be allowed for proposals that are within 10 percent of compliance of applicable dimensional standards, subject to the Type II review procedures set forth in Chapter 15.210 ECC.

C. Decision Criteria. The city may approve, approve with conditions, or deny variances. Granting of variances requires compliance with all of the following:

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone, however, the existence of similar nonconforming uses of neighboring lands, structures, or buildings in the same zone shall not be considered grounds for the issuance of a variance;
4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
5. The variance is compatible with the comprehensive plan;
6. The variance does not create a health or safety hazard;
7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - a. The property or improvements in the vicinity, or
 - b. The zone in which the subject property is located;

8. The variance does not relieve an applicant from:
 - a. Any of the procedural or administrative provisions of this title, or
 - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - c. Use or building restrictions, or
 - d. Any provisions of the critical areas development standards except as provided in Division VI;
9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; and
11. The variance is the minimum necessary to grant relief to the applicant. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 29. Section 15.250.090 Comprehensive plan amendments – Type V review process of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.250.090 Comprehensive plan amendments – Type V review process.

A. Purpose. A comprehensive plan amendment or review is a mechanism by which the city may modify the text or map of the comprehensive plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the city, and to review the comprehensive plan on a regular basis.

B. Initiation of Text and Map Amendments.

1. The city's comprehensive plan shall be subject to continuing evaluation and review by the city. Any amendment or revision to the comprehensive plan shall conform to Chapter 36.70 RCW.
2. Comprehensive plan amendments may be initiated by citizens, by the planning commission or other boards and commissions of the city, city staff, city council, or any other interested persons including applicants, hearing examiners and staff of other agencies. The proposed amendments or revisions to the comprehensive plan shall be docketed and considered by the city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:
 - a. The initial adoption of a subarea plan. Subarea plans adopted under this section must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under Chapter 43.21C RCW;

- b. The development of an initial subarea plan for economic development located outside of the 100-year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;
 - c. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
 - d. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or
 - e. The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440; provided, that amendments are considered in accordance with the public participation program established by the county or city under RCW 36.70A.130(2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.
3. All docketed amendment proposals shall be considered by the city concurrently so the cumulative effect of the various proposals can be ascertained. However, the city may adopt amendments or revisions to its comprehensive plan that conform with Chapter 36.70 RCW after appropriate public participation whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with a court.

C. 4.Periodic review of comprehensive plan and development regulations. The Growth Management Act requires the City to periodically conduct a thorough review of its comprehensive plan and regulations to bring them up to date with any relevant changes in the Growth Management Act and to respond to changes in land use and population growth. Consistent with the schedule in RCW 36.70A.130, The the city shall periodically review and, if necessary, revise and adopt its comprehensive plan and development regulations every eight years. the densities permitted within its boundaries, and to the extent to which urban growth has occurred within the city according to the timetable established by the Growth Management Act. The city shall revise its projected population figures a minimum of every 8 years to accommodate the urban growth projected to occur in the city for the succeeding 20-year period.

DC. Procedures. Comprehensive plan amendments are subject to the Type V review process with the following variations:

- 1. A complete application for a comprehensive plan amendment shall be made on the comprehensive plan amendment form provided by the Ellensburg community development department. Additional supporting materials, such as photographs, statistics, etc., shall be included with the application;
- 2. The city will accept applications for comprehensive plan amendments between January 1st and June 30th of every year. The start of that acceptance period shall be advertised in accordance with the city's noticing requirements;
- 3. In the city council's second first-regular meeting in July, the city council shall review the proposed amendments timely submitted for consideration to be docketed for review that year. Each proposed amendment shall be accompanied by the amendment application materials and a staff discussion of the proposed amendment with a recommendation on

whether or not the proposed amendment is an appropriate amendment subject and is ready for consideration to be docketed for review that year;

4. Within 15 calendar days of the docketing date, the proposed amendments chosen to be docketed by city council shall then be transmitted to the SEPA responsible official for SEPA review and to the planning commission for review at a public hearing, and a 60-day notice of intent to adopt comprehensive plan or development regulation amendments shall be sent to the Washington State Department of Commerce. The city council may also request other city boards or agencies or other governmental entities to provide comments and recommendations on proposed comprehensive plan amendments. The comments and recommendations must be submitted to the city by the date of the planning commission's hearing unless the city grants an extension of time. Letters of support or objection to a proposed comprehensive plan amendment may be filed by any interested party. The letters must be filed by the date of the city council public hearing unless an extension of time is granted;

5. The SEPA responsible official shall issue a Notice of the SEPA threshold ~~threshold~~ Threshold decision on the docketed amendments on or before the second Friday in August;

6. The planning commission shall schedule and hold a public hearing on the docketed amendments and shall then make a recommendation to city council prior to council's first regular meeting in October. The planning commission shall make one of four decisions in considering comprehensive plan text and map amendments:

- a. Approval in the form submitted for public hearing;
- b. Approval with changes;
- c. Approval in part; or
- d. Disapproval;

7. A public hearing to consider the docketed amendments shall be scheduled for city council's first regular meeting on October. Any appeal of the SEPA threshold determination shall also be heard at that public hearing;

8. The city council, after a recommendation from staff and the planning commission, and after holding a public hearing, shall make one of the following decisions:

- a. Approval in accordance with the findings and recommendations submitted by the planning commission;
- b. Approval with modifications;
- c. Refer all or part of the plan text or map amendment proposal back to the planning commission;
- d. Refer all or part of the plan text or map amendment proposal to the following year's annual amendment process; or

- e. Disapprove.

If the city council's decision is to refer the amendment request back to the planning commission, the council must specify which matters it wishes reconsidered by the planning commission. The final form and content of the comprehensive plan is determined by the city council; and

9. The comprehensive plan together with any and all amendments shall be provided to the city clerk to be placed in a permanent file and made available for public inspection. The city shall also transmit a complete and accurate copy of its comprehensive plan amendments to the Washington State Department of Commerce within 10 days of adoption in accordance with state law. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 30. Section 15.260.040 Exemptions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.040 Exemptions.

Consistent with RCW 58.17.040, the subdivision and short subdivision provisions of this chapter shall not apply to:

- A. Divisions of lands for cemeteries and other burial plots while used for that purpose;
- B. Divisions of land made by testamentary provisions or laws of descent;
- C. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for which a condominium binding site plan has been recorded in accordance with the binding site plan provisions set forth in this title;
- D. An adjustment of boundary lines made in accordance with the provisions of this title;
- E. Divisions of land for the purpose of lease when no residential structures other than mobile homes or manufactured homes are permitted to be placed upon the land and for which a binding site plan for the use of the land as a ~~mobile~~-manufactured home park has been approved by the director;
- F. Divisions of land by binding site plan into lots or tracts classified for industrial or commercial use consistent with the binding site plan provisions of this title; or
- G. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 31. Section 15.260.050 Boundary line adjustment – Review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.050 Boundary line adjustment – Review procedures and criteria.

- A. Procedures. Adjustments of property boundary lines are subject to the Type I review process as set forth in Chapter 15.210 ECC. Applications shall be reviewed by the director and

certified as meeting the requirements of this section within 30 ~~calendar~~^{working} days after ~~receiving a complete application~~ of the determination that the application is complete.

B. Application Contents. Applications for a boundary line adjustment shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed boundary line adjustment application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the boundary line adjustment;
2. Payment of the application fee in the amount established in the city's adopted fee schedule;
3. Three copies of an accurate preliminary map drawn to scale;
4. A current title report showing ownership and legal description of all parcels involved in the boundary line adjustment;
5. The existing and proposed dimensions and area of the lots involved in the boundary line adjustment;
6. Legal descriptions of the existing lot lines and the proposed lot lines after the adjustment, as prepared by a professional land surveyor licensed in the state of Washington.

C. Decision Criteria. The director shall approve an application for a boundary line adjustment if it is determined that:

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
2. No lot is modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated. Where a lot is located within a zone that does not provide for a minimum area or dimension, no lot or tract is modified which contains insufficient area for a building site.

For the purposes of this chapter, a "building site" means the lot or property contains sufficient area and dimension to accommodate a development capable of housing the type of uses established within Division III for the underlying zoning classification;

3. No lot is modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement or tract in favor of the public is rendered impractical to serve its purpose;
4. The boundary line adjustment is consistent with the applicable provisions of the city's zoning code;
5. No lot is modified which is inconsistent with an applicable requirement or condition of a previous land use action, subdivision, or short subdivision;
6. No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application; and

7. No lot is modified in a manner that circumvents a zoning regulation which would otherwise be applicable to any lot affected by the boundary line adjustment.

D. Minimum Improvements. Boundary line adjustments shall not be subject to any minimum improvements as outlined in ECC 15.260.060(F).

E. Final Decision. If the director determines that all the above criteria are met, he or she shall issue a notice of approval decision. If the director determines one or more of the above criteria are not met, he or she shall send a letter to the applicant listing those criteria that are not met in the proposed boundary adjustment.

F. Recording. Upon approval, prior to recording the boundary adjustment, the following must be submitted to the community development department for review.

G. Requirements for Final Boundary Map. Once the boundary line adjustment has been approved by the director:

1. Survey of the Boundary Line Adjustment. A final boundary map shall be prepared by a land surveyor licensed in the state of Washington at a scale of 100 feet to the inch, or larger, which shall contain the following:

- a. Company name, address and phone number of the land surveyor;
- b. City file number;
- c. Date prepared;
- d. Sheet number and number of sheets;
- e. Certification by the licensed land surveyor with stamp and signature;
- f. Lot numbers;
- g. Monuments at all new lot corners, angle points, and intersections with old lines;
- h. North arrow;
- i. Legend of symbols used;
- j. Basis of bearings;
- k. All dimensions to hundredths of a foot;
- l. All existing easements and tracts shown;
- m. Existing lot lines to be adjusted, shown as dashed lines; and
- n. The final legal descriptions as prepared by the licensed land surveyor, together with lot closures for each lot.

2. The applicant will be responsible for recording the boundary line adjustment within 10 working days after the appeal period has expired, including an exhibit that corresponds to the

drawing approved by the city, with the Kittitas County auditor's office, ~~and a~~ A copy of the recorded documents must be returned to the planning department within 10 calendar days of such recording. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 32. Section 15.260.060 Preliminary subdivision (long plat) – Review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.060 Preliminary subdivision (long plat) – Review procedures and criteria.

A. Procedures.

1. Land subdivisions that create 10 or more lots (sometimes referred to as long plats) are subject to the Type IV review process as set forth in Chapter 15.210 ECC.
2. Time Limits. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording.

The city shall make a decision on approval or denial of a preliminary subdivision application within 90 calendar days of the determination that the application is complete.

B. Application Contents. Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the preliminary subdivision;
2. Payment of the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA checklist and payment of the SEPA application fee;
4. A completed critical area information form or critical area report pursuant to Division VI, if applicable;
5. A title report of the property to be subdivided;
6. A recorded copy of the deed for the property to be subdivided;
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in subsection (B)(5) of this section;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County assessor;

10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards (Section 5, Drafting Standards). Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:

- a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
- b. Zoning of the property proposed for subdivision;
- c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
- d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
- e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
- f. Approximate boundaries of all areas subject to irrigation or stormwater overflow;
- g. Location, width and direction of flow of all watercourses on the site; and
- h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by Division VI;

11. Preliminary grading plan pursuant to public works department requirements;

12. Preliminary stormwater plan pursuant to public works department requirements;

13. Preliminary landscaping plan pursuant to Divisions IV and V of this title;

14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;

15. Transportation study, if required by the public works department;

16. Location of any proposed building envelopes on the lots being created; and

17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

C. Referral to City Departments and Other Agencies for Comments. The community development department shall distribute one copy of the preliminary subdivision application to

the public works department, energy services department, building department, fire marshal, and any public agency that may be affected by the proposed preliminary subdivision.

Whenever the property proposed to be subdivided is located within one-half mile of the corporate limits of the unincorporated county, a copy of the proposed preliminary subdivision application shall be distributed to the respective jurisdiction.

The community development department will transmit any department or agency review materials to the hearing examiner as part of the staff report on the application.

D. **Hearing Examiner Recommendation.** The hearing examiner shall be responsible for holding an open record public hearing pursuant to procedures established in Chapter 15.210 ECC to review the proposed preliminary subdivision application together with accompanying materials and documents, land use applications, staff reports and public testimony. Based on the comments and testimony established at the public hearing, the hearing examiner shall make a recommendation on the preliminary subdivision application and any other related land use applications to the city council or return the preliminary subdivision application to the applicant with a request for additional information. If the hearing examiner makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. In recommending any proposed preliminary subdivision, the hearing examiner shall propose written findings of fact and conclusions of law to the city council which shall state fully the reasons for the recommendation.

E. **City Council Action.**

1. The hearing examiner recommendation, findings and all supporting documents shall be forwarded to the city council. The community development department shall set a date and time for a public hearing before the city council to review the recommendation of the hearing examiner in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

2. Prior to making a decision the city council may refer the preliminary subdivision application back to the hearing examiner for further consideration or may require the applicant to modify the preliminary subdivision application, or require more information to be submitted.

F. **Decision Criteria.** The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the ~~form~~ building setback and intensity standards in Chapter 15.320 ECC, the streetscape design standards in Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, and the public works development standards;

2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards,

ECC Title 4, public works construction, the streetscape design standards and subdivision design and block standards in Division IV, and the project design standards in Division V;

3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;

4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's energy services department design standards and with ECC Title 9, Utilities;

5. The preliminary subdivision conforms to all applicable critical areas standards set forth in Division VI; and

6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 33. Section 15.260.100 Final subdivision application review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.100 Final subdivision application review procedures and criteria.

A. Procedures. Final subdivision applications are subject to the Type I review process as set forth in Chapter 15.210 ECC, with exceptions provided herein.

B. Application Contents. Applications for a final subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed final subdivision application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the subdivision application as verified by the title report in subsection (B)(4) of this section;

2. A final subdivision plat drawing on mylar or other reproducible material which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards (Section 5, Drafting Standards). Three copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to meeting the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:

a. Name of the owner(s) of the property being subdivided and mortgagee(s) of said property, if any;

- b. Legal description of the property;
 - c. Boundary and lot lines, lot dimensions, lot area in square feet, and lot and block numbers;
 - d. Name and official seal of the licensed professional surveyor preparing the final subdivision plat certifying that the plat is a true and accurate survey;
 - e. Date, scale and north arrow;
 - f. Location of rights-of-way and easements, with easement purpose identified;
 - g. Statements of approval and places for signatures for the city engineer, city energy services director, community development director, the mayor of the city of Ellensburg, irrigation water district representative if applicable, and the county auditor;
 - h. A certification signed by the county treasurer's office that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid; and
 - i. A notarized acknowledgment by the owner(s) and mortgagee(s), if any, of the approval of the final subdivision plat and the dedication of streets and other public places;
3. Engineered design drawings for all required minimum improvements as shown on the approved preliminary subdivision plat drawing, which drawings shall meet the requirements of the public works development standards, and be approved by the city engineer prior to filing of the final subdivision application;
4. A title report of the property to be subdivided if the final subdivision application is not submitted to the administrator for review within 120 calendar days of the approval of the preliminary subdivision application; and
5. If required public improvements are not to be installed prior to final subdivision application and will be bonded for instead, a subdivision improvements agreement shall be submitted including the following:
- a. Public improvements to be provided in the subdivision as shown on the approved engineering design drawings;
 - b. Estimated cost of constructing said public improvements;
 - c. Phases of development of the subdivision, if phasing was provided for and approved in the preliminary subdivision approval, and completion dates for said phases;
 - d. Provisions for the dedication of park land or payment of fees in lieu of such land if applicable;
 - e. A bond guaranteeing the installation of the public improvements which shall meet the requirements of the public works development standards and be approved and accepted by the city engineer; and

f. In lieu of a bond the applicant may fulfill the public improvements requirement by actually installing the improvements required in the preliminary subdivision approval under the direction of the city engineer.

6. A copy of any deeds, covenants, conditions, or restrictions together with a copy of the documents which establish and govern any homeowners' association which may be required.

C. Recommendations as Prerequisites for Final Subdivision Approval. Each preliminary subdivision submitted for final approval shall be accompanied by the following recommendations:

1. Director's recommendation as to compliance with the terms of preliminary subdivision approval of the proposed subdivision; and
2. City engineer's recommendation as to compliance with the terms of preliminary approval of the proposed subdivision.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (C)(1) and (2) of this section shall not modify the terms of its recommendations without the consent of the applicant.

D. Decision Criteria. A final subdivision application shall be approved if the subdivision proposed for approval:

1. Conforms to all of the preliminary subdivision terms and conditions of approval; and
2. Meets all other applicable final subdivision requirements as set forth in Chapter 58.17 RCW, other applicable state laws, this chapter, and any other applicable city ordinances which were in effect at the time of preliminary subdivision approval.
3. Approval and Inscription. The city council shall make written findings of fact relating to its decision on the final subdivision application. If the decision is to approve the final subdivision application, a specific written finding of fact shall also be made that:
 - a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 - b. The public use and interest will be served by the approval of such subdivision and dedication.
4. Upon approval of the final subdivision, the city council shall authorize the mayor to suitably inscribe and execute council's written approval on the face of the final subdivision plat drawing.

E. Effect of Final Subdivision Approval. Any lots in a final subdivision filed for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the

date of filing. A subdivision shall be governed by the terms of approval of the final subdivision, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

F. Time Frame for Approval. The final subdivision application, or portion thereof, shall be approved, disapproved, or returned to the applicant by the city within 30 calendar days ~~from the date of the application of the determination that the application is complete.~~

G. Recording. The final subdivision plat, in the form specified in this chapter, shall be recorded by the director with the Kittitas County auditor within 10 working days after the appeal period has expired ~~city council approval~~ and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 34. Section 15.260.120 Short subdivision plat (sometimes referred to as short plats – Review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.120 Short subdivision plat (sometimes referred to as short plats) – Review procedures and criteria.

A. Procedures. Short subdivisions are divisions that create nine or fewer lots and are sometimes referred to as short plats. Short subdivision applications are subject to the Type II review process as set forth in Chapter 15.210 ECC, with exceptions provided herein.

B. Application Contents. Applications for a preliminary short subdivision shall contain all of the items required for a preliminary subdivision in ECC 15.260.060(B) except as follows: no SEPA checklist is required unless the proposed short subdivision is determined to not be exempt from SEPA review.

C. Referral to City Departments and Other Agencies for Comments. The community development department shall distribute one copy of the preliminary short subdivision application to the public works department, energy services department, building department, fire marshal, and any public agency that may be affected by the proposed preliminary subdivision.

Whenever the property proposed to be subdivided is located within one-half mile of the corporate limits of the unincorporated county, a copy of the proposed preliminary short subdivision application shall be distributed to the respective jurisdiction.

Comments may be submitted for 14 calendar days after the date of issuance of the notice of application.

D. Decision Criteria. The director may approve, approve with conditions, or deny a short subdivision application based on conformance with the following decision criteria:

1. Conformance with applicable provisions of the LDC, including the ~~form~~ building setback and intensity standards in Chapter 15.320 ECC, the streetscape design standards in

Chapter 15.410 ECC, the subdivision design standards in Chapter 15.420 ECC, the project design standards in Division V, the public works development standards, and applicable critical areas standards set forth in Division VI;

2. Integration of Specific Provisions. Short subdivisions shall integrate appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;

3. Public Interest. The public's interest shall be served by the short subdivision and dedication.

E. Time Frame for Approval. The administrator shall make a decision on approval or denial of a preliminary short subdivision application within ~~30~~ 60 calendar days of the determination that the application is complete. An approved preliminary short subdivision application is valid for one year from date of approval. Failure to submit the final short subdivision application within that one-year time frame will result in a lapse of the preliminary short subdivision approval.[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 35. Section 15.260.140 Final short subdivision application review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.140 Final short subdivision application review procedures and criteria.

A. Procedures. Final short subdivision applications are subject to the Type I review process as set forth in Chapter 15.210 ECC.

B. Application Contents. Applications for a final short subdivision shall contain the same items as an application for a final subdivision as set forth in ECC 15.260.100(B).

C. Recommendations as Prerequisites for Final Short Subdivision Approval. Each preliminary short subdivision application submitted for final approval shall be accompanied by the following recommendation: city engineer's recommendation as to compliance with the terms of the approval of the preliminary short subdivision.

D. Decision Criteria. Upon receipt of a complete final short subdivision application, the director shall have 30 calendar days for review to determine conformance with the approved preliminary short subdivision and all applicable regulations and standards. A final short subdivision application shall be approved if the short subdivision:

1. Conforms to all of the preliminary short subdivision application terms and conditions of approval; and

2. Meets all applicable requirements for approval as set forth in this chapter, and any other applicable city ordinances which were in effect at the time of preliminary short subdivision approval.
3. The director shall make written findings of fact relating to the decision on the final short subdivision application. If the decision is to approve the final short subdivision application, a specific written finding of fact shall also be made that:
 - a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 - b. The public use and interest will be served by the approval of such short subdivision and any dedications associated with it.

E. Recording. The final short subdivision plat, in the form specified in this chapter, shall be recorded by the director with the Kittitas County auditor within 10 working days after the appeal period has expired and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 36. Section 15.260.180 Binding site plan review procedures and criteria of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.260.180 Binding site plan review procedures and criteria.

A. Purpose. This chapter shall govern a subdivision of land through the optional binding site process provided for in RCW 58.17.035, or its successor. If approved under this chapter, a division of land authorized by a binding site plan is exempt from the subdivision and short subdivision regulations and processes. Binding site plans are authorized by RCW 58.17.035, or its successor, to be used for condominiums and for the division of commercial or industrial zoned properties.

B. Applicability. The underlying zoning district standards shall apply for development utilizing the binding site plan process. The binding site plan option shall apply to the following:

1. Commercial zoned property in the C-H, C-T and C-C II zoning districts;
2. Industrial zoned property in the I-H and I-L zoning districts;
3. Condominiums for one or more units in any R-S, R-L, R-M, R-H, C-N, C-C or C-C II zoning district that are owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; and

4. Land divisions for the purpose of leasing property that is located:
 - a. Within a manufactured home park; provided, that no residential structure other than manufactured homes are to be placed on the land within a manufactured home park; and
 - b. Within the C-T zoning district; provided, that no residential structure other than recreational vehicles are to be placed on the land within an approved recreational vehicle park.

C. Application – Administration. All applications shall be submitted to the administrator. Binding site plan applications shall be processed as a Type III permit pursuant to the requirements set forth in ECC 15.210.030(C).

D. Complete Application Requirements. All requests for a binding site plan shall be filed with the administrator together with the application fee as set forth in the adopted fee schedule. An application for a binding site plan shall not be determined to be complete until all of the following have been provided on the binding site plan drawing or on any other supporting documentation submitted along with the binding site plan drawing:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed binding site plan application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the subdivision application;
2. A recorded copy of the deed for the property proposed for the binding site plan;
3. A current title report on the property proposed for the binding site plan;
4. Copies of all existing or proposed restrictive covenants to be imposed upon land in the binding site plan;
5. Textual description of phasing if proposed, including the timing for all public improvements, required landscaping and binding site plan amenities to be installed with each phase;
6. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for the binding site plan as those names appear on the records of the county assessor;
7. Any information in the opinion of the administrator which is necessary to determine if the proposed binding site plan makes appropriate provision for physical problems or hazards involving public health, safety and/or welfare;
8. A completed SEPA checklist and payment of the SEPA application fee;
9. A completed critical area information form or critical area report pursuant to Division VI, if applicable;
10. A preliminary binding site plan drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's public works development standards (Section 5, Drafting Standards). Five copies of the drawing shall be provided with

the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:

- a. Vicinity sketch showing the parcel boundaries and the major street system within a one-quarter-mile radius;
- b. Zoning of the property within the binding site plan;
- c. The name and locations of adjacent subdivisions, short subdivisions, plats and binding site plans;
- d. Location and size of existing and proposed utilities, railroads and irrigation rights-of-way within the binding site plan;
- e. Plan view of proposed streets with their names and widths, any proposed pedestrian ways, and all proposed utilities and easements;
- f. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
- g. Approximate boundaries of all areas within the binding site plan subject to irrigation or stormwater overflow and the location, width and direction of flow of all watercourses and the extent and location on the site of the 100-year flood flow from said watercourses;
- h. Name and address of the owner(s) of the binding site plan property and all mortgagee(s) of said property;
- i. Legal description of the binding site plan property;
- j. Surveyed boundary lines of the binding site plan property with complete bearings, lineal dimensions and the acreage;
- k. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field; lot area in square feet; and number of lots and blocks which shall be numbered consecutively from one to total number of lots;
- l. All section, township, municipal and city lines lying within or adjacent to the binding site plan property;
- m. Name, address and official seal of the licensed professional land surveyor preparing the binding site plan drawing;
- n. Ties and controlling reference points to existing and permanent points, monuments and markers;
- o. Date, scale, north point and origin of meridian, with the scale shown at 100 feet to the inch unless otherwise approved by the city engineer;

- p. Proposed phasing plan with clear delineation of each phase;
- q. Locations of land areas intended to be dedicated for public use or reserved for use of owners of the property in the binding site plan, along with a textual declaration of the dedication or reservation. Any roads not dedicated to the public must be clearly marked on the face of the binding site plan drawing as private roads. (Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors.);
- r. Location, centerline, and width of all existing and proposed rights-of-way and easements along with name of all existing or proposed streets within and adjoining the binding site plan and the name and auditor's file number for all easements;
- s. The areas and locations of open space, recreational amenities, and critical areas including prescribed critical area buffers;
- t. Areas designated for landscaping, vehicle use, parking, truck loading, and nonmotorized transportation corridors or pathways;
- u. The location of all existing and proposed structures;
- v. A declaration that all development of the property shall conform to that shown on the binding site plan drawing and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;
- w. Signatures and date lines for:
 - i. Certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
 - ii. The approvals of the city engineer, energy services director and community development director;
 - iii. The county treasurer indicating that the real property taxes are current;
 - iv. All owners and all others holding an interest in the binding site plan property with acknowledgments for all such signatures;
 - v. Approval by the mayor; and
 - vi. Approval by the irrigation district, if applicable.
- x. If the binding site plan is in conjunction with condominiums, pursuant to Chapter 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all individuals or entities now and hereafter having any interest in the land described herein; and

y. All binding site plan designs shall include, as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at the time of the binding site plan. However, site plan review for subsequent building size, location and use will be required when submitted.

E. Design Standards and Dedications. In order to meet the public interest:

1. A binding site plan shall conform to the applicable zoning and development standards of the city of Ellensburg land development code, codified in this title and the public works development standards and all other city utility development standards;
2. Each lot in a binding site plan shall be provided with satisfactory access established consistent with the requirements of the public works development standards and ECC Title 4, Public Works Construction;
3. Each lot in a binding site plan shall be provided with adequate provisions for water supplies, sanitary wastewater facilities and stormwater and drainage facilities consistent with the requirements of the public works development standards and ECC Title 9, Utilities;
4. Each lot in a binding site plan shall be provided with adequate provisions for electric utility service, and natural gas utility service if applicable, consistent with the requirements of the city energy services department and ECC Title 9, Utilities; and
5. Approval of binding site plans may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, and other needs of the public.

F. Administrative Review. Upon deeming the binding site plan to be a complete application and issuing the notice of application pursuant to ECC 15.220.040, the director shall transmit the binding site plan to city departments, the Kittitas Valley Fire and Rescue fire marshal, the SEPA responsible official for any required SEPA review pursuant to Chapter 15.270 ECC, and to the landmarks and design commission for any required landmark and design review pursuant to Chapter 15.280 ECC. The director shall concurrently perform critical area review if such review is required pursuant to Division VI of this title. The community development department will

~~transmit any department or agency review materials to the planning commission as part of the staff report on the application. Within 45 days from the date the binding site plan application was deemed complete, the director shall transmit to the planning commission any and all review comments or recommendations on the binding site plan that have been received from staff, SEPA responsible official, the public, and any other reviewing body, along with the director's recommendation on the binding site plan.~~

G. Planning Commission Recommendation Review. ~~The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in Chapter 15.210 ECC to review the proposed binding site plan together with accompanying materials and documents, land use applications, staff reports, and public testimony. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation to the city council on the binding site plan for approval, disapproval, or approval with conditions. Upon receipt of the review and recommendations transmitted by the director, the planning commission shall hold a public meeting at the next regularly scheduled planning commission meeting, provided such meeting is at least 14 days from the transmittal date, to consider the binding site plan and the comments and recommendations made to date. The planning commission shall then make a recommendation to city council on whether to approve, approve with conditions or deny the binding site plan. The director shall transmit that planning commission recommendation to city council.~~

H. City Council Action Review. ~~The planning commission recommendation, findings and all supporting documentation shall be forwarded to the city council. The community development department shall set a date for a closed record public hearing before the city council to review the recommendation of the planning commission in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the binding site plan. At the next regular or special city council meeting following transmittal of the planning commission recommendation to city council, the council shall set a public hearing date for a regular or special city council meeting at least 14 days but not more than 30 days in the future. Public notice of the hearing shall be accomplished pursuant to the requirements in Chapter 15.210 ECC.~~

I. Decisions Criteria~~Criteria for Approval.~~ ~~In its review of the binding site plan, the city council shall make an inquiry into the public use and interest proposed to be served by the establishment of the binding site plan and any dedication to be made by the binding site plan, and shall consider~~ The city council ~~may approve, approve with conditions, or disapprove a binding site plan based on conformance with the following decision criteria:~~

1. Whether the binding site plan conforms to this section;
2. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

3. Whether the public interest will be served by the approval of the binding site plan and any dedication.

J. Findings and Conclusions. The city council shall not approve any binding site plan unless written findings are made that:

1. The binding site plan conforms to this section;
2. Appropriate provisions are made for the public health, safety, and general welfare and for other such open spaces, drainage ways, streets or roads, alleys, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
3. The public use and interest will be served by the approval of the binding site plan and any dedication.

K. Time Limit on Action. An application for a binding site plan shall be approved, approved conditionally or disapproved by the city council within 90 calendar days from the date the application was deemed complete unless the applicant consents to a time extension; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

L. Duration of Approval. Preliminary approval of the binding site plan shall be effective for five years from the date of such approval by the city council, during which time the final binding site plan may be submitted.

M. Irrigation Water District Approval. Any binding site plan which lies in whole or in part in an irrigation district organized pursuant to Chapter 87.03 RCW shall provide for such irrigation water rights-of-way and any other improvements as shall be required by the irrigation district for each parcel of land in such district and such rights-of-way shall be evidenced by the respective binding site plan submitted for final approval to the city council.

N. Final Binding Site Plan – Submittal Deadline. ~~The final binding site plan application shall be submitted to the administrator within five years of the date of preliminary binding site plan approval.~~ Failure to submit the final binding site plan application within five years of preliminary approval ~~that time period~~ will result in a lapse of the preliminary binding site plan approval.

O. Final Binding Site Plan – Application. The final binding site plan application shall include the same information as for a final subdivision application as set forth in ECC 15.260.100.

P. Final Binding Site Plan – Administrative Action.

1. Upon receipt of the final binding site plan application containing the items identified in subsection (O) of this section, the city council shall have 30 calendar days for review to determine conformance with the approved preliminary binding site plan and all applicable regulations and standards. The city council shall make written findings of fact relating to its decision on the final binding site plan and, if approved, shall direct the mayor to sign the final binding site plan. Upon approval by the city council, the director, the city energy

services director, and the city engineer shall sign the final binding site plan document and shall present the final binding site plan document to the mayor for signature. The final binding site plan shall then be presented to the county treasurer for review and signature. Such signatures and approval of the final binding site plan document shall be subject to the following determinations:

- a. The requirements of Chapter 58.17 RCW and other applicable state law, the city's comprehensive plan, and any other applicable city ordinances that were in effect at the time of preliminary binding site plan approval, and this title have been met;
 - b. Conditions imposed on the preliminary binding site plan approval, if any, have been met; and
 - c. The bond or other proposed security meets the requirements of the public works development standards and has been approved and accepted by the city engineer.
2. If the final binding site plan is not approved by city council, the decision, along with reasons for denial, shall be communicated in writing to the applicant.

Q. Final Binding Site Plan – Filing. The final binding site plan shall not be officially complete until the signed original final binding site plan and subdivision improvements agreement, if required, have been recorded with the county auditor. Said documents shall be recorded by the director within 10 working days after the appeal period has expired ~~city council approval~~, in the presence of the applicant and with the cost of recording paid by the applicant. Filing of the final binding site plan shall not relieve the property owner of the obligation to complete the minimum public improvements.

R. Amendment, Modification and Vacation. Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short plat. In the event the vacation is of a dedicated road right-of-way, the review process shall follow the city's road vacation process. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 37. Section 15.270.110 Categorical exemptions – Adoption by reference of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.270.110 Categorical exemptions – Adoption by reference.

A. The city adopts by reference the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

197-11-305 Categorical exemptions.

197-11-800 Categorical exemptions. (Except as noted in subsection (B) of this section.)

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

B. The city establishes the following exempt levels for minor new construction under WAC 197-11(800)(1)(b):

1. ~~For residential dwelling units in WAC 197-11-800(1)(b)(i), Construction or location of up to nine detached single family dwelling units (WAC 197-11-800(1)(b)(i).~~
2. ~~For agricultural~~ Agricultural structures including construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agriculture structure in WAC 197-11-800(1)(b)(ii), covering up to 10,000 square feet and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots (WAC 197-11-800(1)(b)(ii).
3. ~~For Construction of an office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii), up to 12,000 square feet and associated parking facilities designed for up to 20 automobiles parking spaces(WAC 197-11-800(1)(b)(iii).~~
4. ~~For parking~~ Parking lots for twenty or fewer automobiles in WAC 197-11-800(1)(b)(iv) that are not associated with a structure, up to 20 parking spaces.
5. ~~For landfills and excavation~~ Any fill or excavation in WAC 197-11-800(1)(b)(v), of up to 200 cubic yards throughout the lifetime of the fill or excavation and any excavation, fill, or grading necessary for an exempt project listed in WAC 197-11-800(1)(b)(i), (ii), (iii), and (iv). [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 38. Section 15.270.120 Threshold determinations – Adoption by reference of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.270.120 Threshold determinations – Adoption by reference.

The city adopts by reference the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

- 197-11-300 Purpose of this part.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.

197-11-360 Determination of significance (DS)/initiation of scoping.

197-11-390 Effect of threshold determination.

A. Pre-Threshold Determination Comment Period. Prior to issuance of a threshold determination, the city shall provide a 14-calendar-day pre-threshold determination comment period, unless the city has chosen to use the optional DNS process established in WAC 197-11-355, in which case there shall be no pre-threshold determination comment period and the threshold determination process shall be as established in WAC 197-11-310 through 197-11-390. The pre-threshold determination comment period process is as follows:

1. Public notice of the project application and completed SEPA checklist and the opportunity to provide pre-threshold determination comments shall be provided in accordance with the Type II permit public notice requirements established in ECC 15.210.050 and 15.220.040, and WAC 197-11-510 and 197-11-340(b) except that the requirement to mail notice to property owners within 300 feet of the project shall not be required for the pre-threshold determination notice unless the underlying permit also requires such mailed notice. The notice shall include the pre-threshold comment period deadline and shall advise that additional comment opportunities may exist at the time a threshold determination is issued.
2. The pre-threshold determination comment period shall run for 14 calendar days beginning on the day following the date that public notice was provided pursuant to subsection (A)(1) of this section.
3. Comments must be made in writing and must be submitted to the responsible official prior to the expiration of that 14-calendar-day comment period.
4. Prior to making the threshold determination, the responsible official may request that the applicant provide written responses to any timely submitted comments, and all timely submitted comments and applicant responses shall be included in the SEPA record and considered by the responsible official in making the threshold determination.

B. Mitigated Determination of Nonsignificance. Pursuant to WAC 197-11-350, the responsible official may issue a DNS which may include conditions attached to the proposal by the responsible official, or may issue a DNS which includes conditions based on changes to, or clarifications of, the proposal that have been made by the applicant in writing prior to issuance of the threshold determination. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific.

C. Public Notice. Public notice of the threshold determination shall be provided as required pursuant to ECC 15.210.050 and 15.220.040 and WAC 197-11-340, 197-11-355, and 197-11-360.

D. Environmental Checklist.

1. A completed environmental checklist, a completed critical area information form and/or critical area report deemed necessary pursuant to Division VI, shall be filed at the same time as an application for a development proposal or other approval not exempted by this chapter.

The checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4) and this chapter.

2. A checklist is not needed if the responsible official determines that one of the following applies: an EIS is required; SEPA compliance has been completed; SEPA compliance has been initiated by another agency.

3. The responsible official shall use the environmental checklist to determine the lead agency. If the city is the lead agency, information provided in the environmental checklist, critical area information form or critical area report and/or landmark certificate of ~~approval~~ appropriateness application shall assist the responsible official in making a threshold determination.

4. For private proposals, the applicant is required to complete the environmental checklist, critical area information form and/or critical area report. The responsible official may provide assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist, critical area information form and/or critical area report for that proposal.

5. The responsible official may decide to annotate the environmental checklist for a private proposal if the responsible official has relevant information or if the applicant has provided incomplete or inaccurate information. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 39. Section 15.280.050 Powers and duties of the Ellensburg City Code as last amended by Section 2 of Ordinance 4712 is hereby amended to read as follows:

15.280.050 Powers and duties.

The primary role of the Ellensburg landmarks and design commission is twofold: historic landmarks preservation and design review.

A. Historic Landmarks Preservation. In the area of historic landmarks preservation, the primary role of the Ellensburg landmarks and design commission is to identify and actively encourage the conservation of Ellensburg's historic resources through a register of landmarks and historic resources and a review of proposed changes to landmarks; to raise community awareness of Ellensburg's history and built environment; and to serve as the city's primary resource in matters of heritage, historic planning, and preservation. In carrying out these responsibilities, the Ellensburg landmarks and design commission shall engage in the following:

1. Conduct and maintain a comprehensive Ellensburg historic resource inventory; publicize and periodically update inventory findings. Properties included in the inventory shall be noted on official zoning records with an "HI" (for historic inventory). This notation shall not modify the underlying zone classification;

2. Initiate and maintain the Ellensburg landmarks register. This official register shall be compiled of buildings, structures, sites, objects, and districts evaluated by the commission as possessing historic significance worthy of recognition by the city of Ellensburg and worthy of preservation;

3. Review citizen nominations to the Ellensburg landmarks register according to evaluation criteria set forth in ECC 15.280.080, and adopt standards in its rules to guide this review;
4. Develop incentive programs to assist landmark owners with the use, reuse, and redevelopment of historic buildings. Such incentives may include facade design assistance, revolving loan funds, and tax or building code relief;
5. Review proposals to alter or demolish landmarks, landmark sites, or landmark districts listed in the register as provided in ECC 15.280.090; and adopt standards in its rules to guide this review and the issuance of certificates of ~~approval~~appropriateness;
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, provide for adequate public participation, and adopt standards in its rules to guide this action;
7. Submit nominations to the Washington Heritage Register and the National Register of Historic Places and adopt standards in its rules to guide this action;
8. Through staff, provide review and comment to the department of community development on development proposals affecting historic resources within the boundaries of the city of Ellensburg;
9. Provide review and comment to the Ellensburg city council on land use planning, housing, transportation, municipal improvements, and other activities proposed by any agency of the city of Ellensburg, Kittitas County, Washington State, or the federal government, as they relate to the historic resources of Ellensburg;
10. Advise the Ellensburg city council generally on matters of historic preservation and heritage tourism, and perform other related functions as assigned by the Ellensburg city council;
11. Investigate and report to the Ellensburg city council on current federal, state, local and private funding sources available to promote public and private historic preservation projects and heritage tourism in the city of Ellensburg;
12. Establish working liaisons with existing nonprofit organizations and with federal, state, and local government entities to further historic preservation objectives in Ellensburg;
13. Provide current information to property owners on techniques and appropriate treatments for maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities;
14. Compile a list of historic preservation consultants, building movers, and available vacant lots to assist in avoiding demolition of historic buildings. Consider proposing a property maintenance ordinance to assist with mothballing vacant historic buildings;
15. Conduct educational and interpretive programs pertaining to Ellensburg's historic resources;

16. Serve as the local review board for special valuation as provided under Chapter 84.26 RCW and ECC 15.280.110; and

17. Administer the historic preservation grant program in accordance with procedures authorized and approved by the city council.

B. Design Review. In the area of design review, the primary role of the Ellensburg landmarks and design commission is to review and make the decision on modifications (including signage) or demolitions of a registered landmark or any property located within a landmark district. See ECC 15.280.090 for the design review process for landmark property/district related projects. [Ord. 4712 § 2, 2015; Ord. 4656 § 1 (Exh. 02), 2013.]

Section 40. Section 15.280.0080 Ellensburg landmarks register of the Ellensburg City Code and Section 1 (Exh. 02) of Ordinance 4656 is hereby amended to read as follows:

15.280.080 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

A. Criteria for Eligibility to the Register. Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
2. Is closely linked with the life of a person important in the history of the city, state, or nation;
3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
4. Is an outstanding work of a designer, builder, or architect;
5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.

B. Process for Designating Properties to the Landmarks Register (a Type II Review Process Exception).

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the landmarks and design commission or the landmarks and design commission as a whole may generate nominations. In its designation

program, the landmarks and design commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s') consent is required before the landmarks and design commission shall consider the nomination.

2. Nominations shall be made on forms provided by the landmarks and design commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.

3. The landmarks and design commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review standards established in rules.

4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg and ~~posting of the property.~~

5. Within 10 days of holding the public hearing, the landmarks and design commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map with the notation "LR" to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map with the notation "LR" to indicate the property is on the landmarks register.

6. For individual landmark designations, the landmarks and design commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.

7. For landmark district designations, the landmarks and design commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.

8. Whenever the landmarks and design commission rejects the nomination of all or any part of property, the commission shall, within 10 working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council.

9. The commission's decision on a COA may be appealed to the city council in a closed record appeal hearing.

10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an “LR” (for landmarks register). This designation shall not change or modify the underlying zone classification.

C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC 15.300.060(B) and hereafter known as the “downtown historic district,” and the existing residential historic district, defined in ECC 15.300.060(C) and hereafter known as the “First Railroad Addition historic district,” are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to and made a part of this chapter by reference.

2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.

3. The provisions of ECC 15.280.090 and 15.280.100 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion in the register owing to loss of historic integrity, the landmarks and design commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 41. Section 15.280.090 Review of changes to landmarks register properties of the Ellensburg City Code as last amended by Section 3 of Ordinance 4725 is hereby amended to read as follows:

15.280.090 Review of changes to landmarks register properties.

A. Review Required.

1. No person shall alter, repair, enlarge, newly construct, relocate, or demolish any registered landmark, or any property located within a landmark district, nor install any exterior sign or mural pursuant to subsection (A)(2) of this section, without review by the landmarks and design commission and issuance of a COA. In the case of murals, the arts commission shall first review and provide its recommendations to the landmarks and design commission of any proposal for a mural to be located on a registered landmark or within a landmark district. Factors to be considered by the arts commission include media to be used, method of application, stability, building/site, mural location and practicability of project.

2. This review shall apply to all exterior features of the property visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.

3. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for projects and sign review per ECC 15.210.050(B).

B. Exemptions. The following activities are exempted from landmarks review and do not require a COA: maintenance and repairs in-kind which do not alter the historic character-defining exterior features visible from a public right-of-way and do not utilize substitute materials; repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way; and all interior work.

C. Review Process (a Type II Review Process Exception).

1. Requests for Review and Issuance of a ~~Certificate~~certificate of Approvalappropriateness.

a. Application for a COA shall be made by filing an application for such certificate with the preservation planner on forms provided by the department. A written description of materials required for the landmarks and design commission's review, including but not limited to site plans, elevations, and material samples, shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.

b. If an application is made to the department of community development for any permit which affects a designated landmark, or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner, and such shall be deemed an application for a COA if accompanied by the additional materials required for COA review. No city permit shall be issued, nor work begun, until the landmarks and design review process has been completed and a COA has been issued pursuant to this chapter.

2. Landmarks and Design Commission Review.

a. At a regularly scheduled public hearing, the landmarks and design commission shall review the proposed work according to the relevant design provisions set forth in Divisions IV and V of this title. After concluding the public hearing, the landmarks and design commission shall approve or disapprove the application. Approval of projects shall be based upon appropriateness of design as reflected in said provisions.

b. The landmarks and design commission may approve with or without conditions or disapprove an application. The decision of the landmarks and design commission shall be rendered within 15 working days of the date of receipt of a completed application, unless the parties agree to an extension. The landmarks and design commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

c. If the landmarks and design commission makes a decision to issue a COA, such certificate shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official.

d. If the landmarks and design commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.

- e. The commission's decision on a COA may be appealed to the city council in a closed record appeal hearing.

D. Demolition. Application for a COA for whole or partial demolition of a property listed in the Ellensburg landmarks register shall be reviewed by the landmarks and design commission in accordance with the procedures set forth in subsection (C) of this section and ECC 15.280.100 with the following exceptions:

1. The landmarks and design commission shall meet initially with the applicant to consider alternatives to demolition, including available incentives for preservation. These negotiations may last no longer than 90 calendar days from the first meeting of the landmarks and design commission, unless either party requests an extension.
2. If no request for an extension is made and the existence of a condition of unreasonable economic return, as set forth in ECC 15.280.100, has been proven and no alternative to demolition has been agreed to, the landmarks and design commission shall make a decision on issuance of the COA. The preservation planner shall promptly transmit a copy of such decision to the building official.
3. The landmarks and design commission may require conditions of approval including, but not limited to, mitigation measures.
4. Any person aggrieved by any action of the commission denying or approving a demolition request may file a notice of appeal as set forth in Chapter 15.230 ECC; however, such appeal shall be a closed record appeal to city council rather than to the hearing examiner. [Ord. 4725 § 3, 2016; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 42. Section 15.300.040 Residential zones and map designations of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4798 is hereby amended to read as follows:

15.300.040 Residential zones and map designations.

A. Residential Suburban Zone (R-S). The R-S zone is intended to provide for a mix of predominantly single detached dwelling units in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominate use, with options to integrate other compatible housing types in a relatively low urban density;
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;

5. Providing for a minimum density standard to avoid large scale low density sprawl;
6. Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;
7. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allow for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - e. Preservation of historic buildings; and/or
 - f. Affordable housing; and
8. Use of this zone is appropriate for any of the following or combinations thereof:
 - a. Areas designated residential neighborhood in the comprehensive plan;
 - b. Areas characterized predominantly by single-family dwellings.

B. Residential Low Density Zone (R-L). The R-L zone is intended to protect and enhance the character of existing low density residential neighborhoods while allowing for compatible infill development. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominate use, with options to integrate accessory dwelling units and duplexes and cottage housing on larger lots;
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
5. Providing a minimum density standard to avoid large scale low density sprawl;
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allow for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;

- c. Off-street trails;
 - d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
 - e. Preservation of historic buildings; and/or
 - f. Affordable housing; and
7. Use of this zone is appropriate for any of the following, or combinations thereof:
- a. Areas designated residential in the comprehensive plan;
 - b. Areas characterized by, or immediately adjacent to, areas which are predominately single-family in character.

C. Residential Medium Density Zone (R-M). The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

- 1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
 - 2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
 - 3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
 - 4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
 - 5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;
 - 6. Providing a minimum density standard to avoid large scale low density sprawl; and
 - ~~7. Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:~~
 - ~~a. Energy efficient building and site design; or~~
 - ~~b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and~~
- ~~78.~~ Use of this zone is appropriate for any of the following, or combinations thereof:
- a. Areas designated residential, neighborhood mixed use, or community mixed use in the comprehensive plan;
 - b. Areas characterized by a mix of single- and multifamily buildings;

- c. Areas located along designated arterial streets;
- d. Areas adjacent to commercial zoned property; or
- e. Areas located along corridors served by transit.

D. Residential High Density Zone (R-H). The R-H zone is intended to comprise areas for high density multifamily residential development in areas served by transit and within walking distance from commercial services. These purposes are accomplished by:

- 1. Allowing multifamily dwellings and providing a minimum density limit;
- 2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
- 3. Providing standards and guidelines that promote the integration of usable open space for residential uses; and
- 4. ~~Providing standards for maximum floor area ratio which provide a flexible way to ensure that new development is compatible in scale to adjacent developments;~~
- 5. ~~Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:~~

- ~~a. Energy efficient building and site design; or~~
- ~~b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and~~

46. Use of this zone is appropriate for any of the following, or combinations thereof:

- a. Areas designated blended residential, urban neighborhood, or community mixed use in the comprehensive plan;
- b. Areas characterized by multifamily buildings;
- c. Areas adjacent to commercial zoned property; or
- d. Areas located along corridors served by transit.

E. Manufactured Home Park Zone (MHP). The MHP zone comprises areas developed or suitable for development for placement and occupancy of manufactured homes for residential purposes on rented or leased sites in manufactured home parks. These purposes are accomplished by:

- 1. Establishing regulations to establish, stabilize, and protect the residential character of the zone and to prohibit all incompatible activities;
- 2. Establishing provisions for common open space; and
- 3. Establishing standards for a safe and connected circulation system. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 43. Section 15.300.050 Nonresidential and mixed-use zones of the Ellensburg City Code as last amended by Section 2 of Ordinance 4798 is hereby amended to read as follows:

15.300.050 Nonresidential and mixed-use zones.

A. Commercial Neighborhood Zone (C-N). The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:

1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;
2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
3. Providing a maximum size of five acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
6. Use of this zone is appropriate for any of the following, or combination thereof:
 - a. Areas designated residential neighborhood, blended residential neighborhood, or urban neighborhood in the comprehensive plan;
 - b. Areas located adjacent to a collector or arterial roadway;
 - c. Areas centralized to serve existing and/or planned residential neighborhoods within one-quarter mile of the site.

B. Commercial Tourist Zone (C-T). The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:

1. Allowing commercial uses that serve the traveling public;
2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and
3. Providing standards and guidelines that enhance the appearance and function of commercial-tourist uses and their compatibility with surrounding uses;

4. Use of this zone is appropriate for areas that meet both of the following criteria:
 - a. Areas designated general commercial services and community mixed use in the comprehensive plan; and
 - b. Areas located within one-half mile radius of the center of an Interstate 90 interchange.

C. Commercial Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments. These purposes are accomplished by:

1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;
2. Allowing small to large scale retail uses, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of Chapter 15.390 ECC; and
3. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
4. Use of this zone is appropriate for any of the following, or combinations thereof:
 - a. Areas designated neighborhood commercial, general commercial and services, or community mixed use in the comprehensive plan; and
 - b. Areas adjacent to, or with good access to, arterial streets and highways.

D. Residential Office Zone (R-O). The R-O zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. These purposes are accomplished by:

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
2. Providing for office uses that are compatible in scale and character with permitted residential uses;
3. Providing for limited small scale nonresidential uses on street corner sites provided they are integrated with residential or office uses in a mixed-use building;
4. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
6. Providing a minimum density standard to avoid large scale low density sprawl;
7. ~~Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:~~

~~a. Energy efficient building and site design; or~~

~~b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and~~

~~7.8. Encouraging historic preservation and adaptive re-use of historic properties; and~~

~~8.9. Use of this zone is appropriate for:~~

~~a. Areas designated blended residential neighborhood, urban neighborhood, and neighborhood mixed use in the comprehensive plan as well as:~~

~~b. Areas characterized by a mix of single- and multifamily buildings and office uses; and/or~~

~~c. Areas located generally between commercial and single-family residential zones.~~

E. Central Commercial Zone (C-C). The C-C zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial activities. These purposes are accomplished by:

1. Allowing a range of commercial uses that serve the broad trade area;
2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;
3. Promoting residential as a secondary use in the zone, including upper floors on storefront dominated streets;
4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone; and
5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
6. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

F. Central Commercial II Zone (C-C II). The C-C II zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:

1. Allowing a range of commercial uses that serve the broad trade area;
2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;
3. Promoting residential as a secondary use in the zone;

4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone;
5. Providing standards and guidelines that promote compatibility between uses; and
6. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
7. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

G. Light Industrial Zone (I-L). The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

1. Allowing a range of general service and light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby residential uses;
2. Providing for eating and drinking establishments that serve other permitted uses in the zone;
3. Providing for offices as an accessory use, except where owners have purchased development rights from county properties within defined sending areas (subject to the city's adoption of a TDR program);
4. Providing design standards and guidelines that enhance the appearance and function of uses in the zone and their compatibility with surrounding uses;
5. Promote mixed use residential as a secondary use in areas identified as industrial residential in the comprehensive plan; and
5. Use of this zone is appropriate for areas designated light industrial or industrial residential in the comprehensive plan.

H. Heavy Industrial Zone (I-H). The I-H zone is intended to accommodate certain industrial structures and uses including large-scale or very specialized industrial operations which might have external physical effects of an offensive or hazardous nature. These purposes are accomplished by:

1. Allowing the processing of raw materials and the manufacturing, processing, storing, and compounding of semi-finished or finished durable or nondurable products; and
2. Providing design standards and guidelines that provide for flexibility in the layout of buildings and site features, yet enhance the appearance of I-H zone uses and their compatibility with surrounding uses;
3. Use of this zone is appropriate for areas designated heavy industrial in the comprehensive plan. [Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 44. Section 15.310.040 Use tables of the Ellensburg City Code as last amended by Section 13 of Ordinance 4769 is hereby amended to read as follows:

15.310.040 Use tables.

Table 15.310.040. Nonresidential uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
RETAIL													
Auto sales, new and used							P ¹	P	P ²	P			
Commercial use providing drive-through service							P	P		P			
Farmers' markets*						P			P	P			
Fruit stands*	P	P	P	P	P	P	P	P	P	P	P		
Heavy retail (ECC 15.130.080)								P ¹⁰	P ²	P	P	P	
Heavy service (ECC 15.130.080)								P ¹⁰	P ²	P	P	P	
Nurseries and greenhouses that are ancillary to a retail use*	P							P	P ²	P	P	P	
Restaurants, bars, and brewpubs*			P ³	P ³	P ³	P	P	P	P	P	P ¹¹		A ⁹
Coffee house, espresso bar	P ⁸		P ³	P ³	P ³	P	P	P	P	P	P ¹¹		A ⁹
Retail, small scale (<2,000 sf floor area)	P ⁸		P ³	P ³	P ³	P	P	P	P	P			A ⁹
Retail, medium scale (2,000 – 20,000 sf floor area)						P		P	P	P			A ⁹
Retail, large scale (20,001 – 60,000 sf floor area)						P ⁴		P	P	P			
Retail, super scale (>60,000 sf floor area)									C	C			
Outlet center								P					
Regional retail commercial projects* (subject to the requirements in Chapter 15.390 ECC)	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³	P ¹³			P ¹³		
Marijuana retailer*						P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴			

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
PERSONAL AND GENERAL SERVICE													
Day care I facilities*	P	P	P	P	P	P		P	P	P	P		A ⁹
Day care II facilities*	C	C	C	C	P	P		P	P	P			A ⁹
General service establishments (ECC 15.130.070)						P ⁵	P ⁶	P	P ²	P	P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*								P ¹⁰	P ²	P	P	P	
Hotels/motels*							P	P	P	P			
Hospitals*	C	C	C		P				C	P			P ⁹
Offices, medical*	P ⁸				P	P	P	P	P	P			P/A ⁹
Kennels*								P		P	P		
Nursing homes*	C	C	C	P	P				P	P			P/A ⁹
Marijuana cooperative*	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵
Personal service establishments*	P ⁸		P ³	P ³	P ³	P	P	P	P	P			A ⁹
Places of assembly*	C	C	C	C	P	P			P	P	C		A ⁹
Radio station (commercial)		C						C			C	C	A ⁹
<u>Veterinary Clinic*</u>					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		
BUSINESS SERVICE													
Conference center*							P	P	P	P			A ⁹
Offices, business or professional*, small scale (<2,000 sf floor area)	P ⁸				P	P	P	P	P	P	P ⁷		P/A ⁹
Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area)	P ⁸						P	P	P	P	P		P/A ⁹
Offices, business or professional*, large scale (20,001 – 60,000 sf floor area)								P	P	P	P		P/A ⁹
Miniwarehouse facility*			C					C			P	P	
INDUSTRIAL													
Light industry (ECC 15.130.120)									P ^{2,11}	P ^{2,11}	P	P	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
Hazardous waste treatment (off-site) (see definition of "off-site" in ECC 15.130.150)											C	C	
Hazardous waste treatment (on-site) (see definition of "on-site" in ECC 15.130.150)							C	C	C	C	C	C	A ⁹
Heavy industry (ECC 15.130.080)												C	
Marijuana processor*											P ¹⁴	P ¹⁴	
Marijuana producer*											P ¹⁴	P ¹⁴	
<u>Tow Vehicle Storage Area*</u>											<u>P</u>	<u>P</u>	
<u>Vehicle Wrecking Yard*</u>												<u>C</u>	

Development conditions:

1. Sales of used vehicles in this zone are limited to uses that include sales of new vehicles as the primary use.
2. Use must be enclosed entirely within a building.
3. Use is permitted if located adjacent to a street corner and within a mixed-use building or within a live-work dwelling. Such uses shall be subject to secondary street frontage standards as set forth in ECC 15.510.060.
4. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.
5. Except for gas service stations, the use must be enclosed entirely within a building.
6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.
7. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
8. Subject nonresidential uses may be permitted in the R-S zone subject to the following conditions:
 - a. The location for planned nonresidential uses shall be designated on the plat.

- b. Nonresidential uses may be integrated into subdivisions provided the subdivision encompasses at least five acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
 - c. Nonresidential uses shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
 - d. For the purpose of identifying appropriate site orientation standards for future nonresidential development, the plat shall indicate the street frontage type designation for streets fronting planned nonresidential uses as either storefront, secondary, or landscaped street (see Chapter 15.510 ECC).
9. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.
10. Heavy retail and service uses are limited to buildings no larger than 50,000 gross square feet in area.
11. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
- a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.580 ECC for standards), dust or other physical effect; and
 - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
12. Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).
13. Regional retail is administered as an overlay zone pursuant to Chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in ECC Figure 15.390.040(A), the south interchange area, and Figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by Chapter 15.390A ECC.
14. All marijuana retail, production and processing facilities are subject to the requirements of Chapter 15.370 ECC.
15. All marijuana cooperatives are subject to the requirements of ECC 15.370.030, Chapter 314-55 WAC and Chapter 69.51A RCW.

Table 15.310.040. Special uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
PARK, OPEN SPACE AND RECREATIONAL													

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
Cemeteries, columbarium or mausoleums	P	P											
Golf course	P												P ¹¹
Golf driving range (not associated with a golf course)	C						C	C					P ¹¹
Recreation – outdoor (commercial)*							P	P			C		A
Recreation – indoor (commercial)*							P	P	P	P	C		A
Recreational vehicle parks (ECC 15.340.050)							P						
Parks, playgrounds (public or private)	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹		P
CULTURAL AND ENTERTAINMENT													
Adult entertainment establishment*							P ²						
Art, performing arts, and recording studios								P	P	P			P/A ⁷
Museums									P	P			P/A ⁷
EDUCATIONAL													
Schools	C	C	C	C	C			C	C	C			P ⁵
GOVERNMENTAL													
Court								P	P	P			P
Fire facility								P					P
Police facility						P ³		P	P ³	P	P		P
Public agency or utility office*						P	P	P	P	P	P	P	P/A
Public agency or utility yard	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P		P	C ⁴	P	P	P	P/A
Utility facility* ⁸	P	P	P		P	P	P	P	P	P	P	P	P
Fairgrounds													P
Public transportation passenger terminals							P	P	P	P			P
RESOURCE													
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P	P	P	P	P	P	P	P	P	P/A ⁷
Agriculture*	P ⁹												
Small wind energy ¹⁰ systems (ECC 15.340.060)	P	P	P	P	P	P	P	P	P ¹⁰	P	P	P	P/A ⁷
REGIONAL													
Airport													PC ⁶

Development conditions:

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
2. Adult entertainment is regulated pursuant to Chapter 6.72 ECC. Zoning locational standards within the C-T zone for adult entertainment establishments are:

All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office).

3. Limited to "storefront" police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the NC zone); or
 - c. Long-term storage of stolen properties.
4. Public agency or utility yard conditions:
 - a. Utility yards only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
5. Excluding private or nonprofit commercial schools, for which the principal course work is business, vocational, or technical.
6. A conditional use permit is required for the following uses:
 - a. Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
 - b. Airport landing areas.
7. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use; see ECC 15.310.050. Subject uses must be managed by a public agency.
8. Wireless communication facilities, including wireless communication support towers and antenna arrays, are subject to the provisions of ECC 15.340.070.
9. Agriculture uses are permitted in the subject zone provided the following conditions are met:
 - a. The raising of swine, poultry or goats shall be restricted to youth educational projects or limited household consumption occurring on the same lot, or lots of record;
 - b. No nuisances, such as noise, odor, air pollution, wastes, vibration, traffic or physical hazards, shall result therefrom; and

c. Fencing and housing adequate to certain livestock shall be provided where livestock are kept, and all livestock shall be kept and maintained in accordance with applicable laws and regulations.

10. Small wind energy systems on properties listed in the Ellensburg landmarks register are subject to landmarks and design commission certificate of ~~approval~~appropriateness.

11. Subject use shall be permitted only if it is a public facility. [Ord. 4769 § 13, 2017; Ord. 4728 § 4, 2016; Ord. 4724 § 4, 2016; Ord. 4696 § 3, 2015; Ord. 4669 § 3, 2014; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 45. Section 15.310.050 Supplemental P-R zone provisions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.310.050 Supplemental P-R zone provisions.

A. Permitted Accessory Uses.

1. Services such as food, pharmacies, gift shops, bookstores, newsstands, flower shops and similar uses, and facilities such as vehicle service and repair, storage yards, and physical plants, that are associated with a permitted use, integral to the operation of the permitted use itself, and owned and operated by the public institution involved or conducted through a lease or contract with a private individual or entity;
2. Facilities accessory to an institution, such as housing and dining facilities for students, staff or faculty of colleges, universities, and hospitals, are allowed within the principal building(s);
3. Retail services, such as concessions and rental facilities usually associated with public parks, fairgrounds, other public recreation facilities, and public educational institutions;
4. Helipads operated in conjunction with a public hospital;
5. Human medical offices, such as doctor or dentist facilities, operated in conjunction with a primary permitted use.

B. Conditional Use. Buildings located within 100 feet of a residential zone and intended to be higher than 35 feet may be permitted within the P-R zone through the granting of a conditional use permit according to the procedures set out in ECC 15.250.040.

C. Master Planning. Recognizing that some institutions require long-range development plans and consist of large areas of land with multiple land uses, a master plan may be prepared for all, or a portion, of an entity's land area which is subject to this chapter and which master planned land encompasses an area of three acres or more. See ECC 15.250.080 for application requirements, review procedures, and decision criteria for such master plans.

D. Rezone of P-R Property When No Longer Used for Public Purposes. Recognizing that over time some land and structures that are zoned P-R and are used for P-R purposes may change uses to non-public uses or may become obsolete or surplussed out of active public use and occupancy,

the property owner may in such situations seek a rezone out of P-R zoning pursuant to the terms and processes set forth in ECC 15.250.100, subject to the following:

The rezone applicant may request that the P-R zoned property be rezoned to any zoning district classification that abuts the subject property.

1. In the event that the P-R zoned property is developed with a structure that is not consistent with the development allowed in the abutting zones, such as a large school in the middle of a single-family residential zone, the rezone applicant may request to rezone the property to a different zoning classification other than the abutting zones; provided, that a concomitant agreement that identifies the types of future uses that will be permitted in the structure has been proposed by the applicant and agreed to by city council as part of any rezone approval.
2. In the event that the P-R zoned property is developed with a structure that has been identified on the Ellensburg historic resource inventory and the property owner desires to demolish all or part of the structure, a certificate of ~~approval~~ appropriateness for such demolition must first be applied for and approved by the landmarks and design commission pursuant to ECC 15.280.090(D) before the rezone permit review can be initiated. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 46. Chapter 15.320 Form and intensity standards of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby renamed and amended to read as follows:

Chapter 15.320

FORM-BUILDING SETBACK AND INTENSITY STANDARDS

Sections:

- 15.320.010 Purpose.
- 15.320.020 Interpretation of tables.
- 15.320.030 ~~Form~~ Building setback and intensity standards table – Residential zones.
- 15.320.040 ~~Form~~ Building setback and intensity standards – Nonresidential zones.
- 15.320.050 ~~Density and floor area ratio~~ calculations.
- 15.320.060 Height exceptions.
- 15.320.070 Setback measurements.
- 15.320.080 Permitted projections into yards.
- 15.320.090 Setbacks from alleys.
- 15.320.100 Setback modifications.
- ~~15.320.110 Accessory buildings.~~
- 15.320.~~110~~¹²⁰ Lot or site divided by zone boundary.
- 15.320.~~120~~¹³⁰ Fences, walls, and hedges.

15.320.010 Purpose.

A. To promote forms of development that reinforce and/or enhance the desired character of Ellensburg neighborhoods;

- B. To promote compatibility between developments; and
- C. To minimize environmental impacts of development. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.020 Interpretation of tables.

A. The ~~form~~ building setback and intensity standards tables address the ~~form~~ building setback and intensity of development specific to individual zoning districts. The zoning district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.

B. Where an ECC reference/link appears after the ~~form~~ building setback and intensity topic, then the use is subject to standards set forth in that section or chapter.

C. If a number appears in the box at the intersection of the column and the row, refer to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then all development conditions apply.

D. ECC 15.320.050 through 15.320.130 provide clarification and exceptions to the ~~form~~ building setback and intensity standards herein. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.030 ~~Form~~ Building setback and intensity standards table – Residential zones.

Table 15.320.030. ~~Form~~ Building setback and intensity standards table – Residential zones.

Topic	R-S	R-L	R-M	R-H	R-O
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None ¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}
Density, minimum (ECC 15.320.050)		6/du/acre ³	8/du/acre ³	15 du/acre	8/du/acre ³
Density, maximum (base) ¹⁰⁸ (ECC 15.320.050)	6 du/acre	8 du/acre	No limit	No limit	No limit
Density, maximum with bonus (see Chapter 15.330 ECC)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit	No limit
Maximum floor area ratio (FAR) (ECC 15.320.050)		0.5 ⁵	1.0 ⁶	1.5 ⁶	1.0 ⁶
Maximum building height	35 ft	35 ft	35 ft ⁷	45 ft ⁷ ft ⁵	35 ft ⁷ ft ⁵
BUILDING PLACEMENT SETBACK (see ECC 15.320.070 through 15.320.130)					
Minimum front yard setback ^{6,7 8,9}	15 ft	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum rear yard setback, accessory structures-buildings (including garages) and detached accessory dwelling units	5 ft ¹² ft ¹⁰	5 ft ¹² ft ¹⁰	5 ft ¹² ft ¹⁰	5 ft ¹² ft ¹⁰	5 ft ¹² ft ¹⁰

Topic	R-S	R-L	R-M	R-H	R-O
Minimum rear yard setback, detached accessory dwelling unit (see Chapter 15.540.040)	<u>5 ft¹⁰</u>	<u>5 ft¹⁰</u>	<u>5 ft¹⁰</u>	<u>5 ft¹⁰</u>	<u>5 ft¹⁰</u>
Minimum side yard setback (includes corner lot interior lot line) ⁴¹²	5 ft/10 ft ⁴³¹¹	5 ft/10 ft ⁴³¹¹	5 ft/10 ft ⁴³¹¹	5 ft/10 ft ⁴³¹¹	5 ft/10 ft ⁴³¹¹
Minimum side yard setback (corner lot exterior lot line)	<u>510 ft</u>	<u>510 ft</u>	<u>510 ft</u>	<u>510 ft</u>	<u>510 ft</u>
Minimum garage side yard setback (corner lot exterior lot line)	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>	<u>22 ft</u>

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
- ~~5. Townhouses and multifamily uses, where permitted through density bonus provisions, are exempt from maximum FAR standards.~~
- ~~6. See ECC 15.330.030 for FAR bonus provisions.~~
- ~~57.~~ For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
- ~~68.~~ Porches and covered entries may project up to six feet into the front yard.
- ~~79.~~ No front yard is required for buildings adjacent to designated “storefront streets.”
- ~~840.~~ Base maximum density refers to the maximum density allowed without utilizing density bonuses.
- ~~944.~~ Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
- ~~1012.~~ Accessory structures buildings and/or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

1143. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.040 ~~Form~~ Building setback and intensity standards – Nonresidential zones.

Table 15.320.040. ~~Form~~ Building setback and intensity standards table – Nonresidential zones.

Standard	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None ¹	None ¹	None ¹	None ¹
Density, minimum (ECC 15.320.050)	NA	NA	NA	NA	NA	NA	NA	NA
Density, maximum (ECC 15.320.050)	None	None	None	None	None	NA	NA	NA
Maximum building height (see ECC 15.320.060 for height exceptions)	35 ft	35 ft	35 ft	45 ft	70 feet	35 feet ³	None	None ³
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)								
Minimum front yard	10 ft ²	10 ft ²	10 ft ²	None ²	None ³	10 ft ²	10 ft	10 ft ⁴
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁴
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁴

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.
3. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).
4. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.
5. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.

6. See ECC 15.330.030 for FAR bonus provisions. [Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.050 Density and floor area ratio calculations.

A. Calculations for Determining Minimum Density – Net Area. All site areas shall be used in the calculation of minimum allowed residential density or project floor area except:

1. Street rights-of-way, easements, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities) except private easements that serve as primary access to no more than five lots; and
2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

B. Calculations for Determining Maximum Density – Gross Developable Acreage.

1. All site areas may be used in the calculation of the maximum allowed residential density or project floor area except as outlined under the provisions of subsection (B)(2) of this section.
2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers shall not be credited toward the maximum density or floor area calculations. Property used for new roadways, trails, stormwater facilities, or other features used by residents may be counted as part of the site area for density calculations. Property transferred to the city for the construction of public roadways or other public feature shall be counted as part of the site area if the city and property owner reach such an agreement as part of the transfer.

C. Density Calculations. Minimum and maximum density for an individual site shall be calculated by multiplying the gross developable acreage by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up.
2. Fractions below 0.50 shall be rounded down.

D. Prohibited Reduction. Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

~~E. Floor Area Ratio (FAR) Calculations. Floor area ratio is defined as the floor area (see ECC 15.130.060) of all buildings on a lot divided by the area of that lot. For example, a one-story building that covers 50 percent of the lot has a FAR of 0.50. A two-story building that covers the entire lot has a FAR of 2.0.~~

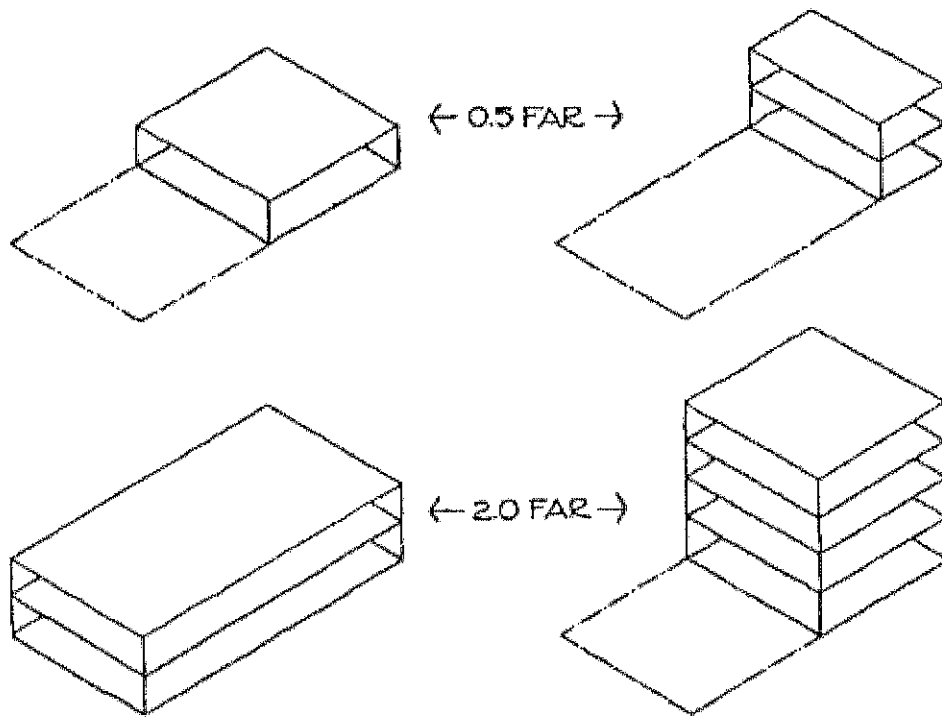


Figure 15.320.050(D). Floor area ratio examples.

[Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030 and 15.320.040:

- A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;
- C. Fire or parapet walls may exceed the height limit by up to 10 feet in the C-C and C-C II zones; and
- D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.070 Setback measurements.

- A. Front Yard Setback. The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-

way or the edge of the surface improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.

B. Side Yard Setback. The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.

C. Rear Yard Setback. The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.

D. Corner Lots. For corner lots with two street frontages, setbacks from ~~all street rights-of-way~~ the addressed street side shall conform to the front yard setback for the underlying zoning district ~~and other development standards for front yards, unless otherwise noted. The setbacks for the flanking side shall conform to the exterior side yard setbacks for the underlying zoning district~~

E. For measurements on a pointed or irregular lot refer to definition of Lot Line in ECC 15.130.120. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.080 Permitted projections into yards.

The following structures may extend into or be located in required setbacks:

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:

1. Limited to two per facade; and
2. Not wider than 10 feet;

B. Eaves, cornices, and signs may not project more than:

1. Three feet into a front or rear yard; and
2. Two feet into the side yard;

C. Porches and covered entries may project up to six feet into the front yard subject to conformance with any required site vision standards set forth in Section 3, Street Standards, of the city's public works development standards applicable to the lot;

D. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project up to six feet into the front or rear yards;

E. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk;

F. The following features may project into any front yard:

1. Unenclosed porches and entry features may project six feet into the front yard;

2. Mailboxes and newspaper boxes;
3. Fire hydrants and associated appendages;
4. Bus shelters; and
5. Monument signs;

G. The following features may project into any yard:

1. Telephone poles and lines;
2. Power poles and lines;
3. Cable TV and Internet lines;
4. Light and flagpoles;
5. Sprinkler systems;
6. Trellises not exceeding eight feet in height, not wider than 10 feet;
7. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;
8. Electrical equipment cabinets and similar utility boxes and vaults;
9. Surface and stormwater water management facilities;
10. Fences per ECC 15.320.130;
11. Uncovered porches and decks not exceeding 18 inches above the finished grade; and
12. Rockeries, retaining walls and curbs provided these structures do not exceed a height of six feet from the property line grade; and

H. No projections are allowed into a regional utility corridor or access easement. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.090 Setbacks from alleys.

Accessory ~~structures~~buildings and accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.100 Setback modifications.

A. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

B. For residential lots adjacent to designated local streets and built to applicable standards set forth in Section 3, Street Standards, of the city's public works development standards, setbacks

shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.

C. Administrative variance.

1. Purpose. To allow limited flexibility in the application of the development standards herein.
2. Applicability. The director may allow an administrative variance for proposals that are within 10 percent of compliance of applicable dimensional standards set forth for building height and building placement.
3. Procedures. An administrative variance is subject to the Type II review process set forth in Chapter 15.210 ECC.
4. Decision Criteria. Proposals shall fall within the scope of the definition for “variance” set forth in ECC 15.130.220, and shall meet the purpose(s) of the applicable development standards. Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.110 — Accessory buildings.

~~Where an accessory building is attached to and made a part of the main building for at least 50 percent of the length of one of the abutting walls of such accessory building, or where the total length of the abutting walls of the accessory building is equal to 50 percent of the longest wall of the building, then the accessory building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided, and shall be not closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted. [Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.320.110120 Lot or site divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

- A. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
- B. When a lot contains residential zones of varying density:
 1. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;
 2. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and
- C. Uses on each portion of the lot shall only be those permitted in each zone pursuant to Chapter 15.310 ECC. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.120130 Fences, walls, and hedges.

- A. Residential Uses and Zones.

1. Front yard and between facade and street: 42 inches maximum height. Homes with accessory day care uses are allowed fences up to 48 inches tall, provided the portion of the fence above 42 inches is at least 50 percent transparent;



Figure 15.320.130(A)(1). Acceptable fences and walls for the front yard of residential uses. The left image uses a picket fence. The middle image uses a low wrought iron fence. The right image uses a low masonry retaining wall.

2. Corner lot, side yard, flanking street: 42 inches maximum fence or wall height for areas less than five feet from the property line or sidewalk, whichever is less (but not within the right-of-way). For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent. For areas at least five feet from the property line or sidewalk, whichever is less (but not within the right-of-way), the maximum fence or wall height is eight feet;
3. Side and rear yards: eight feet maximum fence or wall height, except that the maximum height of any fence less than five feet from a sidewalk shall be 42 inches. For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent;



Figure 15.320.130(A)(2). Acceptable and unacceptable fences on corner lots for side yard/flanking streets or along reverse frontage lots where the back yard abuts a street. The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear yard, but are not allowed within

five feet of a sidewalk. The right image shows an acceptable example where the fence is set back away from the sidewalk to allow space for landscaping.

4. Fences, walls and hedges less than three feet from an alley are limited to 42 inches in height. Fences or walls set back three feet or more from the alley may be up to six feet in height. Fences or walls at least 10 feet from an alley may be up to eight feet in height;

Fences directly adjacent to an alley

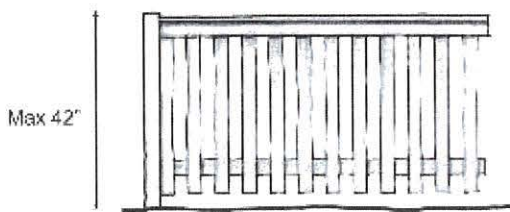


Figure 15.320.130(A)(3). Acceptable fences along an alley. The 42-inch fence on the left is allowed along the edge of an alley. The taller six-foot fence in the middle is allowed with a three-foot minimum setback from the alley.

5. Residential developments are subject to edges and fences provisions as set forth in ECC 15.420.030, which addresses gated communities and reverse frontage lots; and
 6. Multifamily uses are subject to the following provisions:
 - a. Side/rear yard design provisions set forth in ECC 15.520.020; and
 - b. Blank wall treatment provisions as set forth in ECC 15.530.060.
- B. All Other Uses and Zones.
1. Fences less than 10 feet from a streetfront property line or sidewalk, whichever is less (but not within the right-of-way) are limited to 42 inches in height. Day care uses are allowed fences up to 48 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent. Otherwise, the maximum height for fences shall be eight feet. Also see Section 3, Street Standards, of the city's public works development standards for site distance requirements along streets and site access points;
 2. Nonresidential uses are subject to side/rear yard design provisions set forth in ECC 15.520.020; and
 3. Nonresidential uses are subject to blank wall treatment provisions as set forth in ECC 15.530.060.
- C. Fence and Wall Measurements.

1. Fence and freestanding wall height shall be measured from the horizontal projection of the predominant ground level of either the finished grade where such grade has been established, or from the horizontal projection of the predominant existing grade in the vicinity of the fence; and

2. Fence height shall be measured to the upper surface of the fence panel.

D. Fence Material Standards.

1. Chain Link Fences.

- a. Chain link fences are prohibited in residential zones and in yards associated with residential uses; and

- b. Chain link fences are allowed in nonresidential zones subject to height limits set forth in subsection (B) of this section. Where visible from the street, such fences taller than 42 inches shall be screened with landscaping per the blank wall treatment standards set forth in ECC 15.530.060. Chain link fences visible from the street are encouraged to use blue or black vinyl coating.

2. No fence, wall or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices except where livestock is to be contained by barbed or electrically charged wire, in which case the fence shall be located not closer than five feet from the property line. Where an adjacent existing fence, wall, or hedge on a property line dividing properties under separate ownership establishes a barrier, then such barbed wire fence or electrically charged fence may be placed on the property line with the mutual consent of the property owners. Fences enclosing storage areas in industrial zones (I-L and I-H) may use barbed wire so long as such wire is located not less than six feet above grade. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 47. Section 15.330.020 Density bonus system for the R-S and R-L zones of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.330.020 Density bonus system for the R-S and R-L zones.

Table 15.330.020 summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in subsections (A) through (F) of this section. Developments may use a combination of bonus elements provided they comply with the maximum density provisions set forth for the zone in Table 15.320.030. An exception to the maximum density provisions are only provided for projects complying with Net Zero Energy standards as set forth in subsection (A) of this section.

Table 15.330.020. Density bonuses for the R-S and R-L zones.

Bonus element	Density bonus % increase	Special conditions
Energy efficient construction/Built Green, LEED or other similar environmental certification	25 – 150%	See subsection (A) of this section for details.
Greater mix of housing types	10 – 15%	See subsection (B) of this section for details. This option may be applied to all development sites with at least 5 acres.
Off-street trails	5 – 20%	See subsection (C) of this section for details.
Transfer of development rights (TDR)	Up to 50%	See subsection (D) of this section for details.
Historic preservation	15 to 50%	See subsection (E) of this section for details.
Affordable housing	15 to 50%	See subsection (F) of this section for details.

A. Energy Efficient Construction.

1. Table of Green Building and Energy Efficient Density Bonuses. Four tiers of density incentives are employed to promote increasing levels of green building performance and higher energy efficiencies (via a green building rating system) in new developments. Applicable green building rating systems shall be indicated on the plat and confirmed with individual building permit application as directed in subsection (A)(2) of this section, Project Certification. The following table outlines density bonuses associated with specific green building rating systems for single-family, duplex and townhomes townhouse developments in the R-S and R-L zones.

Table 15.330.020(A). Energy efficiency density bonuses for the R-S and R-L zones.

Density Bonus	20%	50%	100%	150%
Compliance Paths for Single-Family, Cottages, Duplexes, TownhomesTownhouses, and Multifamily				
Certification Level Required*	LEED-Silver or Built Green 4-star	LEED-Gold or Built Green 5-star	LEED-Platinum	Living Building Challenge

Conditions/Notes:

* Equivalent rating systems which require third party verification maybe be approved at the discretion of reviewing authority.

2. Project Certification.

a. Building Permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for certification by a green building rating system, such as LEED or Built Green. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

b. **Living Building Challenge.** For projects pursuing the Living Building Challenge for the purpose of a density bonus, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the site, materials, indoor quality and beauty/inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

B. **Mix of Housing Types.** Up to a 50 percent density bonus may be provided for providing a diversity of housing types. This option may be applied to all development sites at least five acres in area.

1. **Housing Mix Density Bonus Table.**

Table 15.330.020(B). Housing mix density bonuses.

Housing mix	Density bonus
At least 50% of the dwelling units are “alternative housing types” as defined below. At least 2 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	10%
At least 67% of the dwelling units are “alternative housing types” as defined below. At least 3 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	15%

2. **Alternative housing types include:**

a. **Accessory dwelling units (ADU),** complying with design provisions set forth in ECC 15.540.040. Also note that while ADUs do not count as a unit for the purpose of calculating density, they may be counted as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units;

b. **Small detached single-family ~~homes~~dwelling units.** This includes ~~homes~~dwelling units no larger than 1,400 square feet in gross floor area, excluding an attached or detached garage or other nonhabitable floor area. Such ~~homes~~dwelling units must comply with design provisions set forth in ECC 15.540.020;

c. **Cottage dwelling units,** complying with design provisions set forth in ECC 15.540.050. Also note that each cottage shall count as one-half of a dwelling unit, for the purpose of calculating allowed density. However, for the purpose of determining the

percentage of alternative housing types, each cottage dwelling may be counted as a single unit;

d. Duplexes or triplexes, complying with design provisions set forth in ECC 15.540.030;

e. Townhouses, complying with design provisions set forth in Division V and notably ECC 15.540.060; and

f. Multifamily buildings, where permitted in the applicable zoning district, complying with design provisions set forth in Division V.

3. The specific location, mixture, and amount of housing shall be indicated on the plat to ensure compliance with the density bonus provisions herein.

C. Off-Street Trails.

1. Density Bonus. The density bonus percentage is based on the type and length of off-street trail with respect to the size of the development.

Table 15.330.020(C). Off-street trail density bonuses.

Trail Type	Trail Extent	Density Bonus %
Walking, soft surface	>1lf of trail/4lf of site perimeter length;	5%
	>2lf of trail/4lf of site perimeter length.	10%
Walking, hard surface	>1lf of trail/4lf of site perimeter length;	10%
	>2lf of trail/4lf of site perimeter length.	15%
Multi-use	>1lf of trail/4lf of site perimeter length;	15%
	>2lf of trail/4lf of site perimeter length.	20%

2. Standards for Trails. Trails may either be a soft surface walking path, a hard surfaced walking path, or a wider hard surfaced multi-use pathway. As referenced in the nonmotorized transportation plan, federal, state, and professional guidance exists to ensure the system is designed to provide safe and accommodating facilities. Ellensburg relies primarily on:

a. The Federal Highway Administration's (FHWA's) National Bicycling and Walking Study: Case Study No. 24 – Current Planning Guidelines and Design Standards Being Used by State and Local Agencies for Bicycle and Pedestrian Facilities, has detailed engineering solutions for many nonmotorized situations.

b. AASHTO Guide for the Development of Bicycle Facilities, 3rd Edition, offers guidelines and minimum design criteria for safe bicycle facilities.

c. AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition, has guidelines and minimum design criteria for pedestrian facilities.

- d. WSDOT's Bicycle Facility Design Guidance (Chapter 1020) provides uniform minimum standards and criteria for the design and construction of bicycle facilities.
- e. WSDOT's Pedestrian Design Guidance (Chapter 1025) serves as a standard for construction and design of pedestrian facilities.
- f. The John Wayne Pioneer Trail, The Ellensburg Greenway: Reconnection Study (2001) will guide the planning and design of that trail.
- g. ADA Accessibility Guidelines for Transportation Facilities is consulted to ensure facilities are available to everyone.
- h. Manual on Uniform Traffic Control Devices for Streets and Highways, USDOT, FHWA; as adopted and modified by Chapter 468-95 WAC provides standards for signs and other traffic control devices.

3. Context. The trails must be integrated into the design of the development as an amenity. To accomplish this goal, tall fences separating ~~homes-dwellings~~ from trails are prohibited. Fences that separate ~~homes-dwellings~~ in the subdivision from trails shall be less than 42 inches in height or at least 33 percent transparent (those portions of the fence taller than 42 inches in height). Notes referencing these standards shall be included on the plat. Fences adjacent to mid-block trails that run along side yards are exempt from this standard.

D. Transfer of Development Rights (TDR). Developments may purchase the rights to develop additional units through the city's TDR program (subject to the city adopting a TDR program) in the amount equal to a 50 percent increase in on-site density. For example, if 60 dwelling units are permitted under base maximum density requirements, then up to 30 additional dwelling units may be developed on the site if purchased through the city's TDR program.

E. Historic Preservation.

1. Density Bonus. For each building that is preserved, the development shall qualify with a minimum of 15 percent and a maximum of 50 percent increase in on-site density for one acre of development. For example, if the development site covers 10 acres, the density bonus qualifies for one of the 10 acres.

2. Eligibility. Properties eligible for this density bonus option must feature a property that is eligible for historic landmark listing under the Ellensburg landmarks register, per ECC 15.280.080. Subject properties must be in habitable condition, or improved to habitable condition. Developments may also receive the density bonus credit if they are moved to another site within the city provided the applicable building/site meets applicable standards set forth in this title.

F. Affordable Housing.

1. Density Bonus. The available density bonus increase is based on the percentage of affordable housing units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum density bonus increase of 50 percent. The percentage shall be based on the number of affordable housing units divided by the base maximum density.

For example, if an applicant proposes 18 affordable units out of 60 maximum base units (30 percent), then the development is eligible for a 30 percent density bonus increase (in this case, 18 additional units). Even if the applicant seeks other density bonuses, the percentage of the affordable housing units will be measured against the base maximum density (not necessarily the total density, after other density bonuses).

2. Affordable Housing Unit Requirements.

- a. Units must be affordable to persons with incomes at or below 80 percent of the median income for Kittitas County residents;
- b. Duration. Housing shall serve only income-eligible households for a minimum period of 25 years from the later of the date when the affordability agreement between the housing owner and the city, as referenced in subsection (F)(3) of this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the city;
- c. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the director shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
 - i. Location. The location of the affordable housing units shall be approved by the city, with the intent that they generally be intermingled with all other dwelling units in the development;
 - ii. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development;
 - iii. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development; and
 - iv. Size (Square Footage). In no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, or 1,000 square feet for a three bedroom unit;
- d. Design. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with project design provisions specified in Division V. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the city; and
- e. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

3. Affordability Agreement. Prior to issuing any building permit, an agreement in a form approved by the director that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with Kittitas County

auditor's office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property.

4. Monitoring and Fee. The city reserves the right to establish in the affordability agreement referred to in subsection (F)(3) of this section, monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 48. Section 15.330.030 Floor area ratio (FAR) bonus system for the R-M, R-H, and R-O zones of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby deleted in its entirety:

~~15.330.030 — Floor area ratio (FAR) bonus system for the R-M, R-H, and R-O zones.~~
~~Projects may qualify for FAR bonuses in the R-M, R-H, and R-O zones per the following:~~

~~A. — Environmental Certification. Projects obtaining minimum Built Green four star or LEED-silver may increase the allowable FAR by 0.25 FAR in the R-M, and R-O zones and by 0.5 in the R-H zones.~~

~~B. — TDR. Projects may increase the allowable FAR by 0.25 FAR in the R-M and R-O zones and by 0.5 in the R-H zones through a purchase of TDRs (subject to the city adopting a TDR program).~~

~~C. — Publicly Accessible Art. Projects may increase the allowable FAR by 0.25 FAR in the R-M, R-O, and R-H zones by voluntary contribution of at least one percent of the total project budget for the acquisition and installment of publicly accessible art on the development site. In order to qualify for this bonus, the project construction costs must exceed \$300,000. In lieu of on-site public art, a developer may make an equivalent contribution to the Ellensburg public art fund. [Ord. 4656 § 1 (Exh. O2), 2013.]~~

Section 49. Section 15.340.020 Home occupations of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.340.020 Home occupations.

A. Purpose. This section establishes standards for operation of home occupations in dwelling units within residential districts; ensures that such home occupations are compatible with adjacent and nearby residential properties and uses; and allows residents of the community to use their residences as places to enhance or fulfill personal economic goals.

B. Applicability. This section applies to any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling, or building accessory to a dwelling.

1. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in a dwelling except in conformance with the regulations and performance standards set forth in this section.

2. If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use. Accessory residential uses do not require a home occupation permit;

C. Procedures. Home occupations are subject to the Type I review process as set forth in Chapter 15.210 ECC.

D. Application Contents. Applications for a home occupation shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed home occupation application form provided by the department; if the applicant is not the owner, the application shall include written authorization from the legal owner(s);

2. Payment of the application fee in the amount established in the city's adopted fee schedule;

3. A general site plan that shows:

a. The proposed home occupation dimensions in relation to the residence footprint;

b. How the property is located in reference to existing streets, alleys, and sidewalks;

c. The proposed project and dimensions in relation to all existing and proposed development on the property;

d. All existing buildings or structures on the subject property which are proposed to be utilized for the home occupation with setback dimensions and distances between buildings; and

e. Present and additional off-street parking, if required.

E. Standards of performance. Home occupations shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following:

1A. There shall not be structural alteration that would alter the outward appearance from a residential to commercial nature to accommodate the occupation. An example would be large storefront windows and/or a flat roof with a traditional cornice (see Figure 15.340.020);



Figure 15.340.020. Examples of commercial architecture that would not be appropriate for a home occupation in a residential zone.

2B. The use, including all storage space, shall not occupy more than 33 percent of the residence's floor area which is finished for living purposes;

3C. Only members of the family who reside on the premises and no more than one nonresident shall be engaged in the occupation(s) at any one time; provided, that home occupations with a nonresident employee shall provide off-street parking for the employee on-site;

4D. There shall be no window display nor shall sample commodities be displayed outside the building;

5E. No materials or mechanical equipment shall be used which will have a negative impact on the residential area because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

6F. If materials or commodities delivered to or from the residence require delivery by a commercial vehicle larger than a small parcel delivery van or truck, or if the parking of customers' automobiles in a manner or frequency causes disturbance or inconvenience to nearby residences, or if a public parking lot is necessary to accommodate the business, the occupation shall be termed a primary business and not a home occupation;

G. ~~If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use;~~

7H. For purposes of this section, use of the defined term "residence" contained in this code for the purpose of considering a home occupation in an accessory building shall be limited to single-family uses. Home occupations in multifamily dwellings shall be confined to the principal dwelling unit buildings and not be allowed in accessory structures;

8I. Any home occupation granted would be personal to the person to whom it is granted and under no circumstances shall any home occupation be carried over as a result of a change in ownership of the business activity. Prior to January 15th of each year the

holder of the home occupation approval shall submit written notice to the community development department that they continue to operate the home occupation at the approved location and are in compliance with all home occupation requirements and any conditions that might have been imposed in granting such approval. Failure to submit that annual written notice will result in immediate revocation of the approval; and

9J. Only one sign is permitted for a home occupation in a residential zone. A sign permit is required; the size of the sign shall conform to the requirements of ECC 3.12.300(D).

F. Final Decision. The final decision to grant or deny the permit will be issued by the director, as provided in Chapter 15.210 ECC (Type I permits). [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 50. Section 15.340.040 Manufactured home park of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.340.040 Manufactured home park.

Manufactured home parks shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following property development standards:

- A. Minimum area shall be three acres;
- B. Developments are subject to ~~form~~ building setback and intensity standards for the applicable zoning district as set forth in Chapter 15.320 ECC unless otherwise directed herein;
- C. Setback Standards.
 - 1. Minimum front yard: five feet from internal private roads; otherwise, the minimum front yard shall be the same as set forth in Chapter 15.320 ECC;
 - 2. Minimum separation of manufactured homes on the site: 10 feet;
 - 3. Side and rear setbacks to the manufactured home park property line (or manufactured home park boundary line as shown on the site development plan) shall meet the setbacks for the applicable zone in Chapter 15.320 ECC; and
 - 4. Accessory structures shall be located no closer than:
 - a. Ten feet to mobile or manufactured homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;
 - b. Five feet to accessory structures of mobile or manufactured homes on adjacent spaces; and
 - c. Five feet to the mobile or manufactured home or other accessory structures on the same space, except a carport or garage may be attached to the mobile or manufactured home, and the separation may be waived when such structures are constructed of noncombustible materials;

D. Development shall include common open space that meets the design criteria of ECC 15.520.030(E)(1) and equals no less than five percent of the net project area;

E. Internal access roads must conform to one of the three local access street design options as referenced in ECC 15.410.040, including auto lanes, parking lanes, planting strips (between the road and sidewalk only for private roads), and sidewalks. Through roads (streets that extend from one end of the lot to the other) shall be dedicated as public streets and must comply with Section 3, Street Standards, of the city's public works development standards;

F. Developments shall comply with block and connectivity standards set forth in ECC 15.420.020;

G. Developments shall provide an appropriate side and rear yard design treatment along the manufactured home park property line (or manufactured home park boundary line as shown on the site development plan) that meets the provisions of ECC 15.520.020;

H. At least one of the off-street parking spaces required for each manufactured home shall be located on or adjacent to each manufactured home pad;

I. All utility distribution and service lines located within the boundaries of a manufactured home park, including electric power, water supply, sewage disposal, natural gas, telephone, and television antenna cable, shall be installed underground in accordance with applicable city codes;

J. Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas, and telephone service lines in compliance with applicable city codes;

K. Mobile homes may be sited within the manufactured home park provided they comply with manufactured home setbacks and other development standards herein. Mobile homes must also pass a fire safety inspection performed by the Washington State Department of Labor and Industries before an installation permit will be issued;

L. All mobile homes supported by piers shall be fully skirted;

M. A manufactured home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters; and

N. Recreational vehicles, used as a primary residence, are permitted within manufactured home park per RCW 35A.21.312, provided they meet the service and utility provisions per subsection (J) of this section or ECC 15.340.050(M). [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 51. Section 15.340.070 Commercial wireless communication support towers, antenna arrays and facilities of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.340.070 Commercial wireless communication support towers, antenna arrays and facilities.

A. Residential Zones – Type I Review Process. Commercial wireless communication support towers, antenna arrays and facilities which do not exceed 47 feet in height from adjacent grade shall be permitted in all residential zones subject to the setback requirements as set forth for other buildings and structures in the zone. Said commercial wireless facilities which exceed 47 feet in height from adjacent grade shall be permitted uses in all residential zones; provided, however, they shall maintain a minimum setback of 300 feet from any property line.

B. Commercial, Industrial and Public Reserve Zones – Type II Review Process. Commercial wireless communication support towers, antenna arrays and facilities shall be permitted uses in all commercial, industrial and public reserve zones of the city; provided, that they are not greater than 12 feet in height above the buildings on which they are located, or 12 feet in height above adjacent buildings. Such commercial wireless communication support towers, antenna arrays and facilities greater than 12 feet in height above the building on which they are located or greater than 12 feet in height above adjacent buildings shall be permitted; provided, however, they are located at least 150 feet from any residential zone. In addition, commercial wireless communication antenna arrays shall be permitted uses on the city of Ellensburg water tower, located in the northeast quarter of the northwest quarter, Section 1, Township 17 North, Range 18 East, Willamette Meridian, commonly referred to as Craig's Hill; provided, that they do not extend more than four feet in height above the tallest point of the water tower. Associated facilities shall also be permitted uses. Associated facilities shall not exceed 12 feet in height from ground elevation and shall be contained with a defined and vegetated, screened, city-maintained compound, approximately 8,000 square feet in size, ~~with fencing, vegetative screening and antenna colors reviewed by the landmarks and design commission at a public meeting (see ECC 15.130.160).~~ Self-supporting towers and associated facilities must adhere to all the conditions set forth in this section.

C. Subject to Building Permit Review. All wireless communication support towers, antenna arrays and facilities shall require a city of Ellensburg building permit if the tower or facility is greater than six feet in height measured from adjacent grade, and all such towers over six feet shall submit the manufacturer's structural engineered plans for the erection of such towers. Any such towers or facilities located on public reserved zoned property shall be reviewed by KITTCOM prior to the issuance of a building permit.

D. Facilities within an Ellensburg Landmark District. Construction of a wireless communication support tower, wireless communication antenna array or wireless communication facility within an Ellensburg landmark district are subject to the procedures set forth in ECC 15.280.090 and are reviewed as a Type II permit per ECC 15.210.050(B). [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 52. Section 15.350.040 Uses, development requirements and restrictions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.350.040 Uses, development requirements and restrictions.

A. General Development Requirements and Restrictions Applicable to All Zones.

1. **Underlying Zoning Requirements.** In addition to the airport overlay zone (A-O) development requirements and restrictions set forth in subsections (A)(2) through (9) of this section and in Table 15.350.040, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the airport overlay zone (A-O) safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.
2. **Height.** All uses shall be subject at all times to the height restrictions set forth in ECC 15.350.030(A).
3. **Signal and Radio Communication Interference.** Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).
4. **Lighting and Glare.** Activities or uses that create lighting which makes it difficult for pilots to distinguish between airport lights and nonairport lights or that create glare in the eyes of pilots using the airport are prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by Federal Aviation Administration (FAA) regulations. All newly installed outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
5. **Visibility.** Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
6. **Large Bodies of Water.** Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with the provisions set forth in the city's SEPA regulations as set forth in Chapter 15.270 ECC.
7. **Flammable and Combustible Materials.** Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code (IFC) as adopted in ECC Title 3.
8. **Noise Insulation.** Noise insulation for new structures shall be in accordance with the International Building Code and the Washington State Energy Code as adopted in ECC Title 3.
9. **Subdivision.** When any division of land including short plats, plats, subdivisions, planned unit developments, or boundary line adjustments occurs on any land within the airport overlay zone (A-O) safety zones 1 through 6, a note shall be recorded with the county auditor as follows: "This property is located within the airport overlay zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

B. Additional Safety Zone Uses, Development Requirements and Restrictions. In addition to the general development requirements and restrictions set forth in subsection (A) of this section, certain additional development requirements and restrictions are necessary in specific safety zone areas in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community, and also to ensure compatible land uses in the vicinity of the airport. Those additional development requirements and restrictions are set forth in Table 15.350.040.

Table 15.350.040. Additional safety zone uses, development requirements and restrictions.

Airport Safety Zones	Additional Safety Zone Uses, Development Requirements and Restrictions
Zone 1 (Runway Protection Zone)	1. Land uses, which by their nature will be relatively unoccupied by people, should be encouraged (mini-storage, small parking lots, etc.)
	2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 2 (Inner Safety Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 2 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation.
Zone 3 (Inner Turning Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 3 that has annexed into the city limits prior to <u>October 15, 2001, the date of adoption of the ordinance codified in this chapter</u> 4296 , shall maintain a maximum residential density of 6 dwelling units per gross acre with a planned unit development (PUD) option available but limited to that average maximum of 6 dwelling units per gross acre with no density bonuses available.
	3. Zoning changes on property within zone 3 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation, except that those properties which, as of the date of the ordinance <u>October 15, 2001, adoption of ordinance 4296, codified in this chapter</u> , have frontage on Sanders Road within zone 3 will be allowed to maintain a maximum density of one dwelling unit per acre after annexation to the city of Ellensburg.
Zone 4 (Outer Safety Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 4 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation.
Zone 5 (Sideline Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 6 (Airport Operations Zone)	1. Zoning changes on property within zone 6 that has annexed into the city limits prior to <u>October 15, 2001, the date of adoption of the ordinance</u> 4296, codified in

Airport Safety Zones	Additional Safety Zone Uses, Development Requirements and Restrictions
	<p>this chapter shall maintain an average maximum residential density of 6 dwelling units per gross acre with a planned unit development (PUD) option available but limited to that average maximum of 6 dwelling units per gross acre with no density bonuses available.</p> <p>2. Zoning changes on property within zone 6 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density of 3 dwelling units per gross acre after annexation. The minimum lot size for future subdivisions after annexation shall be 7,000 gross square feet; however, whenever any future subdivision of such property creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O).</p>

Note:

1. All aviation uses are permitted in all zones but only when located on property owned by the Kittitas County Airport.
2. When calculating densities and available dwelling units in accordance with the requirements set forth in Table 15.350.040, if the number of dwelling units available on a property is not a whole number, then it shall be rounded down to the nearest whole number if the fraction is 0.49 or less and rounded up to the nearest whole number if the fraction is 0.5 or greater.
3. Required development standards for public infrastructure shall be consistent with the established city standards in effect at the time of development permitting. An exception is made for those properties that are designated with a density of either three dwelling units per acre or one dwelling unit per acre as determined by Table 15.350.040. For those excepted properties, new local residential streets shall only be required to provide for sidewalk improvements on one side of a street and street lighting improvements at street intersections. All other standards, including but not limited to those for community arterial and collector streets, municipal utilities and any other required improvements, shall be consistent with the established city standards in effect at the time of development permitting. [Ord. 4656 § 1 (Exh. O2), 2013]

Section 53. Section 15.420.020 Block design and connectivity standards of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.420.020 Block design and connectivity standards.

Ellensburg's comprehensive plan places a high priority on being a "walkable" community. "Walking" also includes alternative pedestrian-oriented modes of travel including wheel chairs and power chairs that are intended to be used on sidewalks and paths. In order to be walkable, there needs to be frequent accessible and attractive connections between destinations. Consequently, this requires a well connected system of streets and pathways that encourages people to walk. Thus block size and design has a direct impact on the walkability of a community.

A. All Zones.

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision. Wherever a proposed development abuts unplatted land or other land with the capability of being further subdivided, street stubs shall be provided to allow access to future abutting

subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless specifically exempted by the fire marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the block standards in subsections (B) and (C) of this section, and to avoid or minimize through traffic on local streets.

3. Pedestrian Accessways. Short internal pathways can improve pedestrian mobility within developments. Examples could include an accessway in the middle of a block or at the end of a cul-de-sac. Such access ways shall conform to all of the following standards:

- a. Width. Pedestrian accessways shall be located within dedicated public rights-of-way or private easements allowing public access with a minimum dimension of 10 feet in width;
- b. Design. Pedestrian accessways shall be constructed to sidewalk standards for local access roads or be designed as a multi-use trail per direction in the nonmotorized transportation plan. Also see Section 3, Street Standards, of the public works development standards. Alternative designs may be considered where significant environmental constraints are present;
- c. Safety. The accessway shall incorporate design treatments that avoid a “tunnel effect” in the corridor and create a potential safety problem. Design solutions could involve the width, length, and/or the alignment of the corridor, height of fences adjacent to the corridor, lighting treatments, and/or the proposed landscaping along the corridor;
- d. Accessibility. Pedestrian accessways shall conform to applicable ADA requirements, except where not required by applicable ADA rules and regulations;
- e. The city may require landscaping as part of the required pedestrian accessway improvement to buffer pedestrians from adjacent vehicles and land uses. Plantings shall emphasize drought tolerant and low maintenance materials and shall maintain adequate visibility for safety; and
- f. Where pedestrian accessways are privately owned, they shall be operated and maintained by the developer until: (1) the declaration and covenants for plat are recorded, and (2) a homeowners’ organization has been established which shall be legally responsible for the operation and maintenance of the pedestrian accessway.

B. Residential Zones. New residential developments shall provide an integrated and connected network of streets to help provide a sense of place and orientation and provide multiple travel route options for all users. A street network dominated by long, irregular loop roads and cul-de-sacs is not appropriate. The following standards apply to new development in the residential zones.

1. Blocks shall be designed to provide pedestrian and vehicular connections at intervals no greater than 660 feet.
2. Departures to the standard in subsection (B)(1) of this section will be considered by the reviewing authority per ECC 15.210.060 provided the alternative design meets the purposes of the standards (see ECC 15.420.010) and meets the following criteria:
 - a. A departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards herein. For example, a larger block could allow for the development of a compact village of ~~homes~~ dwelling units around a centralized open space; and
 - b. Departures meeting criteria set forth in subsection (B)(2)(a) of this section allow configurations with pedestrian and vehicular connections at intervals greater than 660 feet, but no greater than 1,000 feet, except when the following conditions are present: where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the reviewing authority shall relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

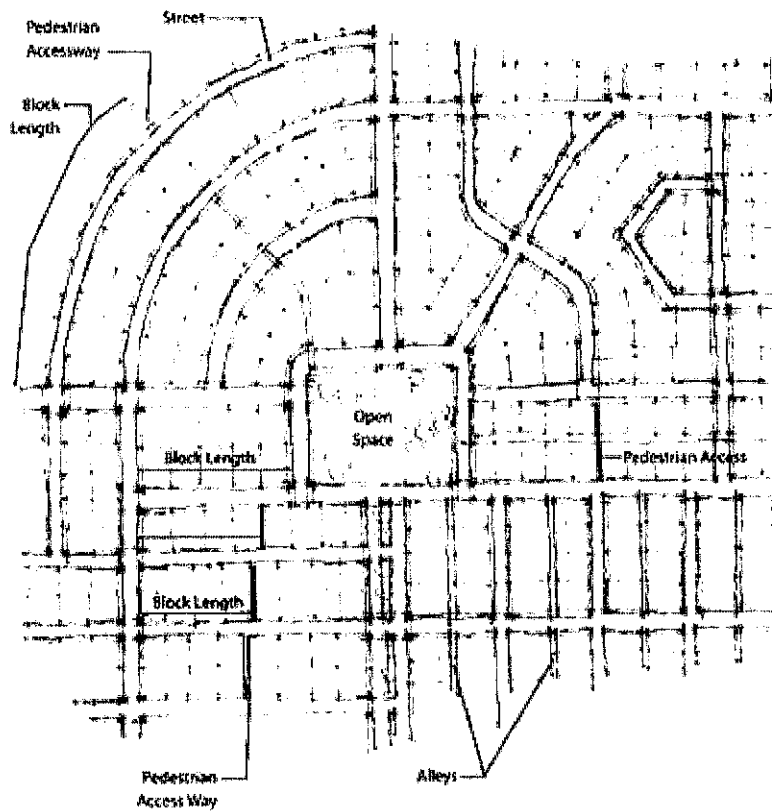


Figure 15.420.020(B)(1). A good example of a connected network of streets. Also note how block lengths are measured.

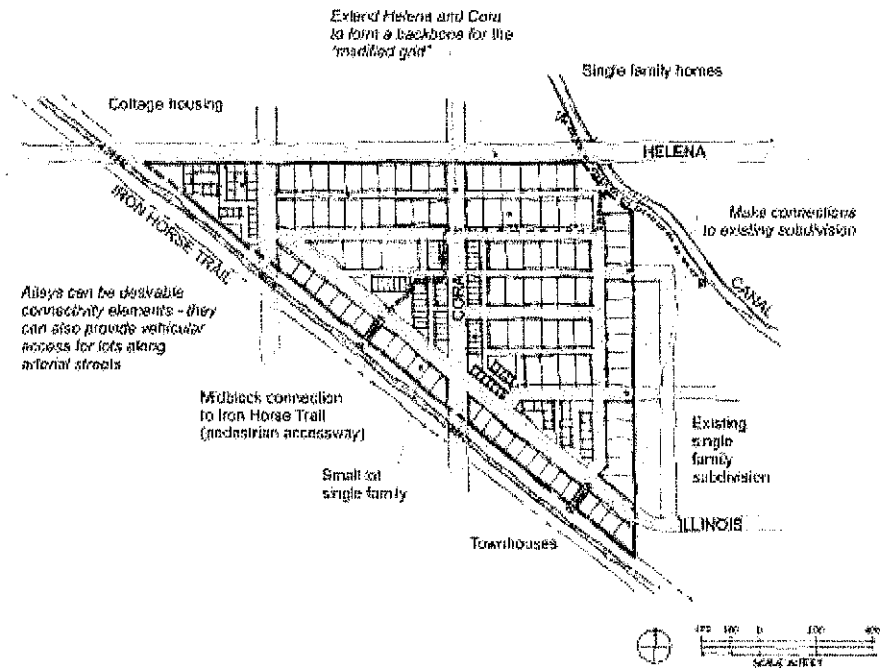


Figure 15.420.020(B)(2). Illustrating an example subdivision design and street grid on a site in Ellensburg. All blocks shown meet requirements (maximum length 660 feet). Note that mid-block pedestrian connections are used to access the Iron Horse Trail, rather than a full street connection, which would not be desirable in this case.

C. Commercial and Light Industrial Zones. Similar to residential areas, an integrated and connected network of streets is important in commercial zones to help provide a sense of place and orientation and provide multiple travel route options for all users. Connectivity is particularly critical in areas that allow for a mix of uses (including both residential and commercial uses). More flexibility is warranted in industrial zones, interchange commercial areas (such as the C-T zone), and within service oriented commercial areas (such as the C-H zone).

1. C-C, C-C II, and C-N Zones. Blocks shall be designed to provide pedestrian and vehicular connections at intervals no greater than 400 feet; and
2. C-H, C-T, and I-L Zones. (See Figure 15.420.020(C).)
 - a. Blocks shall be designed to provide pedestrian connections at intervals no greater than 660 feet; and
 - b. Blocks shall be designed to provide vehicular connections at intervals no greater than 1,320 feet. Private streets and other internal circulation routes may be used to meet block/circulation requirements where such connections meet the purposes of the standards.

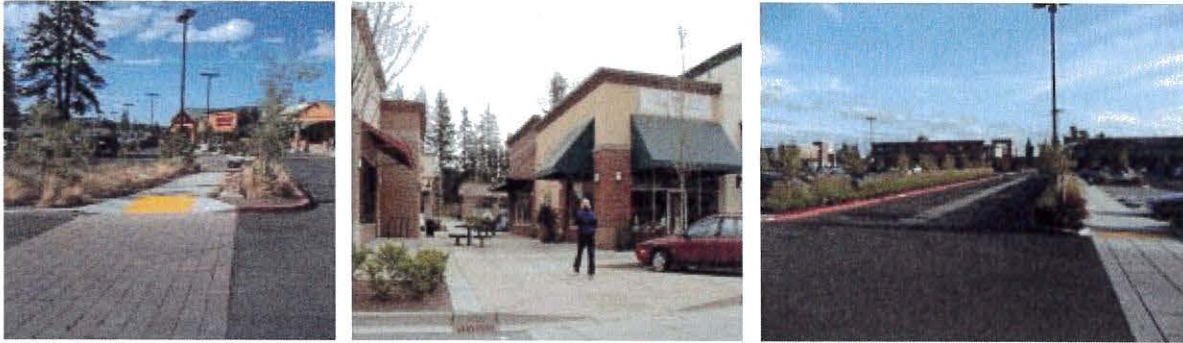


Figure 15.420.020(C). Examples of private streets and internal circulation elements that could be used to meet the connection standards for the C-T, C-H, or I-L zones.

3. Exceptions to the standard in subsections (C)(1) and (2) of this section will be considered by the reviewing authority when the following conditions are present: where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the reviewing authority shall relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 54. Section 15.420.030 Community design provisions of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.420.030 Community design provisions.

A. Development of Neighborhoods. New residential subdivisions are encouraged to be designed to be integrated with the surrounding neighborhood to ensure that they maintain the established character, where consistent with the goals and policies of the comprehensive plan. Subdivisions in city expansion areas should be designed so that individual, separately developed projects work together to create distinct neighborhoods, instead of disjointed or isolated enclaves. The case study in Figure 15.420.020(B)(2) is a good example of how to accomplish this.

B. Integration with Existing/Planned Open Space. New residential subdivisions adjacent to planned or existing parks or other public open spaces (e.g., creeks, riparian areas), or the landscaped grounds of schools or other public facilities shall be designed to maximize visibility and pedestrian access to these areas through street configuration, pathways, and development orientation.

C. Integration with Natural Amenities. (See Figure 15.420.030(C).) New residential subdivisions are encouraged to preserve and integrate natural amenities (views, mature trees, creeks, rock outcrops, and other similar features) with the development as an amenity. Clustering of lots/units and adjusting roadway configuration to integrate these features is encouraged as a means of achieving these goals. Public access and visibility to these natural amenities is encouraged. For example, trails along the perimeter of wetland buffers are an attractive option.



Figure 15.420.030(C). Examples of a subdivision configured to save large existing trees as an amenity to new housing development.

D. Edges and Fences. “Gated communities,” and other residential developments designed to appear as continuous walled-off areas, disconnected and isolated from the rest of the community, are not allowed. While privacy fences separating rear yards between homes-dwelling units are desirable for privacy, tall fences that back up to streets tend to reduce the number of “eyes on the street” and make such streets feel less safe and welcoming. ~~New subdivisions in Ellensburg should consider ways to integrate the new developments into the community rather than walling them off.~~

Specifically:

1. Gated communities are prohibited.
2. Subdivision design that incorporates reverse frontage lots is prohibited. This refers to double frontage lots that front on one street, but back up to the other and typically include fences that run along the street edge for back yard privacy (see Figure 15.420.030(D)(1)). As an alternative to lots backing up to collectors and arterials, developments can provide lots that face such streets and incorporate alleys to the rear for vehicular access. Consider wider front yards and/or planting strips to buffer negative impacts from these streets. (See Figure 15.420.030(D)(2).)

Exception: Reverse frontage lots are allowed where rear yard fences are buffered from the street by an irrigated landscaped strip at least 10 feet wide in a permanent easement with Type A, B, C landscaping (per ECC 15.570.040) or other landscaping that effectively mitigates the visual impact of the fence on the streetscape. The landscaped strip and adjacent sidewalk shall be maintained by a private homeowners’ association pursuant to ECC 15.290.020.



Figure 15.420.030(D)(1). Examples of reverse frontage lots that back up to collectors and arterial streets (note fences lining the street) (images courtesy of Bing maps).

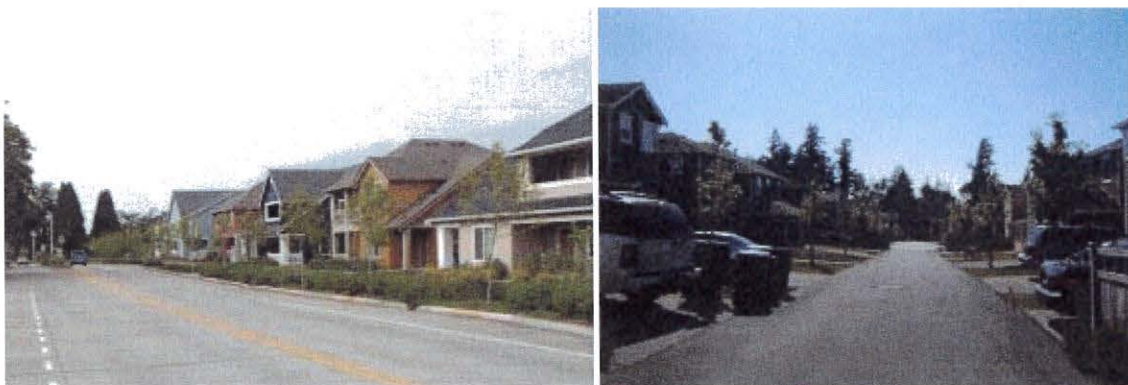


Figure 15.420.030(D)(2). Examples of lots that front an arterial street and contain alleys in the back for garage access.

E. **Design Diversity.** Residential subdivisions are encouraged to incorporate measures that promote design diversity. This can be accomplished by (see Figures 15.420.030E(1) and (2)):

1. Providing a mixture of lot sizes and/or front setbacks (which could be specified on the plat); and/or
2. Providing a diversity of floor plans and facade treatments that avoid monotonous streetscapes. This could be accomplished with provisions on the plat and/or special covenants required for lots.



Figure 15.420.030(E)(1). The above homes-dwellings feature a good diversity of facade designs, colors and rooflines.

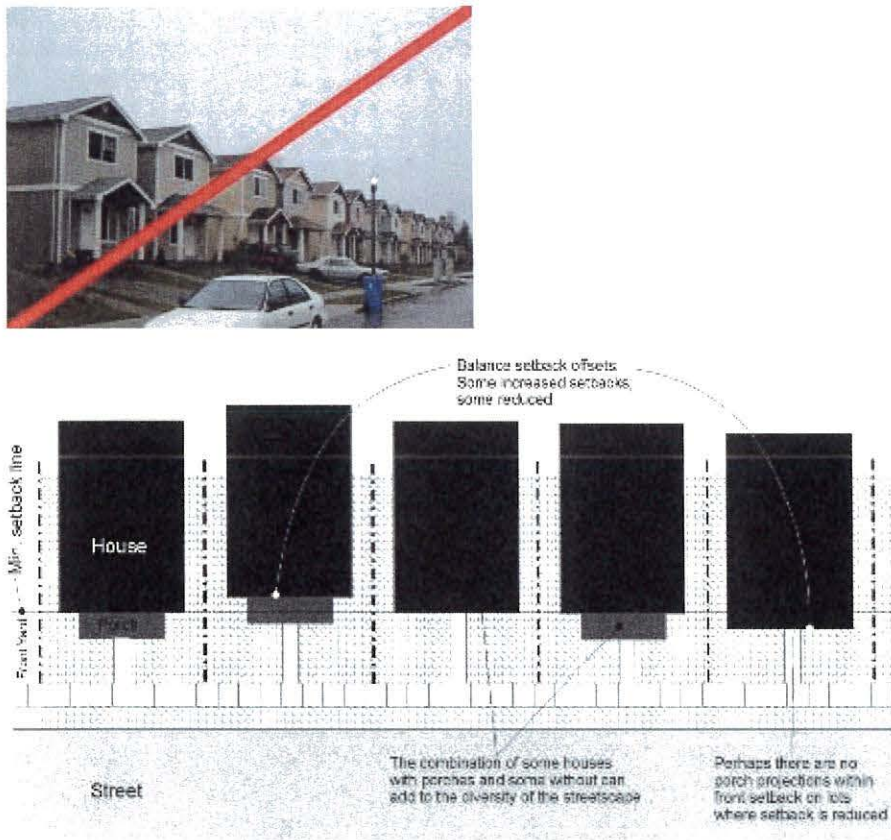


Figure 15.420.030(E)(2). Avoid monotonous rows of duplicative homes-dwellings (top example). One solution is to use a diversity of floor plans and facade/roofline designs per Figure 15.420.030(E)(1). Another solution is to prescribe variable setbacks such as in the example above.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 55. Section 15.420.040 Open space/parks of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.420.040 Open space/parks.

Parks and open space integrated into subdivisions shall meet the following design criteria:

A. Must Be Convenient, Usable and Accessible. All open spaces shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.



Figure 15.420.040(A). These parks are located in accessible and centralized locations within the neighborhood. Both parks have accessibility from streets on multiple sides combined with good visibility from adjacent homesdwellings.

B. Must Be Inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a children’s play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a “human scale,” including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.



Figure 15.420.040(B). Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.

C. **Must Be Safe.** Safe open spaces incorporate crime prevention through environmental design (CPTED) principles:

1. Natural surveillance – which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good “eyes” on the park or plaza;
2. Lighting that reflects the intended hours of operation and is appropriate for the proposed activities;
3. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces or minimize views;
4. Entrances should be prominent, well lit, and highly visible from inside and outside of the space; and
5. Maintenance. Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.

D. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.

E. **Must Be Well Maintained.** Open space shall be maintained by the land owner(s) unless the city or other public authority accepts an offer of dedication. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 56. Section 15.420.050 Lot design of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.420.050 Lot design.

Lots within subdivisions shall be designed to allow placement of ~~homes~~ dwelling units to address functional design issues. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots.

The placement and orientation of lots and ~~homes~~ dwelling units should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the ~~home~~ dwelling and its relationship to the surrounding environment. Flexibility shall be encouraged in spatial orientation of ~~homes~~ dwelling units on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.

To maximize site efficiency and usable open space, small lot developments (generally less than 5,000 square feet in area and less than 50 feet wide) are encouraged to utilize zero-lot line and courtyard access configurations (as described below) or related design schemes provided they meet access, design, and other applicable standards set forth in this title.

A. Zero Lot Line. This is a configuration where the house and/or garage is built up to one of the side property lines, providing the opportunity for more usable side yard space. Standards:

1. Dwelling units and accessory structures may be placed on one interior side property line. The opposite side yard shall be at least 10 feet. Also see ECC 15.540.020 for single-family standards, including minimum usable open space.
2. Privacy Wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory or obscured windows. See Figure 15.420.050(A) for an example of a privacy wall for a zero lot line house.
3. Eaves along a zero lot line may project a maximum of 18 inches over the property line.
4. Lots intended for zero lot line ~~homes~~ dwelling units shall be noted on the plat, together with minimum side yard areas and maximum building envelopes.

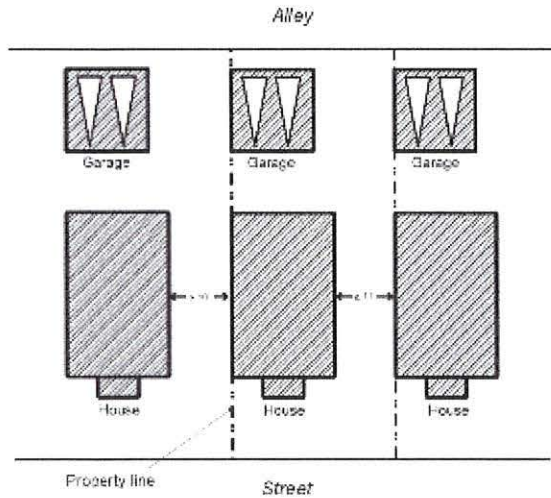


Figure 15.420.050(A). Zero lot line layout example (left). The right image shows the side yard and privacy wall for a zero lot line house.

B. Reciprocal Use Easement Lots. This works similar to the zero lot line configuration, except that the ~~homes~~ dwelling units and accessory structures meet the standard setbacks and easements are granted on one side yard to allow consolidated use of the side yards by the adjacent property (see Figure 15.420.050(B) for example). Also, configurations providing for reciprocal use easements in the rear yard are allowed to maximize usable open space (see Figure 15.420.050(B) for example). Standards/provisions:

1. Reciprocal easements shall be noted on the plat. Easement areas may be used for minimum usable open space requirements set forth in ECC 15.540.020(D).
2. Privacy Wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory or obscured windows. See Figure 15.420.050(A) for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots.

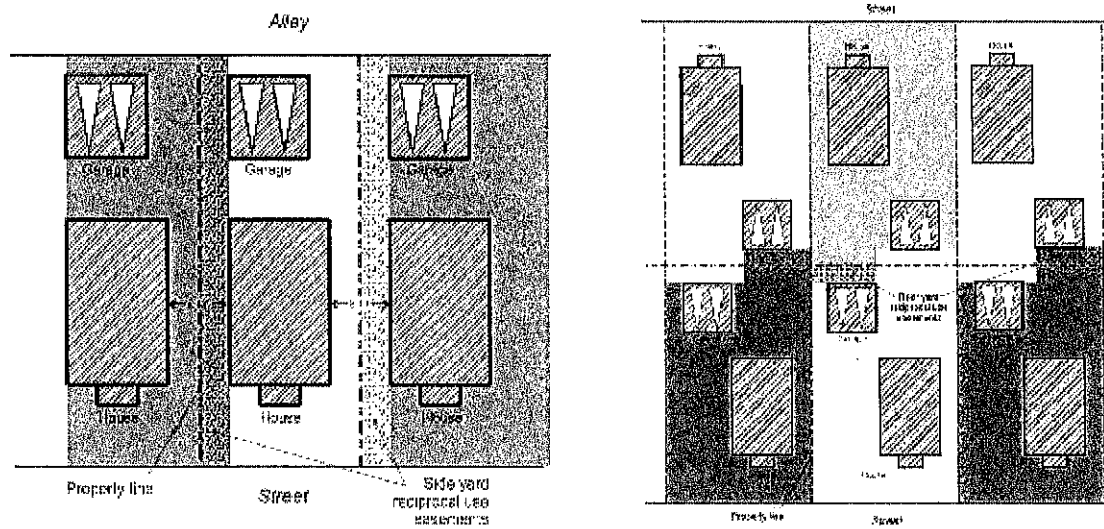


Figure 15.420.050(B). Example of a reciprocal side yard easement configuration (left image) and reciprocal rear yard easement configuration (right image).

C. Courtyard Access Lots. This includes a series of lots clustered around a private internal roadway. Standards:

1. Maximum number of lots served by a courtyard access: five (this includes lots fronting the street on either side of the courtyard access).
2. Maximum length of a courtyard access: 100 feet (or deeper if approved by the fire code official). The length may be increased to 150 feet if all structures beyond 100 feet of the street are equipped with automatic fire sprinkler systems.
3. Surface width of courtyard access: 15 feet minimum, to provide access for ambulances. Provisions shall be made to keep the access clear of snow, vehicles ("no parking" signs), and vegetation.
4. An easement of 20 feet in width shall be secured over the applicable parcels to allow lots legal access to the public street. A maintenance agreement shall be required for all applicable lots and must be recorded on the plat.
5. Buildings accessed from a courtyard access are limited to two stories in height, due to aerial apparatus access limitations.

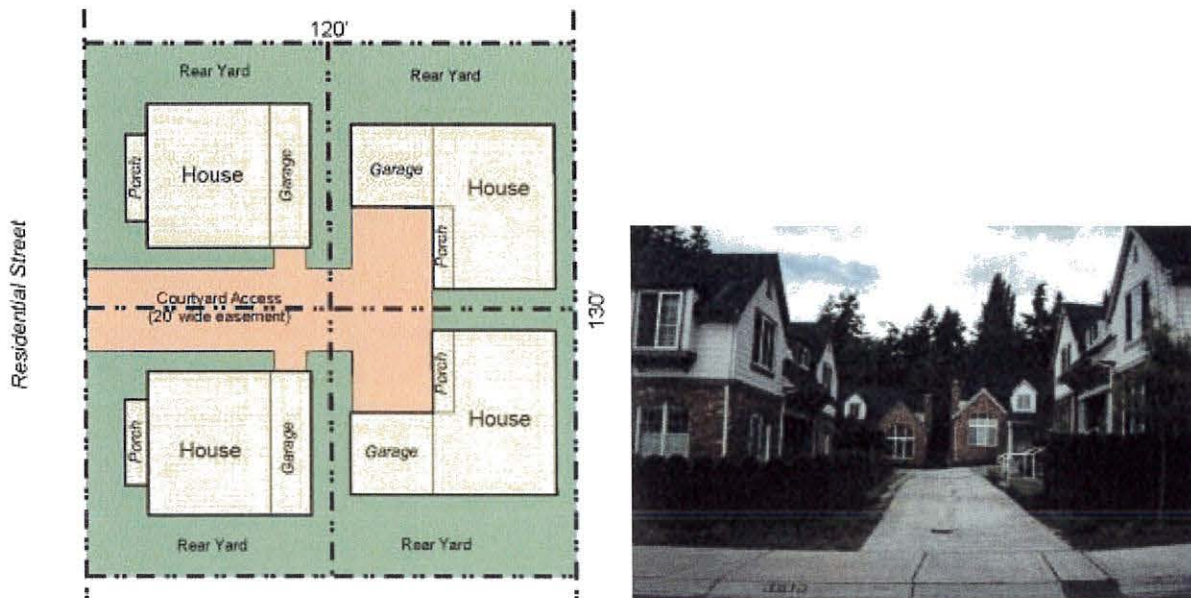


Figure 15.420.050(C). Examples of courtyard access lots.

D. Pedestrian-Only Entry Lots. This includes configurations where one or more lots are clustered around a pedestrian easement and/or common open space and do not front on a street (see Figure 15.420.050(D) for an example). Most cottage housing developments (see ECC 15.540.050) are an example of this. Standards:

1. A pedestrian entry easement shall be provided to all homes-dwellings that do not front on a street, alley, or common open space.
2. Pedestrian entry easements shall be five to 10 feet wide with a five-foot minimum sidewalk constructed per local access street standards in Section 3 of the public works development standards.
3. Fire sprinklers are required for homes-dwellings more than 100 feet from a fire access road.
4. Buildings within pedestrian-only entry lots are limited to two stories in height.
5. Homes-Dwellings more than 150 feet from a street will require fire department access as defined in the current International Fire Code (IFC).
6. These lots must contain private detached or shared garages off an alley or other access if approved by the public works director.



Figure 15.420.050(D). Pedestrian-only entry lot configuration examples.

E. Alley Access Lots. This includes configurations where lots are provided with vehicular access by an alley designed per Section 3, Street Standards, of the city's public works development standards. Pedestrian access to each alley access lot shall be provided by either a public street (per Chapter 15.410 ECC and Section 3, Street Standards, of the city's public works development standards) or a pedestrian easement a minimum of 10 feet wide with a five-foot minimum sidewalk constructed per local access street standards in Section 3, Street Standards, of the public works development standards.



Figure 15.420.050(E). Alley access lot examples. The left example, Wheaton Court in Ellensburg, features direct pedestrian access to the street in the front and garage access off of an alley in the back. In the right image, lots feature pedestrian access from a trail/open space corridor (easement) with garage access off of an alley in the back.

F. Protective Covenants. The styles of developments discussed above require special consideration to ensure conflicts between neighbors are minimized and that opportunities are provided for a homeowners' association to deal with unique issues created by these development

forms. Covenants for these development styles shall be written to address issues unique to small lot developments that use reciprocal use and easement agreements. The city shall review and approve any necessary easements and/or covenant agreement. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 57. Section 15.520.060 Service areas and mechanical equipment of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to add the following definition:

15.520.060 Service areas and mechanical equipment.

A. Purpose.

1. To minimize the potential negative impacts of service elements; and
2. To encourage thoughtful siting of service elements that balance functional needs with the desire to screen negative impacts.

B. Service Element Location and Design. All developments shall provide a designated spot for service elements (refuse and disposal). Such elements shall meet the following requirements:

1. Service elements shall be located to minimize the negative visual, noise, odor, and physical impacts to the street environment, adjacent (on- and off-site) residents or other uses, and pedestrian areas;
2. The designated spot for service elements shall be paved with concrete;

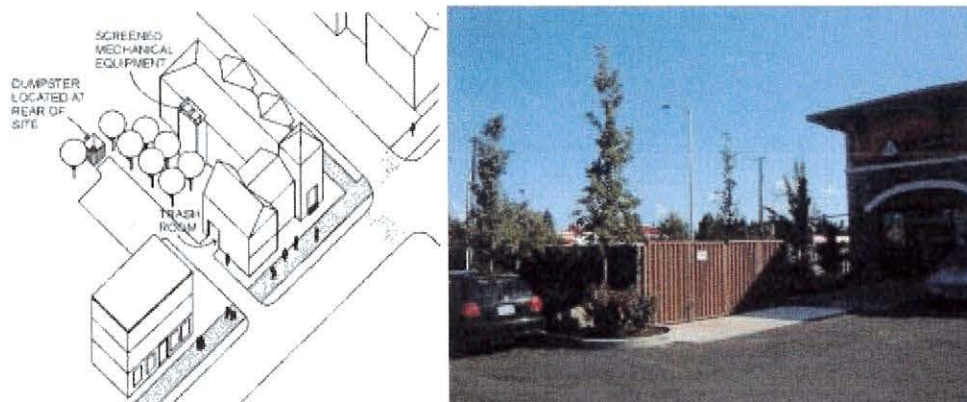


Figure 15.520.060(B). Appropriate service area location and enclosure example.

3. Appropriate enclosure of the common trash and recycling elements shall be required. Requirements and considerations:

- a. Service areas visible from the street, pathway, pedestrian-oriented space or public parking area (alleys are exempt) shall be enclosed and screened around their perimeter by a durable wall or fence at least six feet high. Developments shall use materials and detailing consistent with primary structures on-site. Acceptable materials include brick, concrete block or stone;

- b. The sides and rear of the enclosure must be screened with Type A, B, or C landscaping (see ECC 15.570.040) at least five feet deep in locations visible from the street, dwelling units, customer parking areas, or pathways to soften the views of the screening element and add visual interest;
- c. Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way;
- d. Proximity to adjacent residential units will be a key factor in determining appropriate service element treatment; and
- e. Preferably, service enclosures are integrated into the building itself.

C. Utility Meters, Electrical Conduit, and Other Service Utility Apparatus. These elements shall be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.



Figure 15.520.060(C). Good and bad utility meter configurations. The examples on the left are consolidated and somewhat screened by landscaping elements, whereas the right examples are exposed and degrade the character of these ~~townhomes~~ townhouses.

D. Rooftop Mechanical Equipment. All rooftop mechanical equipment shall be organized, proportioned, detailed, screened, landscaped (with decks or terraces) and/or colored to be an integral element of the building and minimize visual impacts from the ground level of adjacent streets and properties. For example, screening features should utilize similar building materials and forms to blend with the architectural character of the building.

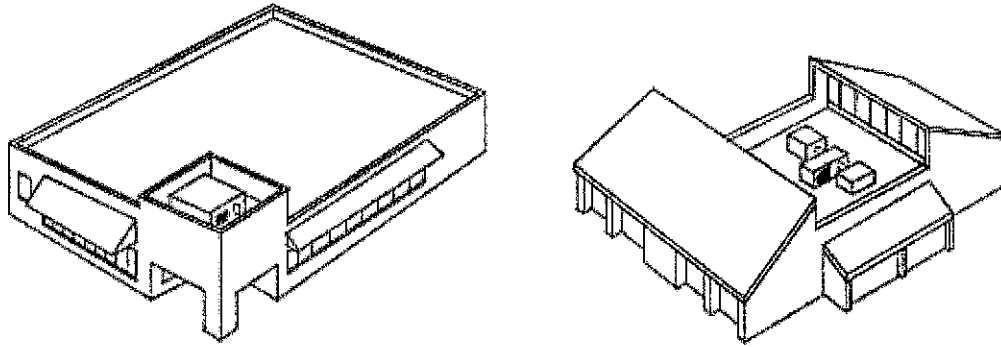


Figure 15.520.060(D). Screening examples of rooftop mechanical equipment.

[Ord. 4656 § 1 (Exh. O2), 2013.]

Section 58. Chapter 15.540 Housing Type Standards of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

Chapter 15.540

HOUSING TYPE STANDARDS

Sections:

- 15.540.010 Purpose and applicability.
- 15.540.020 Single-family design standards.
- 15.540.030 Duplex and triplex design standards.
- 15.540.040 Accessory dwelling unit design standards (ADU).
- 15.540.050 Cottage housing design standards.
- 15.540.060 Townhouse design standards.

15.540.010 Purpose and applicability.

A. Purpose. This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the comprehensive plan.

B. Applicability. Each section herein provides standards that apply to a particular type of housing. Like all other standards in this division, the provisions herein supplement other relevant standards set forth in ECC, most notably the zoning provisions and dimensional standards set forth in Chapter 15.320 ECC. ~~Triplices and townhouses~~ Townhouses are also subject to all other provisions in this division unless otherwise noted. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.540.020 Single-family design standards.

A. Purpose.

1. To enhance the character of the street;
2. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape;

3. To deemphasize garages and driveways as major visual elements along the street; and
4. To provide usable yard space for residents.

B. Entries and Facade Transparency.

1. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new homes-dwelling units (the driveway may be used to help meet this requirement);
2. All new houses shall provide a covered entry with a minimum size of three feet by three feet. Covered entries may project up to six feet into the front yard per Chapter 15.320 ECC; and
3. At least eight percent of the facade (all vertical surfaces facing the street) shall include transparent windows or doors.

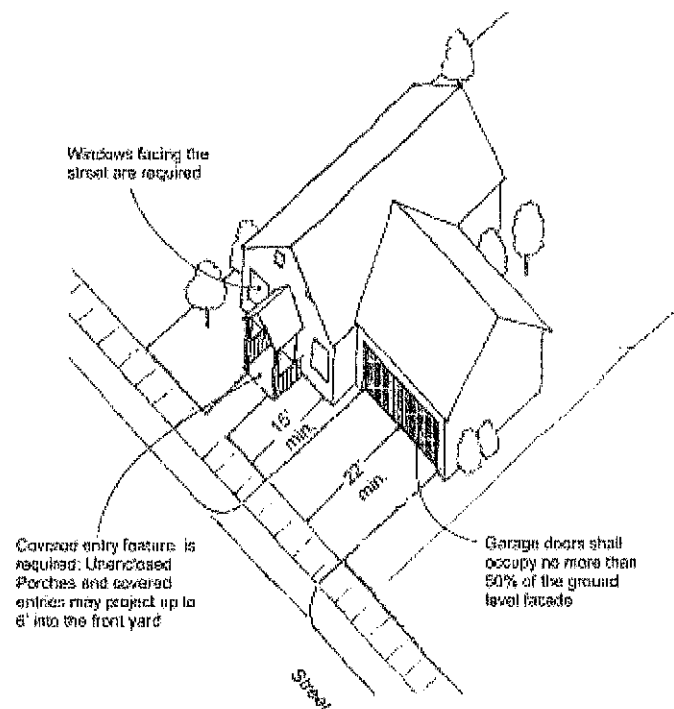


Figure 15.540.020(B). Single-family design requirements.

C. Garages Placement and Design.

1. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
2. The garage doors shall occupy no more than 50 percent of the ground-level facade facing the street. Departure: garage doors may exceed this limit up to a maximum of 65 percent of the ground level facade facing the street provided at least two of the following design details are utilized. For front loaded lots where the garage faces the street and the garage is even with the facade of the house or less than five feet behind the front facade of the house, at least one of the following design details shall be utilized:

- a. A decorative trellis over the entire garage;
- b. A window or windows are placed above the garage on a second story or attic space under roofline;
- c. A balcony that extends out over the garage and includes columns;
- d. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages;
- e. Decorative windows on the garage door;
- f. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail;
- g. A garage door color (other than white) that matches or complements the color of the house; and/or
- h. Other design techniques that meet the intent, as determined by the director; and



Figure 15.540.020(C). Garage design detail examples.

3. The minimum garage setback is at least 22 feet from the sidewalk edge.

D. Driveway Standards. Where a new driveway off of a public street is permitted, the following standards apply:

1. No more than one driveway per dwelling unit;
2. Driveways for individual lots 40 feet or wider may be up to 24 feet in width; and
3. Driveways for individual lots less than 40 feet wide may be up to 12 feet in width. Tandem parking configurations may be used to accommodate two-car garages for single-family and duplex structures pursuant to ECC 15.550.040(A).

The width of properties with nonparallel side lot lines shall be determined at the plane of the garage door when determining conformance with the standards above.

Also see Section 3, Street Standards, of the city's public works development standards for additional driveway standards.

E. Minimum Usable Open Space. All new single-family residences shall provide a contiguous open space equivalent to 10 percent of the lot size (excluding area within an adjacent alley or public right-of-way). Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of 15 feet on all sides. For example, a 6,000 square foot lot would require a contiguous open space of at least 600 square feet, or 20 feet by 30 feet in area. Driveways shall not count in the calculations for usable open space. Single-family additions shall not create or increase any nonconformity with this standard.

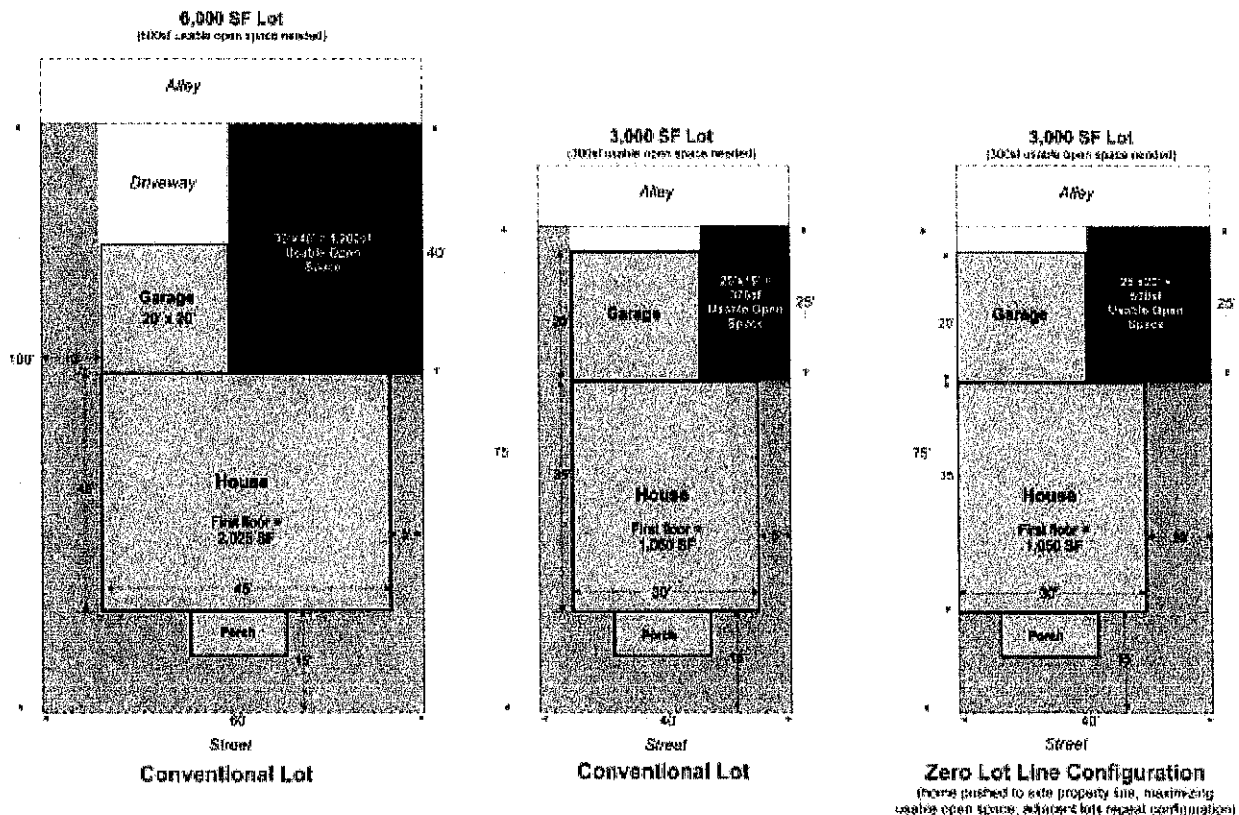


Figure 15.540.020. Examples of how to meet open space requirements for alley-loaded lots.

F. Energy Efficiency. Single-family homes-dwellings and accessory buildings are encouraged to meet the energy efficiency guidelines set forth in ECC 15.530.070. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.540.030 Duplex and triplex design standards.

A. Purpose. Duplexes and triplexes should be designed similar in nature to single-family homes-dwellings and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.

B. Design Provisions. Specifically, duplexes and triplexes shall comply with the single-family design provisions set forth in ECC 15.540.020 with the following exceptions and additional provisions:

1. Duplexes and triplexes may include a 24-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot;
2. Tandem parking to accommodate two-car garages may be used for duplex structures ~~but not for triplex structures~~ pursuant to ECC 15.550.040(A);
3. Separate covered entries for each unit are required (applicable to new buildings only);
4. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only); and
5. Duplexes and triplexes shall use articulated roof forms to help break up the massing of buildings and distinguish individual units. Duplexes on corner lots may be exceptions, where it is often desirable for a duplex to appear as one home-dwelling unit (but with entries on opposite streets).

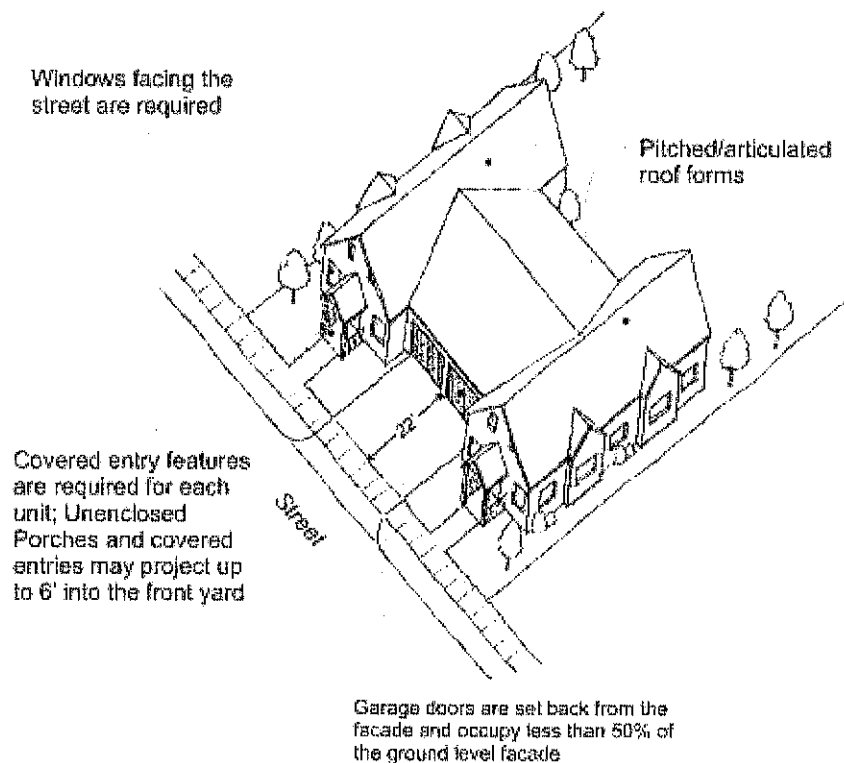


Figure 15.540.030. Diagram illustrating duplex design provisions.

[Ord. 4656 § 1 (Exh. O2), 2013.]

15.540.040 Accessory dwelling unit design standards (ADU).

A. Purpose.

1. To provide infill housing opportunities throughout residential zones in Ellensburg;
2. To provide affordable housing options; and
3. To provide an opportunity for rental income for property owners.

B. Standards for All ADUs. ADUs are prohibited on any lot of record that is currently developed with a single-family dwelling unit that has been converted to a multifamily use. For example, this would include a single-family dwelling unit that has a defined “Unit A” and a “Unit B.”

Subject to the prohibition above, one accessory dwelling unit is permitted on any lot of record that is currently developed with a single-family dwelling unit provided all of the following conditions are met:

1. No more than two bedrooms shall be provided in an accessory dwelling unit;
2. ADUs shall contain a minimum of 300 square feet in floor area, exclusive of stairways or garage area;
3. One additional off-street parking space shall be required for an ADU;
4. ADUs must be screened from neighboring properties with a six- to eight-foot height solid visual barrier where necessary to protect abutting property owners’ privacy; and
5. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering.

C. Standards for an Attached ADU.

1. ADUs may not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less. Exception: the city may allow increased size for an attached ADU in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met; and
2. Additions to Existing ~~Homes~~Dwellings. The ADU shall be architecturally consistent with the principal unit. Specific standards:
 - a. Exterior Materials. The exterior finish material must be the same or visually match in type, size and placement the exterior finish material of the primary dwelling;
 - b. Roof Pitch. The roof pitch must be similar to the predominant roof pitch of the primary dwelling;
 - c. Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling;
 - d. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations; and
 - e. Front Facade. The front facade of the principal dwelling shall not be significantly altered to accommodate an ADU, except where the whole structure is being remodeled.

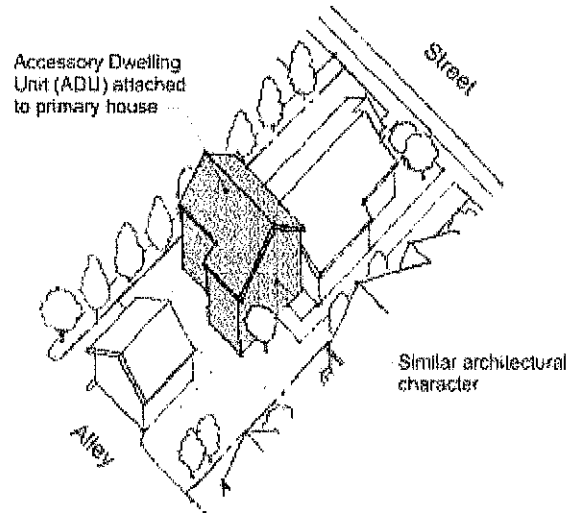


Figure 15.540.040(C). Attached ADU example.

D. Standards for a Detached ADU (DADU).

1. DADUs may not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less;
2. Detached DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage;
3. DADUs are subject to the building placement standards set forth for garages for the applicable land use district in Chapter 15.320 ECC;
4. The site coverage of the DADU and accessory buildings shall not exceed 40 percent of the rear yard area;
5. There shall be a minimum separation of 15 feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing garage; and

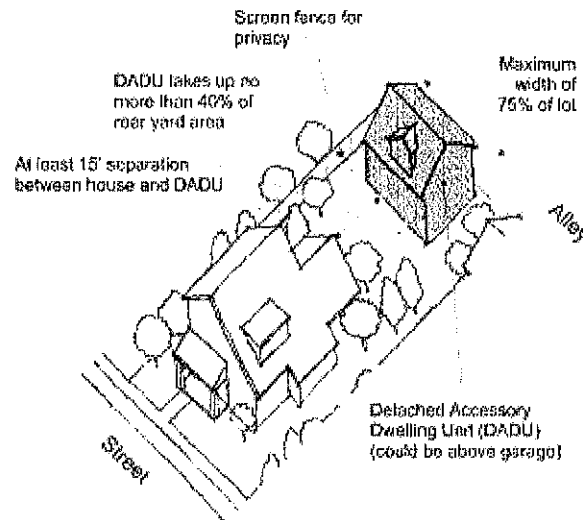


Figure 15.540.040(D). DADU example/standards.

6. The maximum width of the DADU shall be 75 percent of the width of the lot, including all projecting building elements such as bay windows and balconies. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.540.050 Cottage housing design standards.

A. Purpose.

1. To provide an opportunity for small, detached housing types clustered around a common open space;
2. To ensure that cottage developments contribute to the overall character of residential areas;
3. To provide for centrally located and functional common open space that fosters a sense of community;
4. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
5. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and
6. To promote conservation of resources by providing for clusters of small dwelling units on a property.

B. Description. Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.

C. Lot Configuration. Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

D. Density Bonus. Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.

E. Dimensional Standards.

Table 15.540.050. Dimensional standards for cottages.

Standard	Requirement
Maximum floor area	1,200 SF
Minimum common space (see subsection (I) of this section for more info)	400 SF/unit
Minimum private open space (see subsection (J) of this section for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for cottages accessory structures of cottages	18 ft.
Setbacks (to exterior property lines)	See ECC 15.320.030
Minimum distance between structures (including accessory structures)	10 ft.
Minimum parking spaces per cottage	See Table 15.550.040(A)

F. Units in Each Cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage housing development.

G. Windows on the Street. Transparent windows and/or doors are required on at least 10 percent of the facades (all vertical surfaces) of all cottages facing the street and common open space. For facades facing north, at least eight percent of the facade shall include transparent windows or doors. Departures will be considered pursuant to ECC 15.210.060 for cottages where that standard applies to two or more facades, provided the design meets the purpose of the standards.

H. Parking and Driveway Location and Design.

1. Parking shall be located on the same property as the cottage development;
2. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
3. Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages. Parking is prohibited in the front and interior setback areas;
4. Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least

10 feet of Type C landscaping (see ECC 15.570.040(C)) shall be provided between the sidewalk and the parking area. For parking lots along adjacent residential uses, at least five feet of Type A, B, or C landscaping (see ECC 15.570.040) shall be required. The city will consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development;

5. Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley). Departures will be considered pursuant to ECC 15.210.060 provided alternative configurations improve the visual setting for development;

6. Garages may be attached to individual cottages provided all other standards herein are met and the footprint of the ground floor, including garage, does not exceed 1,000 square feet. Such garages shall be located away from the common open spaces; and

7. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

I. Common Open Space Requirements.

1. Open space shall abut at least 50 percent of the cottages in a cottage housing development;

2. Open space shall have cottages abutting on at least two sides;

3. Cottages shall be oriented around and have the main entry from the common open space;

4. Cottages shall be within 60 feet walking distance of the common open space; and

5. Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.

J. Required Private Open Space. Private open space shall be required adjacent to each dwelling unit, for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than 10 feet.

K. Porches. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side.

L. Covered Entry and Visual Interest. Cottages located facing a public street shall provide:

1. A covered entry feature (with a minimum dimension of six feet by six feet) visible from the street;

2. At least 10 feet of landscaped open space between the residence and the street; and

3. At least two architectural details, such as:

- a. Decorative lighting;
- b. Decorative trim;
- c. Special door;
- d. Trellis or decorative building element; and/or
- e. Bay window.

Alternative design treatments will be considered as departures pursuant to ECC 15.210.060 provided the design treatments provide visual interest to the pedestrian.

M. Character and Diversity. Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. Examples elements include:

- 1. Similar building/roof form and pitch;
- 2. Similar siding materials;
- 3. Similar porch detailing; and/or
- 4. Similar window trim;

A diversity of cottages can be achieved within a “family” of styles by:

- 1. Alternating porch styles (such as roof forms);
- 2. Alternating siding details on facades and/or roof gables; and/or
- 3. Different siding color.

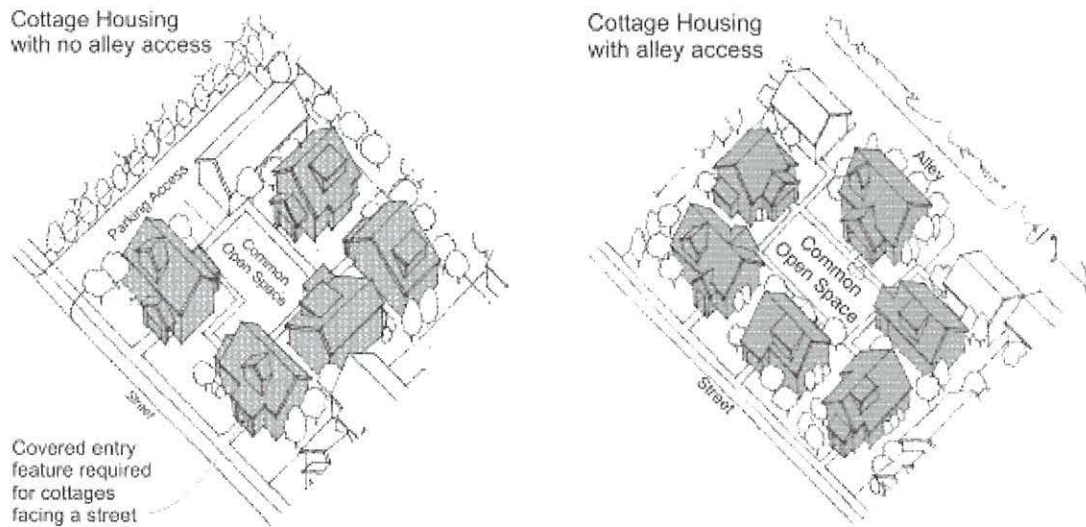


Figure 15.540.050(M)(1). Typical cottage housing layouts.

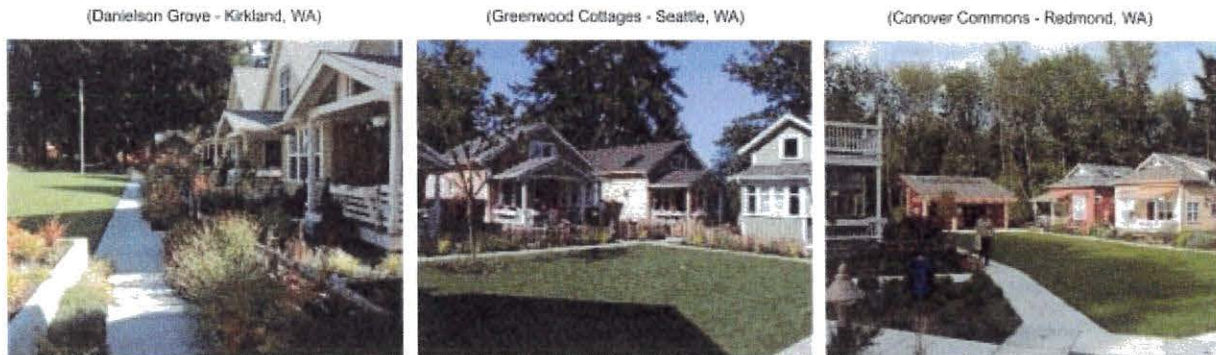


Figure 15.540.050(M)(2). Cottage housing examples.

N. Energy Efficiency. Cottages and accessory buildings are subject to energy efficiency guidelines and standards set forth in ECC 15.530.070. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.540.060 Townhouse design standards.

A. Purpose.

1. To ensure that townhouse developments enhance the pedestrian-oriented character of downtown streets;
2. To provide adequate open space for townhouse developments;
3. To reduce the impact of garages and driveways on the pedestrian environment;
4. To reduce the apparent bulk and scale of townhouse buildings compatible with adjacent uses; and
5. To promote architectural variety that adds visual interest to the neighborhood.



Figure 15.540.060(A). Desirable townhouse example. With units fronting on the street and garages placed to the rear accessible from an alley or shared driveway.

B. Entries.

1. Townhouses fronting on a street must all have individual ground-related entries accessible from the street. Configurations where enclosed rear yards back up to a street are prohibited;
2. Separate covered entries at least three feet deep are required for all dwelling units;
3. For sites without alleys or other rear vehicular access, new buildings must emphasize individual pedestrian entrances over private garages to the extent possible by using both of the following measures:
 - a. Enhance entries with a trellis, small porch, or other architectural features that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling; and
 - b. Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than four feet. Provide a combination of shrubs or groundcover and a tree (refer to city arborist or street tree list if available); and
4. Planting strips with no dimension less than four feet are required adjacent to the primary entry of all dwelling units. This includes townhouses located to the rear of lots off an alley or private internal drive.

C. Garages and Driveways.

1. Where lots abut an alley, the garage or off-street parking area should take access from the alley;
2. For lots without alleys, individual driveways off of the street are prohibited (shared driveways are required);
3. Garages facing a public street are prohibited;

4. Internal Drive Aisle Standards.

- a. Must meet minimum fire code widths;
- b. Minimum building separation along uncovered internal drive aisles shall be 25 feet. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and drive aisles, which often function as usable open space for residents; and
- c. Upper level building projections over drive aisles are limited to three feet, and must comply with provisions in subsection (C)(4)(b) of this section.



Figure 15.540.060(C). Good and bad examples of garage/entry configurations. The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping is a glaring omission.

D. Open Space. Townhouse residential units shall provide open space at least equal to 10 percent of the building living space, not counting automobile storage. The required open space may be provided by a one or more of the following ways:

1. Usable private open space that is directly adjacent and accessible to dwelling units. Such space shall have minimum dimensions of at least 12 feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc.;
2. Common open space meeting the requirements of ECC 15.520.030(E)(1);
3. Balconies, decks and/or front porches meeting the requirements of ECC 15.520.030(E)(2); and/or
4. Community garden space meeting the requirements of ECC 15.520.030(E)(5).

E. Building Design.

1. Townhouse Articulation. Townhouse buildings shall comply with multifamily building articulation standards as set forth in ECC 15.530.030(D) except that the articulation intervals shall be no wider than the width of units in the building. Thus, if individual units are 15 feet wide, the building shall include at least three articulation features per ECC 15.530.030(D)

for all facades facing a street, common open space, and common parking areas at intervals no greater than 15 feet.

2. Repetition with Variety. (See Figures 15.540.060(E)(2) and 15.540.060(E)(3).) Townhouse developments shall employ one or more of the following “repetition with variety” guidelines:

- a. Reversing the elevation of two out of four dwellings for townhouses;
- b. Providing different building elevations for external townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns;
- c. Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two stories are typical (or a two-story design where three stories are typical); and/or
- d. Other design treatments that add variety of provide special visual interest. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the guidelines.



Figure 15.540.060(E)(2). Acceptable townhouse configuration employing the repetition with variety concept.



Figure 15.540.060(E)(3). An acceptable townhouse building. Note the landscaped front yards and individual walkways and entries. The internal units each have distinct, but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and facade detailing.

F. Energy Efficiency. Townhouses are subject to energy efficiency provisions set forth in ECC 15.530.070. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 59. Section 15.550.040 Computation of required off-street parking spaces of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.550.040 Computation of required off-street parking spaces.

A. Spaces Required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net

square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 15.550.040(A). Computation of required off-street parking spaces.

Category of Land Use ¹	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Dwelling, single-family/ duplex/townhouse	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages are permitted for single-family and duplex dwelling units.
Accessory dwelling unit	1.0 per unit
Apartment:	
<u>Duplex</u>	<u>2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages are permitted for duplex dwelling units.</u>
<u>Townhouse</u>	<u>2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided.</u>
Studio units	1.2 per dwelling unit
Studio and one bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
One bedroom units	1.5 per dwelling unit
One bedroom units in 2 bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per dwelling unit bedroom
2 bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, one additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages are permitted
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses, sororities, fraternities	1.0 per bedroom

Category of Land Use ¹	Minimum Parking Spaces Required
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
PUBLIC AND QUASI PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required

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

Notes

1. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.

B. Uses in the C-C Zone. There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one bedroom apartment).

C. Shell Building Permit Applications. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000 square foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in Table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the “worst case scenario” in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area would be reasonable in this instance.

D. Other Provisions of Code. Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.

E. Bicycle Parking. Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:

1. Amount of Bicycle Parking.

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
Single-family dwelling	None

Category of Land Use	Minimum Parking Spaces Required
Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

2. **Parking Location and Design – Nonresidential Uses.** Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

3. **Parking Location and Design – Residential Uses.** Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per Chapter 15.580 ECC.

4. Bicycle parking hardware shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.

5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in Table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.

F. **Primary Use.** The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.

G. **Accessory Use.** When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.

Examples:

1. A 40,000 square foot building containing a 30,000 square foot warehouse space (75 percent of total) and a 10,000 square foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.
2. The same 40,000 square foot building containing a 35,000 square foot warehouse space (88 percent of total) and a 5,000 square foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000).

H. On-Street Parking. On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

I. Off-Site Parking. Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:

1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided;
2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in Chapter 15.510 ECC, site planning and design elements in Chapter 15.520 ECC, and landscaping standards in Chapter 15.570 ECC;
3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided;
4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided;
5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:
 - a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant;
 - b. Specify the terms and conditions of the such encumbrance; and
 - c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.
 - d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.

J. All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting

the required off-street parking requirements in any zoning district EXCEPT for single family residential structures and duplex dwelling units as per ECC Table 15.550.040(A).

K. Setback areas.

1. Required off-street parking spaces are not allowed to extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. Single family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces required within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.

2. At locations where single family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required parking for single family residential development is sited on the required building setback(s) or open space.

L. Garages. Required off-street parking that is provided in garages or carports, shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single family residential structures and duplex structures as set forth in Table 15.550.040(K).

M. Handicapped parking. Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.

N. Fire lane standards. Fire lanes may be required by the Fire Codes and by Kittitas Valley Fire and Rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the Fire Code or Kittitas Valley Fire and Rescue and shall remain in effect throughout the life of the parking facility.

O. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 60. Section 15.550.050 Continued use of required parking spaces of the Ellensburg City Code and Section 1 (Exh. O2) of Ordinance 4656 is hereby amended to read as follows:

15.550.050 Continued use of required parking spaces.

A. Continued Use. Required off-street parking spaces must be available for the continued use of residents, customers, or employees of the use and the continued use of a building or structure or property for which off-street parking is required shall be conditioned upon the continued existence of such off-street parking. If the required off-street parking ceases to exist in

connection with the use for which it was reserved, and no equivalent off-street parking is provided, such occupancy and use of the building or structure or property shall become illegal and the occupancy permit shall become void.

B. Assignment Prohibited. Required off-street parking spaces may not be assigned in any way to another use on another site except as provided in ECC 15.550.060 relating to cooperative parking facilities.

C. Use for Non-Parking Purposes Prohibited. Required off-street parking spaces shall not be used for the parking of equipment or for storage of materials or goods or inoperable vehicles. Use of required off-street parking for commercial or other purposes in conjunction with ~~special events~~ a temporary use of a limited and specific duration shall require separate review and approval by the director in conjunction with the special-event-function temporary use.

D. Maintenance Required. The off-street parking required by this chapter shall be maintained in a good and functioning condition as determined by the director ~~based on a review and recommendation by the public works department.~~

Section 61. Section 15.720.030 Standards and guidelines of the Ellensburg City Code and Section 4 of Ordinance 4725 is hereby amended to read as follows:

15.720.030 Standards and guidelines.

Murals shall conform to the following requirements:

A. Permit Required. Prior to installation, all murals require submission of an application and issuance of a permit subject to the following provisions:

1. Applications for murals not on landmarks register properties and not in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places shall first be reviewed by the arts commission in a public meeting for a recommendation which shall be forwarded to the community development department when issuing a permit.
2. Applications for murals located on landmarks register properties or in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places shall first be reviewed by the arts commission in a public meeting, as referenced in subsection (A)(1) of this section, and shall also obtain a certificate of ~~approval~~ appropriateness (COA) from the landmarks and design commission.

B. Murals As Signs. Murals created after the effective date of the ordinance codified in this chapter that fall within the definition of a sign shall be regulated pursuant to the sign code, Chapter 3.12 ECC, as currently enacted or hereinafter amended.

C. Installation and Maintenance of All Approved Murals.

1. Murals shall be installed in a manner to ensure that they withstand the elements to the greatest degree that is feasible as determined by the community development department.

2. Murals shall use materials, coatings, or other protective techniques that will resist vandalism, weathering by sun, water, wind and graffiti to the greatest degree feasible as determined by the department.
3. Murals must be maintained by the building owner for the life of the mural or until the mural is removed.

D. Location, Design and Style of Murals on Landmark Structures or in Historic Districts.

1. The design (not content) of murals on landmarks register properties and in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places must be consistent and compatible with the architectural and historical character of the historic district and the architectural features (column bays, windows, planar walls, cornices, beams, columns, trim, windows, doors, etc.) of the building on which they are located.
2. Murals shall not be permitted to be placed directly on unpainted brick, unpainted or painted stone, wood sidings with surface detail, or any other material that does not have a planar or flat character. An exception to this provision may be allowable in instances where new paint is applied onto the existing paint of a historic mural for the purpose of restoration, and for which a COA has been obtained. Prior to the installation, the surface to which the mural will be applied must be in a condition that would allow the permanent attachment of the proposed mural.
3. Murals may not have electrical or mechanical components.
4. Three-dimensional murals are not allowed.
5. Murals shall not be located on those facades of buildings that are immediately adjacent to a street. A mural may be permitted on the side or rear of a building if it is (a) noncontributing and (b) is not immediately adjacent to the sidewalk.
6. Murals must not damage or lead to accelerated deterioration of the building surface.

E. Alteration and Removal of Murals on Landmark Structures or in Historic Districts.

1. Alteration or removal of any existing or permitted mural on landmarks register properties and districts listed on the Ellensburg landmarks register or on the National Register of Historic Places requires a permit obtained through the process set forth in ECC 15.280.090. Alteration or removal of historic murals shall only be made pursuant to this subsection.
2. Alteration or removal of any existing or permitted mural shall not damage or lead to the destruction or deterioration of a building or structure or adversely impact the architectural or historic character of any building located within a historic district.
3. Any associated materials that were used to affix the mural to the surface must be removed at the time of the removal of the mural. This includes, but is not limited to, mounting hardware or brackets, caulk or grout, and adhesives or glues.

F. Historic Murals.

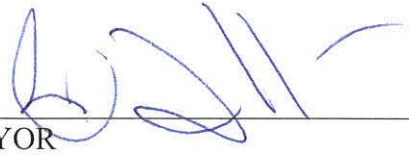
1. The landmarks and design commission will conduct a survey of existing murals and include those deemed historic in the Ellensburg landmarks register.
2. New murals shall not be painted over historic murals as defined in ECC 15.130.080. Historic murals may not be altered, repainted, painted out, removed, restored or otherwise disturbed, unless the structural integrity of the building is at stake, without compliance with the following:
 - a. Prior to the alteration, repainting, painting out, removal, restoration or other disturbance to an historic mural the property owner shall obtain a COA. Application for a COA shall be reviewed by the landmarks and design commission in accordance with the procedures set forth in ECC 15.280.090(C) and 15.280.100 with the following exceptions:
 - i. The landmarks and design commission shall meet initially with the applicant to consider alternatives to the alteration or removal including available incentives for preservation of the mural. These negotiations may last no longer than 120 calendar days from the first meeting of the landmarks and design commission unless the applicant agrees to an extension. During these negotiations, the applicant should allow the commission to review the site and plans for the alteration and/or removal of the mural. An alteration and/or removal notice must also be placed on the property and published in the newspaper.
 - ii. If no request for an extension is made and no alternative has been agreed to and the applicant has made a showing that such action is necessary to provide a reasonable beneficial use or reasonable economic return, the landmarks and design commission shall issue a COA to the applicant.
 - b. Prior to the permitted disturbance of an historic mural, photographic documentation of the mural shall be collected and made available to the landmarks and design commission by the department.
3. Any person aggrieved by any action of the landmarks and design commission in denying or approving the applicant's request may file a notice of appeal as set forth in Chapter 15.230 ECC; however, such appeals shall be to city council rather than to the hearing examiner.
4. The landmarks and design commission will review the possibility of initiating a program to restore historic murals. [Ord. 4725 § 4, 2016.]

Section 62. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 63. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 64. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 20th day of August, 2018.



MAYOR

ATTEST:



CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 8-23-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4807 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4807 was published as required by law.



COREEN M. RENO