

Ted and Mike -

Some comments (attached) from CLC on the specific articles and some additional thoughts from me and CLC staff below.

Thanks -

Jill

My Comments:

- I personally don't like pick-lists. If you offer incentives for awnings, dog bowls, affordable housing, and TDR, you'll get awnings and dog bowls. Developers will use what's cheapest and/or what adds the most value to their project (as TDR is off-site, developers aren't going to realize the value to their project directly in the same way they will with design-based incentives). My preference is to structurally separate incentives in the code—make some things specifically available via TDR, making others available strictly from LEED design, etc. Or, saying 75% of bonus in this area is available via TDR, while 25% is available from something else. There's a lot of ways to go about it—which, while a little more complex to read, provide more certainty than what they've got here. Developers will want more flexibility, like MAKERS has here, but there's trade-offs the Council should realize we're making if we go that route.
- I'm curious whether you've seen any analysis as to how they arrived at the presented incentive structure—which they suggest represents some kind of parity across options. It feels arbitrary to me—which, if true, leads to the problem above. I'd like to see the analysis if there is one.
- You may want to review the letter Skip Swenson sent to MAKERS—it reflects the comments in the document, but on a broader scale. It is attached to this email as well.
- Lastly, my comments are TDR- / CLC- oriented. From the city's perspective, we'll have to balance incentives and community goals with making sure we get what we want on the ground. The more we give away, the more likely people will build what we want. That said, if we find the sweet spot with our incentives, in theory we should be able to get both. This requires in my mind a significant understanding of building costs and setting up our incentives with that in mind.

Also to keep in mind: If Ellensburg changes from density-based zoning to form-based zoning in certain zones, it may affect the KitCo TDR code for UGA incentives. That's something we'll need to keep an eye on.

Additional CLC Comments:

Generally, the code looks like a significant improvement to me. However, there are still key details missing - and, as you know, that's typically where the devil hangs out. I'm a little nervous about the significant inconsistencies that seem to be developing as the result of the new Article 5 standards trying to jive with existing code sections as well as a bunch of cut & paste work from various jurisdictions (Covington, Auburn, Kent, etc.). However, I think the city is moving in the right direction and has some good/ambitious standards for design, connectivity, etc. Presumably, staff and their consultants will be doing a significant amount of work to eliminate conflicts, but if CLC want to provide a "value added" service, I can also review for conflicts.

I think it's worth keeping an eye on this as more of the details come into focus. The things I think

CLC could have the most interest in include:

innovative housing (zero lot line, cottage, ADU, etc.) commercial centers/mixed use
development density bonuses nonconforming uses - I think those regulations could have
significant impacts on historic preservation and agricultural viability

For each of the above topics, CLC will want to keep an eye out for the appropriate balance
between meaningful regulations and developer flexibility.

Mike Smith, Director of Community Development
City of Ellensburg
501 N. Anderson
Ellensburg, WA
October 11, 2011



Director Smith,

Thank you for the opportunity to comment on Ellensburg's Final Draft of the Land Development Code. CLC believes that land use codes need to create incentives for the growth we want to see in our neighborhoods and provide certainty for both developers and residents who are investing in the community. The proposed code updates have gone a long way towards achieving that and CLC applauds the leadership the City of Ellensburg has shown.

As the first eastern Washington *Cascade Agenda City*, achieving the vision set forth in this plan will not only benefit the residents of Ellensburg, it will also advance The Cascade Agenda, the collective 100-year vision and action plan for conserving Washington's remarkable landscapes in the face of a growing population and a changing economic base.

Cascade Land Conservancy is pleased that Ellensburg has drafted new Land Development codes and would like to offer the following comments to help the City create an even stronger document. For purposes of clarity, comments are categorized into two themes.

Designs for Smart Growth

- In section 15.41.020 Block design & connectivity standards, the city should consider adding stronger language around Cul-de-sacs, such as: "Cul-de-sacs are not allowed unless there is no reasonable alternative or the cul-de-sac is shown on an officially adopted street plan."
- In section 15.54.020. C Garages placement and design; consider requiring (not encouraging) access to occur from the alley.
- In section 15.30.040 Residential zones and map designations we were pleased to see the variety of housing choices available in the R-M zone, including single-family, townhouse, cottage and accessory dwelling units. This is a great example of smart planning and should be expanded to the R-S and R-L zones as well.
- It is great to see Accessory Dwelling Units permitted in all residential zones, this allows for a modest increase in housing variety with little neighborhood impact.
- CLC also applauds the use of density minimums in the residential zones. It is important to use the land within our cities efficiently to create patterns of compact development.

Transfer of Development Rights

- CLC strongly suggests avoiding pick-lists when designing incentive zoning regulations, such as those in 15.30.040 and 15.30.050. Pick-lists are likely to achieve some incentive-based city goals and not others—particularly when a relative disparity in cost exists. Instead, CLC suggests structurally separating incentives within the code to ensure multiple incentive-based goals are achieved.
- The residential and commercial code would benefit from greater specificity in describing incentives, what the incentive provides developers, and how this is achieved; the current draft lacks actionable details. Where unanswerable, as with TDR, a placeholder subchapter may be appropriate until program details are established.

- CLC recommends—if it has been done—verifying incentive zoning thresholds presented in draft code reflect reasonable or anticipated market demand. Incentive thresholds must be set below market density demand if incentives are to be used.
- While some elements of the county TDR program transfer easily to a city program, some elements—appropriate exchange rates, for example—should be created specific to development conditions in Ellensburg.
- The Kittitas County TDR program is a conservation (as opposed to preservation) program. The language in the city code should ideally reflect this nuance.

The proposed Land Development Code update will set the framework for Ellensburg to be more complete, compact and connected. Please feel free to contact me if you have any questions regarding our recommendations.

Thank you for the opportunity to offer my comments and thoughts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill Arango".

Jill Arango
Senior Managing Director Conservation Department
Cascade Land Conservancy



Article 1: General Provisions

Draft, April 28, 2011

NOTES: This is the first preliminary draft of code - intended for review by City Council, Planning Commission, City Staff, and interested citizens. The provisions herein are intended to replace applicable land use regulations now found in EMC Titles 12 and 13. For clarification, we have indicated in (parentheses) whether each chapter is new or updates or replaces a current EMC chapter or section.

Also, text in CAPS are special notes to reviewers. **Highlighted text** warrants special review. Lastly, at the end of some sections, we've indicated in (CAPS) that the new or updated code language is based on similar language from another community - purely for informational purposes.

Contents:

- 15.10 User Guide (*NEW*)
 - 15.10.010 How to use this code (*NEW*)
- 15.11 Purpose/Authority/Interpretation
 - 15.11.010 Title (*NEW*)
 - 15.11.020 Purpose (*Replaces EMC 13.02.020*)
 - 15.11.030 Authority (*NEW*)
 - 15.11.040 Scope (*NEW*)
 - 15.11.050 Roles and responsibilities (*New+ refined from various Title 1 Chapters*)
 - 15.11.060 Interpretation of terms (*replaces EMC 13.02.040*)
- 15.12 Comprehensive Plan (*replaces EMC Chapter 3.32 in Building & Fire Title*)
- 15.13 Definitions (*updates EMC Chapter 13.04*)

15.10 User Guide

15.10.010 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 15.13 in alphabetical order.

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 standards 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 standards. 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 15.58. Plus, there are some specialized uses that feature their own unique standards in Chapter 15.59. It's 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 check City Critical Areas Maps (imbed link)
- Second, see Article 6 for provisions related to the particular type of critical area (such as wetlands or geologically hazardous areas).

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

- First, see Article 2 for permits and procedures provisions.
- Second, determine what "Type" of review process applies for the particular development by reviewing EMC 15.21.050 (imbed link).
- Third, review the requirements for each permit type starting with EMC 15.21.040, then looking at Chapter 15.22 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.

15.11 Purpose/Authority/Interpretation *(replaces/updates EMC 13.02)*

15.11.010 Title *(NEW)*

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

15.11.020 Purpose *(replaces EMC 13.02.020)*

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 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 provides the basis for designating land use zones and regulating development in all areas of the City and provides pre-annexation zoning for areas presently outside the City but that may be annexed to the City in the future. (REDMOND)

15.11.030 Authority *(NEW)*

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.

15.11.040 Severability *(NEW)*

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. (REDMOND)

15.11.050 Scope *(NEW)*

A. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered 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. (AUBURN)

B. Creation of or changes to lot lines shall conform to the use provisions, dimensional

and other standards, and procedures of the LDC. (COVINGTON)

- 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 the provisions of the LDC. (SHORELINE)
- 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 _____.

15.11.060 Roles and responsibilities *(replaces EMC 13.02.060)*

- 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 Planning Commission or **Hearing Examiner** 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 quasi-judicial matters. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.
- D. The **Hearing Examiner** is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals. (LANGUAGE HERE DEPENDS ON COUNCIL DIRECTION ON HEARING EXAMINER AND APPLICATION REVIEW PROCESSES)(SHORELINE)
- E. 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, and to enforce requirements. (A-E ABOVE BASED ON CITY OF SHORELINE CODE)

NOTE FOR COMPARISON - EXISTING LANGUAGE IN 13.02.060: *The city manager or his designate shall administer and enforce this title. He may be provided with the assistance of such other persons as the city council may direct.*

- F. The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (DEPENDING ON NEW MATERIAL FOR ARTICLE 2, THIS MAY BE DELETED OR REVISED).

15.11.070 Vesting of applications *(replaces EMC 13.02.040)*

PLACEHOLDER TO ADDRESS ISSUE. SEE OLYMPIA AND LACEY FOR EXAMPLES.
ARTICLE 2 IS ANOTHER POSSIBLE LOCATION TO ADDRESS ISSUE.

15.11.080 Relationship to other codes (NEW)

The LDC is part of a comprehensive program of regulation related to land use and development within the City. The EMC contains other regulations that relate, directly or indirectly, to land use and development, including but not limited to, (LIST ALL RELATED EMC ELEMENTS SUCH AS TITLE 3 BUILDING AND FIRE, TITLE 4 PUBLIC WORKS, ETC). 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 EMC. (REDMOND)

15.11.090 Interpretation of terms (replaces EMC 13.02.040)

CLOSE LEGAL/STAFF REVIEW OF LANGUAGE BELOW - WHETHER OR NOT SOME/ALL/NONE/ REFINEMENTS ARE NEEDED. NOTE THAT WE ALSO ADD SIMILAR SHALL/SHOULD INTERPRETATION LANGUAGE IN THE BEGINNING OF ARTICLE 5 FOR THE PROJECT DESIGN STANDARDS.

- 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 (TO ADD LINK), 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, Unabridged, Copyright 1986, shall be considered in determining ordinarily accepted meanings.
- B. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards. (A AND B FROM CITY OF SHORELINE)

15.11.100 Abbreviations (NEW)

The following abbreviations are used in the LDC: (TO ADD A CHART SUMMARIZING ALL ABBREVIATIONS USED IN THIS TITLE - FROM ADU, TDR, EIS, ECT.) (NEWCASTLE COUNTY, DEL)

15.12 Comprehensive Plan *(replaces EMC 3.32)*

15.12.010 Adopted *(replaces EMC 3.32.040)*

The City of Ellensburg Comprehensive Plan, as amended in 2006 to comply with the Growth Management Act and as may subsequently be amended thereafter, is hereby adopted by reference. (AUBURN)

A. Chapters of the Comprehensive Plan:

1. Introduction.
2. Community Profile.
3. Vision.
4. Land Use.
5. Transportation.
6. Capital Facilities and Utilities.
7. Housing.
8. Economic Development.
9. Parks and Recreation.

10. Historic Preservation.

11. Essential Public Facilities.

B. Other elements of the Comprehensive Plan:

1. Six-Year Capital Facilities Plan.
2. Non-Motorized Transportation Plan.
3. OTHER PLANS NEED TO BE ADDED HERE?

NOTE 1 - WE'RE ASSUMING THAT ALL OTHER CURRENT CHAPTER 3.32 SECTIONS ARE NOT NECESSARY, INCLUDING 3.32.100 ON THE URBAN GROWTH AREA AND SPECIFIC COMP PLAN AMENDMENTS.

NOTE 2 - WE'RE ASSUMING THAT THE COMP PLAN MAP AND COMP PLAN FEIS ARE PART OF COMP PLAN REFERENCED ABOVE? CLOSE STAFF/LEGAL REVIEW.

15.13 Definitions

NOTE: BELOW IS JUST A PARTIAL LIST OF DEFINITIONS - INCLUDING EXISTING AND NEW DEFINITIONS MOSTLY RELATED TO LAND USES. OTHER EXISTING TITLE 12 AND 13 DEFINITIONS WILL BE ADDED/REFINED AS THE CODE IS UPDATED PLUS OTHER DEFINITIONS WILL LIKELY BE DEVELOPED. SPECIFICALLY:

- NEW DEFINITIONS ARE HIGHLIGHTED IN YELLOW.
- CHANGES TO EXISTING DEFINITIONS ARE IN TRACK CHANGES WITH ADDITIONS AND DELETIONS SHOWN AS SUCH.

15.13.010 A definitions.

A. **Accessory dwelling unit (ADU).** "Accessory dwelling unit" means a self-contained residential unit that is accessory to a single-family home. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family home including the yard, parking, storage or laundry facilities. (AUBURN)(ADD LINK TO STANDARDS).

A. **Accessory use, residential.** "Accessory use, residential" means:

1. A use, structure, or activity which is subordinate and incidental to a residence including, but not limited to, the following uses:
 - a. Keeping household pets;
 - b. On-site rental office;
 - c. Pools, private docks, piers;
 - d. Antennas for private telecommunication services;
 - e. Storage of yard maintenance equipment;
 - f. Fallout/bomb shelters;
 - g. Storage of private vehicles, e.g., motor vehicles, boats, trailers or planes;
 - h. Greenhouses; or
 - i. Off-street parking.
2. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (GOVINGTON)

A. **Accessory use, non-residential.** "Accessory use, non-residential" means:

1. A use that is subordinate and incidental to a commercial or industrial use, including, but not limited to the following uses:
 - a. Administrative offices;
 - b. Employee exercise facilities;
 - c. Employee food service facilities;

- d. Incidental storage of raw materials and finished products sold or manufactured on-site;
 - e. Business owner or caretaker residence;
 - f. Cogeneration facilities;
 - g. Ground maintenance facilities; and
 - h. Off-street parking.
2. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. (COVINGTON)
- A. Accessory use. "Accessory use" means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 2810 § 2.04(a), 1970.]
- A. Accessory building. "Accessory building" means a subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building for at least 50 percent of the length of one of the abutting walls of such accessory building, or where the total length of the abutting walls of the accessory building is equal to 50 percent of the longest wall of the building, then the accessory building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided, and shall be not closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted. [Ord. 2810 § 2.04(b), 1970.]
- A. Adult entertainment establishment. "Adult entertainment establishment" means a commercial establishment defined in ECC 13.49.060 as being an "adult arcade," "adult cabaret," "adult theater," "adult retail store," or "other adult entertainment facility." [Ord. 4348, 2002; Ord. 4212, 1999.]
- A. Agriculture. "Agriculture" means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing. (OLYMPIA)
- A. 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. [Ord. 2810 § 2.04(c), 1970.]
- A. Apartment building. "Apartment building" means any building which is rented, leased, let or hired out to be occupied or which is occupied as the home or residence of more than two families living independently of each other and having separate cooking facilities in the separate living quarters within the building and including owned condominium units in such building. This definition shall include, but not be limited to, flats, triplexes, apartments, and other buildings so used. [Ord. 2810 § 2.04(d), 1970.] MIGHT BE DELETED.

15.13.020 B definitions.

- A. **Bed and breakfast.** "Bed and breakfast" means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. (SHORELINE)
- A. **Boarding houses, lodging houses, sororities, fraternities.** "Boarding houses, lodging houses, sororities, fraternities" means an establishment with lodging for five or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.
- A. **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. (MADISON, WI AND SAMMAMISH)
- A. **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. [Ord. 2810 § 2.04 (g), 1970.]

15.13.030 C definitions.

- A. **Cattery.** "Cattery" means(TO BE COMPLETED).
- A. **Child day care.** "Child day care" means any type of state- licensed group day care programs, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for preschool children, taking place on a regular, if not daily, basis, at one time during part of a 24-hour day. [Ord. 3106 § 1, 1976.]
- A. **Child day care center.** A "child day care center" shall be a state- licensed facility which provides child day care for 13 or more children including children under the age of 12 who are members of the family housed in the residence if such activity is carried on in a private residence. [Ord. 3106 § 1, 1976.]
- A. **Commercial recreation.** "Commercial recreation" means any commercial use of land or structures for the amusement, skill development or as a pastime for the patrons of such establishment. Examples would include but not be limited to bowling alleys, billiard parlors, skating rinks, and indoor and drive-in theaters. [Ord. 2810 § 2.04(j), 1970.]
- A. **Community residential facility (CRF).** "Community residential facility" means living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as

follows:

1. CRF-I - Nine to 10 residents and staff;
2. CRF-II - Eleven or more residents and staff.

If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SHORELINE)

- A. Conditional use. "Conditional use" means a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this title. [Ord. 2810 § 2.04(k), 1970.]
- A. 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. (COVINGTON)

15.13.040 D definitions.

- A. Development. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. [Ord. 3954 § 1, 1994.]
- A. Dual frontage properties. TO BE COMPLETED.
- A. Dwelling, cottage. "Cottage" means a dwelling that (TO BE COMPLETED)
- A. Dwelling, duplex. "Duplex" means a dwelling that (TO BE COMPLETED)
- A. Dwelling, live-work unit. "Live-work unit" means a dwelling that (TO BE COMPLETED)
- A. Dwelling, multifamily. "multifamily" means a dwelling that (TO BE COMPLETED)
- A. Dwelling, townhouse. "townhouse" means a dwelling that (TO BE COMPLETED)
- A. 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. [Ord. 4152, 1998; Ord. 3223 § 1, 1979; Ord. 2810 § 2.04(l), 1970.]
- A. 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, hotel, or manufactured home, which are separately defined. [Ord. 4152, 1998; Ord. 2810 § 2.04(m), 1970.]

15.13.050 E definitions.

- A. Elevation. "Elevation" means the height of an object in relation to mean sea level. [Ord. 3302 § 2(a), 1981.]

15.13.060 F definitions.

- A. Family day care home. "Family day care home" shall be a state-licensed facility which provides child day care for 12 or fewer children in a private residence. [Ord. 3955 § 1, 1994; Ord. 3106 § 1, 1976.]
- A. Farmers' markets. "Farmers' market" means a site where farmers sell locally grown, produced, caught, or gathered fruits, vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish, flowers, nursery stock, and plants. One hundred percent of the items for sale under this definition must be grown, produced, caught, or gathered in the State of Washington. Up to 30 percent of a farmers' market's total number of vendor spaces may consist of resellers and/or accessory uses. CLOSE REVIEW!
- A. Fruit stand. "Fruit stand" means a building, structure, or land area used for the sale of fresh fruit or vegetables, grown either on- or off-site, and may include as incidental and accessory to the principle use, the sale of food items and nonfood items in a setting centered on an agricultural theme. (DOUGLAS COUNTY)

15.13.070 G definitions.

- A. 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 19.04.060, Accessory building.) [Ord. 2810 § 2.04(r), 1970.]
- A. General service establishment. "General service establishment" means the following:
- NOTE - "NAICS" REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE'LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES
1. Postal service, local office only (NAICS 491);
 2. Couriers and messengers, local office only (NAICS 492);
 3. Consumer rental goods (NAICS 5322);
 4. General rental centers (NAICS 5323);
 5. Services to buildings and dwellings (NAICS 5617);
 6. Electronic and precision equipment repair (NAICS 8112);
 7. Personal and household goods repair (NAICS 8114);

8. Personal and laundry services (NAICS 812);
9. Commercial copy centers (NAICS 323114);
10. Gas service stations with minor repair work permitted only; excludes truck stop operations unless otherwise noted;
11. Miniwarehouses and self storage units (NAICS 53113) with less than fifty thousand (50,000) GFA.;
12. Taxidermist;
13. Special trade contractors (NAICS 238, except NAICS 238110 and 238110); or
14. Veterinary services (NAICS 541940).

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR VET SERVICES

- A. Gross floor area. "Gross floor area" means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including terraces and exterior stairs. [Ord. 2810 § 2.04(q), 1970.]

15.13.080 H definitions.

- A. Heavy equipment yards. "Heavy equipment yards" means property used by a licensed contractor to store and maintain business-related heavy equipment including backhoes/track hoes, road graders, compactors, dump trucks, excavators, and other similar heavy equipment. Accessory buildings to a heavy equipment yard would include an office and/or maintenance shop. [Ord. 4142, 1998.]

- A. 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. The following uses are permitted:

NOTE - "NAICS" REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE'LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Animal food, meat product, seafood product manufacturing (NAICS 3111, 3116, 3117)
2. Slaughterhouses, meat processing (NAICS _____)
3. Tobacco manufacturing (NAICS 3122)
4. Breweries, wineries, distilleries (NAICS 31212, 31213, 31214)
5. Sawmills (NAICS 3211)
6. Manufactured home manufacturing (NAICS 321991)
7. Pulp, paper and paperboard mills (NAICS 3221)

8. Petroleum refining and related industries (NAICS 324)
9. Chemical manufacturing, including compost operations (NAICS 325)
10. Cement and asphalt batch plants (NAICS)
11. Welding and machine shops (NAICS)
12. Cement manufacturing (NAICS 32731)
13. Ready-mix concrete manufacturing (NAICS 32732)
14. Other nonmetallic mineral product manufacturing (NAICS 3279)
15. Primary metal manufacturing (NAICS 331)
16. Ammunition (except small arms) manufacturing (NAICS 332993)
17. Transportation equipment manufacturing (NAICS 336, except 3363, 336991)
18. Rail and water freight facilities (NAICS 482, 483)
19. Livestock feeding, cattle sales, livestock auctions (NAICS)

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE

- A. Heavy retail and service. "Heavy retail and service" includes retail and/or service activities that have exterior service or storage areas as listed below.

NOTE - "NAICS" REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE'LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Special trade contractors (NAICS 238);
2. Auto wrecking yards (NAICS)
3. Agriculture supply sales (NAICS)
4. Lumber sales (NAICS)
5. Equipment yards (NAICS)
6. Truck, recreational vehicles, boats and other vehicle sales (NAICS 44121, 44122, 441229);
7. Building materials and home centers (NAICS 44411);
8. Other building materials dealers (NAICS 44419);
9. Manufactured home dealers (NAICS 45393);
10. Fuel dealers (NAICS 45431);
11. Equipment sales and service (farm and construction) (NAICS)
- Miniwarehouses and self-storage units (NAICS 53113)
12. Truck, utility, trailer, RV rental (NAICS 53212);

13. Commercial industrial machinery and equipment rental (NAICS 5324);
14. Services to buildings and dwellings (NAICS 5617);
15. Automotive paint, body and interior repair and maintenance (NAICS 811121);
16. Commercial and industrial machinery and equipment repair (NAICS 8113);
17. Vehicle repair services, towing, parking, storage; motor vehicle auction;
18. Taxi and limousine service (NAICS 4853);
19. Construction of buildings (NAICS 236);
20. Truck stop, including other associated uses such as restaurant, laundry, showers (NAICS 447190);
21. Marina and associated uses (NAICS 71393);
22. Outdoor display and sale of prefabricated garden sheds and other similar outdoor structures, including picnic tables and play equipment; or
23. Warehousing storage facilities (NAICS 493) with a maximum GFA of fifty thousand (50,000) square feet.

NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE

- A. Home occupation. (CURRENT DEF, TO REFINE)** "Home occupation" means an occupation carried on entirely within a residence by only the occupants, which activity is clearly incidental to the use of the residence as a dwelling and does not change its residential character. Such home occupation shall be conducted in such a manner as not to give any outward appearance nor manifest any characteristics of a business in the ordinary sense, shall not infringe upon the rights of the neighboring residents, and shall not infringe upon or change the intent of the residential zone. An occupation which does not meet the above definition or does not comply with the following criteria shall not be deemed a home occupation. Any home occupation granted would be personal to the person to whom it is granted and under no circumstances shall any home occupation be carried over as a result of a change in ownership of the property.
1. There shall not be structural alteration that would alter the outward appearance from a residential to commercial nature to accommodate the occupation;
 2. The use, including all storage space, shall not occupy more than 25 percent of the residence's floor area which is finished for living purposes;
 3. Only members of the family who reside on the premises shall be engaged in the occupation(s);
 4. There shall be no window display nor shall sample commodities be displayed outside the building;
 5. No materials or mechanical equipment shall be used which will have a negative impact on the residential area because of vibration, noise, dust, smoke, odor,

interference with radio or television reception, or other factors;

6. If materials or commodities delivered to or from the residence require delivery by a commercial vehicle or a trailer, or if the parking of customers' automobiles in a manner or frequency causing disturbance or inconvenience to nearby residences, or if a public parking lot is necessary to accommodate the business, the occupation shall be termed a primary business and not a home occupation;
 7. If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use and shall not be required to obtain a conditional use permit;
 8. At a minimum, the use shall undergo a yearly review by city staff to determine whether the above criteria or others included with approval are being observed in the conduct of business;
 9. For purposes of this section, use of the defined term "residence" contained in this code for the purpose of considering a home occupation in an accessory building shall be limited to single-family uses. Home occupations in multifamily dwellings shall be confined to the principal dwelling unit buildings and not be allowed in accessory structures. [Ord. 4096, 1997; Ord. 3583 § 1, 1987; Ord. 3364 § 1, 1982.]
- A. Hospital. "Hospital" means an institution receiving in-patients and out-patients and rendering medical, surgical and/or obstetrical care. This definition includes clinics. [Ord. 2810 § 2.04(t), 1970.]
- A. Hotel. "Hotel" means any building or portion thereof containing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more paying guests, other than apartment buildings, and shall include hotels, lodging and rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs, and any building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes or similar buildings where human beings are housed and detained under legal restraint. [Ord. 2810 § 2.04(u), 1970.]

15.13.090 I definitions.

15.13.100 J definitions.

15.13.110 K definitions.

A. Kennel. "Kennel" means(TO BE COMPLETED).- see APA book

15.13.120 L definitions.

A. Light industry. "Light industry" means..... This category is designed to accommodate

limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

NOTE - "NAICS" REFERS TO THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM, WHICH CLASSIFIES LAND USES INTO CATEGORIES - WE'LL DISCUSS WITH STAFF AND LEGAL WHETHER OR NOT TO INCLUDE THESE REFERENCES

1. Construction of buildings (NAICS 236)
2. Call centers, claim centers (NAICS)
3. Heavy and civil engineering construction (NAICS 237)
4. Special trade contractors (NAICS 238)
5. Food and drug processing Food manufacturing (NAICS 311, except 3111, 3116, 3117)
6. Beverage and tobacco product manufacturing (NAICS 312, except 31212, 31213, 31214, 3122)
7. Textile mills, textile product mills and apparel manufacturing (NAICS 313, 314, 315)
8. Leather and allied product manufacturing (NAICS 316)
9. Wood product manufacturing (NAICS 321, except 3211, 321991)
10. Paper manufacturing (NAICS 322, except 3221)
11. Printing and related support services (NAICS 323)
12. Carbon black manufacturing (NAICS 325182)
13. Pharmaceutical and medicine manufacturing (NAICS 3254)
14. Soap cleaning compound and toilet preparation manufacturing (NAICS 3256)
15. Printing ink manufacturing (NAICS 32591)
16. Plastics and rubber product manufacturing (NAICS 326)
17. Nonmetallic mineral product manufacturing (NAICS 327, except 32731, 32732, 3279)
18. Fabricated metal product manufacturing (NAICS 332, except 332993)
19. Machinery manufacturing (NAICS 333)
20. Computer and electronic product manufacturing (NAICS 334)
21. Electrical equipment, appliance and component manufacturing (NAICS 335)
22. Motor vehicle parts manufacturing (NAICS 3363)
23. Motorcycle, bicycle and parts manufacturing (NAICS 336991)
24. Furniture and related product manufacturing (NAICS 337)

25. Miscellaneous manufacturing (NAICS 339)
 26. Wholesale trade (NAICS 42)
 27. Nonstore retailers (NAICS 454, except 45431)
 28. Trucking transportation (NAICS 434)
 29. Transit and ground passenger transportation maintenance, service, storage facilities (NAICS 485, 487)
 30. Support activities for transportation (NAICS 488)
 31. Postal service, regional (NAICS 491)
 32. Couriers and messengers, regional (NAICS 492)
 33. Warehousing storage facilities (NAICS 493)
 34. Research and development, including biotech, software Information industries (NAICS 51)
 35. Rental and leasing services (NAICS 532)
 36. Architectural, engineering, and related services (NAICS 5413)
 37. Scientific research and development services (NAICS 5417)
 38. Services to buildings and dwellings (NAICS 5617)
 39. Medical and diagnostic laboratories (NAICS 6215)
 40. Special food services (NAICS 7223)
 41. Automotive paint, body, interior repair and maintenance (NAICS 811121)
 42. Commercial and industrial machinery and equipment repair (NAICS 8113)
 43. Heavy industry, where the business is less than twenty thousand (20,000) square feet
 44. Marina and associated uses (NAICS 71393)
 45. Research and development facility, where the facility generally resembles and industrial or manufacturing facility or where such facility manufactures a finished product.
 46. Crematories (NAICS 812220).
- NOTE - ABOVE DEFINITION FROM NEWCASTLE COUNTY, DEL, EXCEPT FOR GREEN HIGHLIGHTED USES, WHICH ARE ADDRESSED IN CURRENT ELLENSBURG CODE**

15.13.130 M definitions.

- A. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For

floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

For the purposes of those manufactured homes covered by the provisions of Chapter 13.47 ECC, "manufactured home" shall be defined so as to meet the requirements of RCW 35.63.160, specifically as follows:

1. Be constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes;
 2. Be comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long or multiple sections comprising a minimum of 864 square feet in floor area with the finished structure at least 24 feet wide;
 3. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of a minimum nominal 3:12 pitch;
 4. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family dwelling units; and
 5. Be a "new manufactured home," as defined by RCW 35.63.160(2). [Ord. 4420 § 1, 2005; Ord. 3954 § 3, 1994.]
- A. **Manufactured home lot.** "Manufactured home lot" means a portion of a manufactured home park or manufactured home subdivision 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. [Ord. 3954 § 4, 1994; Ord. 2810 § 2.04(ee), 1970.]
- A. **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 two or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. [Ord. 3954 § 5, 1994; Ord. 2810 § 2.04(ff), 1970.]
- A. **Manufactured home subdivision.** "Manufactured home subdivision" means a subdivision comprising five or more manufactured home lots platted for lease or sale to the public, and restricted to such use by covenant or deed restrictions. [Ord. 3954 § 6, 1994; Ord. 2810 § 2.04(gg), 1970.]
- A. **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. [Ord. 3176 § 1, 1978.]
- A. **Mixed-use building.** "Mixed-use building" means.....(TO BE COMPLETED)
- A. **Motel.** "Motel" means a group of two or more detached or semi-detached living or sleeping units designed for use primarily by automobile transients. [Ord. 2810 § 2.04(hh), 1970.]

15.13.140 N definitions.

LDCU-ARTICLE 2 DRAFT- PERMITS & PROCEDURES

A. **Nonconforming use.** "Nonconforming use" means a lawful use of land or structure in existence on March 16, 1970, or at the time of any amendment to the ordinance codified in this title and which does not conform to the use regulations of the zone in which such use is located. [Ord. 2810 § 2.04(ii), 1970.]

A. **Nursery and greenhouses (commercial) - see APA book "Nursery and greenhouses" means.....(TO BE COMPLETED).**

A. **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 three or more patients or residents not related by blood or marriage to the licensee. [Ord. 3181 § 1, 1978.]

15.13.150 O definitions.

A. **Office.** "Office" means a building or portion thereof which is primarily used to transact the administrative or professional activities of a business. Such uses include, but are not limited to: medical (excluding veterinary), dental, chiropractic, optometric, legal, banking, insurance, real estate, brokers, administrative, public, contractors', consultants', corporate, or manufacturers' offices. [Ord. 4331, 2002.]

15.13.160 P definitions.

A. **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. [Ord. 2810 § 2.04(mm), 1970.]

A. **Place of worship.** "Place of worship" means.....(TO BE COMPLETED).

A. **Public use.** "Public use" means any use of land by a local, state or federal government agency. [Ord. 2810 § 2.04(nn), 1970.]

A. **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. [Ord. 3241 § 1, 1979; Ord. 2810 § 2.04(oo), 1970.]

15.13.170 Q definitions.

15.13.180 R definitions.

A. **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. As used in this code,

“regional retail commercial” uses are subject to special location and other standards that are included in the commercial tourist and highway commercial zones, the city’s design standards and the regional retail commercial master site plan permit.

“Regional retail commercial” development may also include other permitted uses in the relevant zone in which such development is located. [Ord. 4497 § 4, 2007.]

- A. **Recreational vehicle.** “Recreational vehicle” is(TO BE COMPLETED).
- A. **Recreation - indoor commercial .**(TO BE COMPLETED).
- A. **Recreation - outdoor commercial .**(TO BE COMPLETED).
- A. **Resort.**(TO BE COMPLETED).
- A. **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.

15.13.190 S definitions.

A. Senior citizen housing. “Senior citizen housing” means:

1. Type A. A multiple-family complex, comprised of 10 or more units, occupied by persons aged 62 years or over, which does not contain any units having more than two bedrooms; or
2. Type B. A multiple-family complex, comprised of 10 or more units, occupied by persons aged 55 or over, which does not contain any units having more than three bedrooms. [Ord. 4468 § 1, 2007; Ord. 3138 § 1, 1977.]

A. **Senior citizen assisted housing.** “Senior citizen assisted housing” means housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two 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. (SHORELINE)**

15.13.200 T definitions.

15.13.210 U definitions.

A. 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. [Ord. 2810 § 2.04(yy), 1970.]

A. Utility facility.(TO BE COMPLETED).

15.13.220 V definitions.

15.13.230 W definitions.

15.13.240 X definitions.

15.13.250 Y definitions.

A. Yard. "Yard" means a required open space unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to limitations as indicated herein. [Ord. 2810 § 2.04(bbb), 1970.]

A. 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. [Ord. 2810 § 2.04(ccc), 1970.]

A. 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. [Ord. 2810 § 2.04(ddd), 1970.]

A. 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. [Ord. 2810 § 2.04(eee), 1970.]

A. Yard sale. "Yard sale" shall include yard sales, patio sales, rummage sales, garage sales, or any similar sale of merchandise offered to the general public in all zones where the primary land use is for a residence. [Ord. 3968 § 1, 1995.]

15.13.260 Z definitions.



Article 2: Permits and Procedures

Draft, April 13, 2011

NOTE: THIS IS A VERY EARLY ROUGH DRAFT - MAKERS AND STAFF WILL BE UPDATING THE MATERIAL HERE OVER THE NEXT FEW WEEKS PER SOME CITY COUNCIL INPUT AT THEIR APRIL 25 MEETING. HOWEVER, IT IS NOT ANTICIPATED THAT WE WILL DISCUSS THIS ARTICLE AT THE MAY 9 MEETING.

THE INTENT IS TO CONSOLIDATE AND RE-ORGANIZE THE PERMITS/PROCEDURES INTO ONE ARTICLE AND USING A SYSTEM OF PERMIT REVIEW PROCESS "TYPES" LIKE MANY OTHER COMMUNITIES. AFTER EACH SECTION, THERE IS A REFERENCE IN PARENTHESES THAT NOTES WHETHER THE SECTION IS COMPLETELY NEW, OR DRAWN FROM A CURRENT CODE SECTION. FOR NEW MATERIAL, WE'VE TRIED TO NOTE WHERE SOME/ALL OF THE LANGUAGE CAME FROM.

15.20 Purpose/Administration

15.00.000 Purpose. (NEW)

The purpose of this Chapter is to establish standard procedures for land use permit applications, public notice, hearings and appeals in the City. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the comprehensive plan. These procedures also provide for an integrated and consolidated land use permit and environmental review process. (COVINGTON)

15.20.020 Administration. (NEW)

The provisions of this chapter supersede all other procedural requirements that may exist in other sections of the City Code. When interpreting and applying the standards of this Code, its provisions shall be the minimum requirements. Where conflicts occur between provisions of this Code and/or between the Code and other City regulations, the more restrictive provisions shall apply. Where conflict between the text of this Code and the zoning map ensue, the text of this Code shall prevail. (SHORELINE)

15.21 Permit Review Process "Types"

15.21.010 Classification of permit review process types. (NEW)

Decisions on permit applications shall be classified as either Type 1, 2, 3 or 4, based on the amount of discretion associated with each decision. Procedures for the four

different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether an administrative appeal process is provided. The types of decisions are set forth in EMC 15.21.030 and the requirements for each type are set forth in EMC 15.21.040. (COVINGTON)

15.21.020 Determination of proper permit review process type. (NEW)

- A. **Determination by Director.** The Director shall determine the proper procedure for all permit applications. If there is a question as to the appropriate type of process, the Director shall resolve it in favor of the higher type number.
- B. **Optional Consolidated Permit Processing.** An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. If the individual procedure option is chosen, the applicant will be eligible for any fee reduction contained in the current fee resolution.
- C. **SEPA Review.** SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review: NOTE - TO BE REVIEWED/ REFINED TOGETHER WITH CURRENT SEPA PROVISIONS, AS NEEDED.
 - 1. Projects categorically exempt from SEPA; and
 - 2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.
- D. **Decisionmaker (s).** Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decisionmaker(s). The City Council is the highest, followed by the Hearing Examiner or Planning Commission, as applicable, and then the Director.
- E. **Hearings.** Permits are allowed only one open record hearing and one closed record appeal hearing, except for the appeal of a determination of significance. (COVINGTON)

15.21.030 Permit review process types. (NEW)

NOTE - AN ALTERNATIVE TO THE NAME ABOVE, THEY COULD BE CALLED "DECISION TYPES", A TERM USED BY MANY OTHER COMMUNITIES. ALL SEPA PROVISIONS TO BE CLOSELY REVIEWED TOGETHER WITH REFINEMENTS TO CURRENT SEPA LANGUAGE.

- A. **Review Process Type I.** These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

- B. Review Process Type II.** The Director makes these decisions based on standards and clearly identified criteria. Projects are reviewed by the Landmarks and Design Commission at a public meeting requiring public notice. This process type requires that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the City's decision under any required SEPA review. Such projects are appealable to the City Council in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.
- C. Review Process Type III.** These are quasi-judicial decisions are made by the Hearing Examiner or City Council (OR WE COULD SPLIT THESE INTO DIFFERENT DECISION TYPES ALTOGETHER) and involve the use of discretionary judgment in the review of each specific application. Type III decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under _____.
- D. Review Process Type IV.** These are legislative, non-project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

15.21.040 Requirements by permit review process types. (NEW)

Table 15.21.040 Requirements by permit review process types.

	Type I	Type II	Type III	Type IV
Pre-application meeting required?	No	Yes	Yes	Yes
Recommendation made by:	N/A	Landmarks & Design Commission	Director	Director/Planning Commission (?)
Final decision made by:	Director	Director	City Council or Hearings Examiner	City Council
Notice of permit application:	No	Yes	Yes	Yes
Notice of decision:	No	Yes	Yes	Yes
Open record public hearing:	No	No	Yes	Yes
Closed record appeal hearing:	No			

	Type I	Type II	Type III	Type IV
Judicial appeal:				

15.21.050 Projects under permit review process types. (NEW)

Table 15.21.050 Projects under permit review process types. NOTE - MIKE - THIS IS JUST A CRUDE FIRST STAB - THIS IS WHERE YOUR HELP/COUNCIL DISCUSSION WILL BE MOST USEFUL.

Type I	Type II	Type III	Type IV
Building Permit (___)	Design review	Preliminary Plat (___)	Comprehensive Plan
Grading Permit (___)	(REFINE NAME)	Plat Alterations (___)	Amendments (___)
Boundary Line	(___) (THIS	Preliminary Plat	Zoning Code
Adjustment (___)	INCLUDES	Revisions (___)	Amendments (___)
Right-of-Way Use	LANDMARKS AND	Zoning Variance (___	Zoning Map
Permit (___)	OTHER C/MF)	Amendments (___)
Design and Construct	PROJECTS OVER	Conditional Use	Annexations (___)
ion Standards	CERTAIN	Permits (___)	
Deviation (___)	THRESHOLD + IT	Final Subdivision	
Code Interpretation	COULD INCLUDE	(___)	
(___)	PROJECTS BELOW	Plat or Short Plat	
Miscellaneous	THRESHOLD WHO	Vacations (___)	
Administrative	PROPOSE ONE OR	Street Vacations (___	
Decisions (___)	MORE)	
	DEPARTURES)	(AGAIN - THIS	
	Short Plat (Including	COULD BE SPLIT	
	Revisions and	INTO TWO TYPES	
	Alterations) (___)	BASED ON WHICH	
		SHOULD GO TO	
		HEARING EX VS	
		COUNCIL)	

15.22 Permit Review Procedures

15.22.010 Pre-application meeting (New)

A pre-application meeting is required prior to submitting an application for any Type II, III, or IV permit and/or for an application for a project located within a critical area or its buffer.

Applicants for development permits under Type I permits are encouraged to participate in pre-application meetings with the City. Pre-application meetings with staff provide an

opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Pre-application meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for pre-application meetings, which shall include a critical areas checklist. Plans presented at the pre-application meeting are nonbinding and do not “vest” an application.

15.22.030 Application (*New*)

14.05.010 Designation.

Each applicant submitting a project permit to the city shall designate a single person or entity to receive determinations and notices under this title. The applicant shall include the name, current address and current telephone number of the designated person or entity. The applicant shall be responsible for immediately notifying the city of any change of name, address or telephone number of the designated person or entity.

14.05.020 Submittal requirements.

A. The city shall specify submittal requirements, including, but not limited to, the type of project permit application, detail required in application and number of application copies. The city, at its sole discretion, may waive specific submittal requirements which it determines to be unnecessary for review of an application. Applicants may obtain application materials from the city.

B. The city may require additional material from applicants, including, but not limited to, maps, studies or models when the city determines such material(s) is needed to adequately assess the proposed project.

C. Applicants seeking approval of permits must complete an application form furnished by the city and comply with any requirements set forth in applicable city ordinances and any referenced design manuals. (AUBURN)

15.22.040 Determination of completeness (*current 1.68.120*)

15.22.050 Public notices of application (*New*)

15.22.060 Optional consolidated permit process (*current 1.68.080*)

15.22.070 Permit processing time limits (*current 1.68.240*)

15.22.080 Public notice of decision *(New)*

15.22.080 Expiration of vested status of land use permits and approvals
(New)

15.22.080 Permit expiration timelines for clearing & grading & site
development permits *(New)*

15.22.080 Public notice of decision *(New)*

15.23 General Provisions for Land Use Hearings & Appeals

15.23.010 Limitations on the number of hearings *(current 1.68.200 and 13.56)*

15.23.020 Public notice of public hearing *(current 13.56)*

15.23.030 Effective date of decision *(current 13.56)*

15.23.040 General description of appeals *(current 13.63)*

15.23.050 Grounds for administrative appeal *(current 13.63)*

15.23.060 Filing administrative appeals *(current 13.63)*

15.23.070 Appeal process *(current 13.63)*

15.23.080 Judicial review *(New)*

15.23.090 Judicial appeals *(New)*

15.23.100 Conflicts *(New)*

15.23.110 Dismissals *(New)*

15.24 Nonconformance, Temporary Uses, And Re-Use Of Facilities (*current 13.46*)

- 15.24.010. Purpose. (*update from current 13.46.020*)
- 15.24.020. Applicability. (*NEW*)
- 15.24.030. Nonconforming use. (*NEW*)
- 15.24.040. Nonconforming structure. (*NEW*)
- 15.24.050. Nonconforming lots. (*NEW*)
- 15.24.060. Continuance under variance. (*current 13.46.080*)

15.24.010 Intent. (*updated from current 13.46.020*)

NOTE - SUGGEST COMING UP WITH A TWO-TIERED APPROACH THAT DIFFERENTIATES BENIGN AND DETRIMENTAL NONCONFORMANCES - BUT NEED TO FIGURE OUT THE RIGHT THRESHOLDS FOR EBURG.

- A. Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated; (COVINGTON)
- B. Encourage the eventual replacement of nonconforming uses having potentially undesirable impacts on conforming uses; (KENT)
- C. Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use; and (COVINGTON - MAYBE WE WANT TO ADDRESS THIS SIMILARLY HERE?)
- D. Encourage the adaptive re-use of existing public facilities, which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
 - 1. Temporary re-uses of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;
 - 2. Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or
 - 3. Permanent re-use of historic structures listed on the National Register or designated as City landmarks by the City Historian and accepted by the City Council. (COVINGTON)

15.24.020. Applicability. (*New*)

Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

- A. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
- B. The use or structure does not comply with the development standards or other requirements of this Code;

A change in the required permit review process shall not create a nonconformance.
(SHORELINE)

15.24.030. Benign and detrimental nonconformities. (New)

The provisions of this chapter often distinguish benign nonconformities from detrimental nonconformities based on the differing levels of impacts that the various types of nonconformities may cause to surrounding uses that conform to the land use code.

- A. **Benign nonconformity.** A nonconformity 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 not enough landscaping, too few parking spaces, or minimal deviation from dimensional standards. ALSO TO ADD THESE INTO THE DEFS SECTION. IDEALLY WE NOTE THAT THE COMMUNITY DEVELOPMENT DIRECTOR MAKES THE DETERMINATION AS TO WHETHER A NONCONFORMITY IS BENIGN FOR DETRIMENTAL, BUT IS THAT GOING TO BE WORKABLE?
- B. **Detrimental nonconformity.** A nonconformity that has a negative impact on the health and safety 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, such as adult entertainment establishments near schools, or uses that have large trip generation characteristics such as drive through restaurants. PERHAPS SOME EXAMPLES OF DETRIMENTAL NONCONFORMING STRUCTURES? LET'S DISCUSS POSSIBLE EXAMPLES.

15.24.040. Nonconforming use. (New)

- A. **Applicability of restrictions.** Regulations applicable to nonconforming uses are in addition to regulations applicable to nonconforming structures, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply. (KENT - NOT SURE WE ACTUALLY NEED TO SAY THIS THOUGH)
- B. **Expansion of nonconforming uses.** No existing building, structure, or land devoted to a nonconforming use shall be expanded, enlarged, extended, reconstructed, intensified, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building, structure, or land is located except as follows: When authorized by conditional use permit, a nonconforming use may be expanded, enlarged, extended, reconstructed, intensified, or structurally altered. (KENT - STANDARD LANGUAGE)

ALTERNATIVE APPROACH

- Allow "benign" non-conforming uses to be enlarged, extended, reconstructed, intensified, or structurally altered consistent with other applicable development and design standards. QUESTION IS WHICH PROCESS - ADMINISTRATIVE, CONDITIONAL, OR OTHER? ALSO - IF THERE ARE SOME HISTORIC NONCONFORMING USES THAT ARE ARGUABLY NOT BENIGN, BUT AN IMPORTANT PART OF THE AREA CHARACTER -

PERHAPS SOME EXTRA FLEXIBILITY IS WARRANTED? IS THERE MUCH OF THIS IN EBURG IN TERM OF USES?

- C. **Change of nonconforming use.** When authorized by the **community development director**, a nonconforming use may be changed to a **similar use** that does not increase the intensity of impacts on surrounding conforming uses. For example, a change from a benign non-residential use in a residential zone to another benign use shall be acceptable. (CLOSE REVIEW OF WORDING HERE - WE'VE UPDATED SOME OF KENT'S PROVISIONS WITH NEW LANGUAGE)
- D. **Extension of nonconforming use.** When authorized by the **community development director**, a nonconforming use (MAYBE WE CLARIFY THAT THIS APPLIES TO "BENIGN" NC USES?) may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use of such building became nonconforming, if no structural alterations except those required by law are made therein.
- E. **Discontinuance of nonconforming use.** When a **detrimental** nonconforming use of land or a nonconforming use of all or part of a structure is discontinued or a abandoned for a period of six months, such use shall not be resumed, notwithstanding any reserved intent not to abandon such use. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the six month period of discontinuance. (NOTE - FOR BENIGN NON-CONFORMING USES - ACCORDING TO LANGUAGE IN F BELOW, THE USE NEEDS TO BE REPLACED BY A PERMITTED USE FOR THE STATUS TO CHANGE.....EXTRA FLEXIBILITY?)
- F. **Reversion to nonconforming use.** If a nonconforming use is changed to a permitted use, the nonconforming use shall not be resumed.
- G. **Residential exception to nonconforming use status.** Legally established residential uses located in any residential zoning district shall not be deemed nonconforming in terms of density provisions and shall be a legal use. (KENT - THIS SOLVES A LOT OF PROBLEMS - ELIMINATES THE NEED TO INCLUDE "EXISTING SINGLE FAMILY" IN SOME OF THE COMMERCIAL/INDUSTRIAL DISTRICTS)

15.24.050. **Nonconforming structure.** (New)

- A. **Applicability of restrictions.** Regulations applicable to nonconforming structures are in addition to regulations applicable to nonconforming uses, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply. (KENT - NOT SURE WE NEED TO SAY THIS)
- B. **Detrimental nonconforming buildings and structures.** No detrimental nonconforming structure may be expanded, enlarged, extended, reconstructed, or structurally altered or changed, nor may any major nonconforming building, structure, or lot be occupied after discontinuance of change in use, unless the structure, use, and associated grounds and development are brought into compliance with use and minimum development standards of the district in which such structure is located, except as follows:

1. Any detrimental nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, may be restored, reconstructed, and used as before; provided, that the work be vested by permit application within one (1) year of such happening; any restoration or reconstruction not vested by permit application within twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.
2. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a detrimental nonconforming structure, provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the planning manager. (KENT - EXCEPT "MAJOR" IS REPLACED WITH "DETRIMENTAL")

MIKE/LANCE - THE CHALLENGE HERE IS DISTINGUISHING A DETRIMENTAL FROM A BENIGN NC STRUCTURE - AS IT MAY BE MORE MURKY IN REALITY. PERHAPS THERE'S A NEED TO PROVIDE MORE EXAMPLES. WE'VE MENTIONED SOME FOR USES, BUT NOT STRUCTURES.

C. Benign nonconforming buildings and structures. No benign nonconforming structure may be expanded, enlarged, or extended, ~~reconstructed or otherwise structurally altered or changed,~~ nor may any benign nonconforming building, structure, or lot be occupied after discontinuance or change in use, unless the structure and associated grounds and development are brought into compliance with the minimum development standards of the district in which such structure is located, except as follows: (KENT - NOTE SUGGESTED CAHNGES FOR MORE FLEXIBILITY)

1. Any benign nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, may be restored, reconstructed and used as before; provided, that the work be vested by permit application be completed within one year of such happening; any restoration or reconstruction vested by permit application 12 months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.
2. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a benign nonconforming structure, provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the community development director. (KENT - EXCEPT "MINOR" IS REPLACED WITH "BENIGN")

NOTE - PERHAPS WE CAN ELIMINATE 1 AND 2 ABOVE, BY JUST ADDING TO THE TEXT IN PARAGRAPH C: Benign nonconforming structures may be altered or rebuilt provided they do not increase the nonconformity.

D. Community development director's authority. The community development director may waive specific development standard requirements or impose additional requirements when all the following criteria are met:

1. When owing to special circumstances a literal enforcement of the provisions of this title or other land use regulatory ordinances of the city will result in unnecessary hardship.

2. When the waiver of development requirements is in harmony with the purpose and intent of city ordinances and the comprehensive plan.
3. When the proposed use, building, and development will function without adverse impact upon adjacent property, development in the area or the city as a whole.
4. When a conditional use permit is not required. (KENT - THIS IS SORT OF AN ADMINISTRATIVE VARIANCE - IS THIS WORKABLE?)

15.24.060. Nonconforming lots. (New)

- A. Applicability of restrictions. Regulations applicable to nonconforming lots are in addition to the regulations applicable to nonconforming uses, structures, and signs, and, in the event of conflict, the most restrictive provisions shall apply. (KENT - AGAIN, NOT SURE WE NEED TO SAY THIS)
- B. Nonconforming lots of record. (current 13.46.060)
 1. In any residential zone, and in nonresidential zones where single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected or modified on any nonconforming lot of record, even though such lot fails to meet lot area and width requirements of the zone in which such lot is located; provided that:
 - a. Such lot is in separate ownership.
 - b. A minimal variance necessary to relieve the specific hardship has been granted by the board of adjustment.
ABOVE LANGUAGE FROM EXISTING 13.46.060 - BUT THE VARIANCE LANGUAGE WARRANTS AN ALTERNATIVE:
 - b. The proposed development meets other applicable development standards such as setbacks and building height.
 2. Other districts. In any other district, permitted building and structures may be constructed on a nonconforming lot of record, provided applicable development standards such as setbacks, landscaping, and off-street parking requirements are met. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership prior to _____, and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (KENT) (NOT SURE WE WOULD EVEN NEED GREEN HIGHLIGHTED TEXT)

15.24.070 Continuance under variance. (current 13.46.080)

Nonconforming uses, buildings and structures for which a variance or special use permit has been granted under the terms of any previous ordinance shall be permitted to continue under the conditions imposed in the variance or special use permit. [Ord. 3360 § 1, 1982.] (I

WOULDN'T THINK WE'LL NEED TO SAY THIS)

15.25 Review and Decision Criteria

15.25.010 _____

15.25.020 _____

NOTE - WILL NEED TO DETERMINE WHAT TO DO WITH PUD'S - MOST PARTS GO AWAY - WITH DENSITY BONUS PROVISIONS...

15.26 Subdivision Procedures (*current Title 12*)

15.26.010 _____

15.26.020 _____

15.27 Environmental Procedures (*current Chapter 1.42*)

15.27.010 _____

15.27.020 _____

15.28 Ellensburg Landmark Register & Procedures (*current Chapter 1.45*)

15.28.010 Purpose (*1.45.080*)

15.28.020 _____

15.29 Code Enforcement (*current Chapter 13.64*)

15.29.010 _____

15.29.020 _____



Article 3: Zoning Districts & Land Uses

Draft, April 28, 2011

NOTES: This is the first preliminary draft of code - intended for review by City Council, Planning Commission, City Staff, and interested citizens. The provisions herein are intended to replace applicable land use regulations now found in EMC Titles 12 and 13. For clarification, we have indicated in (parentheses) whether each chapter is new or updates or replaces a current EMC chapter or section.

Also, text in CAPS are special notes to reviewers. **Highlighted text** warrants special review. Lastly, at the end of some sections, we've indicated in (CAPS) that the new or updated code language is based on similar language from another community - purely for informational purposes.

Contents: (LIST BELOW TO BE UPDATED)

- 15.30 Zones, maps & designations (current Chapters 13.10 - 13.37)
 - 15.30.010 Purpose (NEW)
 - 15.30.020 Zoning map and boundaries (current 13.06 and 13.08)
 - 15.31.030 Zones and map designations purpose (NEW)
 - 15.31.040 Residential zones and map designations (NEW)
 - 15.31.050 Commercial and mixed-use zones and map designations (NEW)
 - 15.31.060 Special districts and map designations (NEW)
- 15.31 Permitted uses (current Chapters 13.10 - 13.37)
 - 15.31.010 Purpose (NEW)
 - 15.31.020 Interpretation of use tables (NEW)
 - 15.31.020 Use tables (NEW)
- 15.32 Form and intensity standards (current Chapters 13.10 - 13.37)
 - 15.32.010 Purpose (NEW)
 - 15.32.020 Interpretation of tables (NEW)
 - 15.32.030 Form and intensity standards - Residential zones (NEW)
 - 15.32.040 Form and intensity standards - Non-residential zones (NEW)
 - 15.32.050 Placeholder for clarifying form and intensity standards
- 15.37 Density bonus incentives (NEW)
 - 15.37.010 Purpose (NEW)
 - 15.37.020 Density bonus system for the R-S and R-L zones (NEW)
 - 15.37.030 Floor area ratio (FAR) bonus system for the R-M and R-O zones (NEW)
 - 15.37.040 Height bonus system for the I-L zones (NEW)
- 15.33 Index of Supplemental Use Criteria (currently integrated with Title 13 zoning chapters)
 - 15.33.010 Purpose (NEW)
 - 15.33.020 Placeholder for specific use criteria

- 15.34 Master Site Plans for Regional Retail Commercial Projects (*current Chapter 13.25*)
 - 15.34.010 Purpose (*current 13.25.010*)
 - 15.34.020 Placeholder for remaining sections
- 15.35 Airport Overlay Zone (*current Chapter 13.11*)
 - 15.35.010 Purpose (*current 13.11.010*)
 - 15.35.020 Placeholder for remaining sections
- 15.38 Annexations
 - 15.37.010 Placeholder

15.30 Zones, Maps and Designations

15.30.010 Purpose. (*NEW*)

The City is divided into zones established in this Code for the following purpose:

- A. To provide for the geographic distribution of land uses into zones that reflect the goals and policies of the Comprehensive Plan.
- B. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.
- C. To provide an efficient and compatible relationship of land uses and zones.
(SHORELINE)

15.30.020 Zoning map and boundaries. (*Replacing 13.06 and 13.08*)

NOTE - PROPOSED LANGUAGE HERE IS MUCH SIMPLIFIED - AND BASED ON PROVISIONS FOR CITY OF COVINGTON. EXTENSIVE LANGUAGE IN CURRENT SECTIONS ARE LIKELY UNNECESSARY.

- A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.
- B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.
- C. Zoning maps are available for public review at the Department of Community Development permit center during business hours.
- D. ADD PROVISION ABOUT REPLACING LOST OR DAMAGED ZONING MAP.

15.30.030 Zone and map designation purpose. (*Revised from 13.10.020*)

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

15.30.04 0 Residential zones and map designations *(Revised from Chapter 13.10 sections)*

NOTE - BELOW IS SOME PRELIMINARY UPDATED LANGUAGE FOR THE PURPOSES OF EACH DISTRICT - LANGUAGE WILL BE REFINED.

A. Residential Suburban Zone (R-S)

The R-S zone is intended to provide for a mix of predominantly single detached dwelling units in a neighborhood setting. These purposes are accomplished by:

1. Providing detached single family dwellings as the predominate use, with options to integrate cottage housing, accessory dwelling units, and townhouses in a relatively low urban density;
2. Providing design standards that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Promoting compact, pedestrian-friendly, and energy efficient residential neighborhood design;
4. Providing design standards that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development.
5. Providing for a minimum density standard to avoid large scale low density sprawl.
6. Providing a flexible system of bonus incentives that allow for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Dedicated parkland or other open space;
 - e. Investment in desirable public facilities; and/or
 - f. Purchase of transfer of development rights that help to preserve _____ areas outside of the city.
7. Use of this zone is appropriate for.....TO ADD CRITERIA

B. Residential Low Density Zone (R-L)

The R-L zone is intended to protect the character of existing low density residential neighborhoods while allowing for compatible infill development. These purposes are accomplished by:

1. Providing detached single family dwellings as the predominate use, with options to integrate accessory dwelling units and duplexes and cottage housing on larger lots;
2. Providing design standards that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods; and
3. Providing conditional use options for the development of essential

complementary services and institutions.

4. Promoting compact, pedestrian-friendly, and energy efficient residential neighborhood design;
5. Providing for a minimum density standard to avoid large scale low density sprawl.
6. Providing a flexible system of bonus incentives that allow for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - d. Dedicated parkland or other open space;
 - e. Investment in desirable public facilities; and/or
 - f. Purchase of transfer of development rights that help to preserve _____ areas outside of the city.
7. Use of this zone is appropriate for.....TO ADD CRITERIA

C. Residential Medium Density Zone (R-M)

The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

1. Providing for a combination of detached single family dwellings, cottage housing, townhouses, and multifamily housing types;
2. Providing design standards that promote the creation of attractive, compact, and pedestrian-friendly neighborhoods;
3. Providing design standards that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development; and
4. Providing conditional use options for the development of essential complementary services and institutions.
5. Providing for a minimum density standard to avoid large scale low density sprawl.
6. ADD - UTILIZE HEIGHT LIMIT, FAR, AND DESIGN STANDARDS OVER MAX DENSITY LIMIT TO PROMOTE INFILL DEVELOPMENT THAT REINFORCES DESIRED CHARACTER....
7. Providing (ADD LANGUAGE ON HEIGHT OR FAR BONUS FOR TDR AND/OR ENERGY EFFICIENCY)
8. Use of this zone is appropriate for.....TO ADD CRITERIA

D. Residential High Density Zone (R-H)

NOTE - TO REMOVE OVERLAY DESIGNATION AND MAKE A REGULAR ZONING DISTRICT.

The R-H zone is intended to comprise areas for high density multifamily residential

development in areas served by transit and within walking distance from commercial services. These purposes are accomplished by:

1. Providing for multifamily dwellings and a minimum density limit;
2. Providing design standards that promote compact and walkable development patterns that are well integrated with surrounding and compatible development; and
3. ProvidingTO ADD LANGUAGE
4. ADD - UTILIZE HEIGHT LIMIT, FAR, AND DESIGN STANDARDS OVER MAX DENSITY LIMIT TO PROMOTE INFILL DEVELOPMENT THAT REINFORCES DESIRED CHARACTER...
5. Providing (ADD LANGUAGE ON HEIGHT OR FAR BONUS FOR TDR AND/OR ENERGY EFFICIENCY)
6. Use of this zone is appropriate for.....TO ADD CRITERIA

15.30.050 Commercial and mixed-use zones (Revised from Chapter 13.10 sections)

NOTE - LANGUAGE BELOW IS FROM EXISTING CHAPTER 13.10 AND WILL BE UPDATED IN A MANNER CONSISTENT WITH ORGANIZATION AND CONTENT REFERENCED ABOVE.

- A. Commercial Neighborhood Zone (C-N) EXISTING LANGUAGE TO BE REFINED.
- B. Tourist Commercial Zone (T-C) EXISTING LANGUAGE TO BE REFINED.
- C. Highway Commercial Zone (C-H) EXISTING LANGUAGE TO BE REFINED.
- E. Residential Office Zone (R-O) EXISTING LANGUAGE TO BE REFINED.
- F. Central Commercial Zone (C-C) EXISTING LANGUAGE TO BE REFINED.
- G. Central Commercial II Zone (C-CII) EXISTING LANGUAGE TO BE REFINED.
- H. Light Industrial Zone (I-L) EXISTING LANGUAGE TO BE REFINED.
- I. Heavy Industrial Zone (I-H) EXISTING LANGUAGE TO BE REFINED.

15.30.060 Special districts (Revised from Chapter 13.10 sections)

NOTE - FOR NOW, THESE SUBSECTIONS WERE COPIED FROM CURRENT CHAPTER 13.10 - AND MOST/ALL WILL BE REFINED, AS NEEDED.

- A. Master Site Plans for Regional Retail Commercial Projects
NO CHANGES IN CONTENT FOR THESE REGIONAL RETAIL PROVISIONS ARE ANTICIPATED.
- B. Public Reserve Zone (P-R)
CURRENT CHALLENGE IS WHEN PUBLIC USE ENDS - NO PROCESS FOR TRANSFER TO PRIVATE - WILL BE CONSIDERING OPTIONS.
- ~~C. Manufactured Home Park Zone (MHP)~~
CONSIDER DELETING AS A SEPARATE ZONE AND MAKE THE USE CONDITIONAL IN APPROPRIATE ZONES AND REFINE STANDARDS.
- ~~D. Manufactured Home Subdivision Zone (MHS)~~
ZONE NOT NECESSARY.
- C. Downtown Historic District **AGAIN, MORE OF AN OVERLAY RATHER THAN A ZONE**
- E. Planned Unit Development **OVERLAY - WITHIN A PARTICULAR DISTRICT - NOTE THAT THE PROPOSED DENSITY BONUS PROVISIONS MAY MAKE PUD'S NEARLY OBSOLETE. TO DATE, ONLY ONE PUD HAS BEEN COMPLETED.**

15.31 Permitted uses (current Chapters 13.10 - 13.37)

15.31.010 Purpose (NEW)

- A. The purpose of this subchapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.
- B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained.
- C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days.
Exception: A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit (ADD LINK).
- D. All applicable requirements of this Code, or other applicable State or Federal requirements, shall govern a use located in the City.

15.31.020 Interpretation of land use tables. (NEW)

- A. The land use tables in this chapter determine whether a use is allowed in a zone district. The zone district is located on the vertical column and the use is located on the horizontal row of these tables.
- B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
- C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in Chapter ___ and the general requirements of the code.
- D. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter [redacted] and conditional use fees as set forth in the **current fee resolution (MIKE WILL BE ADDRESSING THIS)**, and the general requirements of the code.
- E. Clarification of uses and special conditions:
 1. **If a * appears after the use, then the use is defined in EMC Chapter 15.13.**
 2. **Where an EMC reference/link appears after a use, then the use is subject to standards set forth in that section or chapter.**
 3. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the development condition with the corresponding number immediately following the land use table. If there are multiple numbers, then the use is subject to all applicable development conditions.
 4. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.
 5. All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

15.31.020 Use tables (NEW)

NOTE - WE'VE REWORKED CURRENT USES LISTS IN INDIVIDUAL ZONING CHAPTERS INTO USE TABLES FOR RESIDENTIAL AND COMMERCIAL USES COMBINING ALL THE MAJOR ZONES. A MAJOR GOAL HERE IS TO AVOID A SUPER-LONG AND OVERLY DETAILED LIST OF USES IN FAVOR OF CONSOLIDATED AND GENERALIZED USES - WITH LINKS TO DETAILS ELSEWHERE.

FOR NOW - WE'VE SET THIS UP IN TRACK CHANGES FORMAT TO INDICATE CHANGES FROM THE CURRENT CODE.

Table 15.31.020 Residential-based uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-------	-----	-----

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
RESIDENTIAL, GENERAL												
Dwelling, single family* (EMC _____)	P	P	P		P				P	P		
Dwelling, cottage* (EMC _____)	P	P	P		P				P	P		
Dwelling, duplex* (EMC _____)	P ¹	P ^{1,2}	P		P				P	P		
Dwelling, townhouse* (EMC _____)	P ¹	P ¹	P	P	P	P ³			P	P		
Dwelling, multifamily* (EMC _____)	P ¹		P	P	P	P ³			P	P		
Dwelling, live-work* (EMC _____)			P	P	P	P			P	P		
Manufactured home park* (EMC _____)			C	P	C							
GROUP RESIDENCES												
Boarding houses, lodging houses, sororities, fraternities*		C	CP	CP	C				P	P		
Community residential facility I*	C	C	P	P	P	P			P	P		
Community residential facility II*			C	C	C	C			P	P		
STAFF - WHAT WOULD CRF'S AND ASSISTED LIVING FACILITIES FALL UNDER RIGHT NOW?												
Senior citizen assisted housing*			P	P	P	P			P	P		
RESIDENTIAL ACCESSORY USES												
Accessory uses, residential*	P	P	P	P	P	P	P	P	P	P	P	P
Accessory dwelling unit* (EMC _____)	P	P	P	P	P				P	P		
Home occupations* (EMC _____)	P	P	P	P	P	P	P	P	P	P	P	P
TEMPORARY LODGING												
Bed & breakfast*			P	P	P				P	P		
Hotels/Motels*							P	P	P	P		
Recreational Vehicle* (EMC _____)	P	P	P	P	P	P	P	P	P	P	P	P

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in Table 15.32.030 and EMC Chapter 15.33.
2. Duplexes are permitted in the R-L zone per the following conditions.
 - a. Lots at least 10,890 square feet in area.
 - b. Corner lots where entries are provided on separate streets.
3. Residential uses are permitted in the C-N zone provided non-residential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.

Table 15.31.020 Non-residential uses.

Use	R-S	R-L	R-M	R-H	P-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
RETAIL												
Auto sales, new & used							P ¹	P	P ²	P		
Commercial use providing drive-through service							P	P		P		
Farmers markets*						P			P	P		
Fruit stands*						P	P	P	P	P	P	
Heavy retail*								P	P ³	P	P	P
Nurseries & greenhouses (commercial) *	P							P	P ³	P	P	CP
Restaurants, bars, and brewpubs*			P ³	P ³	P ³	P	P	P	P	P	P	
Retail, small scale (<2,000sf floor area)			P ³	P ³	P ³	P	P	P	P	P		
Retail, medium scale (2,000-20,000sf floor area)						P		P	P	P		
Retail, large scale (20,001-60,000sf floor area)						P ⁵		P	P	P		
Retail, super scale (>60,000sf floor area)						P	C		C	C		
NOTE - WE'VE COMBINED SEVERAL RETAIL USES INTO ONE GENERAL RETAIL CATEGORY, BUT PARCELED THEM INTO DIFFERENT CATEGORIES BASED ON SIZE. WE THOUGHT IT WAS IMPORTANT TO INCLUDE A VERY SMALL SCALE SIZE (2,000), AS WELL AS MEDIUM, LARGE, AND SUPER SIZES. 60K WAS CHOSEN AS THE												

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
THRESHOLD FOR LARGE, SINCE A LARGE NEW GROCERY CAN BE UP TO 50-60K, WHEREAS THE EXISTING FRED MEYER IS ABOUT 125,000. WALMARTS AND COSTCO'S ARE TYPICALLY IN THE 120-150K RANGE.												
Regional retail commercial projects (EMC _____)							C	C		C	C	
NOTE - THIS IS THE EXISTING REGIONAL RETAIL PROVISION - WHILE IT'S NOT CURRENTLY INCLUDED AS A CONDITIONAL USE IN THE I-L AND CC2, IT'S REFERENCED IN THE COMP PLAN FOR THOSE AREAS.												
PERSONAL AND GENERAL SERVICE												
Day care I facilities family day care homes (EMC _____)	P	P	P	P	P	P	P	P	P	P	P	
Day care II facilities child day care center (EMC _____)	C	C	C	C	P	P	P	P	P	P		
General service establishments*						P ⁶	P ⁷	P	P ²	P	P	
Heavy services (see Heavy retail and services definition)*								P	P ²	P	P	P
Hospitals*	C	C	C		P				C	P		
Kennels or cattery* (EMC _____)								P		P	P	
Nursing homes*	C	C	C	CP	CP				P	P		
Personal service establishments*			P ³	P ²	P ³	P	P ¹	P	P	P		
Places of worship*	C	C	C	C	P	P			P	P		
Radio station (commercial)		C										
BUSINESS SERVICE												
Convention center*									P	P		
Offices*						P	P	P	P	P	P ³	
Miniwarehouse facility*								C			P	P
INDUSTRIAL												
Light industry*										P ²	P	P
Hazardous waste treatment (on-site)*							C	C	C	C	C	C
Heavy industry*												C

Development conditions:

LDCU-ARTICLE 3 DRAFT - ZONING AND LAND USES

1. Sales of used vehicles in this zone is limited to uses that include sales of new vehicles as the primary use.
2. Use must be enclosed entirely within a building.
3. Use is permitted if located adjacent to a street corner and within a mixed-use building.
4. Includes hair care/beautician uses only, provided it is subordinate to another permitted use. No other personal service establishments are permitted.
5. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.
6. Except for gas service stations, the use must be enclosed entirely within a building.
7. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.
8. Except for office uses that are accessory to a permitted use, office uses may be permitted through the Transfer of Development Rights program (SUBJECT TO THE CITY ADOPTING AN ORDINANCE DICTATING EXCHANGE RATES AND STANDARDS).

NOTE: EXISTING COMMERCIAL USES - THE CHART BELOW INCLUDES USES CURRENTLY ADDRESSED IN CODE THAT HAVE BEEN CONSOLIDATED INTO MORE GENERALIZED USE CATEGORIES LISTED IN THE CHART ABOVE. FOR EACH USE, WE'VE INDICATED WHAT PROPOSED USE CATEGORY THEY FIT INTO, AND WHAT PERMITTED USE CHANGES ARE PROPOSED, IF ANY.

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
Equipment sales and service (farm and construction) Heavy retail and service								P		C		
Agriculture supply sales Heavy retail and service								P				
Lumber sales Heavy retail and service								P				
Equipment yards Heavy retail and service											P	
Grocery store Retail							C		P			
Hair care/beautician Personal service establishments							C		P			
Hardware stores Retail									P			
Laundromat Personal service establishments									P			
Repair and construction service Heavy retail and service								P				
Veterinary offices and clinics General service establishments					O ¹	P ¹		CP	P ¹	P	P	
Warehouses/ mini-storage General service establishments if less than 50k, otherwise Light industry								C			O	
Call centers, claim centers Light industry										P ²	P	
Cement and asphalt batch plants Heavy industry												C
Food and drug processing Light industry										P ²	P	

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
Glue manufacturing Heavy industry												C
Industrial and manufacturing, fabricating or processing of products mostly Light industry, except some would fall under Heavy industry										P ²	P	P
Junkyards, wrecking yards Heavy industry												C
Livestock feeding, cattle sales, livestock auctions Heavy industry												C
Printing, publishing, and allied industries Light industry										P ²	P	P
Research and development, including biotech, software Light industry										P ²	P	P
Sawmills, woodworking plants Heavy industry												C
Slaughterhouses, meat processing Heavy industry												C
Warehouse Light industry										P ²	P	P
Welding and machine shops Light industry										P ²	P	P
Wholesale Light industry										P ²	P	P

Table 15.31.030 Special uses. NOTE - DEFINITIONS MAY BE NEEDED FOR SOME OF THE USES.

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
PARK OPEN SPACE & RECREATIONAL												
Cemeteries, columbarium or mausoleums	P	P										
Gardening or fruit raising (non-commercial)	P	P	P	P	P	P	P	P	P	P	P	P

Use	R-S	R-L	R-M	R-H	R-O	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
Gun clubs and rifle ranges												
Golf course	P											
Recreation - outdoor (commercial)*	C						P	P			C	
Recreation - indoor (commercial)*							P	P	P	P	C	
Recreational vehicle parks (EMC _____)							P	P				
Resorts*												
Golf driving range	C						C	C				
Parks, Playgrounds (public or private)	P ¹											
CULTURAL & ENTERTAINMENT												
Adult entertainment *							P ²					
Art, performing arts, and recording studios							P	P	P	P		
Museums							P		P	P		
EDUCATIONAL												
Schools	C	C	C	C	C			C	C	C		
GOVERNMENTAL												
Court								P	P	P		
Fire facility								P				
Interim recycling facility	P ³	P										
Police facility						P ⁴	P	P	P ⁴	P	P	
Public agency or utility office						P	P	P	P	P	P	P
Public agency or utility yard	P ⁵	P	P	P	C ⁵	P	P	P				
Utility facility*	P	P	P		P	P	P	P	P	P	P	P
RESOURCE												
Agriculture*	P ¹											
REGIONAL												
PLACEHOLDER IF NEEDED												

Development conditions:

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.

LDCU-ARTICLE 3 DRAFT - ZONING AND LAND USES

2. Adult entertainment facility standards:
 - a. All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office);
 - b. All such establishments must comply with **Chapter 13.49 ECC**, Adult Entertainment Licenses;
3. Interim recycling facility conditions:
 - a. Interim recycling facilities in the residential zones shall be limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
 - b. In C-N, T-C, C-C, and C-CII zones all processing and storage of material shall be within enclosed buildings, except of drop box facilities for the collection and temporary storage of recyclable materials. Yard waste processing is not permitted.
4. Limited to "storefront" police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the NC zone); or
 - c. Long-term storage of stolen properties.
5. Public agency or utility yard conditions:
 - a. Utility yards only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.

15.32 Form and Intensity Standards *(Replacing Chapters 13.10 - 13.37)*

15.32.010 Purpose *(NEW)*

- A. To promote forms of development that reinforce and/or enhance the desired character of Ellensburg neighborhoods.
- B. To promote compatibility between developments.

15.32.020 Interpretation of tables *(NEW)*

- A. The form and intensity standards tables address the form and intensity of development specific to individual zoning districts. The zone district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.
- B. Where an EMC reference/link appears after the form and intensity topic, then the use is subject to standards set forth in that section or chapter.
- C. If a number appears in the box at the intersection of the column and the row, refer to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then all development conditions apply.

15.32.030 Form and intensity standards table - Residential zones *(NEW)*

NOTE - LIKE THE USE LISTS, WE'VE REWORKED THE FORM AND INTENSITY STANDARDS IN INDIVIDUAL ZONING CHAPTERS INTO TABLES COMBINING FOR RESIDENTIAL AND COMMERCIAL ZONES.

SIMILARLY - WE'VE SET THIS UP IN TRACK CHANGES FORMAT TO INDICATE CHANGES FROM THE CURRENT CODE.

Table 15.32.030 Form and intensity standards table - Residential zones.

Topic	RS	RL	RM	RH	RO
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area (EMC _____)	7,000sf None ¹	7,000sf None ¹	7,000sf None ¹	10,000sf None ¹	7,000sf None ¹
NOTE - NEW APPROACH LARGELY MOVING AWAY FROM MINIMUM LOT SIZES - TO ALLOW FOR DENSITY AVERAGING - SINCE DENSITY MAXIMUMS REMAIN BELOW.					
Minimum frontage (EMC _____)	60 ft None ^{1,2}	60 ft None ^{1,2}	50 ft None ^{1,2}	60 ft None ^{1,2}	50 ft None ^{1,2}
NOTE - STRICT BLOCK SIZE STANDARDS WILL HELP REDUCE THE NEED FOR STRICT FRONTAGE STANDARDS.					
Density, minimum (EMC _____)	NA 6/du/ac re ³	NA 6/du/ac re ³	NA 8/du/ac re ³	8 15 du/acr e	NA 8/du/ac re ³

Topic	R-S	R-L	R-M	R-H	R-O
NOTE - WE SUGGEST ADDING DENSITY MINIMUMS IN ALL THE R-ZONES AS A HIGH PRIORITY IN PROMOTING MORE COMPACT GROWTH AND REDUCING LONG TERM ENERGY DEMANDS. FOR THE R-S ZONE, WE SUGGEST A MINIMUM OF 6 DUE TO THE LARGE EXTENT OF THE RS ZONE AND POTENTIAL LONG TERM IMPACTS OF VERY LOW DENSITY SPRAWL. IF 6/ACRE SEEMS TOO HIGH, WE WOULD NOT RECOMMEND GOING ANY LOWER THAN 4/ACRE. ALSO NOTE THAT PARCELS 1 ACRE OR LESS ARE EXEMPT FROM DENSITY MINIMUMS IN MOST ZONES.					
Density, maximum (base) (EMC _____)	6 du/acre	8 du/acre	12 du/acre No limit	12 du/acre No limit	12 du/acre No limit
Density, maximum with bonus (see EMC Chapter 15.33)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit	No limit
NOTE - WHILE WE STRONGLY SUPPORT A DENSITY BONUS SYSTEM FOR THE R-S AND R-L ZONES, WE SUGGEST REMOVING THE MAXIMUM DENSITY LIMITS IN THE R-M, R-O, AND R-H DISTRICTS ENTIRELY AS THE BEST WAY TO PROMOTE INFILL DEVELOPMENT IN THESE DISTRICTS, WHICH ARE LARGELY BUILT OUT IN SOME MANNER.					
Maximum Lot Coverage	40%	40%	50%	85% of non setback area	50%
WE SUGGEST USING FLOOR AREA RATIO AND MAXIMUM IMPERVIOUS AREA STANDARDS TO MORE EFFECTIVELY MEET COMMUNITY DESIGN AND ENVIRONMENTAL GOALS. 0.5 IS A GOOD STANDARD FOR SINGLE FAMILY AREAS, WHILE 1.25 AND 2.0 FOR THE R-M AND R-H, RESPECTIVELY. SEEM REASONABLE AFTER SKETCHING OUT SOME CASE STUDY EXAMPLES ON TYPICAL SITES. KEEP IN MIND THAT FAR PROVISIONS WORK TOGETHER WITH HEIGHT, SETBACK, AND PROPOSED DESIGN STANDARDS.					
Maximum floor area ratio (FAR) ⁵ (EMC _____)	0.5 ⁵	0.5 ⁵	1.0 ⁶	1.5 ⁶	1.0 ⁶
Maximum impervious area (EMC _____)	X% ⁷	X% ⁷	X% ⁷	X% ⁷	X% ⁷
IMPERVIOUS AREA STANDARDS TO BE COMPLETED.					
Maximum building height (EMC _____)	35 ft	35 ft	35 ft ⁸	40 45 ft ⁸	35 ft ⁸
BUILDING PLACEMENT (EMC _____)¹⁰					
Minimum front yard (EMC _____)	15 ft ⁹	15 ft ⁹	15 ft ⁹	15 ft ⁹	15 ft ⁹
Minimum rear yard (EMC _____)	10 ft 20ft	10 ft 20ft	10 ft 20ft	10 ft 20ft	10 ft 20ft
NOTE THAT GARAGES OFF ALLEYS WILL BE EXEMPT FROM REAR SETBACKS - THIS WILL BE ADDRESSED LATER IN CHAPTER.					
Minimum interior side yard (EMC _____)	5 ft/10 ft	5 ft/10 ft	5 ft/10 ft	5 ft/10 ft	5 ft/10 ft
Minimum interior side yard (corner) (EMC _____)	5 ft	5 ft	5 ft	5 ft	5 ft

Topic	R-S	R-L	R-M	R-H	R-O
_____)					

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. FRONTAGE - ADDRESS - LEGAL ACCESS TO PUBLIC STREET REQUIRED - DOES NOT NECESSARILY MEAN LOTS MUST FRONT ONTO PUBLIC STREET.
3. The density minimum shall apply only to lots greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in EMC 15.33.020(A).
5. The maximum FAR standards for Townhouses and multifamily uses, where permitted through density bonus provisions, may be increased, as set forth on the final plat.
6. See **EMC 15.33.030** for FAR bonus provisions.
7. PLACEHOLDER RELATED TO MAXIMUM IMPERVIOUS AREA STANDARDS/EXCEPTIONS.
8. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
9. Porches and covered entries may extend up to six feet into the front yard.
10. Reduced or eliminated setbacks may be permitted through the design review process for non-residential or mixed-use buildings provided the design meets the purpose of the district and applicable standards and guidelines.(TO ADD RELEVANT LINKS).

15.32.040 Form and intensity standards - Non-residential Zones (NEW)

Table 15.32.040 Form and intensity standards table - Non-residential zones.

Standard	CN	TC	CH	CC	CCII	HL	HH
DEVELOPMENT INTENSITY AND CONFIGURATION							
Minimum lot area (EMC _____)	5,000sf None ¹	None ¹					
Density, minimum (EMC _____)	NA	NA	NA	NA	NA	NA	NA
Density, maximum (EMC _____)	None	None	None	None	None	NA	NA
Maximum Lot Coverage	50%	None	None	None	None	None	None
Maximum floor area	TO BE COMPLETED						

Standard	C-N	T-C	C-H	C-C	C-CII	I-L	I-H
ratio (FAR) (EMC _____)							
Maximum impervious area (EMC _____)	TO BE COMPLETED						
Maximum building height (EMC _____)	35 ft	35 ft ²	35 ft ²	None 3 5 ft ³	None 70 feet	None 35 feet ^{2,4}	None
FOR YELLOW HIGHLIGHTED BOXES - CONSIDER BONUS INCENTIVES FOR ENERGY EFFICIENCY AND TDRs							
BUILDING PLACEMENT (EMC _____)							
Minimum front yard (EMC _____)	15 ft 10 ft ³	10 ft ⁵ 15 ft	10 ft ⁵ 15 ft	None ⁵	None ⁵	None 10 ft ⁵	None 10 ft
Minimum rear yard (EMC _____)	None 20 ft	10 ft	10 ft	None	None	None	None
Minimum side yard (EMC _____)	None 5 ft/10 ft	None	None	None	None	None	None

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. The maximum height limit for regional retail project buildings is 50 feet.
3. For sites outside of the historic district, the height limit shall be 6-stories or 70 feet, whichever is more.
4. PLACEHOLDER TO ALLOW GREATER HEIGHT IN I-L ZONE THROUGH EITHER ENERGY EFFICIENCY OR TDR INCENTIVE.
5. For exceptions and detailed standards, see EMC _____ (SITE ORIENTATION STANDARDS IN ARTICLE 5).

PLACEHOLDER FOR SECTIONS CLARIFYING DENSITY AND FORM AND INTENSITY STANDARDS

15.32.050 Lot and Density Calculations (NEW)

15.32.060 Height Exceptions (NEW)

15.32.070 Setback Measurements (NEW)

15.32.080 Lot or Site Divided by Zone Boundary (NEW)

15.32.080 Sight Distance Requirements (NEW)

15.33 Density bonus incentives

15.33.010 Purpose

- A. To promote a variety of housing types.
- B. To promote green building policies and practices.
- C. To promote compact development patterns that encourage the use of non-motorized forms of transportation.
- D. To promote the integration of parks, open spaces, trails, natural area preservation, and public facilities into the design of new developments.
- E. To encourage (PLACEHOLDER FOR TDR)

NOTES AND ASSUMPTIONS ABOUT DENSITY BONUSES FOR REVIEWERS:

- THE DRAFT HEREIN IS JUST OUR FIRST DRAFT, AND WE FULLY EXPECT REFINEMENTS WILL BE NEEDED TO FIT THE OBJECTIVES OF THE COMMUNITY.
- THE INTENT WAS TO FIND THE SWEET SPOT WITH THE BONUS MEASURES - NOT TOO CHALLENGING THAT NO ONE WILL BOTHER, BUT NOT TOO EASY IN THAT THE CITY GETS NOTHING IN RETURN.
- BETWEEN THE DIFFERENT TYPES OF BONUSES - THE GOAL WAS TO CREATE SOME EQUITY/BALANCE - AVOIDING THE SCENARIO WHERE ONE TYPE OF BONUS IS MUCH EASIER THAN ANOTHER.
- NOT ALL DEVELOPERS WILL CHOOSE TO USE THE BONUS SYSTEM - AND NOT ALL THOSE THAT DO WILL CHOOSE THE MAXIMUM BONUS.
- NET ZERO ENERGY PROJECTS ARE THE ONLY BONUS MEASURE THAT ALLOWS MORE THAN DOUBLE THE DENSITY INCREASE. THAT IS BECAUSE THEY ARE VERY DIFFICULT AND MORE EXPENSIVE TO DO. VERY FEW OF THESE PROJECTS HAVE BEEN COMPLETED IN WASHINGTON STATE. THEREFORE, A SIGNIFICANT BONUS IS NEEDED TO PROVIDE AN INCENTIVE.
- THE BONUS PROVISIONS ARE STRUCTURED TO ENCOURAGE APPLICANTS TO UTILIZE MULTIPLE TYPES OF BONUS ELEMENTS, SUCH AS ENERGY EFFICIENT DESIGN, TRAILS, AND HOUSING MIX.
- AS WE PROCEED, WE WILL DEVELOP SOME CASE STUDIES TO HELP PARTICIPANTS UNDERSTAND HOW THIS MIGHT WORK.

15.33.020 Density bonus system for the R-S and R-L zones (NEW)

Table 15.33.020 below summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in paragraphs (A) through (F) in this section.

Developments may use a combination of bonus elements provided they comply with the maximum density provisions set forth for the zone in Table 15.32.030. An exception to the maximum density provisions are only provided for projects complying with Net Zero Energy standards as set forth in paragraph (A) below.

Table 15.33.020. Density bonuses for the R-S and R-L zones.

Bonus element	Density bonus % increase	Special conditions
Energy efficient construction/ Built Green, LEED or other similar environmental certification	25-150%	See (A) below for details.
Greater mix of housing types/ uses	15- 45%	See (B) below for details. This option may be applied to all development sites wit h at least 5 acres.
Off street trails	15-50%	See (C) below for details.
Dedicated parkland and/or other permanent open space	Up to 50%	See (D) below for details.
Investment in public facilities	Up to 50%	See (E) below for details.
Transfer of development rights (TDR)	Up to 50%	See (F) below for details.

A. **Energy efficient construction.** Four tiers of density incentives are employed to promote increasing levels of efficiencies in new developments: 15%, 30% and 60% energy use reductions, and net zero energy. The following table outlines possible compliance paths for single family, duplex and townhomes developments, particularly those in the R-S and R-L zones.

Table 15.33.020(A). Energy efficiency Density bonuses for the R-S and R-L zones.
NOTE - AS THIS TABLE IS RELATIVELY COMPLICATED, WE'RE TRYING TO FIND BEST TABLE FORMAT THAT'S USER FRIENDLY - WE WELCOME COMMENTS ON WHAT'S CONFUSING AND HOW IT COULD BE IMPROVED.

Energy Performance Thresholds & Density Bonus % Increase	15% Energy Savings = 20% Density Bonus Increase	30% Energy Savings = 50% Density Bonus Increase	60% Energy Savings = 100% Density Bonus Increase	Net Zero Energy = 150% Density Bonus Increase
Compliance Paths for Single Family, Cottages, Duplexes, and Townhouses				
Outcome-Based			Passive House (OBC?)	Living Building Challenge
Prescriptive or Modeled Performance-Based	Built Green 4-star*	Built Green 5-star*		
	LEED-Homes** Min. 2 points EA c1 (OBC?)	LEED-Homes** Min. 13 points EA c1 (OBC?)	LEED-Homes** Min. 26 points EA c1 (OBC?)	
	Northwest Energy Star (13%***)			
	Prescriptive compliance through WSEC**** 2 additional credits beyond code	Prescriptive compliance through WSEC**** 4 additional credits beyond code	Prescriptive compliance through WSEC**** 7.5 additional credits beyond code	
Compliance Paths for Multifamily				
Outcome				Living Building Challenge
Performance	LEED-NC certified** w/min 3 points earned for EA c1 (16% energy savings)	LEED-NC certified** w/min 10 points earned for EA c1 (30% energy savings)		

B. Mix of housing types/uses. Up to a 50 percent density bonus may be provided for providing a diversity of housing types and/or providing for a . This option may be applied to all development sites at least five acres in area.

1. Housing mix density bonus table.

Table 15.33.020(B). Housing mix density bonuses.

Housing mix	Density bonus
At least 33% of the dwelling units are "alternative housing types" as defined below. At least two alternative housing types must be employed, with each type accounting for no less than 5% of the total units.	15%
At least 50% of the dwelling units are "alternative housing types" as defined below. At least two alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	30%
At least 67% of the dwelling units are "alternative housing types" as defined below. At least three alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	45%

2. Alternative housing types include:

- a. Accessory dwelling units (ADU), complying with design standards set forth in EMC 15.54.040. Also note that while ADU's do not count as a unit for the purpose of calculating density, they may be counted as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units.
- b. Small detached single family homes. This includes homes no larger than 1,400 square feet in gross floor area, excluding an attached or detached garage or other non habitable floor area. Such homes must comply with design standards set forth in EMC 15.54.020.
- c. Cottage dwelling units, complying with design standards set forth in EMC 15.54.050. Also note that each cottage shall count as one-half of a dwelling unit, for the purpose of calculating allowed density. However, for the purpose of determining the percentage of alternative housing types, each cottage dwelling may be counted as a single unit.
- c. Duplexes or triplexes, complying with design standards set forth in EMC 15.54.030.
- d. Townhouses, complying with design standards set forth in EMC Article 5 and notably EMC 15.54.060.
- e. Multifamily buildings, complying with design standards set forth in EMC Article 5.
- f. Proposed non-residential uses may be included as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units. Each 2,500 square feet of lot area where ground floor non-residential uses are required shall equate to one alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units.

3. The specific location, mixture, and amount of housing shall be indicated on the final plat to ensure compliance with the density bonus provisions herein.

C. Off-street trails.

1. Density bonus. The density bonus percentage is based on the type and length of off-street trail with respect to the size of the development.

Table 15.33.020(C). Off-street trail density bonuses.

Trail Type	Trail Extent	Density Bonus %
Walking, soft surface	>1lf of trail/4lf of site perimeter length;	15%
	>2lf of trail/4lf of site perimeter length.	25%
Walking, hard surface	>1lf of trail/4lf of site perimeter length;	20%
	>2lf of trail/4lf of site perimeter length.	30%
Multi-use	>1lf of trail/4lf of site perimeter length;	25%
	>2lf of trail/4lf of site perimeter length.	40%

2. Standards for trails. Trails may either be a soft surface walking path, a hard surfaced walking path, or a wider hard surfaced multi-use pathway. **ADD LINK TO CITY STANDARDS - AND/OR ADD SUPPLEMENTAL DIMENSIONS/STANDARDS**
3. Context. The trails must be integrated into the design of the development as an amenity as determined by the City. **ADD EXAMPLES, DETAILS, PERHAPS TIE TO OPTED PRINCIPLES IN TERMS OF VISIBILITY FROM DWELLING UNITS**

D. Parkland and Open Space.

1. Density bonus. The density bonus percentage is based on the amount of additional dedicated parkland and/or permanently protected open space on-site as set forth below.

Table 15.33.020(D). Parkland and open space density bonuses.

Increase in the amount of park/open space	Density bonus %
10-19% increase over base requirements.	10%
20-34% increase over base requirements.	15%
35-49% increase over base requirements.	20%
50% or more increase over base requirements.	30%

2. Parkland and open space standards.

- a. Parks and open space integrated into new subdivisions shall meet the design criteria set forth in EMC 15.41.040.
- b. Provisions for long term maintenance for parks and open space shall be required by the City. (NOTE TO STAFF - DETERMINE WHETHER WE NEED TO INCLUDE MORE SPECIFIC LANGUAGE - ADDRESSING COVENANTS, ARTICLES OF INCORPORATION, AND/OR OTHER GUARANTEES?)

E. Investment in public facilities.

Developments qualify for a density bonus for constructing on-site public facilities consistent with the Comprehensive Plan. The number of bonus units is based on the investment made by the developer in the facility, up to a maximum of a 50 percent density bonus. (NOTE - OBJECTIVE HERE WOULD BE TO COME UP WITH #'S/STANDARDS SO THAT THIS OPTION IS SOMEWHAT ON PAR WITH TDR EXCHANGE RATES, THOUGH THOSE RATES MAY CHANGE DEPENDING ON MARKET CONDITIONS. WHILE THIS OPTION MAY BE MORE COMPLICATED, IT'S WORTH CONSIDERING AT THIS POINT.)

F. Transfer of Development Rights.

1. Density bonus. Developments may purchase the rights to develop additional units through the City's TDR program (THIS IS SUBJECT TO THE CITY ADOPTING A TDR PROGRAM - FOR NOW THIS COULD BE A PLACEHOLDER) in the amount equal to a 50 percent increase in on-site density. For example, if 60 dwelling units are permitted under base maximum density requirements, then up to 30 additional dwelling units may be developed on the site if purchased through the City's TDR program.

15.33.030 Floor area ratio (FAR) bonus system for the R-M and R-O zones (NEW)

Projects may qualify for FAR bonuses in the R-M, R-H, and R-O zones per the following:

1. Projects obtaining Built Green, LEED or other similar environmental certification may increase the allowable FAR by 0.25 FAR in the R-M and R-O zones and by 0.5 in the R-H zones.
2. Projects may increase the allowable FAR by 0.25 FAR in the R-M and R-O zones and by 0.5 in the R-H zones through the City's TDR program (PLACEHOLDER FOR FUTURE ADOPTION).

15.33.040 Height bonus system for the I-L zone (NEW)

Projects may qualify for additional building height allowances in the I-L zone per the following:

1. Projects obtaining Built Green, LEED or other similar environmental certification may increase the allowable height by one floor or 12 feet (whichever is more).
2. Projects may increase the allowable height by up to two floors or 25 additional feet through the City's TDR program (PLACEHOLDER FOR FUTURE ADOPTION - OPPORTUNITY TO CREATE A TIERED SYSTEM BASED ON HOW MANY

DEVELOPMENT RIGHTS ARE PURCHASED).

15.34 Index of Supplemental Use Criteria

CHAPTER TO BE COMPLETED - WE WILL INCORPORATE AND REFINED APPLICABLE EXISTING SUPPLEMENTAL STANDARDS - TWO EXAMPLES ARE INCLUDED BELOW.

15.34.010 Purpose (NEW)

15.34.020 Bed and Breakfasts (NEW)

Bed and breakfasts shall be permitted in accordance with the use tables in EMC 15.31.020, subject to the following:

- A. An approved floor plan shall be kept on file with the Inspections Department.
- B. An owner shall reside on site.
- C. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety.
- D. Breakfast shall be available on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.
- E. Parking shall not be allowed between the building and the street. (REFINED FROM DURHAM, NC)

15.34.020 Recreational vehicle (NEW)

Recreational vehicles (RVs) may be occupied for temporary lodging for up to two weeks (two weeks equals one occupancy) on a lot with the permission of the property owner subject to the following conditions:

- A. Limited to one recreational vehicle per lot plus additional recreational vehicles for every additional 10,000 square feet of lot, above the minimum lot size for a particular zone;
- B. No more than two occupancies per calendar year per lot;
- C. Such occupancy does not create a public health hazard or nuisance;
- D. RV must be parked on approved surface that meets the off-street parking construction standards in the engineering guide;
- E. RV may not be parked in yard setbacks;
- F. RV may be occupied for temporary lodging for up to 30 days if connected to approved utilities including water and wastewater disposal;
- G. No business occupation shall be conducted in said recreational vehicle;

H. Recreational vehicles shall not use generators;

I. Any deviation from time limits, number of occupancies per year, and number of recreational vehicles allowed may be proposed through a **temporary use permit**, EMC _____. (FROM CITY OF SHORELINE)

15.35 Master Site Plans for Regional Retail Commercial Projects (Chapter 13.25)

NOTE - NO SUBSTANTIAL CHANGES WILL BE PROPOSED

15.35.010 Purpose (13.25.010)

15.35.020 Where regional retail commercial master site plans are permitted
(current 13.25.020)

15.35.030 _____

15.35.040 _____

15.36 Airport Overlay Zone (Chapter 13.11)

NOTE - NO SUBSTANTIAL CHANGES WILL BE PROPOSED

15.36.010 Purpose (13.11.010)

15.34.020 Placeholder for remaining sections

15.38 Annexations (TO BE COMPLETED)

NOTE THAT WE WILL ADD POLICY RELATED TO ANNEXATIONS PLUS WE ARE PLANNING ON TAKING OUT ALL INDIVIDUAL ANNEXATIONS OUT OF THE CODE - CURRENTLY LISTED IN EMC 10.02

Planning Commission & Council Study Session Agenda

October 11, 9:00 am – Noon

<i>Time</i>	<i>Agenda Item</i>	<i>Who</i>
9:00 AM	Introductions	Mike Smith
9:05 AM	Status Update <ul style="list-style-type: none"> • Consultant team’s “Game Plan” • Work completed to date 	Yvonne Kraus
9:15 AM	Stakeholder and Community Feedback Summary <ul style="list-style-type: none"> • Overview of community outreach plan and who we’ve talked with • Community feedback synopsis related to Land Development Code Update • Community feedback synopsis related to EE&CS • Community Survey • Q&A and next steps 	Nora Daley-Peng, Bob Bengford
9:40 AM	Code Organization Options and Consultant Recommendations <ul style="list-style-type: none"> • Present options & recommendations for Code re-organization • Present example Code page • Q&A 	Bob Bengford
10:00 AM	Code Update Gap Analysis Results <ul style="list-style-type: none"> • Present and Review Gap Analysis Tables • Present 4 LDCU Key Strategies • Key Energy Issues and Recommendations 	Bob Bengford, Katie Spataro
10:45 AM	Break	
10:50 AM	Code Update Structure and Priorities Discussion Sense of Council: Preferences & Priorities on: <ul style="list-style-type: none"> • Key strategies • Code organization • Energy recommendations 	Facilitated by Bob Bengford & Katie Spataro
11:45AM - Noon	Wrap Up and Next Steps <ul style="list-style-type: none"> • Comments from attending public (5-10 minutes) • Summarize meeting outcomes • Highlight next steps in LDCU and consultant deliverables before the next joint Council & Planning Commission meeting in January 	Yvonne Kraus & Mike Smith



Land Development Code Update: Fall/Winter Planning Commission Activities

DRAFT October 1, 2010

This is just a first schedule of discussion items for the Planning Commission to provide guidance for the development of land use code concepts. Planning Commission input/direction will be tremendously helpful in both developing and refining land use code concepts (and perhaps some alternatives), which will ultimately be presented to the public in late January/early February at a joint study session/public workshop with City Council.

<i>Date*</i>	<i>Activity Overview</i>
Late October	Meeting 1: Non-Motorized Transportation Policies <ul style="list-style-type: none">• Present/review current policies• ID possible changes/direction/additional items
Early November	Meeting 2: Suburban Zones <ul style="list-style-type: none">• Current problems/goals• ID possible density/cluster provisions• ID possible home/site design provisions
Late November	Meeting 3: Multifamily Zones <ul style="list-style-type: none">• Current problems/goals• ID possible density/cluster provisions• ID possible home/site design provisions
Early December	Meeting 4: Commercial/Mixed-Use Zones <ul style="list-style-type: none">• Current problems/goals• Density and permitted uses• Parking• Signage
Early January	Meeting 5: Street Frontages and Design Standards <ul style="list-style-type: none">• Current problems/goals• ID street frontage provisions – street types and standards• ID site design provisions/concepts• ID building design provisions/concepts• ID landscaping provisions/concepts

*Schedule assumes two meetings per month except for December