

SPECIAL COUNCIL MEETING



Monday, August 12, 2013 – 6:00 p.m.
COUNCIL CHAMBERS
501 North Anderson Street**

Agenda Items:

Final Draft Land Development Code Review

**Article 3: Zoning Districts & Land Use (Continued) -
15.380 Development Agreements**

Article 4: Community Design

Article 5: Project Design


Article 6: Critical Areas

Public Comment on Non-agenda Items will not be taken at this meeting.

Public Comment on Non-agenda Items is taken during regular meetings of the Council, normally on the first and third Monday of each month.

****NOTE TIME CHANGE**

AGENDA REPORT

Date: August 5, 2013
To: City Council
Thru: Ted Barkley, City Manager 
From: Mike Smith, Community Development Director 
RE: August 12 Special Meeting Agenda - Final Draft Land Development Code

Council has set a special meeting for August 12, 2013 to continue its review of the Final Draft Land Development Code. The draft can be reviewed on the City's webpage at www.ci.ellensburg.wa.us or direct link at <http://www.ci.ellensburg.wa.us/index.aspx?nid=395>. It is also available on CD at the Community Development Department and hard copies are available for reading at the City Library and at Community Development in City Hall.

Council has indicated that the review will follow the order of the Final Draft. The review was initiated on July 22 with Articles 1 thru 3 and the July 29 meeting continued the review of Article 3. **The August 12 meeting will review Article 3 beginning with 15.380 Development Agreements and then moving into Articles 4 thru 6 and will be held starting at 6 PM in City Council Chambers, 501 N. Anderson Street.**

Council has reviewed several earlier drafts, in addition to holding several joint study sessions with the Planning Commission, and staff would recommend that this review process consist of:

- Staff brief presentation of a summary of each Article along with identification of any changes from the last draft that was released in January 2013, and identification of any items that may still need to be discussed and resolved.
- Discussion by Council and public input.
 - Staff suggests that Council provide time for public input at the conclusion of its discussion on each Article.
- Direction by Council.
 - The Final Draft will need some amendment to address identified typographical and/or formatting errors, and will likely also have some amendments to add or delete or reword the text in places.
 - Staff would suggest that a running list of such amendments be kept by staff throughout the review process, including the SEPA review process and State 60-Day Review processes that are concurrently running, and bring those back to Council for consideration and direction when Council makes the decision to have the Final Draft included in an implementing ordinance.

Staff has attached an Outline/Summary of Recent LDC Revisions that in very brief terms outlines changes that have been made since the January 2013 draft was released. In addition, the webpage has executive summaries of each Article that provide greater detail as to the contents of each Article. Those will be used as the primary guide during the review process, with staff briefly outlining the contents of each Article and responding to any questions as Council moves through each Article.



Outline/Summary of Recent LDC Revisions

JULY 12, 2013

Staff and the consultant team have made updates to the LDC over the past few months based on the City's legal review comments, City Council and Planning Commission input (January meetings), City Council and Landmarks and Design Commission input (March/April meetings) and per internal team discussion (this includes corrections and clarifications). The outline/summary herein documents only the more substantial changes (more than simple editing updates) that have been made in the LDC since the release of Draft 1 in January 2013.

General – Document Numbering

The numbering system has been updated to allow greater flexibility for additions/revisions in the future. In the most recent draft, for example, Article 2 chapters went from 15.20 to 15.29, leaving no additional room for a new chapter. With this new updated draft, we've added an extra digit, so Chapter 15.22 is now Chapter 15.220 and Section 15.22.010 is now Section 15.220.010.

Article 1

Chapter 15.110:

- Updated roles and responsibilities – notably involving the landmarks and design commission (15.110.060)
- Removal of vesting provisions (will instead use the State vesting provisions)
-

Chapter 15.130 Definitions – new and major updates include:

- Take out all adult entertainment definitions (moving all provisions to Title 6)
- Alter or alteration (updated)
- Alteration, sign (new)
- Appeal, closed record (new)
- Appeal, open record (new)
- Arts commission (new)
- Articulation (new)
- Boundary line adjustment (new)
- Cannabis and cannabis products (new from Medical Cannabis regulations in 15.370)
- Closed record hearing (new)
- Collective garden (new from Medical Cannabis regulations in 15.370)



- Cultivation (new from Medical Cannabis regulations in 15.370)
- Decision-maker (new)
- Designated care provider (new from Medical Cannabis regulations in 15.370)
- Development (updated)
- Development application (new)
- Development approval (new)
- Docket (updated)
- Elevation (updated)
- Fill or fill material (new)
- Green roof (updated)
- Hearing, open record (new)
- Historic resources inventory (new)
- Indoors (new from Medical Cannabis regulations in 15.370)
- Kennel (updated)
- Landmarks and design commission (new)
- Landmarks register (new)
- Legal parcel (new)
- Medical (or medicinal) use of cannabis (new from Medical Cannabis regulations in 15.370)
- Modulation (new)
- Nonconformance (updated)
- Nonconforming lot (new)
- Nonconforming use (updated)
- Outdoors (new from Medical Cannabis regulations in 15.370)
- Owner occupancy (new)
- Personally identifiable information (new from Medical Cannabis regulations in 15.370)
- Planning commission (new)
- Plant (new from Medical Cannabis regulations in 15.370)
- Process (new from Medical Cannabis regulations in 15.370)
- Produce (new) from Medical Cannabis regulations in 15.370
- Public place (new from Medical Cannabis regulations in 15.370)
- Qualifying patient (new from Medical Cannabis regulations in 15.370)



- School (new from Medical Cannabis regulations in 15.370)
- Structure (updated from Medical Cannabis regulations in 15.370)
- Terminal or debilitating medical condition (new from Medical Cannabis regulations in 15.370)
- THC concentration (new from Medical Cannabis regulations in 15.370)
- Useable cannabis (new from Medical Cannabis regulations in 15.370)
- Valid documentation (new from Medical Cannabis regulations in 15.370)
- Zero lot line development (new)

Article 2

Chapter 15.200:

- 15.200.030 User guide (new)

Chapter 15.210 Permit Review Process “Types”:

- 15.210.010 – added B. Exclusions from “Type” permit processing
- 15.210.020 – Determination of proper permit review process Type (several edits/additions)
- 15.210.030 Permit review process Types, defined (several edits)
- Table 15.210.040(A) Decision making and appeal process for permit review process Types (several edits)
- Table 15.210.040(B) Procedures for permit review process Types (minor edits)
- Table 15.210.040(C) Notice requirements for permit applications (minor edits)
- Table 15.210.050(A) Projects under Type I review process (several edits)
- Table 15.210.050(B) Projects under Type II review process (minor edits)
- Table 15.210.050(C) Projects under Type III review process (minor edits)
- Table 15.210.050(D) Projects under Type IV review process (minor edits)
- 15.210.060 – Departures (new overview and change to reflect that Landmarks and Design Commission will review departures)

Chapter 15.220 Permit Review Procedures:

- Numerous refinements throughout

Chapter 15.230 General Provisions for Permit Application Hearings and Appeals:

- Numerous refinements throughout

Chapter 15.240 Non-conformance:

- Some changes to non-conformance provisions – notably 15.240.050, Non-conforming structures. Minor changes in other sections.



Chapter 15.250 Review and Decision Criteria:

- 15.250.010 Temporary use permit (very minor changes)
- 15.250.020 Site development permits (minor changes)
- 15.250.030 Design review (change to reflect that Landmarks and Design Commission will review departures)
- 15.250.040 Conditional use permits (updated decision criteria)
- 15.250.050 Variances (minor changes)
- 15.250.060 Rezones ()
- 15.250.070 Master site plans for regional retail commercial projects (updated submittal requirements and procedures)
- 15.250.080 Comprehensive plan amendments (updated initiation and procedures language)

Chapter 15.260 (Subdivisions)

- Substantial update of entire chapter – mostly in response to the City’s legal comments.
- Added new binding site plan section as recently adopted.

Chapter 15.270 (SEPA) (no changes)

Chapter 15.280 (Ellensburg Landmark Register & Procedures)

- 15.280.050(B), Removed design review duties, except for projects seeking departures from design standards (review and make decision), regional retail master plans (review and make recommendation), and modification/demolition/new development to registered landmark or project within landmark district (review and make decision)
- 15.280.120, re-inserted the original Chapter 1.45 design standards for multifamily, commercial, industrial, public and institutional, rehabilitation of existing buildings, and regional retail commercial – all of which would apply to the types of projects noted in the bullet above (15.280.050(B)). NOTE: Landmarks Commission is reviewing those design standards in light of it no longer performing general design review and the standards will likely be recommended for amendment to address just the Landmarks Commission areas of responsibility

Article 3

Chapter 15.310 (Permitted Uses)

- 15.310.040, updated P-R zone provisions to remove the “placeholder” conditional use designations and replace them with typical permitted, conditional and accessory uses that would be found in the P-R zone. Also provide new guidelines for addressing the rezone of P-R zoned land when the land is no longer used for “public” purposes, for addressing existing structures in such rezones that may not be compatible with the surrounding development pattern such as a large school building that has been surplus and rezoned to low density residential, and for addressing large P-R buildings that are proposed for demolition.



Chapter 15.320 (Form and Intensity Standards)

- 15.320.030, added a provision for residential side yard setbacks – lots smaller than 6,000sf are subject to 5' setbacks rather than 5' on one side and 10' minimum on the other side.

Chapter 15.350 (Airport Overlay Zone)

- Removed sections on violation and enforcement, appeals, judicial review, and conflicting regulations (provisions duplicative of other provisions in Article 2).

Chapter 15.370 (Medical Cannabis)

- New chapter.

Chapter 15.380 (Development Agreements)

- New chapter.

Other

- Removed the Adult Entertainment Chapter (formerly 15.34) – moved to Title 6 – Businesses and Occupations since the Chapter deals primarily with a license to operate an adult business. The use table in 15.310 identify the zones where Adult Entertainment are a permitted use and identify the locational standards for such uses within that zoning district.
- Moved the Master Site Plans for Regional Retail Projects (formerly 15.35) to Article 2 where it fits better

Article 4

Chapter 15.400 (Introduction)

- Added new introduction/applicability section, similar to Article 5

Chapter 15.410 (Streetscape Design)

- Took out the definitions of each street type (since these are in the public works development standards)
- 15.410.040, added limitation provisions for the narrow 20' streets
- 15.410.050, added provisions for multi-use pathways

Chapter 15.420 (Subdivision Design & Block Structure)

- 15.420.020(A)(3), Updated provisions for pedestrian accessways. Note that these features aren't required, only encouraged as a means of enhancing pedestrian connectivity within neighborhoods.
- 15.420.020(B), Residential zones – took out reference to "modified grid" and updated departure provisions (notably that 1,000' block sizes is the maximum size even with a departure, except where special site constraints are present).
- 15.420.020(C), Commercial zones – took out maximum block size provisions for the I-H zone. NOTE: Should re-title that sub-section as "Commercial and Industrial zones".



- 15.420.030(D), updated provisions to prohibit gated communities and subdivision design featuring double frontage lots where homes back up to collectors and arterial streets.
- 15.420.040(D), added a provision about park maintenance (maintained by private landowners unless dedicated to the City).
- 15.420.050(A), added a note that zero lot line lots shall be referenced on the plat with applicable information.
- 15.420.050(E), added a note that the City shall review and approve any necessary easements and/or covenant agreements.



Article 5

Chapter 15.500 (Introduction)

- Figure 15.500.020 added to clarify the difference between Level I, II, and III improvements (remodels/additions)
- 15.500.030 refinement to departure provisions (as noted in Chapter 15.210 above) with updated cross-references

Chapter 15.510 (Site Orientation)

- Figure 15.510.040(C) updated to replace Secondary Street II designation with the standard Secondary Street designation for Lakeshore Way and South Opportunity Street (off of Umptanum Road).
- Eliminate provisions for Secondary Street II designation, since none now exist.
- 15.510.130 added objectives for the development frontages for civic buildings

Chapter 15.520 (Site Planning & Design Elements)

- 15.520.050(C), added a subsection with standards on drive-through lanes
- Moved the lighting section previously in this chapter to be integrated with Chapter 15.580 (no substantial changes to content, however)

Chapter 15.530 (Building Design)

- 15.530.030, adjusted the applicability of the building articulation standards for non-residential buildings – notably for buildings in the industrial zones and whether building frontages face the street and contain customer entrances.
- 15.530.040, adjusted the applicability of the building elements and details for non-residential buildings.
- 15.530.040(C), updated provisions so that all street corners within the Downtown Historic District are classified as a high visibility street corner and thus subject to the provisions herein.
- 15.530.050, adjusted the applicability of the building materials standards for non-residential buildings – notably for buildings in the industrial zones and whether building frontages face the street and contain customer entrances.
- 15.530.070, eliminated standard for new roofs to meet solar reflectivity standards.

Chapter 15.540 (Housing Type Standards)

- 15.540.020, adjusted garage setback standards for single family homes (at least 3' behind front wall of house).

Chapter 15.550 (Parking Standards)

- 15.550.030, adjusted parking requirements for studio apartments (0.7/du) and cottage housing (to 1.5/du from 1.0), added provisions for adult family homes and uses with drive-in facilities, and added new parking standards for residential uses in the C-C zone outside of the historic district (0.7/bedroom).



- Updated bicycle parking provisions.
- Updated loading zone provisions for storefront uses that aren't served by alleys.

Chapter 15.560 (Sign Standards)

- 15.560.060, adjusted pole sign standards: reduced minimum setback for pole signs from 200 feet to 10 feet.
- 15.560.130, added new provisions for double post signs, a type of sign that wasn't previously addressed.
- 15.560.220, updated language associated with the removal of certain signs (per legal comments).

Chapter 15.570 (Landscaping Standards)

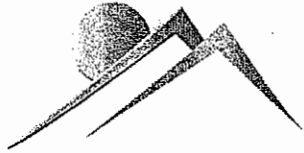
- 15.570.040, eliminated Type D landscaping (deemed unnecessary for Ellensburg)

Chapter 15.580 (Outdoor Lighting)

- Integrated provisions previously in Chapter 15.52.

Article 6 Critical Area Regulations

- No changes except to make consistent with Article 2 review processes.



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AUG - 2 2013

OFFICE OF CITY MANAGER
ELLENSBURG, WA

July 29, 2013

City Council
501 North Anderson Avenue
Ellensburg, Washington 98926

RE: Land Code Update.

Dear City Council,

The purpose of this letter that's being addressed to Ellensburg City Council and Staff is to be added to the recorded testimony of the Study Sessions on the Land Use Code Update. The Land Use Code Update has many good elements and makes a real attempt at spelling out the requirements needed for a specific land use and eliminating the need for a lot of staff interpretation of what the code means.

Since I've not been able to find an economic impact statement on the implementation of this Land Use Code Update, I'm concerned that many aspects of this update while it looks and feel good, does not address the needs of the market place and the lack of usable land to implement this update. My comments are directed at the commercial zoning requirements of our retail and office sector of this code.

Eliminating office buildings from the Tourist Commercial Zone: Nothing has changed since City Council approved office building construction in the TC zone, except now there is less inventory of land suitable for professional office development than there was when the ordinance was approved. The major reason the ordinance was approved is because of the lack of enough developable land in the CC 1, CC2 and HC to accommodate the market demand. The City Council should be seeking the answer to the question, why was there more than 100,000 square feet of office space developed, for example at the West Interchange and why didn't they develop these office buildings in the CC1, CC2 & HC? You will find answers like the lack of parking, need for ADA office space and room to expand the business. If you eliminate such a large portion of developable land for office buildings, you will be making a decision that will have a major impact on the development and expansion of professional services in Ellensburg and the jobs it would have created.

Bicycle Parking: The requirement to have one bicycle parking spot for every 1000 square foot of usable space in a commercial building is another example of excess cost of development. There are plans presently to develop a big box store at the West Interchange that will have at a minimum of 120,000 square feet of usable area in the building. Does anyone believe there is a need for 120 bicycle racks/parking spaces within 100 feet of the main entryway of the store that has to be covered and lighted? There are six bicycle spaces in front of Fred Meyers and I've yet to see them full. This is just one type of regulation that doesn't make sense and should have adjustable requirements based on the size of the building.

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There are many other items that need to be reviewed to make this Land Code Update a stronger document and not be a road block to reasonable commercial/residential development for Ellensburg. It appears that there is a rush to get this update done as soon as possible. It also appears that this document has been developed and framed by the Landmark Design Committee, Planning Commission, City Staff and the City's hired consultant without any real input from the local real estate industry, developers or builders; the businesses that will ultimately be most affected by these changes. Now that you have a proposed Land Code Update document, shouldn't the businesses, builders and developers be given the same opportunity that the Planning Commission and Landmark and Design Committee had in developing and tweeting these codes? These people are in the market place and work daily with the consumers that could provide strong input for the final document. The present document is a great academic exercise with no real input from the professionals with feet on the ground experience.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Bob Hansen', with a long, sweeping flourish extending to the right.

Bob Hansen, CCIM
Commercial Real Estate Broker