

ORDINANCE NO. 4935

AN ORDINANCE RELATING TO THE CITY OF ELLENSBURG LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.110 "PURPOSE/AUTHORITY/INTERPRETATION"; AMENDING CHAPTER 15.210 "PERMIT REVIEW PROCESS TYPES"; REPEALING CHAPTER 15.280 AND ADOPTING NEW CHAPTER 15.280 "ELLENSBURG LANDMARKS REGISTER AND PROCEDURES"; AND AMENDING CERTAIN SECTIONS 15.300.040 THROUGH 15.300.060 OF CHAPTER 15.300 "ZONES, MAPS AND DESIGNATIONS".

WHEREAS, the current Ellensburg Comprehensive Plan was initially adopted on December 18, 2017, and last updated through an annual docket cycle on February 21, 2023; and

WHEREAS, following adoption of the Comprehensive Plan update in December 2017, City of Ellensburg staff worked to evaluate the City's development regulations and zoning districts to ensure consistency with the requirements of Chapter 36.70A RCW and the City of Ellensburg Comprehensive Plan; and

WHEREAS, the City Council desires to amend Chapter 15.280 of the Ellensburg City Code to prevent destruction of listed historical and landmark structures, where feasible, through a Landmark and Design Commission demolition review process.

WHEREAS, one request to amend Title 15 Land Development Code has been received by Community Development; and

WHEREAS, a staff review of Title 15 Land Development Code has identified code sections that need to be updated to provide clarity and consistency; and

WHEREAS, proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on October 10, 2023; 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 on October 10, 2023; and

WHEREAS, the required Washington State Department of Commerce 60-day notice period concludes on December 9, 2023; and

WHEREAS, the proposed Land Development Code amendments were reviewed by the Planning Commission in a public hearing on November 9, 2023, and based on testimony and other evidence received at said hearing, the Planning Commission recommended City Council approve amendments to Chapters 15.130, 15.280, 15.300, and 15.340, and recommended

disapproval of amendments to Chapters, 15.110, 15.210, 15.250 and 15.420 of the amendments included herein; and

WHEREAS, the City Council held a duly noticed public hearing on the matter of adopting the proposed 2023 Land Development Code amendments at a regular meeting on December 4, 2023, and recommended approval of the proposed amendments set forth herein;

NOW, THEREFORE, the City Council of the city of Ellensburg, Washington, do hereby ordain as follows:

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. Section 15.110.060 of Ellensburg City Code, as last amended by Section 1 of Ordinance 4656, is hereby amended to read as follows:

15.110.060 Roles and Responsibilities.

- A. The elected officials, appointed commissions, hearing examiner, and city staff share the roles and responsibilities for carrying out the provisions of the LDC.
- B. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the reviewing body in legislative and quasi-judicial matters.
- C. The planning commission is the designated planning agency for the city as specified by state law. The planning commission is responsible for a variety of discretionary recommendations to the city council on land use legislation, comprehensive plan amendments and certain quasi-judicial matters. ~~The planning commission is the decision-making body for conditional uses. See ECC 15.250.040. The planning commission duties and responsibilities are specified in the bylaws duly adopted by the planning commission.~~
- D. The hearing examiner is responsible for certain quasi-judicial decisions designated by this title and the review of administrative appeals. The hearing examiner is the decision making body for conditional uses. See ECC 15.250.040.
- E. The landmarks and design commission is the designated body responsible for certain quasi-judicial and legislative decisions established by this title relating to properties identified as being on the Ellensburg landmarks register.
- F. The director shall have the authority to administer the provisions of the LDC, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies

for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within the LDC, to decide all requests for non-landmarks register departures from the city's design standards (see ECC 15.210.060 for "departure" provisions), and to enforce requirements.

G. The rules and procedures for proceedings before the hearing examiner, appointed review bodies, and city council are adopted by ordinance and available from the city clerk's office and the department. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 3. Section 15.210.040 of Ellensburg City Code, as last amended by Ordinance 4807, is hereby amended to add the following section:

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 an 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	Yes	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 demolition permit decisions <u>which are appealed to the Hearings Examiner</u>	Yes	No	No

**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
Appeal to:	Superior court	Hearing examiner except landmarks and design commission decisions are appealed to city council and direct or decisions on departures are appealed to city council	Hearing examiner or city council	Superior court	Superior court or to the growth management 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	No
Notice of complete application (see ECC 15.220.030)	No	Yes	Yes	Yes	No

**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
Notice of application (see ECC 15.220.040)	No	Yes	Yes	Yes	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)	Yes	Yes	Yes	Yes	Yes
120-day review period (see ECC 15.220.070)	No ²	Yes	Yes	Yes	No
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

**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
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 an 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	Yes	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 demolition permit decisions which are appealed to the Hearings Examiner	Yes	No	No

**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
Appeal to:	Superior court	Hearing examiner except landmarks and design commission decisions are appealed to city council and director decisions on departures are appealed to city council	Hearing examiner or city council	Superior court	Superior court or to the growth management hearing board if GMA action
Judicial appeal (see ECC 15.230.100)	Yes	Yes	Yes	Yes	Yes

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 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 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. 4807 § 16, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 4. Section 15.210.050 of Ellensburg City Code, as last amended by Ordinance 4878; are 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 from 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 Project¹	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Boundary line adjustments	No variation	ECC 15.260.050
Code interpretation	No variation	ECC 15.110.060(F)
Commercial wireless communication support towers, antenna arrays and facilities in residential zones	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
Critical area exemption request or allowable activity	No variation	Division VI
Critical area initial and final determination	See Division VI for process variation	Division VI
Final short subdivision approval	(See ECC 15.260.120)	Chapter 15.260 ECC
Final subdivision approval	Final decision by city council (See ECC 15.260.060)	ECC 15.260.060
Home occupation	No variation	ECC 15.340.020
Minor changes to approved preliminary subdivision	No variation	ECC 15.260.110
Minor preliminary plat alteration	No variation	ECC 15.260.110(A)
Minor revision to regional retail commercial master site plan	No variation	ECC 15.390.040(C)(4)
Nonconforming use determination	No variation	Chapter 15.240 ECC
Permitted use	No variation	Chapter 15.310 ECC

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

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 from 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
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
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; appeal closed record to city council	ECC 15.210.060 (Departures)
Design review departure request for non-landmarks register property	Appeal open record to city council	ECC 15.210.060 (Departures)
Landmark certificate of appropriateness (COA)	Landmarks and design commission decision after public hearing; appeal closed record to city council	ECC 15.280.090
Landmarks register demolition	Landmarks and design commission decision after a public hearing; appeal closed record to city council	ECC 15.280.090
Short subdivision alteration	No variation	ECC 15.260.170(C)

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)
Short subdivision, preliminary	No variation	Chapter 15.260 ECC (Subdivisions) Division IV (Community Design)
Site development permit (if SEPA required)	No variation	ECC 15.250.020
Temporary use	No variation	ECC.250.010

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

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 15.260.180
Conditional use permit	Planning commission <u>Hearing Examiner</u> decision after open record hearing; appeal closed record to city council	ECC 15.250.040
Extension requests for regional retail commercial master site plan projects	City council decision after open record public hearing	ECC 15.390.040(C)(3)
Variance	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.250.050
Variance for critical areas regulations	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.610.210 and 15.610.215 (frequently flooded areas)

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 from 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)
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)(4)
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 alteration (major)	City council decision after open record hearing	ECC 15.260.110(C)
Plat vacation	City council decision after open record hearing	ECC 15.260.110(B)
Preliminary subdivision	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	Chapter 15.260 ECC
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)

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)
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

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 from 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)
Annexations	No variation	Chapter 15.360 ECC
Comprehensive plan amendment	See ECC 15.250.090	ECC 15.250.090
Essential public facilities	See ECC 15.250.110	ECC 15.250.110; RCW 36.70A.200; and Chapter 11 of the comprehensive plan
Land development code amendment	See ECC 15.250.100	ECC 15.250.100
Rezone (other than site specific)	No variation	ECC 15.250.060 and Chapter 15.300 ECC

[Ord. 4878 § 14, 2021; Ord. 4807 § 17, 2018; Ord. 4803 § 2, 2018; Ord. 4769 §§ 8 – 10, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 5. Section 15.250.040 of Ellensburg City Code, as last amended by Ordinance 4656; are hereby amended to read as follows:

15.250.040 Conditional use permits – Type III review process.

A. Purpose. The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

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

C. Decision Criteria. The city may approve or approve with conditions only if the applicant demonstrates that:

1. The size of the site is adequate for the proposed use, including all facilities and amenities that are required by this title or desired by the applicant;
2. The proposed use will not be detrimental to the public health, safety, and general welfare of the community and will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties;
3. The topography, soils, and other physical characteristics of the site are appropriate for the use and potential problems due to weak foundations soils can be eliminated or reduced to the extent necessary to avoid hazardous situations;
4. The proposed use will not be injurious to, or adversely affect the uses, property, or improvements adjacent to, or in the vicinity of the site upon which the proposed use is to be located;
5. The proposed use is compatible with adjacent land uses and consistent with the character of the surrounding area;
6. The proposed use will be supported by adequate water, sewer, storm drainage, schools, electrical, police, fire protection facilities and services. The use will not overburden or adversely affect said public facilities and services;
7. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity;
8. An adequate site layout is proposed for on-site circulation and transportation activities, considering the potential impacts of the proposed use on traffic flow and control, emergency vehicle movements and safety associated with the suitability of access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities required by this title or desired by the applicant;
9. The proposal will cause no unreasonably adverse effects to wetlands, shorelands, wildlife habitat, and other critical areas;
10. Buffering devices such as fencing, landscaping or topographic characteristics adequately protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects;
11. The granting of the conditional use is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan;

12. The proposed use complies with the appropriate development and performance and all other applicable provisions of the city of Ellensburg development standards; and

13. All conditions necessary to lessen any impacts of the proposed use have been included in the project design or will be required as conditions of approval.

D. Appropriate Conditions for Approval. In approving a conditional use, the ~~planning commission~~ Hearing Examiner may impose conditions including, but not limited to, any of the following conditions:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and imposing restraints to minimize environmental effects such as noise, vibration, air pollution, glare and odor;
2. Establish a special yard or other open space, lot area or dimension;
3. Limit the height, size or location of a building or other structure;
4. Designate the size, number or nature of vehicle access points;
5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way;
6. Designate the size, location, screening, drainage, surfacing or other improvements of off-street parking or truck loading areas;
7. Limit or otherwise designate the number, size, location, and height of lighting of signs;
8. Limit the number and intensity of outdoor lighting or require its shielding;
9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility;
10. Require and establish the size, height, location or materials for a fence;
11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;
12. Impose special conditions on the proposed development to ensure that it is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification; and/or
13. Require such financial guarantees and evidence that any applied conditions will be complied with. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 6. Chapter 15.280 of Ellensburg City Code, as last amended by section 15 of Ordinance 4887, is hereby repealed, and replaced with a new chapter 15.280 to read as follows:

**Chapter 15.280
ELLENSBURG LANDMARKS REGISTER AND PROCEDURES**

Sections:

- 15.280.010 Short title.**
- 15.280.020 Declaration of purpose.**
- 15.280.030 Definitions**
- 15.280.040 Creation of Ellensburg landmarks and design commission.**
- 15.280.050 Members, qualifications and terms.**
- 15.280.060 Powers and duties.**
- 15.280.070 Officers and records.**
- 15.280.080 Landmarks and design commission staff.**
- 15.280.090 Ellensburg landmarks register.**
- 15.280.100 Review of changes to landmarks register properties.**
- 15.280.110 Application for demolition permit; demolition review standards**
- 15.280.120 Evaluation of economic impact.**
- 15.280.130 Special valuation for historic properties.**

15.280.010 Short title.

The following sections shall be known and may be cited as the “landmarks and design ordinance” of the city of Ellensburg.

15.280.020 Declaration of purpose.

This chapter is intended to identify, evaluate, designate, protect, enhance, and perpetuate historic places within the city of Ellensburg in order to:

- A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of Ellensburg’s history;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize and improve the economic vitality of buildings, neighborhoods, and the community as a whole;
- D. Strengthen the city’s tourism industry by enhancing its historic character;

- E. Facilitate early resolution of conflicts between preservation of historic resources and alternative land uses;
- F. Protect property values and public and private investment in the existing built environment;
- G. Provide incentives to property owners for the acquisition, preservation, restoration, redevelopment, and continued use of outstanding historic properties; and
- H. Encourage the rehabilitation of eligible historic properties through the “special valuation for improvements to historic property” program, a property tax incentive, as provided in Chapter 84.26 RCW.

15.280.030 Definitions

The following definitions are specific to this chapter and shall have the following meanings:

“Certificate of appropriateness” or “COA” means the approval issued by the landmark and design commission indicating the commission has reviewed the proposed changes to a landmarks register property or within a landmarks register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation. See Chapter 15.280 ECC.

“Commission” means the city’s landmarks and design commission.

“Imminently Dangerous” means a condition that could cause serious or life-threatening injury or death at any time and is typically intended to describe situations that pose a danger in an occupied building, or to adjacent occupied buildings.

“Landmark property” means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed on the Ellensburg Landmarks Register, stops at the parcel boundary, and does not include public right of way.

“Neglect” means the lack of proper maintenance for a building or structure, that contributes to the building being deemed structurally deficient.

“Ordinary repair and maintenance” means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real building or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

“Structure” for the purpose of this chapter, means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

“Structurally Deficient” means any failure or deviation from the intended structural performance of a building element due to defective design, workmanship, material, or caused by the age of the building.

15.280.040 Creation of Ellensburg landmarks and design commission.

There is hereby created an Ellensburg landmarks and design commission which shall have the powers, duties and functions provided in this chapter.

15.280.050 Members, qualifications and terms.

A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.

B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.

C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC 15.300.070(B) and (C), or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.

D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

E. Appointment of new members to the commission shall be for a period of four years. Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment.

15.280.060 Powers and duties.

The primary role of the commission is twofold: 1) encourage the preservation of Ellensburg historic landmarks, and 2) to review proposed changes to Ellensburg landmarks properties.

A. Encourage the Preservation of Ellensburg Historic Landmarks. In the area of historic landmarks preservation, the primary role of the 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 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 façade design assistance, revolving loan funds, and tax or building code relief;
5. Review proposals to alter or demolish landmark buildings, landmark sites, or landmark districts listed in the register as provided in ECC 15.280.100; and adopt standards in its rules to guide this review and the issuance of certificates of appropriateness and demolition applications;
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. Review nominations to the State and National Register of Historic Places.
17. Serve as the local review board for special valuation as provided under Chapter 84.26 RCW and ECC 15.280.130; and
18. Administer the historic preservation grant program in accordance with procedures authorized and approved by the city council.

B. Review Proposed Changes to Ellensburg Landmarks Properties. In the area of design review, a primary role of the commission is to review and make the decisions on proposed changes (including signage) to landmark properties. See ECC 15.280.090 for the design review process for landmark property/district related projects.

C. Demolition Review. In the area of demolition review, the role of the commission is to review and make decisions on the proposed whole or partial demolition of a landmark property or property located within an Ellensburg Landmark District boundary.

15.280.070 Officers and records.

The commission shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business. A majority of the membership will constitute a quorum for the purpose of transacting business. Action by the commission shall be by majority vote. A tie vote on a motion to approve shall constitute a failure of the motion and denial of the application. All meetings shall be open to the public and the commission shall keep minutes of its proceedings, and the minutes and a copy of its adopted kept on file in the office of the city clerk and be open to inspection by the public.

15.280.080 Landmarks and design commission staff.

Assistance to the commission shall be provided by the department of community development, which shall assign a professionally qualified member of the department's staff, or a qualified consultant, to act as a preservation planner to assist the commission in fulfilling its historic landmarks preservation duties. Under direction of the commission, the preservation planner shall be the custodian of the commission's historic landmarks records. The preservation planner shall conduct official correspondence, assist in organizing the commission, and carry out the technical work of the commission in all historic landmarks preservation activities.

15.280.090 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 commission or the commission as a whole may generate nominations. In its designation program, the commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s)' consent is required before the commission shall consider the nomination.
2. Nominations shall be made on forms provided by the commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.
3. The 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 process.
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.

5. Within 10 days of holding the public hearing, the 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 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 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 commission rejects the nomination of all or any part of a 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 hearing examiner 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 15.300.070(B) and hereafter known as the “downtown historic district,” and the existing residential historic district, defined in ECC 15.300.070(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 the ordinance codified in this chapter 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 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Change of Status from Noncontributing to Contributing within a District. The owner(s) of record of noncontributing property within a district may submit a COA application to the department for change of status of the property from noncontributing to contributing. The application shall identify all features of historical significance of the property in accordance with subsection A of this section and shall include the legal description and description of all interior and exterior features, and outbuildings, that contribute to its proposed designation as a contributing property.

E. Effects of Listing on the Ellensburg Landmarks Register.

1. Listing on the Landmarks register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

2. Prior to the commencement of any exterior work visible from a public right of way on a Landmarked building or any property located within the boundaries of a district, excluding ordinary repair and maintenance, the owner must apply for and receive a COA from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. This city is a certified local government (CLG), and therefore all qualifying properties listed on the Ellensburg and National Registers of Historic Places may be eligible for special tax valuation on their rehabilitation under ECC 15.280.130.

4. Prior to whole or partial demolition of a register property or contributing property within a district, the owner must apply for and receive a demolition approval pursuant to the requirements of ECC 15.280.110.

F. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion on the Landmarks Register by City staff or the commission, per requirements of subsections A.1-6 of this section, the commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section.

15.280.100 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 building, or any structure located on a property within a landmark district, nor install any exterior sign or mural pursuant to subsection (A)(2) of this section, without review by the commission and issuance of a COA or a demolition permit (ECC15.280.110).
2. In the case of murals, the arts commission shall first review and provide recommendations to the commission regarding 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.
3. This review shall apply to all exterior features of the building visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.
4. 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:

1. Ordinary repair and maintenance which does not visually alter exterior features of a building visible from a public right-of-way, and does not utilize substitute materials.
2. Repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way.
3. Interior building construction, maintenance, remodeling, decoration, or other activities located within the building envelope.
4. Painting of previously painted exterior surfaces.

5. Construction on a Landmarked property or within a Landmark district that is not considered a structure per ECC 15.280.030, or a building per ECC 15.130. By way of example and not limitation, such work might include landscaping, fences, and detached arbors or gazebos.

C. Review Process for Proposed Changes to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Requests for Review and Issuance of a COA for proposed changes to a Landmarked property, which can include demolition within the overall scope of work.
2. Application for a COA to a landmark property shall be made by filing an application with the preservation planner on forms provided by the department. A written description of materials required for the commission's review include but are not limited to; site plans, narratives, elevations, and material samples, and shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.
3. If an application is submitted to the department 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.
4. Landmarks and Design Commission Review.
 - a. At a regularly scheduled public hearing, the 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 commission shall approve or disapprove the application. Approval of COAs or demolition permits shall be based upon appropriateness of proposal as reflected in said design provisions, and upon review of demolition standards per ECC 15.280.120.
 - b. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within 30 working days of the date of receipt of a completed application, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

- c. If the 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 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. In the case of proposed demolition of a building or structure within a COA application that is listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g., to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).
- f. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.

15.280.110 Application for demolition permit; demolition review standards.

A. Permitted Reasons for Demolition. The proposed full or partial demolition of buildings or structures listed on the Ellensburg landmarks register individually or within a district, is disfavored in order to preserve the integrity of the city's historic landmarks and districts. Notwithstanding the foregoing, an application for a demolition permit under this chapter may be submitted for the following reasons:

- 1. Structural Deficiencies;
- 2. Economic Infeasibility (15.280.120); or
- 3. Property is not listed as contributing to the Landmarks District and is ineligible for future status change per listing requirements of 15.280.090(A).

B. Application.

- 1. An applicant proposing the full or partial demolition of any building or structure listed on the Ellensburg landmarks register or located within a landmark district, shall supply the information required in this section. The information to be provided relates only to the property or building under review, but does not require information concerning an owner's assets or income except as it specifically relates to the property or building under review.

2. An application for full or partial demolition of a building or structure listed on the Ellensburg landmarks register, shall be deemed incomplete unless the application provides the following:

a. A narrative explaining the reasons for the proposed demolition and how the proposed demolition satisfies the standards listed in subsection C.1;

b. Photographs documenting the existing condition of the structure;

c. Analysis of possible alternatives to demolition considered, including but not limited to one or more of the following:

- i. Redesigning the project to avoid any impact to the structure or setting;
- ii. Conversion of the structure into another use (adaptive reuse);
- iii. Relocation of the structure on the property;
- iv. Relocation of the structure to another property;
- v. Salvaging from the structure historically significant architectural features and building materials; or
- vi. Possible design alternatives.

d. Where demolition is sought due to structural deficiencies or the building is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation, the applicant shall supply a report from a Washington-licensed structural engineer supporting this claim; and

e. Where demolition is sought for reasons of economic infeasibility and the applicant requests that the commission consider evidence of economic impact on the owner from denial or partial denial of a demolition permit, the applicant shall supply a report that includes, but is not limited to, the requirements set forth in section 15.280.120.

f. Where demolition is sought within a Landmarks district due to the structure's ineligibility to be classified as contributing within the district, the applicant shall provide a written assessment of this claim supported by historical research demonstrating that the structure does not qualify to be reclassified as contributing per criteria set forth in ECC 15.280.090(A).

C. Demolition Permit Review Standards. An application for the partial or full demolition of a landmark property or structure in a landmark district, shall be granted if the application material provided pursuant to subsection B.2 satisfies one or more of the following criteria;

1. The applicant has demonstrated through the submitted materials and a report from a Washington-licensed structural engineer, supporting the claim that the building is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.
2. The applicant has demonstrated through the submitted materials per section 15.280.120 Evaluation of Economic Impact, that the building cannot support the intended use or alternative uses prohibiting reasonable use of the structure;
3. The applicant has provided sufficient historical documentation to demonstrate that the subject building does not qualify to be relisted as contributing within the district per requirements of ECC 15.280.090(A); or

D. Exemptions. The following demolition activities do not require a demolition permit under this chapter:

1. Demolition review included as part of an approved COA design review application pursuant to 15.280.090 subsection (C).
2. City Abatement of Unsafe Conditions. In the event of a finding by the city building official of an unsafe condition or imminent danger, the building official may issue an abatement order allowing partial or complete demolition of a building or structure listed in the Ellensburg landmarks register provided, that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than to partially or completely demolish historic buildings or structures.

E. Review Process for Proposed Full or Partial Demolitions to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Application for a demolition to a landmark property or property within a Landmark district shall be made by filing an application with the preservation planner on forms provided by the department. The application shall include a written description of materials required for the commission's review, including but not limited to the requirements listed in subsection B.2 of this section. Preliminary plans may be submitted to the preservation planner for consultation prior to the preapplication conference required by this subsection.

2. If a demolition application is submitted to the department 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 to initially determine whether the application is complete per the requirements of subsection B.2. of this section. An applicant may not commence any demolition work until the landmarks and design review process has been completed and permit for the proposed demolition has been issued by the department.

3. Landmarks and Design Commission Review.

a. Mandatory preapplication conference. Applicants for a demolition permit under this chapter shall attend a preapplication conference with community development department staff including a historic preservation planner. The preapplication meeting shall occur before the proposal is reviewed by the commission. The purpose of the preapplication conference is to review with the applicant the requirements of this chapter, to provide preliminary comments on the acceptability of the proposal, and to discuss alternatives to demolition including available financial incentives.

b. A scheduled public hearing on the application shall be scheduled within thirty (30) days of the preapplication conference unless the applicant requests a delay. The commission shall review the proposed demolition at the hearing. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of demolition permits shall be based upon demolition standards set forth in this section.

c. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within fourteen (14) days of the date of hearing, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

d. If the commission makes a decision to approve a proposed demolition, such approval shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official. The building official shall include any conditions for demolition required by city ordinance or state law (e.g., disconnection of utilities, rodent abatement and similar conditions).

e. If the 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.

f. In the case of demolition of a building or structure listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g., to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).

F. Demolition permit expiration. A demolition permit issued under this chapter expires if the work authorized by the permit is not commenced within 365 days from the date of issuance of the demolition permit. The director may grant a one-time extension up to an additional 365 days, upon written request by the applicant showing circumstances beyond their reasonable control. Once a demolition permit expires, a new application for demolition must be submitted and approval obtained before work can be commenced.

G. Appeal. Any person aggrieved by any action of the commission denying or approving a demolition permit application may file a notice of appeal as set forth in Chapter 15.230 ECC.

15.280.120 Evaluation of economic impact.

A. In making its decision, the commission shall, when requested by the property owner, consider evidence of economic impact on the owner from the denial or partial denial of a COA or demolition permit. The commission may not deny a COA or demolition permit, in whole or in part, when it is established that the denial will, when available economic incentives are utilized, deprive the owner of a reasonable economic use of the property, and there is no viable and reasonable alternative which would have less impact on the significant features specified in the designation.

B. Where demolition of the building is sought for reasons of economic infeasibility, the applicant shall supply a report from the owner or a qualified professional such as a financial analyst or accountant. The report shall demonstrate that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impracticable to renovate, restore or reuse the structure, and rendering it economically infeasible to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the following:

1. Current level of economic return including the amount paid for the property, date of purchase, party from whom purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;
2. Annual gross income from the property for the previous three years, itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
3. Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;
4. Fair market value of the property at the time of application;
5. Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on the site; and
6. Consideration of available and applicable economic incentives for rehabilitation.

C. Upon reasonable notice to the owner, the landmarks and design commission may appoint an expert to provide advice and testimony concerning the value of the landmark, the availability of incentives, and the economic impacts of approval, denial, or partial denial of a COA or demolition permit.

D. Any adverse economic impact caused due to neglect shall not constitute a basis for granting a demolition permit.

15.280.130 Special valuation for historic properties.

A. There is hereby established and implemented a special valuation program for historic properties as provided in Chapter 84.26 RCW and Chapter 254-20 WAC.

B. The Ellensburg landmarks and design commission is hereby designated as the local review board for the purposes set forth in Chapter 84.26 RCW and is authorized to perform all functions of a local review board authorized by Chapter 84.26 RCW and Chapter 254-20 WAC.

C. The class of properties eligible to apply for special valuation in the city of Ellensburg means all properties listed on the Ellensburg landmarks register, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

D. As used in this chapter, "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of an application for Special Valuation directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure; or
2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully usable but shall not include rentable/habitable floor space attributable to new construction; or
3. Architectural and engineering services attributable to the design of the improvements; or
4. All costs defined as qualified rehabilitation expenditures for purposes of the federal historic preservation investment tax credit.

E. The landmarks and design commission shall comply with all other local review board responsibilities identified in Chapter 84.26 RCW and Chapter 254-20 WAC.

F. Any decision of the landmarks and design commission acting on any application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. [Ord. 4656 § 1 (Exh. O2), 2013.]

Section 7. Section 15.300.040 of Ellensburg City Code, as last amended by Section 18 of Ordinance 4887, 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-family detached dwelling units in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and 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 an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows 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~~ areas designated residential neighborhood in the comprehensive plan.

- ~~a. Areas designated residential neighborhood in the comprehensive plan; and~~
- ~~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 predominant use, with options to integrate accessory dwelling units, duplexes, townhomes and cottage housing;

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 allows 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~~ areas designated residential neighborhood or blended residential neighborhood in the comprehensive plan.

- ~~a. Areas designated residential neighborhood or blended residential neighborhood in the comprehensive plan;~~
- ~~b. Areas characterized by, or immediately adjacent to, areas which are predominantly 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. Use of this zone is appropriate for any of the following, or combinations thereof: areas designated residential, neighborhood, blended residential neighborhood, neighborhood mixed use or community mixed-use in the comprehensive plan.

~~a. Areas designated residential, neighborhood, mixed use, or blended residential neighborhood, 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;~~

~~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. Use of this zone is appropriate for any of the following, or combinations thereof: areas designated residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or community mixed-use in the comprehensive plan

~~a. Areas designated residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or community mixed-use in the comprehensive plan;~~

~~b. Areas characterized by multifamily buildings;~~

~~c. Areas adjacent to commercial zoned property;~~

~~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. 4887 § 18, 2022; Ord. 4807 § 42, 2018; Ord. 4798 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 8. Section 15.300.050 of Ellensburg City Code, as last amended by Section 19 of Ordinance 4887, is hereby amended to read as follows:

15.300.050 Commercial and industrial 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:~~ areas designated residential neighborhood, blended residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or neighborhood commercial in the comprehensive plan.
 - ~~a. Areas designated residential neighborhood, blended residential neighborhood, blended residential neighborhood, or urban neighborhood, neighborhood mixed use, or neighborhood commercial 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 Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments and multifamily residential as a conditional use. In addition, specific areas of the C-H 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 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;
3. Allowing multifamily residential as a conditional use; and
4. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;

5. Use of this zone is appropriate for any of the following, or combinations thereof: areas designated community mixed use, mixed business park, or general commercial and services in the comprehensive plan.

~~a. Areas designated community mixed use, neighborhood commercial, mixed business park, or general commercial and services, or community mixed use in the comprehensive plan;~~

~~b. Areas adjacent to, or with good access to, arterial streets and highways.~~

C. 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. Promoting mixed-use residential as a secondary use in areas identified as industrial residential in the comprehensive plan; and
6. Use of this zone is appropriate for areas designated mixed business park, light industrial or industrial residential in the comprehensive plan.

D. 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. 4887 § 19, 2022; Ord. 4807 § 43, 2018; Ord. 4798 § 2, 2018; Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

Section 9. Section 15.300.060 of Ellensburg City Code, as last amended by Ordinance 4887, is hereby amended to read as follows:

15.300.060 Mixed-use zones

A. The general purposes of the mixed-use zones are as follows:

1. Fostering a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
2. Encouraging new development that supports the safe and efficient movement of goods and people;
3. Providing for a compatible mix of multifamily housing and neighborhood commercial businesses and services, with an emphasis on promoting multistory structures with commercial uses on the ground floor and multifamily housing on upper floors;
4. Promoting a compact growth pattern to efficiently use the developable land, and to enable cost-effective extensions of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
5. Fostering the development of mixed-use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use;
6. Ensuring that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

B. The purpose of the specific mixed-use zones are as follows:

1. The ~~r~~Residential-~~e~~Office (R-O) zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. This purpose is accomplished by:

- a. Avoiding large scale low density sprawl;
- b. Allowing a variety of housing types;
- c. Providing for nonresidential uses that are compatible in scale and character with residential uses;
- d. Reinforcing the character and walkability of streets within the zone;
- e. Encouraging historic preservation and adaptive reuse of historic properties; and
- f. Use of this zone is appropriate for: areas designated as residential neighborhood, urban neighborhood, neighborhood mixed-use, community mixed use, or neighborhood commercial in the comprehensive plan.
 - ~~i. Areas designated as residential neighborhood, urban neighborhood, and neighborhood mixed-use, community mixed use, or neighborhood commercial in the comprehensive plan, as well as;~~
 - ~~ii. Areas characterized by a mix of single and multifamily and office uses; and/or~~
 - ~~iii. Areas located generally between commercial and single family residential zones.~~

2. The eCentral-eCommercial (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, and high density residential activities. This purpose is accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use, including upper floors on storefront dominated streets;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings; and
- e. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets;

- f. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.
3. The eCentral-eCommercial II (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:
- a. Allowing a range of commercial uses that serve the broad trade area;
 - b. Promoting office uses, which provide for local employment and complement other commercial uses;
 - c. Promoting residential as a secondary use;
 - d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings;
 - e. Providing standards and guidelines that promote compatibility between uses;
 - f. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets; and
 - g. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.
4. The nNeighborhood eCenter mixed-use (NCMU) zone provides for a compatible mix of neighborhood-scaled commercial and employment uses and medium density multifamily housing. These purposes are accomplished by:
- a. Promoting neighborhood identity; and
 - b. Providing a range of commercial, retail, and service opportunities;
 - c. Use of this zone is appropriate for areas designated community mixed-use in the comprehensive plan.
5. The rRegional eCenter mixed-use (RCMU) zone is intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing. These purposes are accomplished by:
- a. Promoting neighborhood identity; and
 - b. Providing a range of commercial, retail, and service opportunities;

c. Use of this zone is appropriate for areas designated community mixed-use or mixed business park in the comprehensive plan, and within a half-mile radius of the center of Interstate 90 interchange. [Ord. 4887 § 20, 2022.]

Section 10. 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 portions of this ordinance.

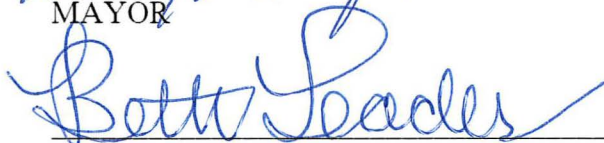
Section 11. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 12. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

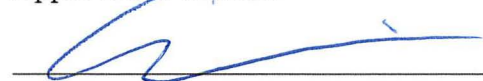
The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 18th day of December 2023.


MAYOR

ATTEST:

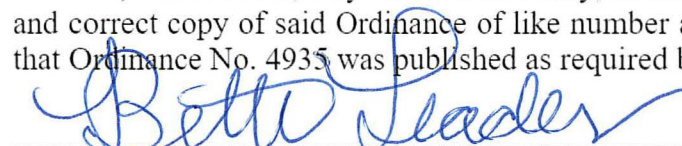

City Clerk

Approved as to form:


CITY ATTORNEY

Publish: 12-23-2023

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4935 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4935 was published as required by law.


BETH LEADER

