

Beverly Heckart – Planning Commission

CODE REVISION CONCERNS

I.

In certain sections, particularly proposed Article 5, too much reliance is placed either on the Director of Community Development or on the "city" for allowing "departures" in applying design or other regulations. This kind of language and discretion opens the door to allowing developers and others not to follow regulations when they deem them to be "unnecessary hardships" or some other problem in following the rules. Many of the permitted departures are not minor.

It is not a good idea to write permission for departures or for Director discretion into the code, at least not to the extent that this first draft envisions. Such will simply create grey areas right at the very beginning and invite law suits or inertia.. The existence of these grey areas will also not work well if the city council elects to employ a hearing examiner to judge the permissibility of building applications. To avoid confusion, eliminate this language.

The offending sections are as follows:

15.24.050 D 1

15.11.060

15.41.020 B 2

15.51.050 C

15.51.050 H

15.51.060 C 4

15.51.060 D

15.51.080 E

15.51.080 G

15.51.090 E

15.51.090 G

15.51.120 A 1 & 2

15.51.120 B

15.52.050 B 3

15.53.030 B 6. In this section, one could substitute the Landmarks and Design Review Commission for the Director and give that commission more authority to make determinations.

15.53.030 C 9

15.53.030 D

15.53.030 G

15.53.040 C

15.53.040 D

15.53.050 C 2

15.53.050 D 1

15.54.050.H 4

Section 15.51.130 is a general section governing departures. Particularly problematic is Part C of that section, but others are as well. If one wants to provide some flexibility, then I suggest that there simply be an exceptions section that allows for appeal to the city council. But I favor eliminating all language in the specific sections referring to departures. The Planning Commission, at its last meeting, was also wary of allowing too many "departures" from regulations and wanted to wait until a departures section was written. Unfortunately, both we and Lance had forgotten that it already exists.

Also see 15.51.130 E. I don't know what the 2008 design regulations contain, but it would be a good idea to compare those with the regulations in this draft code before writing in a section like this.

II.

Related to this problem is some language already proposed for the function of the hearing examiner.

In Section 15.11.060 B, why would the city want to rely on a hearing examiner in legislative matters? The role of the examiner, as I envision it, is to implement legislation, not to make it. If, in the course of performing his/her functions, the hearing examiner thinks a recommendation is in order, he/she is free to do so, as is any city staff member or citizen. Limit the role of the hearing examiner to quasi-judicial matters.

III.

A very problematical area is the proposed Article 3 of the proposed Code which governs permitted uses. The charts that refer to permitted uses should be very carefully reviewed by members of the Planning Commission and City Council because changes have been inserted that might not be in the long-term interests of the city.

I am particularly sensitive to changes suggested for the T-C zone. The stated purpose of the T-C zone is to service tourists, not to act as a catch-all for a wide variety of commercial activities. The reason for limiting the function of the T-C zone is not just to protect the downtown, it is to assure that the city maintains a central core that serves all the citizenry and provides an anchor for civic life: economic, social, cultural.

It's bad enough that offices and museums are allowed in the T-C zone. People visiting offices are not tourists. People visiting museums might be, but citizens do so as well, and we want to encourage visitors to enter the center city, not to remain at the periphery.

Thus, it is not appropriate to locate playgrounds and day care facilities in the T-C zone, as is being suggested in this initial draft of the Code. I suggest that additional functions not be added to the C-T or the C-H zones at this time. The functions of the two zones are bones of contention, and they ought not to be changed by sleight of hand as seems to be happening. In my estimation, there needs to be a more weighty discussion devoted to the functions of these two zones, as well as the CC II and, perhaps, the C-N zones, and this is not the time to do so.

As a footnote, this proposed draft suggests allowing recreational vehicles everywhere, yet current code severely limits their use, and wisely so. Yet there is no reference to the limits on the use of recreational vehicles in the charts provided in Article 3.

Nancy Lillquist – City Council

Bearing in mind I may change my opinion entirely as the discussion continues, I wanted to offer some initial comments on the draft LDCU. Generally, I like the look and direction of the draft.

15.11.020 I believe the City provides a “future land use designation”, not “pre-annexation zoning”, for areas in the UGA.

15.12.010B Should the Parks and Rec plan be referenced?

15.13.010 Is there (should there be) a size limit on Accessory uses in residential areas? or are they just limited by lot size, setbacks and height limits?

15.30.040D I agree we will need to update the zoning map and define areas appropriate for RH, RM, and perhaps CN. In the past, we seem to have deferred to landowner's vision for their property to a large degree. I would suggest that areas along arterial streets be considered for higher densities. As noted in the NMT Plan, multi-family housing along those streets would allow more controlled access to those streets, avoiding the individual driveway issues, and would allow greater design review, solving the fence issues. Arterial streets are very expensive to build; presumably higher densities would help landowners with that cost. We do need to be sensitive to landowner desires and market forces. Land zoned RH won't get developed if there is a high vacancy rate in multi-family units. We need to be careful to not zone too much higher density.

15.030.060C and D If the Manufactured Home Park Zone and Manufactured Home Subdivision Zone were eliminated, and a new mobile home park wanted to locate in the City, would they be able to? What would govern a place where people could lease a pad for a mobile home?

15.31.020 I have trouble seeing how single family and cottage dwellings fit into the CC and CCII zones.

15.31.020 The size and type of office matters. It seems like offices in the CN zone should only be of the sort that neighbors would frequent (dentists, banks, etc). Offices in the IL should be incidental to the industrial use, or perhaps be a large, single use office (call center, insurance claims processing....?)

15.32.030 Minimum density may be necessary for RH, RM, and possibly RO and RL. From what I've understand, what was zoned RH in the past was developed as single family housing, and that created conflict when adjacent properties tried to develop in higher densities, so it got down-zoned. At this point, I need some convincing that a minimum density for RS is a good idea. The demographics of Ellensburg should be considered. We have a large population of students, a few professionals, lots of families, and a growing older population. The proposed changes to the code will allow more diversity in housing types for builders to choose from to meet the desires of citizens. In my experience, many people are looking for "elbow room". If they don't find it in the City, they will find it in the County. I understand large lots are less energy efficient, etc.; but pushing development to the County has greater negative consequences for energy, environment and farming. I could entertain the idea of "shadow platting" smaller lots in RS, though. If lots larger than 4 units per acre are desired, they could be developed in such a way that they could become two lots at some point in the future, with appropriate access and setbacks, etc. That way, people could have a large yard in the kid raising phase of life, and convert it to a smaller lot later in life. Perhaps shadow platting is not needed if the same thing can be achieved with density averaging and the other tools provided. It may be that builders can't pay for the required infrastructure with larger lots anyway. On the other end of the density

spectrum, I'd like to see some examples showing maximum development in the RM, RO and RH without density limits – I assume height and setbacks etc provide some limit.

15.33.030 Density Bonuses are a good idea; unfortunately I'm skeptical they will get much use. All it takes now to increase density is asking for a rezone. Granted, some people may shy away from what often ends up as a public battle. Maybe more would take advantage of an easy administrative process. Someone suggested fee waivers would provide incentive. We need to be very careful to maintain the legal nexus that is the basis of the impact fee schedule. There is, however, a provision in the traffic impact fee code that allows independent fee calculations (14.04.100) through which someone might be able to demonstrate that a neighborhood commercial area or live-work situation would result in fewer trips. Would adjusting utility hookup fees to be tiered based on density be worth exploring?

15.33.020B2b 1400 square feet seems large to be a "small" home; I'd suggest 1000 sq ft.

Note: I sent the draft of Article 4 to the NMT Code committee, but did not receive comments.

15.40.050 Arterial widths are wide. Lanes are 12 ft; maybe they could be narrowed on non-truck route arterials. On-street parking is provided in single family zones because we want the homes to face the street; provision needs to be made for guest parking. I'm o.k. with giving the developer the option of providing off-street guest parking rather than on-street guest parking. Maybe center turn lanes could be replaced by left turn lanes where no driveway access is needed; seems like those instances would be fairly rare.

The NMT Committee recommended corner bulb-outs only in commercial areas, but the design for commercial areas does not include on-street parking. However, I can see that they would be an advantage to pedestrians on a busy arterial street in a residential zone where there was on-street parking. Would corner bulb-outs be a hazard to drivers if no cars were parked (speeds on arterials are 35 mph)? Would they make turning from the arterial to the skinny local street more difficult? Would they be difficult for snow-plow operators to navigate?

15.40.070 The NMT code committee was focused on residential local streets. We should probably start from scratch to design commercial/industrial/mixed use local streets that would need to carry more truck traffic and have different needs.

Need to specify that off-street parking is required for a 20' street.

Curb bulb-outs are not needed on local skinny streets and I'm concerned about large vehicle (fire trucks, buses, UPS) turning in those neighborhoods if bulb-outs were "encouraged." Our NMT Committee discussions with the Fire Chief discussed turning radius and the need to keep parked cars back from the corners.

Figure 15.40.070A The numbers don't add up ($7 + 16 = 23$, not 24)

15.41.020B Blocks in Residential Zones: I don't think the narrative here and at the beginning of 15.41.020 is needed; it doesn't seem very 'code-like'. Both should be refined if kept.

The NMT Code committee recommended 660 ft pedestrian and vehicle connections after the open house. Reasons included that it likely creates a de facto 400 ft block for auto circulation – people would just build the street rather than the trail and street. When we thought about blocks of 660 ft (about a block and a half in traditional city where blocks are about 300 by 400 ft) it seemed reasonable. We assumed two tiers of lots, which would make blocks of 280 by 660, though, which may be a faulty assumption given how the code will change. Pedestrian trails work best when they go somewhere – a park, store, transit stop as opposed to just cutting through mid-block. The NMT committee include some specific language on the design of walkways to avoid the narrow tunnel trap that could be built because the neighbors often want tall fences to avoid strangers walking adjacent to their side and rear yard. Walkway design needs to be added to the draft.

B3 Exceptions to the standards: "...the City shall relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints." The "constraints" usually are between the site and adjacent parcels. Section B does not make clear that the blocks are to extend between parcels, not just on-site. NMT Committee suggested language would strengthen the intent: "Proposed subdivisions will include street or pedestrian walkway connections to any streets that abut, are adjacent to, or terminate at the development site. Proposed subdivisions will include streets or pedestrian walkways that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site or by a drainage channel, transmission easement, survey gap or similar property condition at 660 feet intervals or less. Each subdivision shall plan for at least two places of access, except for those subdivisions in which the only dedicated street is a cul-de-sac." NMT language explicitly prohibits cul-de-sacs, "except where it is demonstrated that development of a through street is constrained by natural features or existing plats and development" – another way to say the exceptions in the draft code. The draft code needs to reflect between parcel connections.

15.41.020C? Blocks in commercial/industrial zones: 2b and c departures and exceptions – I can't think of any reason to allow less than a ¼ mile block other than what is described in c for exceptions that would cause a need for a departure in C-H or C-T zones. Aren't departures typically handled through variance requests? In an IL zone, I could envision an industrial use that is land intensive, where you would not want auto or pedestrian circulation interrupting the activity for efficiency or safety reasons. When thinking about this issue, we should keep the University in mind. It certainly creates a circulation barrier for City vehicle traffic, but at the same time, creates a non-motorized haven. If it had been required to provide through streets at 660 or 1320 ft intervals, the campus would have a very different feel, and to my mind, be much

less appealing. Again, the difficult issue is planning for connectivity BETWEEN parcels, and is not addressed by this code language.

15.41.030 There is a lot of “encouraged” and “shoulds” in this language and not much “musts” and “shalls”; it doesn’t really feel like “code”, but more like “guidance”, which will be difficult to administer and impossible to enforce. In section D, the narrative about gated communities is not necessary and should be removed. If a subdivision meets the language following “Specifically”, which is the real code, and all of the other connectivity and design standards, the NMT Code Committee didn’t think it was of much consequence that they might choose to gate the neighborhood. The key provisions of traffic circulation and street aesthetics would be preserved.

15.41.040 What is the context for this open space/parks section? Are these provisions for both residential and non-residential zones? When would they apply? For density bonuses as an open space requirement? Are they intended to be private or is the City expected to take them on and maintain them? Would they count towards impact fees? Even if they were private?

15.41.050 How is access for fire fighting provided, particularly for section D, pedestrian-only entry lots?

15.51.050 References to departures are at .130, not .090.

15.51.060C5 and 070F Are there guidelines for landscaping? Reference section. Also, when thinking about how these streets will look, it is helpful to remember the 10 ft planting strip and 5 to 8 ft sidewalk between the street and the streetscape being described.

15.51.080B – clarify setbacks are from sidewalk, not ROW. Verify with Public Works that would be o.k. for utilities.

15.52 The title “Planning and Design Elements” should include “for Non-Residential and Multi-Family Development” to clarify applicability.

15.52.030C5 Is “pea-patch” a more commonly used term than the “community garden” that seems to be more commonly used here.

15.52.030D1g Receiving sunlight is only seasonally desirable in Ellensburg. Provisions for shade in the summer months may be just as important.

15.52.040E1a Should reference approved tree list that is currently in the code, not “as approved by the Director”.

15.52.040E1c Can lighting be substituted for all of the trees? Suggest limit to half.

15.53.020B2 If it meets all the other design criteria, franchise architecture is o.k. Is there any room in the code for really unique buildings – teapots, windmill-buildings, libraries in the shape of books?

Fred Padjen – Planning Commission

- 1) regarding energy efficiency bonuses, third party verifications should be the required method of arriving at bonuses. Ellensburg's small building dept. staff isn't sufficient to monitor the possible requirements of whichever advanced standard is adopted. If certification is promised in the development application, bonding should be required to guarantee outcomes.
- 2) regarding 15.53 driveways and street facing garages, the garage should be set at least 30' back from the sidewalk to accommodate our reliance on large pickup trucks.
- 3) I agree with Beverly that offices in the TC zone should be restricted, Perhaps to only tourism related functions
- 4) I'm disappointed that affordable housing incentives aren't a part of the current draft. This issue needs to be addressed sooner than later

Bill Beattie – Planning Commission

My concerns, re the draft, are those that Beverly and Fred have with the exception of the language that gives the Director certain discretion on some matters. Without it there is bound to be various interpretations of the new changes and we would be dumping quite a bit on the council. I share Beverly's concerns, but would rather leave it in for a year, till we see how it all shakes out.

Regarding affordable housing, I would like to see a provision for a Community Land Trust. The density bonuses do not cover keeping it in perpetuity (affordable) as well as control of design and lot size, etc

Rich Elliott – City Council

My input is fairly general:

- * I like the concept of moving away from on-street parking and towards alleys.
- * I like having the flexibility to rebuild existing structures that are within setbacks.
- * I want to encourage density and flexible land use to the point at which it creates infrastructure issues.
- * I am less willing to support significant changes for infill or existing lots due to the impacts of existing neighbors. ADU's are the exception to this - I think these are reasonable.
- * I would like to see some flexibility built into parking requirements - ie when the occupancy is likely to use the property during non-traditional times or when they can document a lower parking need - I would like to see a simple and consistent way to factor that into the requirements.
- * I very much support the concepts presented related to design standards and the energy efficiency material I have reviewed to date.

I am mostly not interested in participating debating the particulars right now. I would like to see most of this percolate a little more in Planning and with staff and receive brief summary updates as it progresses.

I have a little concern over implementation of any plan to narrow the streets below a 20' minimum. I understand the possible benefits but I am concerned from a public safety standpoint.

Other than that, I want to thank you for your efforts, other staff members, and the consultants. That may not always come through when we are asking questions.