



City of Ellensburg

Land Development Code Update

Public Hearing Draft, November 2013

NOTE: The provisions herein are intended to replace applicable land use regulations now found in ECC Titles 12 and 13.

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Article 1: General Provisions

Public Hearing Draft, November 2013

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15.100 User Guide

15.100.010 How to use this code.

This code has been designed and written to make it as easy to use as possible. Below is a simple step by step procedure for helping property owners determine what can be built on their property, what the applicable standards are, and how to obtain necessary permits. To assist in understanding the code, all words that are *italicized* are defined in Chapter 15.130 in alphabetical order. (NOTE: THIS WILL BE DONE WHEN CODE IS PUBLISHED)

Step 1: What zoning district am I located in?

- See zoning map (IMBED LINK)

Step 2: What type of development can I do on my property?

- See Article 3 (IMBED LINK), which addresses permitted uses and density/dimensional standards.

Step 3: What design provisions apply?

- First, see Article 4 (IMBED LINK), which addresses standards for larger scale community design elements such as subdivisions (if applicable) and streetscape design (for streets adjacent to and/or within property).
- Second, see Article 5 (IMBED LINK) for individual project design provisions. For non-residential and multifamily projects, most of the chapters in this article apply (such as site orientation standards, site planning and design elements, and building design). For detached single family uses, there are special standards in Chapter 15.540. Plus, some specialized site development issues warrant their own chapter including off-street parking (Chapter 15.550), landscaping (Chapter 15.570), and outdoor lighting (Chapter 15.580). It is also important to read the applicability sections at the beginning of each chapter in Article 5.

Step 4: Are there designated “Critical Areas” on my property?

- First, see Article 6 for provisions related to the particular type of critical area (such as wetlands or geologically hazardous areas); and
- Second, check with the community development department to determine if there are any “critical areas” on your property.

Step 5: How do I get a permit to develop?

- First, see Article 2 for permits, legislative actions, and procedures provisions.
- Second, determine what “Type” of review process applies for the particular development by reviewing ECC 15.210.050 (IMBED LINK).
- Third, review the requirements for each permit type starting with ECC 15.210.040, then looking at Chapter 15.220 for the actual procedures for each “Type” of review process.

- Other chapters in Article 2 address specialized standards/procedures for subdivisions, environmental review, non-conforming structures or uses, and code enforcement.

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15.110 Purpose/Authority/Interpretation

15.110.010 Title.

This title shall be known as the Land Development Code for the city of Ellensburg, Washington, hereafter referred to as the LDC or the code.

15.110.020 Purpose.

The purpose of the LDC is to provide regulations by which the citizens of the city can guide the development of their community in a logical and orderly manner, maintain a quality environment and provide for the conservation, protection and enhancement of the public health, safety and general welfare. The LDC is not intended to create or otherwise establish or designate any particular class or group who will or should be specially protected or benefited by its terms. The LDC provides for the implementation of the goals and policies of the Ellensburg comprehensive plan through the adoption, administration and enforcement of zoning maps, regulations, procedures, and programs.

The LDC shall not be construed to relieve from or lessen the responsibility of any person, owning any land or building, constructing or modifying any structure or subdivision in the city, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

15.110.030 Authority.

The LDC is enacted under the authority granted to the city of Ellensburg by the Constitution of the State of Washington, the Optional Municipal Code (RCW Title 35A), and other sections of the Revised Code of Washington.

15.110.040 Severability.

The provisions of the LDC are declared to be severable. If any provision of the LDC or any code or document adopted by reference herein is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining provisions of the LDC. If any provision of the LDC is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of the LDC to other properties, uses, buildings, or structures shall not be affected.

15.110.050 Scope.

- A. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered, demolished or enlarged unless in compliance with the provisions of the LDC, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the zone in which such building, land, or premises is located.
- B. Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and other applicable provisions of the LDC.
- C. Non-project development and land use actions, including but not limited to rezones, annexations, and the adoption of plans and programs, shall comply with applicable provisions of the LDC.
- D. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance herewith, may continue as provided in Chapter 15.240.

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.
- 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 Landmark 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-landmark 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.

15.110.070 Relationship to other codes.

The LDC is part of a comprehensive program of regulation related to land use and development within the city. The Ellensburg City Code (the "ECC") contains other regulations that relate, directly or indirectly, to land use and development, including but not limited to, hearing examiner (Chapter 1.70A), building and fire (Title 3), traffic (Title 8), utilities (Title 9), annexation (Title 10), and impact fees (Title 14). In order to understand all of the regulations that may relate to land use and development, readers are advised to consult both the LDC and the ECC.

15.110.090 Interpretation of terms.

- A. For the purposes of the LDC, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:
1. The word "shall" is always mandatory, while the word "should" is not mandatory, and "may" is permissive.
 2. Words in the present tense include the future, the singular includes the plural and the plural includes the singular.
 3. The word "and" indicates that all connected items or provisions apply.
 4. The word "or" indicates that the connected items or provisions may apply singularly or in any combination.
 5. The term "either/or" indicates that the connected items or provisions shall apply singularly but not in combination.
 6. Where terms are not specifically defined in ECC 15.130.060, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, latest edition, shall be considered in determining ordinarily accepted meanings.
- B. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards.

15.120 Comprehensive Plan

15.120.010 Comprehensive Plan.

The city of Ellensburg comprehensive plan, as amended in 2007 to comply with the Growth Management Act and as may subsequently be amended thereafter, was adopted pursuant to Ordinance 4474 (2007) and is incorporated herein by this reference. The regulations contained within the LDC are intended to be consistent with and implement this comprehensive plan.

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15.130 Definitions

The following definitions apply to the LDC unless specifically identified as applying to only a specific Chapter or section of the LDC.

NOTES:

1. ECC Chapter 15.270 *Environmental Procedures – State Environmental Policy Act (SEPA)* adopts by reference a number of definitions from the Washington State Administrative Code (WAC) for SEPA purposes. Where a conflict exists between a definition below and a definition adopted by reference from a WAC within ECC Chapter 15.270, the definition adopted by reference in Chapter 15.270 shall be applicable for purposes of ECC Chapter 15.270.
2. All ECC Article 6 *Critical Areas* definitions are set forth within Article 6. Where a conflict exists between a definition below and a definition within Article 6, the definition in Article 6 shall be applicable for purposes of Article 6.

15.130.010 A definitions.

Accent lighting. “Accent lighting” means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

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

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

Accessory use. “Accessory use” means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. See ECC 15.310.030 for special accessory use provisions.

Administrative decision. “Administrative decision” means any decision made by the decision-maker. This includes decisions on code interpretation related to permit applications, and decisions as to whether or not permit applications meet the standards for any project that requires a decision.

Adult family home. “Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.”

Affordable housing unit. “Affordable housing unit” means, for the purpose of ECC 15.330.020, housing reserved for occupancy by eligible households and affordable to households with annual incomes below eighty percent of the regional median income, adjusted for household size, and no more than thirty percent of the monthly household income is paid for monthly housing expenses. Housing expenses for ownership housing include mortgage, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowance.

Agriculture. “Agriculture” means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

Airport. “Airport” means, for the purpose of ECC Chapter 15.350, the Kittitas County Airport (Bowers Field).

Airport elevation. “Airport elevation” means, for the purpose of ECC Chapter 15.350, 1,766 feet above mean sea level.

Airport overlay zone. “Airport overlay zone”, as established in ECC Chapter 15.350 shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map “B,” “Safety Zones” and numbered Zones 1 through 6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulation (FAR), Part 77, as amended and depicted on Map “A,” “Part 77.”

Airport surface. “Airport surface” means, for the purpose of ECC Chapter 15.350, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface along the same slope as the approach zone height limitation slope set forth in ECC 15.350.030. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Alley. “Alley” means a thoroughfare which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting property in most cases.

Alter or alteration. “Alter” or “alteration”, for purposes of the LDC, means any construction or remodeling which modifies all or part of the the exterior appearance of a building, structure, or site, including but not limited to addition, removal, or replacement of architectural features; redesign of building components; change or substitution of existing materials; change of paint color; and site improvements. For purposes of ECC Chapter 15.240, *Nonconformance*, “alter” or “alteration” shall be as defined in ECC Chapter 15.240. For purposes of ECC Title 3, *Building and Fire*, “alter” or “alteration” shall be as defined in the International Building Code and International Residential Code.

Alteration, sign. “Alteration” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Appeal, closed record. A “closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing decision on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. The appeal may be granted or granted with modifications if the appellant proves that the decision of the decision making body is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. In the appeal consideration, substantial weight shall be accorded to the decision maker’s decision.

Appeal, open record. An “open record appeal” means an administrative appeal of a Type I or II decision that creates the City’s record through testimony and submission of evidence and information under procedures prescribed by the City by ordinance or resolution. An open record appeal hearing may be held only if there has been no open record pre-decision hearing held on the project permit application.

Applicant. “Applicant” means any person, firm or corporation, other entity or authorized representative undertaking an application for a development proposal, permit, or approval.

Approach, transitional, horizontal, and conical zones. “Approach, transitional, horizontal, and conical zones” are set forth and defined in ECC 15.350.030.

Arts Commission. “Arts Commission” means the City Arts Commission created in Chapter 1.33 ECC.

Average gross floor area. The gross floor area of a building divided by the number of floors.

Awning. “Awning” means a covering structure constructed of canvas, cloth, or other flexible material projecting horizontally from and attached to a building.

Approach, transitional, horizontal, and conical zones. “Approach, transitional, horizontal, and conical zones”, for the purpose of ECC Chapter 15.350, are set forth and defined in ECC 15.350.030.

Articulation. “Articulation” means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complimentary pattern or rhythm, dividing the large buildings into smaller indentifiable pieces.

15.130.020 B definitions.

Basement. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

Bed and breakfast. “Bed and breakfast” means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. See ECC 15.340.010 for applicable provisions.

Binding site plan. “Binding site plan” means an alternative method of land division authorized by RCW 58.17.035, for the sale or lease of commercial, mixed-use, or industrial properties, condominiums and manufactured home parks that is more flexible than traditional subdivision procedures. See ECC 15.260.120 for applicable provisions.

Block. “Block” means a group of lots, tracts or parcels bounded by streets, pedestrian access ways, and other private internal circulation routes that allow for public access. For the purpose of block design provisions development proposal, permit, or approval, blocks are bounded by streets, pedestrian access ways, and other private interval circulation routes that allow for public access.

Boarding houses, lodging houses, sororities, fraternities. “Boarding houses, lodging houses, sororities, fraternities” means an establishment with lodging for 5 or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

Boundary line adjustment. A division of land made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site. A boundary line adjustment may also include an extinguishment of an existing lot line resulting in the merger of 2 or more lots into a single lot of record. See ECC 15.260.050 for applicable provisions.

Brewpub. “Brewpub” means a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premise as an accessory use. Such an accessory use shall not occupy more than 30 percent of the gross floor area of the restaurant.

Building. “Building” means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

Building height. “Building height” means the vertical distance measured from the highest elevation of the proposed finished grade around the building to the highest point of the structure.

Building official. “Building official” means the city of Ellensburg Building Official or designee.

Built Green of Central Washington. “Built Green of Central Washington” is a residential green building rating program covering Kittitas, Yakima and Klickitat Counties and administered by the Central Washington Home Builders Association. Built Green currently certifies only single-family residential development using a menu of prescriptive measures based on the National Association of Home Builder’s (NAHB) National Green Building Standard. Projects earn between a 2 – 5 star rating based on the number of “points” achieved during the design and construction process. Only those projects seeking 4- and 5- star certification required verification by a third party. Link: www.builtgreencw.org

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

15.130.030 C definitions.

Cannabis. “Cannabis”, for the purpose of ECC Chapter 15.370, means all parts of the plant *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

Cannabis products. "Cannabis products", for the purpose of ECC Chapter 15.370, means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

Certificate of approval or COA. “Certificate of approval” or “COA” means the approval issued by the commission for alterations to a designated landmark, or to a property located within a landmark historic district, certifying the changes as having no adverse affect on the significant features of the property that contributed to its designation. See ECC 15.280.

Certified local government or CLG. “Certified local government” or “CLG” means a local government certified by the Washington State Historic Preservation Officer as having established its own historic preservation commission and a program meeting federal and state standards. See ECC 15.280.

City. “City” means the incorporated city of Ellensburg, county of Kittitas, state of Washington, and its appointed or elected officials.

City clerk. “City clerk” means the city clerk of Ellensburg or his/her designee.

Class of properties eligible to apply for special valuation in the city of Ellensburg. “Class of properties eligible to apply for special valuation in the city of Ellensburg” means only those properties listed on the Ellensburg landmarks register, or the National Register of Historic Places, 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. Also see ECC 15.280.

Closed record hearing. “Closed record hearing” means a final decision hearing by a local government body or officer, including the legislative body, following an open record hearing on a project permit application which results in a pre-decision recommendation being made by that government body or officer. The closed record hearing is based on the record developed in the pre-decision open record hearing, with no or limited new evidence or information allowed to be submitted and the final decision is issued based on that record.

Collective Garden. “Collective Garden”, for the purpose of ECC Chapter 15.370, means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions:

1. No more than ten qualifying patients may participate in a single collective garden at any time;
2. A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

3. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and
4. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

Community garden. "Community garden" means an open space with a series of garden plots that are used by residents of a development. It can also be a publicly accessible open space for use by residents of the neighborhood or City. The plots can be used to grow flowers, vegetables, herbs, or other plants. See ECC 15.520.030(E)(5) for community garden standards associated with multifamily developments.

Community residential facility (CRF). "Community residential facility" means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licensed under Chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

Comprehensive plan. "Comprehensive plan" means the long-range plan used as a guide for the physical, economic, and social development of Ellensburg, as adopted by the Ellensburg city council on March 19, 2007, including all subsequent amendments thereto, Ordinance No. 4474, 2007.

Conditional use. "Conditional use" means a use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. Such conditional uses may be permitted in such zoning districts, but only if specific provision for such conditional use is made in this title. See ECC 15.240.040 and ECC Article 3.

Conference center. "Conference center" means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.

Conical surface. "Conical surface" means, for the purpose of ECC Chapter 15.350, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to each one foot outward for a horizontal distance of 4,000 feet.

Cottage Housing. “Cottage housing” means a type of housing design established in ECC 15.540.050 that consists of small, detached dwelling units arranged in a cluster of four to 12 dwelling units around a common central open space at a density greater than the underlying zoning district. Such dwelling units may not exceed 1,200 total square feet in size and may be configured as condominiums or fee simple lots.

Council. “Council” means the duly constituted legislative authority of the city of Ellensburg.

Crime Prevention through Environmental Design (CPTED). “CPTED” means a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social and administrative environment.

Critical areas. “Critical areas” include the following areas and ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. See ECC Article 6.

Critical facilities. “Critical facilities” means facilities for which even a slight chance of flooding would represent a major risk. Critical facilities include, but are not limited to, schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use or store hazardous materials or hazardous waste of a type and in amounts deemed to be inappropriately located in a 100-year floodplain. See ECC Article 6.

Cultivation. “Cultivation”, for the purpose of ECC Chapter 15.370, means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

Cut-off angle. “Cut-off angle” (of a luminaire) means the angle measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

15.130.040 D definitions.

Day care. “Day care” means an establishment for group care of nonresident adults or children. Specifically:

1. Day care shall include child day care services, adult day care centers, and the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
 - b. Nursery schools for children under minimum age for education in public schools;
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
 - d. Programs covering after-school care for school children.
2. Day care establishments are subclassified as follows:
 - a. Day care I – a maximum of 12 adults or children in any 24-hour period; and
 - b. Day care II – over 12 adults or children in any 24-hour period.

Decision-maker. “Decision-maker” refers to the individual or official body identified in the LDC as having the responsibility to approve or deny project permit applications made to the city.

Dedications. “Dedications” means a deliberate appropriation of land by an owner in fee simple, for any general and public use.

Department. “Department” means the Ellensburg community development department.

Departure. “Departure” means an alternative way to meet specific design standards set forth in this title. See ECC 15.210.060 for general information and procedures associated with departures.

Designated care provider. “Designated care provider”, for the purpose of ECC Chapter 15.370, means a person who:

1. Is eighteen years of age or older;
2. Has been designated in a written document signed and dated by a qualifying patient to serve as a designated care provider under this ordinance and RCW 69.51A; and
3. Is in compliance with the terms and conditions set forth in RCW 69.51A.040. A qualifying patient may be the designated care provider for another qualifying patient and be in possession of both patients' cannabis at the same time.

Design review, minor project. “Design review, minor project” refers to the review process required for construction activity requiring a permit meeting the following criteria:

1. The construction of any new nonresidential building with a gross floor area of less than 15,000 square feet or more;
2. The construction of any new residential building which contains less than 10 dwelling units; or
3. Exterior modifications and building additions except:
 - a. Minor exterior modifications per ECC 15.250.030(B)(3);
 - b. Non-residential building additions that result in 15,000 square feet or more of floor area; and
 - c. Residential building additions that add 10 or more dwelling units; and
3. The development is not located on the Landmarks Register as established in ECC 15.280.080.

See ECC 15.250.030 for details on the design review process.

Design review, major project. “Design review, major project” refers to the review process required for construction activity requiring a permit meeting one or more of the following criteria:

1. The construction of any new nonresidential floor area with a gross floor area of 15,000 square feet or more (including new buildings or additions to existing buildings);
2. The construction of any new residential building or a residential building addition which contains 10 or more dwelling units; or
3. All construction activity requiring a building permit which will result in any new structure or alter the exterior appearance of an existing building on the Landmarks Register as established in ECC 15.300.080.

See ECC 15.250.030 for details on the design review process.

Development. “Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, grading, landfill, drainage, removal of vegetation, or disturbance of land or water; and use of land or water or the intensification or expansion of the use of land or water.

Development agreement. “Development agreement” means a contract between an applicant and the city defining their respective roles and responsibilities for final approval of a land development.

Development application. “Development application” means a written request completed by a developer, seeking City approval for a development.

Development approval. “Development approval” means any authorization issued by the city of Ellensburg which approves a development.

Director. “Director” means the city of Ellensburg community development director or his/her designee, unless otherwise specified.

Docket. “Docket” (noun) means the process for determining which proposed annual comprehensive plan amendments will be considered during the annual review process. See ECC 15.250.090.

Dual frontage properties. “Dual frontage properties” refers to properties that have street frontage on 2 opposite boundaries, one of which is the street address and primary access.

Dwelling, cottage. “Cottage” means a small single family dwelling that is clustered with other similar units surrounding a common open space. See ECC 15.540.050 for special cottage housing provisions.

Dwelling, duplex. “Duplex” refers to a building that is entirely surrounded by open space on the same lot and contains 2 dwelling units or two dwelling units that are physically separated but on the same lot. See ECC 15.540.030 for special duplex provisions.

Dwelling, live-work unit. “Live-work unit” means an individual dwelling unit that is used for residential and non-residential use types. The dwelling unit type may be any type that is permitted in the applicable zoning district. Permitted non-residential uses may be those that are permitted in the applicable zoning district.

Dwelling, multifamily. “Multifamily” refers to a building that contains 3 or more dwelling units.

Dwelling, townhouse. “Townhouse” refer to a row of 3 or more attached single family dwellings. Each unit has its own front and/or rear access to the outside. See ECC 15.540.060 for special townhouse provisions.

Dwelling, triplex. “Triplex” refers to a building that is entirely surrounded by open space on the same lot and contains 3 dwelling units or 3 dwelling units that are physically separated but on the same lot. See ECC 15.540.030 for special triplex provisions.

Dwelling, single-family. “Single-family dwelling” means a dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any. See ECC 15.540.020 for special single family dwelling provisions.

Dwelling unit. “Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel or hotel, which is separately defined.

15.130.050 E definitions.

Early notice. “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance is likely for the applicant’s proposal pursuant to WAC 197-11-350. See ECC 15.270.

Easement. “Easement” means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. This may include pedestrianways, bicycle paths, utility easements, drainage, open space, etc.

Elevation. “Elevation” means the height of an object in relation to mean sea level. When referred to in relation to architectural drawings, “elevation” means the architectural view of the front, side, or back surface of a structure to include doors, windows, and rooftop screening that is an extension of the façade, but excluding any roof area and rooftop equipment or structures.

Essential public facilities. “Essential public facilities” means those facilities identified in RCW 36.70A.200 that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. See ECC 15.250.100.

15.130.060 F definitions.

Family. “Family” means one or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or hotel.

Farmers’ markets. “Farmers’ market” means a public market at which farmers and other vendors sell agricultural products, crafts, and food and beverages.

Federal Aviation Administration (FAA). “Federal Aviation Administration” is the national aviation authority of the United States.

Fence. “Fence” means a barrier composed of posts or piers connected by boards, rails, panels, or wire, or a masonry wall designed for the purpose of enclosing space or separating parcels of land. “Fence” does not include retaining walls.

Fill or fill material. “Fill or fill material” means earth or other solid material that is brought onto a property for use in regrading the ground surface; stabilizing on-site soils for support of structures, pavement, and other property features; altering watercourses or wetlands; or other purposes where the material becomes a part of the property. Fill material does not include such things as topsoil, beauty bark, compost, sand, gravel, or crushed rock used as a landscaped surface treatment.

Final subdivision or plat. “Final subdivision or plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all requirements set forth in Chapter [58.17](#) RCW and in this title. See ECC Chapter 15.260.

Fish and wildlife habitat conservation areas. “Fish and wildlife habitat conservation areas” means areas which include the following: See ECC Article 6

1. Areas in which endangered, threatened, and sensitive species have a primary association.
2. All naturally occurring ponds and their submerged aquatic beds that provide fish or wildlife habitat.
3. Areas of local importance for those species which are present in the community.
4. All lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity.

Fixture. “Fixture” (also called a “luminaire”) means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Flood. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters. See ECC Article 6.

Flood insurance rate maps. “Flood insurance rate maps” means those maps which depict the various flood insurance rate zones of the 100-year floodplain which are determined by the Federal Emergency Management Agency. This term is interchangeable with “floodplain maps.” See ECC Article 6.

Floodplain. “Floodplain” means that area of land shown on the city’s flood insurance rate maps as being inundated by the waters of the 100-year flood. See ECC Article 6.

Floodway. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See ECC Article 6.

Floor area. “Floor area” means the sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of 7 feet or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on 2 sides, areas having ceiling height of less than 7 feet and basements used exclusively for storage or housing of mechanical or central heating equipment.

Floor area, gross (GFA). “Gross floor area” means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area includes basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment with structural head room, interior balconies, and mezzanines. For the purpose of determining off-street parking requirements, this definition excludes areas within the building used for parking and loading purposes.

Floor area ratio (FAR). “Floor area ratio” means dividing the floor area of all buildings on a lot by the area of that lot.

Foot candle. “Foot-candle” means a measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen/square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces a luminance of one-tenth foot-candle at a distance of about 25 feet.

Fossil fuel light. “Fossil fuel light” means any outdoor lighting fixture producing light directly by the combustion of natural gas or other fossil fuel.

Frontage. “Frontage” means either the front of the lot abutting a street or the front of a building (where the main entrance to the particular use is), depending on the context it is used in. Unless the context specifically refers to “building frontage”, the term frontage shall mean the front of the lot abutting the street. Where a lot is adjacent to multiple streets, then it has multiple frontages, for the purpose of the standards in this title unless otherwise noted.

Frequently flooded areas. “Frequently flooded areas” means lands within the floodplain subject to a one percent or greater chance of flooding in any given year. These lands shall be consistent with all designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program. These are designated on the FEMA flood insurance rate map set by the Federal Insurance Administration as being inundated by the waters of the 100-year flood. See ECC Article 6.

Fruit stand. “Fruit stand” means a building, structure, or land area used for the sale of fresh fruit or vegetables grown on-site.

15.130.070 G definitions.

Garage, private. “Private garage” means an accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on. (See also ECC 15.320.060, Accessory building.)

Gated community. “Gated community” means a development that is surrounded by a fence and featuring controlled access at the entry or entries. See ECC 15.420.030 for related provisions.

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

Geologically hazardous areas. “Geologically hazardous areas” means areas reasonably subject to significant hazards because of their susceptibility to erosion, sliding, earthquake or other geological events and as such are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. The intent is to classify and designate areas on which development should be prohibited, restricted or otherwise controlled because of danger from geological hazards. Those areas in the city designated as having slopes which exceed 40 percent are designated as geologically hazardous areas and subject to the requirements of ECC Article 6 - Critical Areas District.

Glare. “Glare” means light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.

Grade. “Grade” means the elevation of the ground surface. “Existing grade,” and “finish grade” are defined as follows:

1. “Existing grade” means the grade before grading; and
2. “Finished grade” means the final grade of the site that conforms to an approved plan.

Green roof. “Green roof” is an area of living vegetation installed on top of buildings that can help mitigate stormwater runoff, increase thermal and acoustical properties within the building, and provide habitat for wildlife.

15.130.080 H definitions.

Hazardous waste. “Hazardous waste,” for the purpose of this title, means and includes all dangerous and extremely hazardous wastes designated in WAC [173-303-040](#), [173-303-070](#) through [173-303-103](#), and RCW [70.105.010](#).

Hazard to air navigation. “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hearing, open-record. “Open record hearing” means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information, under procedures prescribed by ordinance or resolution. An open record hearing may be held prior to the decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal,” (see definition for “appeal, open record”) but only if no open record predecision hearing has been held on the project permit.

Heavy industry. “Heavy industry” means construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes, but is not limited to food processing, wrecking yards, breweries, building material manufacturing, chemical plants, concrete and asphalt plants, freight facilities, and livestock feeding lots.

Heavy retail and service. “Heavy retail and service” includes retail and/or service activities that may have exterior service or storage areas. This use category includes, but is not limited to contractors, agricultural supplies, building materials, manufactured homes, heating fuels, truck stops, outdoor display/sales, and warehousing in buildings no larger than 50,000 gross square feet in area.

Height. “Height,” for the purpose of determining the height limits in all airport overlay zones set forth in Chapter 15.350 and shown on the airport overlay zone (A-O) Map “A,” the datum shall be mean sea level elevation unless otherwise specified.

For the purpose of building height, see the definition of “building height” set forth in ECC 15.130.020.

Historic resource inventory or inventory. “Historic resource inventory” or “inventory” means the comprehensive inventory of historic properties within the boundaries of the city. See ECC 15.280.

Home occupation. “Home occupation” means any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling, or building accessory to a dwelling. See ECC 15.340.020 for applicable standards.

Homeowners association. “Homeowners association” means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association’s jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. “Homeowners’ association does not mean an association created under chapter 64.32 or 64.34 RCW. See ECC 15.290.020 for provisions associated with maintenance and control of common areas, parking areas, open spaces, access areas, buffer areas, and any and all other common aspects of a development project.

Horizontal surface. “Horizontal surface” means, for the purpose of ECC Chapter 15.350, a horizontal plane 150 feet above the established airport elevation.

Hospital. “Hospital” means an institution and associated clinics and facilities receiving in-patients and out-patients and rendering medical, surgical and/or obstetrical care.

Hotel. “Hotel” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, lodging, sorority or fraternity house.

15.130.090 I definitions.

Impervious surface. “Impervious surface” means any hard surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking areas, graveled areas, sidewalks, and paved recreation areas.

Improvement. “Improvement” means any building, structure, or object constituting a physical improvement of real property.

Incentives. “Incentives” are such compensation, rights, privileges, or combinations thereof which the Ellensburg city council or other county, state, or federal public agencies, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of designated landmarks, landmark sites, or landmark districts. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezones, street vacations, transfers of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or the like. See ECC 15.280.

Indoors. “Indoors”, for purpose of ECC Chapter 15.370, means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City of Ellensburg, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be

broken through, such as 2 inches by 4 inches or thicker studs overlain with 3/8 inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

Installed. “Installed” means the initial installation of outdoor light fixtures, as defined herein, made subsequent to the enactment of the ordinance codified in this chapter and shall not pertain or apply to those outdoor light fixtures existing at the time of enactment of the ordinance codified in this chapter, or to the maintenance or replacement of existing fixtures with like or similar fixtures.

Interim recycling facility. “Interim recycling facility” means a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

1. Drop boxes;
2. Source-separated, organic waste processing facilities; and
3. Collection, separation and shipment of glass, metal, paper or other recyclables.

15.130.100 J definitions.

15.130.110 K definitions.

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

15.130.120 L definitions.

Lamp. “Lamp” means the light-producing source installed in the socket portion of a luminaire.

Landmark. “Landmark” means any historic property and the improvement(s) thereon designated as a landmark pursuant to ECC Chapter 15.280.

Landmark district. “Landmark district” means a contiguous geographic area of multiple properties and/or improvements thereon designated as a landmark district pursuant to ECC Chapter 15.280.

Landmark site. “Landmark site” means a property, with or without improvements or above-ground features, designated as a landmark site pursuant to ECC Chapter 15.280.

Landmarks and Design Commission. “Landmarks and Design Commission” means the commission created in ECC 15.280.030.

Landmarks register, or register. “Landmarks register,” or “register” means the local listing of historic properties designated as landmarks, landmark sites, or landmark districts pursuant to criteria set forth in ECC 15.280.080.

Larger than utility runway. “Larger than utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

Leadership in Energy and Environmental Design (LEED). “LEED” is a green building certification system used throughout North America and internationally. Administered by the U.S. Green Building Council (USGBC), various LEED rating systems apply to residential, commercial and institutional buildings. Each rating system consists of a checklist of prescriptive and performance-based measures and certification is earned based on the number of “points” a project achieves during the design and construction process. Certification is administered through the Green Building Certification Institute. Link: www.usgbc.org

Legal parcel. “Legal parcel”, for the purpose of ECC Chapter 15.370, means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, which for purposes of this ordinance shall also include parcels organized as a condominium, such legal parcels shall be counted as a single parcel.

Light industry. “Light industry” refers to a category of uses that accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This use category includes, but is not limited to contractors, call centers, textiles, wood products, printing, pharmaceuticals, machinery manufacturing, research and development, regional distribution, and crematories.

Light pollution. “Light pollution” means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

Light trespass. “Light trespass” means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (luminance) that exceeds one-half foot-candle at the property line.

Living Building Challenge. “Living Building Challenge” is certification program administered by the International Living Future Institute. It addresses both residential and commercial buildings and developments and is comprised of a list of 20 performance-based imperatives, or mandatory requirements necessary to achieve certification. A Living Building must be completed and occupied for a minimum of 12-months prior to certification, which is based on actual rather than predicted performance. Link: www.ilbi.org

Long Plat. “Long plat” or “subdivision plat” means the map or representation of a subdivision of land into 10 or more lots, tracts or parcels, both in preliminary and final form, containing all of the pertinent information as required by this title. See ECC Chapter 15.260.

Lot. For purposes of this title, a “lot” is a parcel of land ~~of~~ and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination of parcels of land shall any residual lot or parcel be created which does not meet the requirements of this title.

For the purpose of subdivision regulations set forth in Chapter 15.260, a “lot” is a fractional part of subdivided land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

Lot line. “Lot line” means a line bounding a lot; synonymous with “street line” when a lot line coincides with a right-of-way line of an abutting street.

1. “Front lot line” means, for interior lots, the lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on 2 streets, designation of the front lot line shall be made by the director based on the context of the site and addressing needs for fire, life, and safety.
2. “Rear lot line” means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.
3. “Side lot line” means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an “exterior side lot line”; all other side lot lines are termed “interior side lot lines.”

Lot types – Corner, interior, through. The following illustrates terminology used in this title with reference to lot types:

1. “Corner lot” means a lot located at the intersection of 2 or more streets.
2. “Interior lot” means a lot other than a corner lot with frontage only on one street other than an alley.
3. “Through lot” means a lot other than a corner lot with frontage on more than one street other than an alley and may also be referred to as a “double frontage lot.”

Luminaire. See definition for “fixture.”

15.130.130 M definitions.

Maintenance and repair in-kind. “Maintenance and repair in-kind” means work whose purpose and effect is to prevent or correct deterioration or damage to real property and the improvements thereon, using like materials, and returning the property to the condition and appearance that existed prior to the deterioration or damage.

Manufactured home, designated. “Manufactured home, designated” means a single family dwelling constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance, and meeting the specific design criteria set forth in ECC 15.340.030. Designated manufactured homes are allowed as single family dwellings in all zones that permit single family dwellings.

Manufactured home, new. “Manufactured home, new” means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). New manufactured homes are allowed in manufactured home parks pursuant to the requirements in ECC 15.340.040.

Manufactured home lot. “Manufactured home lot” means a portion of a manufactured home park used or intended to be used for the parking of one manufactured home, including the land covered by the manufactured home, adjacent open spaces, and attached or detached accessory buildings and structures. See ECC 15.340.040 for manufactured home park provisions.

Manufactured home park. “Manufactured home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by 2 or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. See ECC 15.340.040 for manufactured home park provisions.

Marquee. “Marquee” means an immobile covering structure projecting horizontally from and attached to a building and constructed of material other than cloth, canvas or other fabrics.

Median income. “Median income” means, for the purpose of ECC 15.330.020, the median income for the Ellensburg Micropolitan Statistical Area as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Ellensburg Micropolitan Statistical Area or Kittitas County, the city may use any other method for determining the Kittitas County median income, adjusted for household size.

Medical (or medicinal) use of cannabis. "Medical (or medicinal) use of cannabis" means, for purpose of ECC Chapter 15.370, the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

Miniwarehouse. "Miniwarehouse" means an enclosed single story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. Ministorage is synonymous with miniwarehouse.

Mixed-use building. "Mixed-use building" refers to a building that includes both residential and non-residential uses and/or business or professional office uses with other non-residential uses. Such uses may be mixed vertically or horizontally in one building. Examples include a restaurant with apartments and/or professional offices upstairs or professional offices on one end of the building with retail and/or residential uses on another end.

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

Moderate income household. "Moderate income household" means, for the purpose of ECC 15.330.020, a household whose gross income of all permanent household members over the age of 18 is equal to or less than 80 percent of the Kittitas County Median Income, adjusted for household size.

Modulation. "Modulation" means a measured and proportional inflection on a building's face. Together, articulation and modulation and their interval create a sense of building scale.

Motel. See definition for "Hotel" in ECC 15.130.080.

15.130.140 N definitions.

National Register of Historic Places. “National Register of Historic Places” means the national listing of properties significant to the cultural heritage of the country. See ECC 15.280.

Net project area. “Net project area” means all of the land area included within a development project excluding land dedicated for public streets, parks, stormwater facilities, critical areas, or other required areas.

Nonconformance (nonconformity). “Nonconformance” or a “nonconformity” or a “nonconforming” means any lawfully established use, lot, improvement or structure that no longer conforms to the current development standards of the LDC due to changes in the LDC or its application to the subject property. See ECC 15.240.

Nonconforming uses, lots and structures are further classified as either:

“Benign nonconformance”: A nonconformance that does not have a negative impact on the health and safety of the public but may have an impact on public welfare. Examples may include lots with inadequate landscaping, number of parking spaces, or minimal deviation from dimensional standards; or structures that are within a required yard setback, or are taller than allowed by the zoning district; or a use such as an existing multi-family development in a single family zoning district. Such uses fail to meet current zoning or development standards but the nonconformity has been in existence and is not significant or demonstrably harmful to the health and safety of the public, and there is little or no need to limit the development from expansion, redevelopment, or other activities provided such expansion or redevelopment does not negatively increase the existing impact on public health, safety or welfare

“Detrimental nonconformance”: A nonconformity that has a negative impact on the health, safety and welfare of the public. Examples include uses involving hazardous materials, such as gasoline, in single family neighborhoods, uses that produce significant noise, such as body shops or paint shops, uses that have been deemed incompatible in certain locations, such as adult entertainment establishments near schools, or uses that have large trip generation characteristics such as drive through restaurants. Detrimental nonconformities clearly have the potential for harm and should be subject to limitations leading to their eventual removal or modification into compliance with current standards.

Nonconforming lot. “Nonconforming lot” means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the LDC but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonprecision instrument runway. “Nonprecision instrument runway” means, for the purpose of ECC Chapter 15.350, a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Nursery and greenhouses (commercial). “Nursery and greenhouses” means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor plantings conducted within or without an enclosed building.

Nursing home. “Nursing home” means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for 3 or more patients or residents not related by blood or marriage to the licensee.

15.130.150 O definitions.

Obstruction. “Obstruction” means, for purposes of ECC Chapter 15.350, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in ECC Chapter 15.350.

Occupancy. “Occupancy” means the purpose for which a building is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include change of tenants or proprietors, but intended to indicate a change in the type of use.

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

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

Off-site. “Off-site” means separate and/or geographically separated noncontiguous property located within the city of Ellensburg corporate boundaries. Off-site hazardous waste treatment and storage facilities treat and store hazardous wastes generated from separate property locations within the city of Ellensburg.

One-hundred-year (100-year) flood. “One-hundred-year (100-year) flood” means a type of flood which can be expected to occur at any time in a given year based upon recorded historical precipitation and other valid data, but with an average statistical one percent chance of being equaled or exceeded during any one year. This term is interchangeable with a “one percent” or “intermediate regional flood” or “base flood.” See ECC Article 6.

On-site. “On-site” means the same, geographically contiguous, or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property.

Open space. “Open space” means any area which is preserved and/or improved to serve as active or passive recreational areas or for resource protection in an essentially undeveloped state. Applicable provisions are set forth in ECC 15.420.040 (standards for parks and open spaces integrated into subdivisions), and ECC 15.520.030 (open space standards for non-residential and multifamily uses). Also, ECC Chapter 15.540 includes open space standards for particular housing types.

Outdoors. “Outdoors” means, for purposes of ECC Chapter 15.370, any location that is not “indoors” within a fully enclosed and secure structure as defined herein.

Outdoor lighting fixture. “Outdoor lighting fixture” means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

Owner occupancy. “Owner occupancy or owner occupied” means occupancy by a property owner, as reflected in property title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than nine months out of any given year.

Owner of property. “Owner of property” means the fee simple owner of record as exists in the Kittitas County assessor’s records.

Outlet center. “Outlet center” means a shopping center which does not contain an anchor retail store and which at least 51 percent of the retail tenants are manufacturer outlet retailers offering manufacturer-branded goods. The minimum size of an outlet center shall be 150,000 gross square feet and the maximum size of any single retail tenant shall not exceed 15,000 gross square feet of floor area.

15.130.160 P definitions.

Park. “Park” means those areas of land under public ownership devoted to passive and active recreation activities and facilities. Such activities include open spaces, playgrounds, athletic fields, athletic or recreation structures.

Parking space, off-street. “Off-street parking space” means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in ECC Chapter 15.550 and Section 6 (parking standards), public works development standards **(ADD LINK)**.

Pedestrian accessway. “Pedestrian accessway” refers to a publicly accessible walkway or trail that provides a mid-block connection between streets. See ECC 15.420.020(A)(4) for applicable standards.

Pedestrian-oriented space. “Pedestrian-oriented space” is defined in ECC 15.520.030(C).

Permeable pavement. “Permeable pavement” is a paving system which allows rainfall to percolate through it into the underlying soil or an aggregate reservoir. Examples include porous asphalt, porous concrete, interlocking concrete pavers, and open cell paving grids.

Permit, project permit, or project permit application. “Permit”, “project permit”, or “project permit application” means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Person. “Person” means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized. “Person” includes a trustee, a receiver, an assignee, or a similar representative.

Personal services. “Personal services” means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths.

Personally identifiable information. “Personally identifiable information”, for the purpose of ECC Chapter 15.37, means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

Places of assembly. “Places of assembly” means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Planning Commission. “Planning Commission” means the Ellensburg Planning Commission created by Chapter 1.14 ECC.

Plant. "Plant" means, for the purpose of ECC Chapter 15.370, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

Precision instrument approach. “Precision instrument approach” is, for the purpose of ECC Chapter 15.350, designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.

Precision instrument runway 29. “Precision instrument runway 29” is, for the purpose of ECC Chapter 15.350, a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

Preliminary subdivision or plat. “Preliminary subdivision or plat” means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. See ECC Chapter 15.260.

Preservation planner. “Preservation planner” means, for the purposes of ECC Chapter 15.280, the department of community development employee or consultant assigned to staff the Ellensburg landmarks and design commission and administer the historic preservation program.

Primary surface. “Primary surface” means, for the purpose of Airport Overlay Zone regulations set forth in ECC Chapter 15.350, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Premises. “Premises” means a specified lot or tract of land under single ownership.

Process. "Process" means, for the purpose of ECC Chapter 15.370, to handle or process cannabis in preparation for medical use.

Produce. "Produce" means, for the purpose of ECC Chapter 15.370, to plant, grow, or harvest cannabis for medical use.

Public agency or utility office. “Public agency or utility office” means a building or portion thereof used primarily for administration purposes by a public agency or utility.

Public meeting. “Public meeting” means an informal meeting of people to obtain comments from a city commission, committee, or public agency and members of the public prior to a decision on a project permit application.

Public place. “Public place” includes, for the purpose of ECC Chapter 15.370, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Public transportation.

1. “Public transportation” means the conveyance of passengers and/or freight by buses, trains, airplanes or taxis for a fare.
2. “Passenger terminals” means the facilities used as transfer areas, ticketing agencies and administrative offices for “public transportation,” excluding taxi stands or bus stops along prescribed bus routes.
3. “Deadhead stations” means the facilities used for the storage and mechanical maintenance of vehicles engaged in “public transportation.”

Public use. “Public use” means any use of land by the public or a local, state or federal government agency.

Public utility. “Public utility” means any use of land by a local, state, or federal agency, or by any person, firm or corporation licensed or franchised by such a government agency involving the transportation or transmission of materials, signals or electrical energy by vehicle or through conduit, wire, pipe or other similar device. Typical examples of this would include water, gas and sewer mains, television or telephone lines, and refuse collection. For the purpose of this title, such uses located or to be located on the properties they are to serve shall not be included in this definition.

Public works development standards. “Public works development standards” means those standards **(ADD LINK)** filed by the director of public works with the Ellensburg city clerk, as

approved and adopted by reference in ECC 4.04.020, including any amendments thereto made in accordance with ECC 4.04.040.

15.130.170 Q definitions.

Qualifying patient. "Qualifying patient" means, for the purpose of ECC Chapter 15.370, a person who:

1. Is a patient of a health care professional;
2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
3. Is a resident of the state of Washington at the time of such diagnosis;
4. Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;
5. Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and
6. Is otherwise in compliance with the terms and conditions established in chapter RCW 69.51A.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

Quasi-judicial decision. "Quasi-judicial" means the action taken and discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions. The review process Types III and IV as defined in ECC 15.210.030 are examples of quasi-judicial decisions.

15.130.180 R definitions.

Regional retail commercial. "Regional retail commercial" means any use which involves the display and sale of retail consumer goods and also includes personal, professional, household services, and general grocery sales. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of commercial uses; provided, that at least 50,000 square feet must be constructed for and used by one retailer. As used in this LDC, "regional retail commercial" uses are subject to special location and design provisions (see ECC 15.250.070 and Chapter 15.590). "Regional retail commercial" development may also include other uses provided they are permitted in the relevant zone in which such development is located.

Recreational vehicle. “Recreational vehicle” is a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

1. Travel trailer;
2. Folding camping trailer;
3. Park trailer;
4. Truck camper;
5. Motor home; and
6. Multi-use vehicle.

Recreational vehicle park. “Recreational vehicle park” means a lot, parcel or tract of land, or a portion of a manufactured home park, having as its principal use the rental of space for temporary, short-term, transient occupancy by 2 or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto. See ECC 15.340.050 for applicable standards.

Recreation – indoor commercial. “Recreation – indoor commercial” means a commercial recreation land use conducted entirely within a building, including, but not limited athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

Recreation – outdoor commercial. “Recreation – outdoor commercial” means a commercial recreation land use conducted primarily outdoors, including, but not limited to water parks, amusement parks, and miniature golf courses.

Residential care facilities. “Residential care facilities” means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licenses under RCW Chapter 70.128. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

Residential treatment facility. “Residential treatment facility” means, for the purposes of ECC 15.370, a facility providing for treatment of drug and alcohol dependency.

Retail. “Retail” means any use which involves the display and sale of retail consumer goods.

Reverse frontage lot. “Reverse frontage lot” is a double frontage lot for which the boundary along one of the streets is established as the rear lot line.

Reviewing authority. “Reviewing authority” refers to the individual or official body identified as having the responsibility to review and approve or deny permit applications described in this title. Also see “Decision-maker” in ECC 15.130.040.

Right-of-way. “Right-of-way” means a general term denoting land, property or interest therein which is meant for public use, usually for transportation purposes. Rights-of-way are distinguished from easements in that they are separate and distinct from the lots adjoining such rights-of-way and are not included in any private ownership.

Runway. “Runway” means, for purposes of ECC Chapter 15.350, a defined area on an airport prepared for landing and takeoff of aircraft along its length.

15.130.190 S definitions.

School. “School” means, for the purposes of ECC Chapter 15.370, an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school.

Senior housing. “Senior housing” means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens (over 62 years old). For the purpose of permitted uses in ECC 15.310.040, senior housing is a type of multifamily dwelling, unless it also meets the definition of senior citizen assisted housing, set forth in ECC 15.130.190(B) below.

Senior citizen assisted housing. “Senior citizen assisted housing” means housing in a building consisting of 2 or more dwelling units restricted to occupancy by at least one occupant 62 years of age or older per unit, and must include at least 2 of the following support services:

1. Common dining facilities or food preparation service;
2. Group activity areas separate from dining facilities;
3. A vehicle exclusively dedicated to providing transportation services to housing occupants;
4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

SEPA rules. “SEPA rules” means Chapter 197-11 WAC, as now existing or hereafter amended by the Department of Ecology. See ECC 15.270.

Shielding. “Shielding” means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

Short plat. “Short plat” or “short subdivision plat” means the map or representation of a short subdivision, both in preliminary and final short subdivision plat form, containing all of the pertinent information as required by this title. See ECC Chapter 15.260.

Short subdivision. “Short subdivision” means the division of land into 9 or fewer lots, tracts or parcels. See ECC Chapter 15.260.

Significant feature. “Significant feature” means, for purposes of ECC Chapter 15.280, any physical characteristic of a landmark, landmark site, or landmark district which the commission has stipulated in the designation as important to the historic value of the property, and for which a certificate of approval is required prior to alteration.

Site development permit. “Site development permit” means a permit, issued by the city, to develop, redevelop or partially develop a site exclusive of any required building or land use permit. A site development permit may include one or more of the following activities: paving, grading, clearing, filling, tree removal, on-site utility installation, stormwater facilities, walkways, striping, wheelstops or curbing for parking and circulation, landscaping, or restoration. See ECC 15.250.020 for applicable standards.

Small Wind Energy System (SWES). "Small Wind Energy System" means, for purposes of ECC 15.340.060, a wind energy conversion system with a rated output up to and including 20 kW in residential zones and up to and including 100kW in commercial, industrial and public reserve zones and consisting of: wind turbine, tower, base and associated control or conversion electronics, as well as all anchors, guy cables and hardware.

Special valuation for improvements to historic property or special valuation. “Special valuation for improvements to historic property” or “special valuation” means, for purposes of ECC Chapter 15.280, the local option program established under the authority of Chapter 84.26 RCW which, once implemented, makes available to property owners a special tax valuation for rehabilitation of historic properties, under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to 10 years, the actual cost of the rehabilitation.

Start of construction. “Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date or the conclusion of any extension that may have been granted. See ECC Title 3. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storefront. “Storefront” means a building located adjacent to the sidewalk and featuring non-residential uses on the ground floor, an entry facing the sidewalk, and transparent window area along at least 70 percent of the ground floor façade between 30 inches and 8 feet above grade.

Street. “Street” means a thoroughfare including an alley which has been dedicated to the public and designated for public use as a street.

Strip commercial development. “Strip commercial development” means commercial development in a linear form along any public street. Characteristics of strip commercial development are:

1. Primary access is from one street.
2. Lot(s) are less than 300 feet deep.
3. There is little or no commercial development on the street to the rear of the lot(s).
4. Uncoordinated development of separate lots.

Structure. “Structure” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. It shall also include but not be limited to buildings, manufactured homes, walls, fences, billboards and poster panels; provided. For the purposes of the floodplain district provisions only, as set forth in ECC Article 6, the term “structure” shall be limited to mean a walled and roofed building including a gas or liquid storage tank that is principally aboveground. For the purposes of Airport Overlay Zone regulations set forth in ECC Chapter 15.350, “structure” means an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Structural alteration. “Structural alteration” means any change, addition, or modification in the supporting members of a building or structure such as bearing walls, columns, beams or girders, floor joists or roof joists.

Studio apartment. “Studio apartment” means a dwelling unit no larger than 500 square feet with one habitable room together with a kitchen or kitchenette and bathroom facilities.

Subdivision. “Subdivision” means the division of land as governed by Washington State in Chapter 58.17 RCW and by Chapter 15.260 of the LDC and other applicable sections of the LDC.

Substantial improvement. “Substantial improvement” means any repair, reconstruction, alteration or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the alteration takes place or, if the structure is damaged, before the damage occurred.

Supplemental directional sign. “Supplemental directional sign” is a sign that is required under the Washington State Department of Transportation “Motorist Information Sign Program” to provide supplemental direction to assist interstate travelers to locate businesses advertised on interstate information signs through the state program. Such signs shall be no more than 24 inches by 12 inches in size, shall be of similar color and design as required under the state

program for motorist information signs, and may be located at off-premises locations within the city.

15.130.200 T definitions.

Temporary use. “Temporary use” means a use which will operate for less than 60 days. See ECC 15.250.010 for details.

Terminal or debilitating medical condition. "Terminal or debilitating medical condition" means, for the purposes of ECC Chapter 15.370:

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
2. Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or
3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7. Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

THC concentration. "THC concentration" means, for the purposes of ECC Chapter 15.370, percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

Theater. “Theater” means a place of public assembly intended and expressly designed for the presentation of motion pictures, other than an adult theater.

Tower height. "Tower height" means, for the purposes of ECC Chapter 15.350, the distance measured from the finished grade to the highest point of the structure.

Transitional surfaces. “Transitional surfaces,” for the purposes of ECC Chapter 15.350, extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each one foot vertically from the sides of the conical surfaces.

Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Transportation demand management (TDM). “TDM” means a broad range of strategies that reduce or shift use of the roadway, thereby increasing the efficiency and life of the overall transportation system. TDM programs influence travel behavior by using strategies that accommodate more person-trips in fewer vehicles, shift the location or time of day at which trips are made, or reduce the need for vehicle trips.

Treatment. “Treatment” means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amendable for energy or material resource recover, amendable for storage, or reduced in volume.

Tree. “Tree” means, for the purpose of airport overlay zone regulations set forth in ECC Chapter 15.350, any object of natural growth.

15.130.210 U definitions.

Usable floor area. “Usable floor area” is a term used in computing parking requirements, meaning the aggregate area of a building enclosed by the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed with a building, the area for sales, display, or service shall be measured to determine equivalent usable floor area.

Useable cannabis. "Useable cannabis" means,, for the purposes of ECC Chapter 15.370, dried flowers of the *Cannabis* plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

Utility facility. “Utility facility” means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. For commercial wireless communication support towers, antenna arrays, and facilities, see ECC 15.340.070 for applicable standards and procedures.

Utility runway. “Utility runway” means, for the purposes of ECC Chapter 15.350, a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

15.130.220 V definitions.

Valid documentation. “Valid documentation” means, for purposes of ECC Chapter 15.370:

1. A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;
2. Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and
3. In the case of a designated care provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.

Variance. A “variance” is an authorized relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts. See ECC 15.250.050.

Vehicle. “Vehicle” means any contrivance in or on which persons or things may be contained, carried or conveyed, whether in motion or standing, and includes mobile homes or recreational vehicles as defined in this title, whether or not fixed or fitted with wheels or runners. (See ECC 15.130.020, Building.)

Visual runway. “Visual runway” means, for the purposes of ECC Chapter 15.350, a runway intended solely for the operation of aircraft using visual approach procedures.

15.130.230 W definitions.

Washington Heritage Register. “Washington Heritage Register” means the state listing of properties significant to the cultural heritage of the state. See ECC 15.280.

Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties or State Advisory’s Council’s Standards. “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by the Ellensburg landmarks and design commission as minimum requirements for determining whether an historic property is eligible for special valuation, and whether or not the property continues to be eligible for special valuation once it has been so classified. See ECC Chapter 15.280.

Wetlands. “Wetlands” means, for purposes of ECC Article 6, areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted. The Washington State Wetlands Rating System, published by the Washington State Department of Ecology in October, 1991 (Publication No. 91-58), shall be used to identify and determine the relative functions, critical status, unique status, and sensitivity of a wetland. See ECC Article 6.

Wind turbine. “Wind Turbine” means, for purposes of ECC 15.340.060, the parts of the wind system including the blades, generator and tail.

Wireless communication antenna array. “Wireless communication antenna array” means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electronic energy, which may include omnidirectional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

Wireless communication facility. “Wireless communication facility” means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

Wireless communication support tower. “Wireless communication support tower” means a structure designed specifically to support a wireless communication antenna array, and may include a guy wire support tower, monopole, lattice tower and other similar structures.

15.130.240 X definitions.

15.130.250 Y definitions.

Yard. “Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward; provided, however, that fences, walls, covered building entries, and limited building projections may be permitted in any yard subject to limitations as indicated herein (see ECC 15.320.080).

Yard, front. “Front yard” means a yard extending between side lot lines across the front of a lot and abutting the front property line.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

Yard, rear. “Rear yard” means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

Yard, side. “Side yard” means a yard extending from the rear line of required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to an interior lot.

Widths of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

15.130.260 Z definitions.

Zero lot line development. “Zero lot line development” means a development in which the configuration of the structure and open space on a single family lot of record results in single family residences, which share a common street frontage, to shift the structure to one side of the lot, thereby reducing or eliminating the structure’s setback on that side of the lot. See ECC 15.540.020.