

15.130 Definitions

A definitions

Page 1-12. "Airport Surface" should be "Approach Surface," to be factually accurate. However, since this item matches the Kittitas County Code, the change should probably be made when the airport overlay zone language is updated.

STAFF RESPONSE: OK. We will wait for city/county joint update process. Staff will pass your comments on to the County and suggest a joint update process be initiated in 2014..

F definitions

Page 1-23 Flag Lot should be added (or Page 1-30 if included with "Lot types...).

STAFF RESPONSE: Not certain if this is needed since there are no minimum frontage requirements for lots anymore. The flag lot would be allowed provided that it had sufficient access width, most likely via an easement with adjoining property to serve the number of lots involved with the access.

O definitions

Page 1-35. Add Outlet Mall definition? In order to differentiate from "Regional Retail" defined on Page 1-40.

STAFF RESPONSE: OK. We currently have a definition for "outlet center" in 13.04.845. We will recommend adding that to the new Code definitions.

Article 2 Questions/Comments:

15.210.010 B.3. Are food carts included in sidewalk use permits?

STAFF RESPONSE: Currently food carts are allowed in all zones that allow food service uses. They must be totally located on private property with the owner's written consent and they require public work's approval of the ingress/egress to the public street. If they are permanent, such as an espresso stand, we make them do landscaping and paved access. If they want to locate on the public right-of-way they would need a sidewalk use or right-of-way use permit from Public Works. We have not had a proliferation of these uses like some jurisdictions on the west side, although several currently operating, semi-permanent food trucks do exist that were permitted years ago before we really

had any regulations. We may want to revisit this in the future to ensure that if food carts become more prolific in the community we have addressed impacts.

15.210.040 Permit review process types...

What is the advantage of having Type I appeals to Superior Court rather than to a hearings examiner, council, etc.

STAFF RESPONSE: Type I permits are based on compliance with specific non-discretionary and/or technical standards that are clearly enumerated in the Code. For instance if someone wants to build a single family residence on a lot in the R-S, R-L, R-M or R-O zone, it is an outright permitted use per the Code. If someone wanted to appeal that then they would need to go to Court. If we made an administrative appeal available for Type I permits, it could lead to frivolous “nuisance” appeals over code issues that are clearly enumerated.

If there is a code interpretation involved, then that is a Type II process which requires some notice and a decision by the administrator with findings. Because there is some discretion and judgement involved with the decision, there is an administrative appeal first to the Hearing Examiner and then the option would be court.

Is the Superior Court the most common method for Type I appeals for Washington cities?

STAFF RESPONSE: Unfortunately, without an extensive search of the various jurisdictional codes, I cannot say that there is a most common method for Type I appeals. For those jurisdictions that have gone to a Permit “Type” system, some provide for a Type I administrative appeal to the Hearing Examiner or Council and others do not and instead have the appeal go to court. I think that because the Type I decisions are more non-discretionary than the Type II and above decisions, having an administrative appeal option would require more staff time and more expense if the hearing examiner is used and probably more aggravation for Council if they are the hearing body. But it is a Council decision as to whether or not an appeal is warranted for Type I and which body should hear it.

15.280.020 I (Landmark & Design) Review master commercial site plans and design review departures. (and 15.280.050 B Design Review)

I’m not clear if the consensus to have regional retail site plans reviewed by an outside consultant (or the administrator) also included departures for development in other non-historic zones.

STAFF RESPONSE: From my notes and the consultant’s notes the consensus was for the Director to handle regional retail site plan reviews and to use a consultant

if warranted. Departures are to be handled by the Director and, I suppose a consultant could be engaged if warranted in a specific situation, but not a normal course of action. Engaging the consultant requires a professional service agreement which we would typically advise Council on prior to engaging in it.

Article 3 Questions/Comments:

15.350.030 Airport overlay zone

This section contains numerous items in error (obsolete or inaccurate), but it appears to be consistent with the county version of the overlay zone language.

I recommend that we add a prominent note at the beginning of the section noting that the contents of this section are planned for updating and to contact the City of Ellensburg Community Development Department and the Kittitas County airport manager prior to attempting any land use compatibility assessments outlined in this section.

STAFF RESPONSE: We have placed a note at the beginning of the AOZ Chapter 15.350. I would suggest that we not make any amendments to the AOZ at this point. The county has recently lost the Public Works person who served as the Airport Manager for many years, including before there was an AOZ, so it may take some time to get them to work on amending the Code. Per the GMA we would likely need to utilize an Airport Advisory Committee similar to what we used to create the AOZ. Staff will forward your comments to the County and suggest a joint update review committee be formed in 2014.

15.350.050 Permits.

Recommend striking A.2. (certificate from engineer or surveyor) but that may need to wait for overall revision. The FAA does not require that 7460 forms be accompanied by certification. Other parts of this need re-wording, but that needs to be done in conjunction with county revision.

STAFF RESPONSE: See response immediately above.

Article 5 Questions/Comments:

15.540.020.B.3. façade transparency.

Despite Jack Piper's attempts to clarify I'm still having difficulty reconciling his comments about the façade transparency (15%) not working with the energy code and the other code he referenced (IBC?). Even if the 10/8% works, I'd like to know how accurate his statements are. Is there any easy way to simulate a typical 4-elevation transparency based on these multiple design standards?

STAFF RESPONSE: The Assistant Building Official has met with Mr. Piper to better understand his concerns and, after that discussion, staff feels that Mr. Piper seemed to no longer have this particular concern regarding the impact of the current draft code façade transparency requirement of 10% and 8% on north facing frontages. That said, however, Staff is not saying that Mr. Piper has indicated that he is in favor of the facade transparency as a development requirement.

15.550.030.I Off-site parking. First sentence “Off-site parking is not permitted for residential use outside the C-C zone” needs to be revised per the discussion of requiring additional off-street/off-site parking for 20-foot wide streets.

STAFF RESPONSE: If the decision by Council is to keep the 20-foot wide street option then Staff will need to prepare revision language.