

INDEX TO  
WRITTEN PUBLIC COMMENTS

on the  
DRAFT LAND DEVELOPMENT CODE  
Received by September 27, 2013 Deadline

The following written public comments were received. Staff is working on responses and will insert them in the Agenda Report for Monday night but, due to time constraints for the Agenda preparation, Staff will not be able to respond to all of the comments in the Agenda Report. Additional staff responses will be provided at the Council meeting on October 7.

1. Department of Ecology August 29, 2013 comment letter requesting certain changes to the City's Critical Area Code.

*STAFF RESPONSE: The critical area code has never been part of the current land development code update project. It will be addressed as a separate update project in 2014. Staff recommends that a letter be sent to Ecology thanking them for their comments and advising them that the CAO is not being amended at this time and will be reviewed in 2014 at which time Ecology will be notified to provide comments.*

2. WA Commerce Department September 13, 2013 email trail advising that the required 60-Day Notice to State Agencies of Intent to Adopt New Development Regulations has passed. Staff did not receive any comments from State Agencies other than the Department of Ecology comment letter in #1 above. **NO COUNCIL ACTION/DIRECTION REQUIRED.**
3. David Miller September 9, 2013 comments.
4. Steve Lathrop September 17, 2013 comments
5. Nancy Lillquist September 23, 2013 comments.
6. Steve Willard September 26, 2013 email comments.
7. Anthony Aronica September 27, 2013 comments.
8. Marlene Pfeifer September 27, 2013 comments
9. Toby Williams September 27, 2013 comments
10. Judy Jacobs September 27, 2013 comments
11. Steve Lathrop September 27, 2013 comments
12. Chamber of Commerce September 27, 2013 comments
13. Steve Willard September 27, 2013 comments (separate binder)

14. Karen Raymond September 26, 2013  
added to record at October 7, 2013 Council Meeting



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 201 • Yakima, WA 98902-3-112 (509) 573-2490

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COMMUNITY DEVELOPMENT

August 29, 2013

Mr. Dan Valoff, Senior Planner  
City of Ellensburg  
Community Development  
501 N. Anderson Street  
Ellensburg, WA 98926

**Subject: Ecology Comments on Draft Critical Areas Ordinance for City of Ellensburg**

Dear Dan:

Thank you for the opportunity to review and comment on the amendments to Ellensburg's critical areas ordinance (CAO). We have reviewed the version dated July 3, 2013, and offer the following comments on wetland-related sections for your consideration.

Wetland Delineation and Rating

Changes to the state wetland delineation manual became effective on March 14, 2011 [RCW 36.70A.175, RCW 90.58.380 (1995); WAC 173-22-035 (2011)1. There are several references in the CAO to the state delineation manual. Identification of wetlands and delineation of their boundaries should now be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

Similarly, the *Washington State Wetland Rating System for Eastern Washington* has been revised. All references should be to Publication #04-06-015, August 2004, or as revised.

The definition of "wetlands" in 15.130.090.1 should be revised as follows (additional are underlined, deletions are struck):

**Wetlands.** "Wetlands" means, for purposes of ECC Article 6, areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds and landscape amenities.

1.

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However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted. Identification of wetlands and delineation of their boundaries should be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. The *Washington State Wetland Rating System for Eastern Washington* (Revised. Publication #04-06-015. August 2004) or as revised. shall be used to identify and determine the relative functions, critical status, unique status, and sensitivity of a wetland. See ECC Article 6.

### **15.620.010 Designation, rating, and mapping wetlands.**

A. Designating wetlands. - - Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Ellensburg meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter. With the

under normal circumstances do support, a prevalence of vegetation adapted for life in saturated  
Identification and Delineation Manual, regardless of any formal identification, are  
hereby designated **critical** areas and are subject to the provisions of this chapter.

B. Wetland ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents *Washington State Wetland Rating System for Eastern Washington— Revised* (Publication No. 04-06-015, Hruby, T., 2004, or as revised). These documents contain the definitions and methods for determining if the criteria below are met.

#### Wetland Categories

To be consistent with the *Washington State Wetland Rating System for Eastern Washington* (2004), the wetland category definitions in the CAO need to be updated. We recommend the following:

**Category I.** Category I wetlands are: 1) alkali wetlands; 2) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands; 3) bogs; 4) mature and old-growth forested wetlands over acre with slow-growing trees; 5) forests with stands of aspen; and 6) wetlands that perform many functions very well (scores of 70 points or more).

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These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.

Category II. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and old-growth forested wetlands over 1/4 acre with fast-growing trees; 3) vernal pools; and 4) wetlands that perform functions well (scores between 51-69 points).

These wetlands are difficult, though not impossible, to replace, and provide high levels of some functions.

**Category III.** Category III wetlands are 1) vernal pools that are isolated, and 2) wetlands with a moderate level of functions (scores between 30-50 points).

**Category IV.** Category IV wetlands have the lowest level of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.

#### Impervious Surface Definition

We recommend the following, edits to 15.130.090.1:

**Impervious surface.** "Impervious surface" means any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking areas, graveled areas, sidewalks, and paved recreation areas, or other surfaces which impede the natural infiltration of stormwater. See ECC 15.320.030 and .040 for maximum impervious area standards and ECC 15.320.070 for additional details.

#### Buffers and Mitigation Ratios

We recognize that it may not be the intent of the City to alter the requirements for wetland buffers and mitigation ratios in this amendment. However, we encourage the City to consider adopting the mitigation language included in our Small Cities Guidance (Wetlands & CAO Updates: Guidance for Small Cities (Eastern Washington Version) Publication 10-06-01, October 2012). By adopting mitigation standards based on the state and federal guidance and rules, you will be providing consistency for applicants must also apply for state and federal permits.

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Miscellaneous comments

Provision 15.600.090 B contains language that previously impacted or degraded critical areas prior to the proposed land use activity or development are not required to be enhanced by the applicant. If the City does not have a clearing and grading ordinance, this may allow applicants to impact the critical areas first and then apply for permits. Also, this language may preclude the City from putting requirements for improving critical areas in enforcement or permit documents, when such language is needed to make a buffer appropriately effective. (For instance, buffer sizes that are referenced in Best Available Science documents assume that the buffer is vegetated and in good shape. Larger buffers are needed if wetlands or their buffers are NOT in the proper condition to protect against degradation.) Ecology recommends removal of provision B.

As we outlined in several letters to the City in 2009, the wetland buffers required in the CAO are not consistent with best available science, and we encourage the City to reconsider whether the application of these buffers meets the CAO's goal of preventing cumulative adverse environmental impacts to wetlands (Section 15.600.010.D.4).

Please give me a call at (509) 575-2616 if you would like to discuss these recommendations.

Sincerely,



Cathy Reed  
Shorelands/Wetlands Specialist  
Shorelands and Environmental Assistance Program

cc: Donna Buntin, Ecology  
Gwen Clear, Ecology  
Dave Andersen, Commerce  
Mark Teske, WDFW

## Mike Smith

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**From:** Daniel Valoff  
**Sent:** Monday, September 16, 2013 8:29 AM  
**To:** Mike Smith  
**Subject:** FW: Request expedited review

FYI

**From:** COM GMU Review Team [<mailto:reviewteam@commerce.wa.gov>]  
**Sent:** Friday, September 13, 2013 10:25 AM  
**To:** Daniel Valoff; COM GMU Review Team  
**Cc:** Andersen, Dave (COM); COM GMU Review Team  
**Subject:** RE: Request expedited review

Hello Daniel,

Thank you for the follow-up inquiry. Yes, the GMA 60-day notice period has ended for this proposed amendment. As you mention, the original notice was received on July 8, 2013. As of September 6, 2013, the review and comment period has now ended.

Thank you,

GMA Review Team  
Growth Management Services  
WA Department of Commerce.

**From:** Daniel Valoff [<mailto:valoffd@ci.ellensburg.wa.us>]  
**Sent:** Thursday, September 12, 2013 10:06 AM  
**To:** COM GMU Review Team  
**Cc:** Andersen, Dave (COM)  
**Subject:** FW: Request expedited review

Commerce Review Team,  
On July 8<sup>th</sup> the City of Ellensburg request expedited review for the city's Land Development Code Update. We understood that this request was denied and was told that it would have to go through the 60-day review process, which would end on September 6<sup>th</sup>. To date the only comment received was from Kathy Reed from the Department of Ecology Central Region, we have not received any other agency comments including the Department of Commerce. Please acknowledge that Commerce has concluded the 60-day review process so we can inform our Council that this has been completed.

**From:** Daniel Valoff  
**Sent:** Monday, July 08, 2013 2:20 PM  
**To:** 'reviewteam@commerce.wa.gov'  
**Subject:** Request expedited review

Commerce Review Team  
The City of Ellensburg is in the process of adopting a new Land Development Code which is a major revision to the city's current 1970's-based development review process. The City is requesting an expedited review because the Land Development Code is an implementation action for the 2006 updated comprehensive plan approved in 2007. I have uploaded the document to Commerce FTP site for your review.

*Dan Valoff*  
*Senior Planner*



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Ellensburg, WA 98926

tel: (509) 925-8608 / fax: (509) 925-8655

[valoffd@ci.ellensburg.wa.us](mailto:valoffd@ci.ellensburg.wa.us)

 Please consider the environment before printing this email.

### 15.130 Definitions

#### A definitions

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

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

#### F definitions

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

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

#### O definitions

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

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

### Article 2 Questions/Comments:

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

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

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

#### **15.210.040** Permit review process types...

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

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

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

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

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

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

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

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

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

### **Article 3 Questions/Comments:**

#### **15.350.030 Airport overlay zone**

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

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

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

#### **15.350.050 Permits.**

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

*STAFF RESPONSE: See response immediately above.*

### **Article 5 Questions/Comments:**

#### **15.540.020.B.3. façade transparency.**

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

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

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

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

## Mike Smith

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**From:** Steve Lathrop <Steve@lwbsd.com>  
**Sent:** Tuesday, September 17, 2013 2:27 PM  
**To:** Mike Smith  
**Subject:** LDC Reference Errors

Here are the references found so far that I think are in error:  
15.250.070(C)(1) references ECC 15.280  
.070 has two "D" sections  
Para 1 of the first "D" Decision criteria should reference 15.310.040

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**Staff Responses**  
**To**  
**Steve Lathrop's September 17, 2013 Comments (Comment Exhibit No. 4)**

COMMENT #1 15.250.070(C)(1) references ECC 15.280

*STAFF RESPONSE: ECC 15.280 is the Landmarks and Design Commission Chapter and Council has changed the review body for recommendation of a proposed regional retail commercial project out of the Commission's review and shifted it to the Director's review with option to engage a consultant.*

*In addition, Council had previously directed that the regional retail commercial master site plan design standards be moved from ECC 15.280 (Landmarks and Design Commission) to Article 5 in order to consolidate all design standards in the same Article, however that move was not completed and those regional retail commercial design standards were left out of the current draft and need to be added back in. Staff is suggesting that they become new ECC 15.500.050 Regional Retail Commercial Master Site Plan Design Standard as follows*

**Staff Recommendation #1: Amend 15.250.070(C)(1) to read as follows:**

1. Recommendation. ~~The landmarks and design commission~~ director or a consultant engaged by the city will review the project at a public meeting as defined in ECC 15.130.160 and make a recommendation to the city council. In making ~~its~~ such recommendation, the ~~landmarks and design commission~~ director or the consultant, if applicable, shall review the design features of the project against the regional retail design standards set forth in (New) ~~ECC 15.280~~ 15.500.050.

**Staff Recommendation #2: Amend Article 5 Project Design to add in the regional retail commercial master site plan design standards in to Article 5. Staff is suggesting that they become new ECC 15.500.050 Regional Retail Commercial Master Site Plan Design Standard as follows:**

***NOTE that these are the current city code design standards for regional retail commercial master site plans***

New 15.500.050 Regional Retail Commercial Master Site Plan Design Standards. Because of the uniqueness of a regional retail commercial master site plan, the project design standards set forth in Article 5 may not allow the flexibility of design inherent in a large regional retail commercial project. To allow for greater flexibility in such design, in reviewing a proposed regional retail commercial master site plan pursuant to ECC 15.250.070(C)(1) for a recommendation to council, the director or the city's consultant, if applicable, shall review the design features of the project against the following design standards:

**A. Regional Retail Commercial.**

1. Site Planning.
  - a. Responding to the Site Characteristics.

- i. Develop the site plan in response to specific site characteristics, including natural features, vegetation, topography, or existing amenities and location within the community.

Design techniques:

Commercial development should enhance valued neighborhood amenities such as stream corridors, trees and natural areas; and

Siting should acknowledge and reinforce desirable existing spatial patterns of the neighborhood.

- ii. Coordinate adequate public services and utilities in the design phase to serve the proposed uses.

- b. Transitions to Surrounding Neighborhoods. Link proposed development to walkways, trails, and bicycle systems in the surrounding area by connecting and lining up directly to existing linkages, closing gaps and treating crossings of barriers on development site with special design treatment, minimizing barriers, designing with consistent materials, widths and locations, and providing safe, easy and clearly identifiable access to and along the linkages. Safe, convenient and attractive connections to downtown linkages should be provided.

- c. Streetscape Compatibility. Develop the site plan in response to safety, interaction/activity, informal surveillance.

Design techniques:

- i. Ensure shared access and coordination of internal driveways and parking areas; and
- ii. Cooperate in a welcoming gateway to the city from interstate highways and incorporate directional signage to historic downtown and Central Washington University (subject to federal, state and local ordinances).

- d. Transitions to Sidewalks, Streets and Buildings.

- i. Design of building massing, height, and scale should provide a sensitive transition to adjoining residential neighborhoods; and
- ii. New commercial developments, whose bulk and scale may negatively impact adjacent residential areas, should mitigate the effect through careful site planning and architectural design.

Design techniques: Possible mitigation techniques include

Locating open space on the site's edge to further separate the building from less intensive uses;

Stepping down the massing of the building along the site's edge;

Limiting length of, or articulating building facades to reflect adjacent residential patterns; and

Creative use of landscaping.

- e. Orientation.

- i. Orient the building toward the principal street frontage, and face the primary entrance toward that frontage.

Design techniques:

Commercial architecture in Ellensburg has traditionally maintained a strong relationship to the street;

Buildings in the mixed use retail and office park areas should abut the sidewalks on at least one side;

Orienting the building's formal facade and primary entrance toward the principal street frontage creates pedestrian interaction, minimizes automobile dominance, and results in a lively streetscape; and

Avoid facing buildings to the side with the resultant erosion of the streetscape.

- ii. Site entrances shall be emphasized with landscape treatments to strongly indicate the pedestrian orientation of these areas;
- iii. Consideration should be given to the relationship between buildings and adjacent open space areas. All design should appear as an integrated part of an overall site plan; and
- iv. Roadways should be designed to reduce the visual impact of pavement area through siting of structures, berms and landscaping.

f. Human Activity.

- i. Design the project to human scale in order to provide pedestrian interest and facilitate pedestrian activity.

Design techniques:

Use setback areas for pedestrian activities such as outdoor seating or dining, for a plaza or recessed entry, or for landscaping.

Arcades, colonnades, or awnings at ground floor level provide pedestrian interest and can provide protection.

Create clear and safe pedestrian pathways from the sidewalks to the building's entrance

Include public gathering spaces throughout the site, locating smaller retail buildings close to streets, and developing quality landscaping along street frontages.

Appropriate pedestrian amenities could include benches, planters, decorative paving, artwork, lighting, and/or bicycle racks.

- ii. The design should provide for a sense of enclosure and safety along commercial streets including the provision of sidewalks, benches, public transportation and a clear pedestrian and bicycle access to all buildings including both internal connections and linkages to city's planned and existing sidewalk and trail network.
- iii. Column and bay spacing along street fronts should be provided at intervals no greater than 36 feet apart in order to maintain a pedestrian-oriented scale and rhythm.

g. Respect for Adjacent Sites. Structures should be scaled to other structures and spaces.

h. Phased Developments.

i. Future development pads shall be designed to relate to the rest of the project's architecture and will provide pedestrian-scale exterior features.

ii. Each phase of the development shall be designed to be consistent with, but not necessarily the same as, the balance of the project architecture, including materials, colors, and general style.

i. Transition Between Uses and Streetscape.

i. Use open spaces to assist in the organization of architectural elements.

ii. Provide common garden elements and/or human activity focus points.

iii. Lessen the impact of parking by creating a prominent street front which is desirable for development attractiveness, public safety and pedestrian access.

2. Landscaping.

a. Reinforcing Design Continuity with Neighboring and Adjacent Sites.

i. Select plant materials that are suitable to the site and to Ellensburg's climate zone, and provide a viable stationary irrigation system.

Design techniques:

Choice of plant materials and their placement on the site are critical to the valley's windy, semi-arid climate.

Install a stationary irrigation system that provides full coverage of the landscaped area.

ii. Building entries, primary vehicular entries and building perimeters should be enhanced with landscaping which could include ornamental vines, groundcovers, shrubs and/or trees selected for their screening, canopy, spatial enclosure and seasonal variation.

iii. Benches, kiosks, signs, bollards, waste receptacles, street vending carts, water fountains, lighting standards, perch walls, sidewalks, pathways, trails and special water features should be designed to be compatible elements of like materials and design.

iv. Streetscape plantings should be simplified to allow adequate visibility from automobiles to businesses.

v. The use of potted plants and flowers as well as street trees are encouraged, but should not impede pedestrian traffic.vi. The landscape design character of Ellensburg should be reinforced by using:

Design techniques:

Street trees – Ellensburg has a long-term "Tree City" designation. If a street has a uniform planting of street trees, or an area of distinctive species, plant additional street trees that match the planting pattern or species.

Similar plant materials – When many lots on a block feature similar landscape materials, emphasis on these materials will help a new project fit into the local context.

Similar construction materials textures, colors or elements – Extending a low brick wall, using paving similar to a neighboring use or employing similar stairway construction are ways to achieve design continuity.

- vii. Use landscaping to integrate the commercial development with the community, through the establishment of sidewalks, street trees per City of Ellensburg Street Tree List, and street lighting.

Design techniques:

Plant regularly spaced trees to shade the sidewalk and street, and consider the use of planters to create a safety barrier between street and sidewalk, or between sidewalk and setback.

Utilize the City of Ellensburg’s Street Tree List (see Appendix B attached to the Design Standards of the City of Ellensburg) to select climate-appropriate species.

Street lighting designs should reflect the scale of the neighborhood.

- viii. Provide landscaping of appropriate scale in the area of the required setbacks, in conformance with city code.

Design techniques:

Incorporate landscape materials into the design of setbacks to help define pedestrian spaces, circulation, and building access.

Landscaping can be effectively used to denote property edges and to accent architectural elements of street facades.

Use landscaping to soften the effect of blank walls.

- b. Landscaping to Enhance a Large Commercial Building and/or Site.

- i. Enhance the site with landscaping.

Design techniques:

Techniques that may be used to enhance the site might include:

Softening the form of the building by screening blank walls, terracing retaining walls, etc.;

Providing a framework such as a trellis or arbor for plants to grow on;

Incorporating a planter guard or low planter wall as part of the architecture;

Distinctively landscaping open areas created by building modulation;

Incorporating upper story planter boxes or roof planters;

Including a special feature such as a courtyard, fountain or pool;

Emphasizing entries with special planting in conjunction with decorative paving and/or lighting; and

Screening a building from view by its neighbors, or an existing use from the new building.

- ii. Screen dumpsters, utilities, and service areas from view with landscaping.

Design techniques:

Where service elements cannot be located away from the street front, they should be screened from view and not encroach upon the pedestrian right-of-way.

Use an effective combination of landscape materials with fencing to screen the service area, and locate its opening away from the sidewalk.

c. Landscaping to Address Special Site Conditions.

- i. High Bank Front Yard. Where the building's ground floor is elevated above a sidewalk pedestrian's eye level, landscaping can help make the transition between grades.

Design techniques:

Rockerries with floral displays, live ground cover or shrubs;

Terraces with floral displays, ground covers or shrubs;

Low retaining walls with raised planting strips; and

Stone or brick masonry walls with vines or shrubs.

- ii. Barrier-Free Access. Where wheelchair ramps must be provided on a street front, the ramp structure might include a planting strip on the sidewalk side of the elevated portions of the ramp.

- iii. Steep Banks or Stream Bed Topography. Special plantings or erosion control measures may be necessary to prevent site destabilization and/or to enhance the visual qualities of the site in connection with neighboring improvement programs.

- iv. Boulevards. Incorporate landscaping which reflects and reinforces the sense of streetscape.

- v. Greenbelt or Other Natural Setting. Protect or preserve greenbelts and other settings by:

Design techniques:

Minimizing the removal of significant trees;

Replacing trees that were removed with new trees;

Emphasizing naturalized or native landscape materials;

Retaining natural greenbelt vegetation that contributes to greenbelt preservation; and

Selecting colors that are more appropriate to the natural setting.

3. Parking Lots and Structures. Reduce the visual impact of parking lots and parking structures.

a. Parking – Surface.

- i. Where possible, break-up or divide large parking lots. Employee and overflow parking may be located behind buildings and away from areas of high public visibility. Handicap stalls should be located throughout the development.

Design techniques:

The relationship of building facade to the street, and safe pedestrian access to the building entrances, are of primary consideration in commercial development; parking must not dominate the street front.

- ii. Parking areas should include landscape areas. The size and location of parking areas should be minimized and related to the group of buildings served.

Design techniques:

All parking lots visible from public rights-of-way, or located within 20 feet of residential property, should be screened using a combination of trees, shrubs, walls, and/or trellis structures with plants.

Screening need not be sight-obscuring, and need not be uniform along the property frontage.

- iii. Minimize long, straight, monotonous rows and effect of large paved areas by visually breaking up the parking lot with landscaped islands. Landscape islands or nodes are in addition to the required 15 percent landscaping and shall be distributed throughout the parking lot at a rate of 24 square feet per stall.
- iv. Landscaping shall be provided to screen surface parking areas and provide transition between the project and surrounding areas. Landscape and screen surface parking areas visible to the public.
- v. Pedestrian access from parking areas and vehicle circulation through parking areas should be safe and clearly defined.
- vi. Landscaped medians are encouraged where access and traffic allow.
- vii. Open space and landscaping should be coordinated and linked wherever possible, particularly in relation to public areas and the pedestrian system.
- viii. Design and locate parking areas in a manner that will break up large areas of parking and provide for shared parking among businesses.
- ix. Locate off-street parking to the rear or side of the building, whenever possible.

Design techniques:

The site plan should minimize the number and width of driveways and curb cuts along the street and should consider alleyway access.

Various parking lot configurations may be possible, depending upon site constraints; large lots may be broken into several smaller lots.

- x. Minimize the visual impact of parking surface run-off treatments, and incorporate them into landscaping where possible.

xi. Allow surface parking in front of large retail structures and anchor retailers but reduce visibility of parking from public streets with landscaping and the location of smaller structures.

b. Parking Structures.

i. The presence and appearance of garage or large door entrances should be minimized so that they do not dominate the street or building frontage.

Design techniques:

Recess the portion of the facade where the entry is located to help conceal it.

Extend portions of the structure over the garage entry to help conceal it.

Emphasize other elements of the facade to reduce the visual prominence of the garage entry.

ii. Structured parking should be designed to avoid undifferentiated planes. The scale of parking structures should be modulated by interruptions of the facades, setbacks, and lowering the first level below the existing grade (where the water table allows) to reduce total height.

iii. Facades of parking structures should include a landscape treatment in addition to architectural screening.

Design techniques:

Parking structures should have landscaping around the ground level perimeter and the top floor which will correspond to adjacent land uses and activities. Landscaping should include, but not be limited to, a combination of shade trees, evergreen trees, shrubs, groundcovers, deciduous native and ornamental shrubs, and vines to further screen the structures.

iv. Provide walkways in parking floors with barriers to protect pedestrians from vehicles.

Design techniques:

For security, pedestrian routes should be visible and avoid enclosed, hidden areas. Emergency call boxes should be available.

v. Parking structures should be enclosed with retail or office uses on the exterior or where this enclosure is not feasible, the visual impact should be softened with landscaping or screening.

#### 4. Exterior Lighting.

- a. An exterior lighting plan for the development area shall be provided and approved.

Design Techniques:

The plan should encourage nighttime pedestrian movement through and around the development area.

Street lighting should relate in scale to the pedestrian characters of the area.

The design of the light standards and luminaries should enhance the design theme.

Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

- b. In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

- c. Fixtures used to accent architectural features, materials, colors, styles of buildings or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky.

Design techniques:

Lighting fixtures shall not generate excessive light levels, cause glare or direct light beyond the facade onto neighboring property, streets or the night sky.

Flags of the United States or Washington State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

- d. Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

Design techniques:

Select plants that will not overgrow security lighting.

Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

- e. Fuel service station and truck stop exterior lighting levels should be adequate to facilitate only the activities taking place in such locations.

Design techniques:

Canopy light shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties. Lights shall not be mounted on the top or sides of the canopy.

Lighting shall not be used to attract attention to the business.

f. Security lighting should be designed and used to discourage crime and undesirable activity.

Design techniques:

Install full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

Use the lowest possible illumination to effectively allow surveillance.

Use sensor technologies, timers or other means to activate lighting during times when it will be needed to conserve energy, provide safety, and promote compatibility between different land uses.

Aim lighting fixtures so that illumination is directed to the designated areas.

## 5. Architectural Design.

### a. Building Height, Bulk and Scale.

i. The height, bulk and scale of buildings should be compatible with one another in the development and with neighboring property buildings. Compatibility could be accomplished by:

Design techniques:

Architectural context – the use of architectural style, details (such as roof lines or fenestration), color or materials that derive from neighboring uses.

The creative use of landscaping or other screening.

The location of features on-site to facilitate transition, such as locating required open space or the most compatible uses on the edge of the development area.

Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.

### b. Architectural Elements and Materials.

i. The building as an individual structure or as part of a series of buildings should respect architectural context of the development area.

Design techniques: This can be done through

Facade articulation;

Building scale and proportion;

Complementary architectural style;

Roof forms;

Building details and fenestration patterns;

Complementary materials.

ii. Design roof lines to reflect traditional commercial roof configurations.

Design techniques:

Commercial architecture in Ellensburg has traditionally included various roof forms, most often characterized by a decorative parapet wall.

Various roof configurations such as gabled, flat, or shed are possible behind the parapet wall; however, mansard roofs are not traditionally found in Ellensburg and their use is discouraged.

Avoid roof configurations which overly mimic residential styles.

iii. Rooftop utilities and mechanical systems should not be visible from the street. Regional retail commercial project buildings have a building height limit of 50 feet which includes any building mechanical equipment.

iv. The roofline of buildings should be modulated to avoid the appearance of large areas of flat roof and should include interesting architectural features. Consideration should be given to the appearance.

v. The scale of all structures in relationship to other structures and spaces is important. Multiple stories or the appearance of multiple stories may be used up to the maximum height limit. Some variation in heights contributes to the variety and complexity of the environmental experience, and is encouraged.

Design techniques:

Consider from among a wide range of wall treatments derived from traditional commercial architecture: pediments, cornice molding, cresting, or a stepped false-front design.

vi. Organize multi-story commercial building facades with three-part horizontal division and vertical column division.

vii. The ground floor of buildings should provide pedestrian interest and activity (see subsection (F)(1)(f) of this section, Human Activity.

viii. Use traditional storefront components and proportions on the ground-floor levels of street-facing facades.

ix. Facade designs should include some contemporary translations of traditional commercial facade elements, such as:

Design techniques:

Recessed entries;

Kick plates as bases;

Plate glass display windows, commercial in scale;

Transoms;

Canopies, marquees, and awnings.

x. Include windows on the second-floor levels of street-facing facades.

Design techniques:

Second-story windows create an important rhythm of solid-to-void.

Alignment, proportions, and groupings of second-floor windows should relate to first-floor building elements.

Provide second-story windows with architectural detailing of appropriate scale.

xi. Modulate, or break up, blank street-facing walls over 40 feet in width with windows, artwork, recesses, columns, bands, textural treatment, landscaping, or a combination of these techniques.

xii. Avoid design features of incompatible scale such as:

Design techniques:

Residential design features, such as wood-frame porches;

Blank second-story walls;

Box-like design, especially on large buildings;

c. Architectural Features.

i. Give special architectural treatment to primary building entrances and corner entrances. Special attention should be given to architectural features, fenestration patterns, and the building's proportions.

Design techniques:

Recessed entry;

Roof line emphasis;

Windows above entry;

Canopy, marquee, or awning above entry;

Head molding or decorative lintel above doorway;

Contrasting, decorative finish materials;

Beveling;

Roof accentuation or height increase;

Sculptural relief;

Landscape emphasis;

ii. Create building articulation by:

Design techniques:

Modulating the facade by stepping back or extending forward a portion of the facade;

Repeating the window patterns at an interval that equals the articulation interval;

Providing features such as a marquee, patio, deck or covered entry;

Providing a balcony or bay window for each interval;

Changing the roofline by alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval;

Changing the materials with a change in the building plane; and

Providing a lighting fixture, trellis, tree or other landscape feature with each interval;

iii. Maintain a consistent architectural concept that reflects a human scale by:

Design techniques:

Articulating the building's facades vertically and horizontally in intervals that conform to an existing structural pattern;

Utilizing recessed spaces at ground level;

Reducing the bulk of the main building by building upper floors;

Grouping in a campus setting;

Limiting the length of, or otherwise modifying facades, to imply a group of smaller scale buildings; and

Reducing or varying the height of the structure to imply a smaller scale building.

d. Exterior Finish Material.

i. Building exteriors should be constructed of durable and maintainable materials that are typically commercial in character. Exterior should be attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

ii. Commercial building materials and exterior finish typical to Ellensburg include:

Design techniques:

Clear or painted wooden storefront ornamentation/fenestration;

Metal beaming and columns, decorative iron or visible metal exterior support structure which is incorporated into the building facade;

Brick work with pattern articulation, simple corbelling and accent materials;

Stone columns, fenestration, and accent combined with brick;

Cement work that has embossed ornamentation, architectural accent or structural column division;

Ceramic and terra-cotta (pattern/ relief molded), tile ornamentation or decorative panels; and

Brick, stone, clay tile, and stucco.

Also acceptable are concrete, dryvit, and wood.

Varying patterns, textures, and combinations of materials and colors encouraged.

iii. Select exterior color schemes that are appropriate for large scale development and fall within a traditional commercial range (see color notebook on file at city).

iv. Building design must relate in material, colors, scale and form, which are harmonious with the surrounding environment.

v. Buildings should be constructed of materials that minimize light reflection and glare.

vi. Green building practices or environmentally sensitive and innovative design and materials are encouraged and should comply with Leadership in Energy and Environmental Design (LEED) standards.

6. Commercial Signage. A sign plan shall be submitted with the design review application. The plan at a minimum shall show locations, dimensions and designs of the proposed signs. (Please refer

to ECC Chapter 15.560, Signage, for sign regulations in the C-T and C-H zones and the Washington State Department of Transportation for State Highway sign regulations.

COMMENT #2 15.250.070 has two subsection D's

STAFF RESPONSE: That is correct and will need to be re-numbered and cross-checked for other references of the two subsections.

***STAFF RECOMMENDATION: Direct staff to re-number the second (D) and cross-check the document for other references to those two subsections.***

COMMENT #3 Paragraph 1 of the first "D" Decision Criteria should reference ECC Table 15.310.040

STAFF RESPONSE: That is correct and will need to be corrected.

***STAFF RECOMMENDATION: Direct staff to correct this reference to ECC Table 15.310.040***

23 September 2013

TO: Mike Smith  
Planning Commission

FROM: Nancy Lillquist

SUBJECT: LDCU Comments, September Draft

A few comments on the latest draft:

15.210.040C – Notice requirements – I believe we discussed adding public notice to the Notice of Decision. Otherwise, how would anyone other than the applicant know whether they need to appeal?

*STAFF RESPONSE: You are correct. **Public Notice of Decision will need to be added.***

15.300.040 I am confused by the Guide to Changes language... the amendment adds the MHP zone back in, but the NOTE says the zone is not included in the new code, even though manufactured homes and manufactured home parks are included at 15.340.030 and 040.

*STAFF RESPONSE: Not certain what Note is being referred to. New 15.300.040(E) adds the Manufactured Home Park zone back into the document and it is subject to the standards established in 15.340.040. The rationale is that we currently have lands zoned MHP. The Manufactured Home Subdivision zone is no longer in the Code since we do not have any land currently zoned MHS and because State law requires jurisdictions to allow manufactured homes on any lot that allows a stick built home. A basic subdivision currently could be all Manufactured Homes provided they meet the conditions in 15.340.030 and the normal subdivision design standards.*

*Table 15.310.040 has added Manufactured Home Park back as a permitted use in the Manufactured Home Park (MHP) zoning district. It was originally omitted until we realized that there are currently lands zoned MHP and, if deleted from the use tables and the zoning district descriptions, we would have to rezone those properties to some other zone, which is beyond the scope of the Update project.*

15.310.040 The Guide says Outlet Centers are added as a permitted use in the CT Zone, but page 3-18 shows them in the CH zone.

*STAFF RESPONSE: That is an incorrect reference. **Outlet Centers are currently allowed only in the C-H zone and that should be carried over to the Code Update.** When Outlet Centers were discussed by Council for inclusion in the code a year or so ago, inclusion in the C-T zone was considered but rejected by Council. There was also some discussion about making Outlet Centers similar to Regional Retail Commercial, but that was also rejected by Council.*

There was a comment made regarding defining Business Parks and adding them as a use to certain zones (IL and or CH?)... I don't recall if we decided not to do that, or to do it later, or if we intended to do it but it got dropped.

**STAFF RESPONSE:** *Staff notes reflect the discussion, but no Council consensus was reached. It should be noted that the current Comp Plan Future Land Use Map does include a category for "Business/Office Parks" and has designated the R-O zone as the appropriate implementing zone.*

15.310.050A5 – Did you decide that the CWU medical clinic fell within this section as worded? Or is it not included because of an oversight?

**STAFF RESPONSE:** *The Director would interpret 15.310.050(1) as meaning that the CWU medical clinic or a Public Hospital District medical clinic or a County Health Department medical clinic would be an accessory use to the primary public use even if on a separate site, provided the site was zoned PR.*

**The specific language in 15.310.050(5) referring just to a public hospital medical office or dentist facility should be amended to refer to any medical office or dentist facility operated in the public reserve (P-R) zone in conjunction with the primary public permitted use.**

15.420.030D (060 in the Guide) - Edges and fences – Adding the exception to reverse frontage lots raises a couple of other concerns that Council did not address in its discussion of this issue.

1. A provision should be made for sidewalk maintenance, especially snow removal. I propose adding the underlined text to the last sentence of the exception to read:

"The landscaped strip and adjacent sidewalks shall be maintained by a private homeowners' association."

**STAFF RESPONSE:** *Staff has used the language provided by Steve Willard as directed by Council. Staff would be OK with this proposed amendment because as it would better address the snow on sidewalk maintenance issue.*

2. A definition of Homeowner's Association should be included in chapter 1.  
Examples:

**STAFF RESPONSE:** *Staff agrees that a definition of an HA should be included and will work with the consultant to provide Council direction. This will need additional work by staff, consultant and attorney or Council may opt to choose any of the definitions provided below.*

**Snohomish County:** 30.91H.140 Homeowners' association or association.     ...

"Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the associations jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapters [64.32](#) or [64.34](#) RCW.

**Deer Park:** 17.06.172 Homeowners association.

"Homeowners association" means an incorporated, nonprofit organization operating under recorded land agreements through which:

- A. Each lot owner is automatically a member; and
- B. Each lot is automatically subject to charge for a proportionate share of the expense for the organization's activities, such as maintaining common property; and
- C. A charge, if unpaid, becomes a lien against the property.

- 3. Homeowners Associations sometimes can be sustained over time, but sometimes lack leadership or the memory of what it was they were organized to do fades. If the City is to rely on homeowners associations to perform maintenance of landscaped strips (or trails, or open space, or stormwater detention facilities) the code should provide for the possibility that it won't get done at some point in the future. Some cities have provisions that allow the city to assume the responsibilities of the association and then bill the association or its members. Examples (highlighted and in italics):

**Deer Park** 18.62.030 Zero Lot Line Planned Developments

K. Open Space. Each zero lot line planned development shall provide area for common open space in accordance with DPMC [17.28.050\(B\)\(14\)\(a\)\(ii\)](#), which shall be:

- 1. Concentrated in large areas and designed to provide either passive or active recreation;
- 2. Owned and maintained as follows:
  - a. If under one ownership, owned and maintained by said ownership;
  - b. Held in common ownership by all the owners of the development by means of a homeowners association. Such homeowners association shall be responsible for maintenance of the common open space. *If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners association accordingly;* or
  - c. Dedicated for public use if accepted by the city's legislative authority or other appropriate public agency.

L. Maintenance of Common Areas. Where common ownership by a homeowners association is responsible for common open space maintenance, visitor parking areas, access drives, perimeter buffer areas, and any and all other common ownership aspects of the zero lot line planned development, there shall be a common maintenance agreement among all of the fee title dwelling unit owners. *Said agreement shall be reviewed and approved by the city as to form, content, and compliance with the intent of this chapter and said agreement shall be filed of record with the Spokane County auditor and shall run with the land and be binding upon all future dwelling unit owners.*

**Stanwood : 17.147.110 Establishment of homeowners' associations.**

Homeowners' associations or similar legal entities responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- (1) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities; and
- (3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities;
- (4) The maintenance and liability for any such common areas and facilities shall be a continuing responsibility of the homeowner's association or similar entity. *If said association or similar entity fails to maintain a common area in an acceptable manner, the city of Stanwood shall do or cause to be done such maintenance and bill the association or similar entity for this work. If the association or similar entity does not remit payment in a timely manner, the city shall have the right to place a lien on the property owners that comprise the association or similar entity.* (Ord. 948, 1996; Ord. 929 Ch. 10(M)(11), 1995).

15.420.050C3 – What happens if/when the “Provisions” made to keep the access clear fail? Would the provisions be a recorded document, part of the subdivision or short plat? On a private street, can the City enforce parking and other restrictions? If not, seems reasonable to add a provision here that would allow such enforcement as part of the plat approval process.

*STAFF RESPONSE: This will need additional work by staff, consultant and the attorney. The Director would think that the Code language and/or definition for an Homeowner's Association should address it similar to your highlighted text in the Stanwood example.*

*As to the private street enforcement question the Director does not believe that the City can enforce parking and other restrictions unless those restrictions are a specific condition in the City approval of the project. And if so, the Director questions whether criminal (police) citations could be utilized and instead thinks it would have to be civil enforcement.*

15.420.050C5 and D4 – Delete “due to aerial apparatus access limitations.” The code does not need to explain why the height limitation is included.

*STAFF RESPONSE: **Staff would agree with this proposed amendment.** Even though the residential zone height limit in Table 15.320.030 is set at 35-feet which could support a 3-story structure, the lot designs referenced in 15.420.050(C)(5) and (D)(4) are the courtyard access lots and the pedestrian-only entry lots, both of which may limit aerial access to all of the lots. Should that situation change with fire apparatus improvement or other factors, the language could always be amended to allow the residential zoning height limit of 35-feet.*

Typos, etc.

15.130.040 Design review, minor 3b - “Non-residential”

15.210.040(A) Closed record appeal hearing Type II – “appealed”

*STAFF RESPONSE: Thank you. **Council will direct Staff to correct any identified typos, etc.***

## Mike Smith

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**From:** Steve Willard <willardis@gmail.com>  
**Sent:** Thursday, September 26, 2013 11:35 AM  
**To:** Mike Smith  
**Subject:** Fwd:  
**Attachments:** scan.pdf

Mike

To diminish some stuff in hearing..... I am giving you some early for you , Lance , and Bob to review re LDC. Since the PUD is going essentially out and the new code is the only tool for PUD left in code, I offer the enclosed edits. I met with John Akers on this yesterday. As to access, the toolbox would be and is at the moment private drives, public alleys, public streets, and in the future any new tools that might be a part of the revised public works development standards and compliant with IFC...but for now just the 3 aforementioned. "Direct access" is not as good a reference as " legal access" . Direct access" seems also to conflict with private drives in standard larger lot subdivision language portion. I also would request language like " including but not limited to" in the purpose section introduction for PUD configurations and concepts ....as Bob could never enumerate all configurations and hasn't....but others do exist like Greenfield Park. See my attached scan edits. Additionally you might have Bob look at his language in design review minor new page 1-20, b,c may be should read "or less".

I will include this in my comments but it would be great not to have to deal with the above in the thumbs up or down hearing in a time consuming way....especially if the suggestion came from you all.

Give me a shout to discuss or have Bob call if he wants to discuss.

Steve

----- Forwarded message -----

**From:** Steve Willard <willardis@gmail.com>  
**Date:** Thu, Sep 26, 2013 at 3:49 AM  
**Subject:**  
**To:** Steve Willard <willardis@gmail.com>

## 15.320 Form and Intensity Standards

### 15.320.010 Purpose.

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

### 15.320.020 Interpretation of tables.

- A. The form and intensity standards tables address the form and intensity of development specific to individual zoning districts. The zoning 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 ECC 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.
- D. ECC 15.320.050-140 provide clarification and exceptions to the form and intensity standards herein.

### 15.320.030 Form and intensity standards table – Residential zones.

Table 15.320.030 Form and intensity standards table – Residential zones.

Topic	R-S	R-L	R-M	R-H	R-O
<b>DEVELOPMENT INTENSITY AND CONFIGURATION</b>					
Minimum lot area	None <sup>1</sup>	None <sup>1</sup>	None <sup>1</sup>	None <sup>1</sup>	None <sup>1</sup>
Minimum frontage	None <sup>1,2</sup>	None <sup>1,2</sup>	None <sup>1,2</sup>	None <sup>1,2</sup>	None <sup>1,2</sup>
Density, minimum (ECC 15.320.050)	4/du/acre <sup>3</sup>	6/du/acre <sup>3</sup>	8/du/acre <sup>3</sup>	15 du/acre	8/du/acre <sup>3</sup>
Density, maximum (base) <sup>10</sup> (ECC 15.320.050)	6 du/acre	8 du/acre	No limit	No limit	No limit
Density, maximum with bonus (see ECC Chapter 15.330)	12 du/acre <sup>4</sup>	16 du/acre <sup>4</sup>	No limit	No limit	No limit
Maximum floor area ratio (FAR) (ECC 15.320.050)	0.5 <sup>5</sup>	0.5 <sup>5</sup>	1.0 <sup>6</sup>	1.5 <sup>6</sup>	1.0 <sup>6</sup>

Note 2 on next page is derived from this minimum frontages note "None 1.2"

15.320.030

City of Ellensburg  
Land Development Code Update

Topic	R-S	R-L	R-M	R-H	R-O
Maximum impervious area	Variable—see ECC 15.320.070				
Maximum building height	35 ft	35 ft	35 ft <sup>7</sup>	45 ft <sup>7</sup>	35 ft <sup>7</sup>
<b>BUILDING PLACEMENT (see ECC 15.320.070-130)</b>					
Minimum front yard <sup>8,9</sup>	15 ft	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	25-22 ft	25-22 ft	25-22 ft	25-22 ft	25-22 ft
Minimum rear yard	20ft	20ft	20ft	20ft	20ft
Minimum rear yard, accessory structures (including garages) and detached accessory dwelling units	5 ft <sup>12</sup>	5 ft <sup>12</sup>	5 ft <sup>12</sup>	5 ft <sup>12</sup>	5 ft <sup>12</sup>
Minimum side yard <sup>11</sup>	5 ft/10 ft <sup>13</sup>	5 ft/10 ft <sup>13</sup>	5 ft/10 ft <sup>13</sup>	5 ft/10 ft <sup>13</sup>	5 ft/10 ft <sup>13</sup>
Minimum side yard (corner)	5 ft	5 ft	5 ft	5 ft	5 ft

Development conditions:

- Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
- New lots shall have ~~direct~~ <sup>LOCAL</sup> access to a public right-of-way or may obtain access ~~from a courtyard~~ <sup>AS PROVIDED IN</sup> access consistent with ECC 15.420.050(C). **NOTE: NOT LIMITED TO C.**
- The density minimum shall apply only to new subdivisions greater than one acre in size.
- Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
- townhouses and multifamily uses, where permitted through density bonus provisions, are exempt from maximum FAR standards.
- See ECC 15.330.030 for FAR bonus provisions.
- For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by 5 feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
- Porches and covered entries may project up to 6 feet into the front yard.
- No front yard is required for buildings adjacent to designated "Storefront Streets".<sup>10</sup> Base maximum density refers to the maximum density allowed without utilizing density bonuses.
- Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.

- D. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.
- E. Must be well maintained. ~~Parks and~~ open space shall be maintained by the land owner(s) unless the city or other public authority accepts and offer of dedication.

**15.420.050 Lot design.**

Lots within subdivisions shall be designed to allow placement of homes to address functional design issues. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots.

The placement and orientation of lots and homes should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the home and its relationship to the surrounding environment. Flexibility shall be encouraged in spatial orientation of homes on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.

To maximize site efficiency and usable open space, small lot developments (generally less than 5,000 square feet in area and less than 50 feet wide) are encouraged to utilize zero-lot line ~~and~~ courtyard access configurations as described below:

*CONCEPTUAL ILLUSTRATIONS ARE INCLUDED BUT NOT LIMITED TO THE SCHEMES SHOWN BELOW:  
OR OTHER DETACHED DWELLING UNIT SCHEME. TOGETHER WITH ACCESS CONFIGURATIONS THAT MEET THE PUBLIC WORKS DEVELOPMENT STANDARDS FOR PRIVATE SHARED DRIVEWAYS, PUBLIC ALLEYS, AND/OR PUBLIC STREETS.*

15.420.060 Access, services and utilities. **LEGAL**

A. Each lot in a residential subdivision shall have ~~direct~~ **ACCESS** access to a public right-of-way, ~~except~~  
~~for:~~

1. ~~A~~ alternative lot designs as described in EEC 15.420.050 in this chapter. ~~Driveways~~ **ACCESS** shall be constructed per public works development standards (ADD LINK) and ECC Title 4, Public Works Construction, **ACCESS WITHIN THESE SUBDIVISIONS MAY INCLUDE SHARED DRIVEWAYS,**

2. Shared driveways may access up to 5 lots provided they are at least 15 feet wide and a maximum of 400 feet long. Provisions shall be made to keep the driveways clear of snow, vehicles ("no parking" signs), and vegetation.

**PRIVATE  
PUBLIC ALLEYS, PUBLIC  
STREETS, OR A COMBINATION  
OF THESE;**

B. Each lot in a residential subdivision shall be provided with adequate provisions for water supplies and sanitary wastewater facilities consistent with the requirements of the public works development standards (ADD LINK) and ECC Title 9, Utilities; and

C. Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020.

C. Courtyard access lots. This includes a series of lots clustered around a private internal roadway. Standards:

1. Maximum number of lots served by a courtyard access: 5 (this includes lots fronting the street on either side of the courtyard access). ← THIS WAS LIMIT FOR PRIVATE DRIVE
  2. Maximum length of a courtyard access: 100 feet (or deeper if approved by the Fire Department). The length may be increased to 150 feet if all structures beyond 100 feet of the street are equipped with automatic fire sprinkler systems. NOTE: SHOULD BE NO DIFFERENT THAN PRIVATE DRIVEWAY STANDARD
  3. Surface width of courtyard access: 12-15 feet minimum, to provide access for ambulances. Provisions shall be made to keep the access clear of snow, vehicles ("no parking" signs), and vegetation. Due to the limited length, wider drives are unnecessary (safety and function) and undesirable (aesthetics). ← COULD BE PRIVATE DRIVE OR PUBLIC ALLEY
  4. An easement of 20 feet in width shall be secured over the applicable parcels to allow lots legal access to the public street. A maintenance agreement shall be required for all applicable lots and must be recorded on the plat.
- Buildings accessed from a courtyard access are limited to 2 stories in height, due to aerial apparatus access limitations.

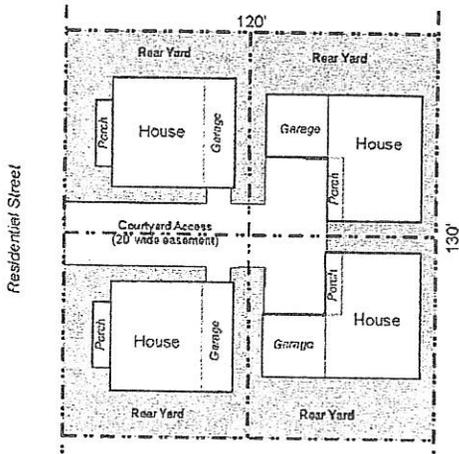


Figure 15.420.050(C). Examples of courtyard access lots.

## Mike Smith

---

**From:** Anthony Aronica  
**Sent:** Friday, September 27, 2013 4:49 PM  
**To:** Mike Smith  
**Subject:** LDC proposed amendments

Hello Mike,

Below are my suggested amendments or concerns with the LDC proposed language.

- 15.410.020 – Street designs. Permit in-fill designs to match existing street sections and right of way widths; and, permit contiguous sidewalk and development standards consistent with the build-out of an existing phased development, which may include street trees, irrigation, and maintenance by a homeowner association.
- 15.410.040 – Eliminate 20' local access street option. (strike through to include B. Design.; B. 1.; B. 2.; and, image on page 4-9.)
- 15.540.020 C.2. – Strike 'the garage face shall occupy no more than 50% of the ground level façade facing the street; and'
- 15.540.060 C.3. – Strike 'garages facing a public street are prohibited;'
- I also want to consider language which:
  - o creating a certified departure so that architectural designs will be authorized without additional review once the initial departure is approved. (Ideally, an application for a certified departure could be ratified immediately following the adoption of the LDC to reduce risk exposure of existing architectural designs that are consistent with the LDC purpose, but would be 'legal non-conforming' following adoption of this language.)
  - o an annual docketing policy to accept amendments and review updates to the LDC concurrent with the Comprehensive Plan Amendment schedule.

Thank you for all your effort bringing this together.

Best,  
Tony Aronica

September 27, 2013

Dear City Council and Staff,

I am writing this letter in response to the Land Use Code Update. First of all, I am extremely disappointed that I didn't respond earlier. Battling the many regulations that are being thrown upon us from both City and County has been exhausting. Because I am coming into this discussion late and haven't thoroughly read the code and talked to enough builders, developers, and others with more knowledge about this, I will be brief.

I am truly stunned with the restrictions, demands to conformity, fence height restrictions and mandating of lot sizes. In my business, the desire for 10,000 square foot lots are preferred to small lots! As I read this, that will not be an option anymore. Mandating percentages of transparent windows or doors on facades should speak for itself, but obviously doesn't to this group. Really???

Not once does it appear that there has been any consideration to the costs for the consumer. I guess I am still in shock that a small group of people could seriously change life as we know it in Ellensburg. Please, DO NOT TELL ME WHAT I WANT!

I urge you to take a step back and seek, not just wait for input, from knowledgeable LOCAL people and delay any kind of action on the current land code update.

Sincerely,



Marlene Pfeifer, Realtor

(but most importantly a private citizen with deep concerns of overreaching of our property rights!)

Dear City Council and Staff,

I have read through some of the Land Use Code Update and do not agree with how specific the guidelines are on the architecture and features of new developments. I don't think the city should have the right to restrict developments, on an aesthetic level, to the degree in which this code dictates. I believe that there are other issues involved that should be reviewed and taken into consideration before approving this plan. There are too many aspects of this code that are contradictory to development feasibility in the city of Ellensburg. Although I agree that the creation of smaller lots is essential, I also believe that some restrictions in this code are a detriment to creative, functional, and affordable building.

Thank you

A handwritten signature in black ink, appearing to read "Toby Williams", with a date "9/23/13" written to the right of the signature.

Toby Williams

September 27, 2013

Dear City Council,

I do not agree with the Land Use Code Update, the guidelines on the architecture and new development features are too restrictive. The City should not be dictating which architectural features are allowed in a new development. People do not want cookie cutter developments. This plan needs further discussion before it is implemented. The code as written will undermine affordable and creative construction. Please gather more input before voting this code in.



Judy Jacobs

# Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

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September 27, 2013

RECEIVED  
SEP 27 2013  
DFO  
COMMUNITY DEVELOPMENT

RECEIVED  
SEP 27 2013  
DFO  
COMMUNITY DEVELOPMENT

City Council  
City of Ellensburg  
501 N. Anderson St.  
Ellensburg WA 98926

Re: Comments on Draft Ellensburg Land Development Code Sections Pertaining to Regional Retail Commercial

Dear Members of the Council:

I represent a client presently in contract for certain property in the vicinity of the South interchange, the consummation of which is expressly contingent upon the approval of a master site plan for regional retail commercial, yet to be applied for. The present and prior drafts of the proposed changes to the Ellensburg land development code have been closely followed and review by my client and potential users with respect to possible implications for the proposed site. On behalf of my client, I am enclosing proposed revisions to the current proposal.

These revisions are necessary to the viability of regional retail. The enclosed changes are not site or potential user specific and are equally applicable to both areas identified as appropriate for such projects in the city's comprehensive plan. They consist primarily of clarifications and the removal of inconsistencies, but there is a procedural issue which is fundamental if the city is to actually attract a regional retail project: A consolidated process must be available wherein neither the city nor the developer (or the land in question) is bound to any particular agreement or requirement absent the full and final issuance of all approvals and permits necessary for such project.

As presently drafted, ECC 15.380.010, dealing with development agreements, reaches the heart of the problem. The city comprehensive plan identifies two areas where regional retail could be located, each of which includes property that may need to be annexed. It is highly unlikely that a commitment to annex would be given without a concurrent assurance that the proposed project

11

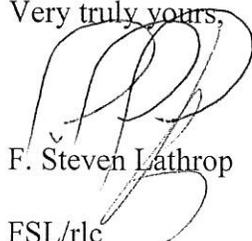
could, in fact, be undertaken as planned. This reality is the very basis for RCW 36.70B.170(1) of the Growth Management Act:

"A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. *A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement.* A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW." (Emphasis added)

Directly related are changes to ECC 15.210.020(B) and 15.250.070(C)(1), the later being a new subsection also dealing with consolidation. A consolidated process is, of course, required under RCW 36.70B.060. Additional comments provide necessary clarification to the uses permitted and development standards applicable to regional retail.

Please accept the enclosed changes to the proposed land development code to confirm the city's continuing commitment to provide a realistic opportunity for a regional retail type development to be located in this community.

Very truly yours,



F. Steven Lathrop

FSL/rle

Enclosures

cc: Client

## Comments on City of Ellensburg Land Development Code Update September 11, 2013 Draft

Track changes in September 11, 2013 draft are "accepted" and comments are shown in Redline/Strikeout.

### 15.130.180 R definitions.

**Regional retail commercial.** "Regional retail commercial" means any use which involves the display and sale of retail consumer goods and also includes personal, professional, household services, and general grocery sales. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of commercial uses; provided, that at least 50,000 square feet must be constructed for and used by one retailer; there is no maximum square footage of gross floor area in a single regional retail commercial development or in a single regional retail commercial building. As used in this LDC, "regional retail commercial" uses are subject to special location and design provisions (see ECC 15.250.070). "Regional retail commercial" development may also include other uses provided they are permitted in the relevant zone in which such development is located.

### 15.210.020 Determination of proper permit review process type.

\* \* \*

**B. Optional consolidated project permit application processing.** Except for applications submitted pursuant to ECC 15.250 where the applicant requests the review process to be combined with that of ECC 15.260, ECC 15.380 and/or ECC 15.360, in which case consolidation shall be allowed, Consolidation of a legislative action, such as a Type V comprehensive plan amendment, shall not be consolidated with a project permit application. All project approvals that involve 2 or more project permit application procedures may, at the applicant's written request, be processed collectively under the highest numbered Type procedure required for any part of the application or may be processed individually under each of the procedures identified by the code. 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.

### 15.250.070 Master site plans for regional retail commercial projects – Special review process.

\* \* \*

**C. Procedures.** Master site plans for regional retail commercial projects are exempt from ECC 15.210 but, except as specifically provided in this Section to the contrary, shall be Type

III and Type IV processes as otherwise provided in Sections 15.210.040, .050(C) & (D), and .060, and also subject to the following: Master site plans for regional retail commercial projects follow the general Type IV review process although they are exempt from the project permit timeline requirements in ECC 15.210.010(B) and are instead subject to the following provisions:

~~1. Recommendation. The landmarks and design commission will review the project at a public meeting as defined in ECC 15.130.160 and make a recommendation to the city council. In making its recommendation, the landmarks and design commission shall review the design features of the project against the regional retail design standards set forth in ECC 15.280.~~

1. Consolidation. The review and approval process for master site plan applications for regional retail commercial projects shall, at the request of the applicant, be consolidated any or all of the following: development agreements under ECC 15.380, annexation under ECC 15.360, a pre-annexation agreement, building permit, or any other City approval process or permit applicable to the project.

\* \* \*

**D. Decision criteria.** Applicants proposing a regional retail commercial master site plan shall demonstrate that the site plan application is able to satisfy all of the applicable code requirements. The regional retail commercial master site plan may only be approved if the city finds that all applicable code requirements are met, and that all of the following are satisfied:

1. Where permitted:

a. ECC Table 15.310.020 sets forth the zones that regional retail commercial master site plans are ~~allowed~~ permitted as a conditional use; provided, as long as the property is specifically designated for general commercial or regional retail commercial land uses in the city's comprehensive land ~~plan use map,~~ regional retail commercial shall be a use permitted as of right.

\* \* \*

2. The site access, proposed on-site circulation and off-street parking meets all public works development standards, regional retail commercial design standards in ECC 15.280.120, and makes adequate provision for roads, streets, alleys and other public ways. All streets, roads, sidewalks and other amenities shall be constructed as required by the city's public works development standards. The streets and sidewalks shall be suitable and adequate to handle anticipated traffic within the proposed regional retail commercial master site plan and in the vicinity of the development. Adequate access shall include at least 3 points of entrance onto the 40-acre project site, one of which

must be from an arterial street, and 2 must be from different compass directions or sides of the property, or at least one street connection to each neighboring parcel;

\* \* \*

8. All land within an approved regional retail commercial master site plan is subject to the regulations of the underlying zone as set forth in ECC Article 3, except as specifically modified by the provisions of this chapter. In the event of any irreconcilable differences between the provisions of this chapter and the underlying zone or any other chapter, the provisions of this chapter shall apply;
9. Types of uses and development permitted. Uses defined as “regional retail commercial” development in ECC 15.130.180. In addition, the uses allowed outright in the C-T zone are allowed in a regional retail commercial development located in the C-T zone. The uses allowed outright in the C-H zone are allowed in a regional retail commercial development located in the C-H zone. Notwithstanding any provision of Chapter 15.300 and Chapter 15.310 to the contrary, small, medium, large and super scale retail shall be uses permitted outright as part of a regional retail commercial project; and
10. The regional retail commercial master site plan and subsequent development shall comply with applicable project design provisions of ECC 15.280.120~~Article 5~~. Where there is a conflict between the provisions of ECC 15.280.120~~Article 5~~ and this section, the provisions of this section shall apply.

#### **15.280.120 Design standards for reviews of ~~certificates of approvals and for regional retail commercial master site plan applications.~~**

In lieu of addition to the design standards set forth in ECC Articles 4 and 5 below, this section establishes specific design standards for site improvements, landscaping, and architectural improvements to be used as the criteria for the preparation, review and action on applications for ~~certificates of approvals and regional retail commercial master site plan applications.~~ Architectural style is not restricted. Approval of projects shall be based upon the appropriateness of a project’s design and its relationship to its surroundings, as reflected in the language and direction contained in these standards. The following design standards shall serve as the sole guiding criteria for the submittal, approval and construction of all regional retail commercial master site plan applications~~reviewable landmarks and design projects:~~

\* \* \*

~~**AF. Regional Retail Commercial.**~~ [This section now consists solely of what was 15.280.120(F) and will need to be renumbered]

1. Site Planning.
  - a. Responding to the Site Characteristics.

- i. Develop the site plan in response to specific site characteristics, including natural features, vegetation, topography, or existing amenities and location within the community.

Design techniques:

Commercial development should enhance valued neighborhood amenities such as stream corridors, trees and natural areas; and

Siting should acknowledge and reinforce desirable existing spatial patterns of the neighborhood.

- ii. Coordinate adequate public services and utilities in the design phase to serve the proposed uses.
- b. **Transitions to Surrounding Neighborhoods.** Link proposed development to walkways, trails, and bicycle systems in the surrounding area by connecting and lining up directly to existing linkages, closing gaps and treating crossings of barriers on development site with special design treatment, minimizing barriers, designing with consistent materials, widths and locations, and providing safe, easy and clearly identifiable access to and along the linkages. Safe, convenient and attractive connections to downtown linkages should be provided.
  - c. **Streetscape Compatibility.** Develop the site plan in response to safety, interaction/activity, informal surveillance.

Design techniques:

- i. Ensure shared access and coordination of internal driveways and parking areas; and
  - ii. Cooperate in a welcoming gateway to the city from interstate highways and incorporate directional signage to historic downtown and Central Washington University (subject to federal, state and local ordinances).
- d. **Transitions to Sidewalks, Streets and Buildings.**
    - i. Design of building massing, height, and scale should provide a sensitive transition to adjoining residential neighborhoods; and
    - ii. New commercial developments, whose bulk and scale may negatively impact adjacent residential areas, should mitigate the effect through careful site planning and architectural design.

Design techniques: Possible mitigation techniques include

Locating open space on the site's edge to further separate the building from less intensive uses;

Stepping down the massing of the building along the site's edge;

Limiting length of, or articulating building facades to reflect adjacent residential patterns; and

Creative use of landscaping.

e. Orientation.

- i. Orient the building toward the principal street frontage, and face the primary entrance toward that frontage.

Design techniques:

Commercial architecture in Ellensburg has traditionally maintained a strong relationship to the street;

Buildings in the mixed use retail and office park areas should abut the sidewalks on at least one side;

Orienting the building's formal facade and primary entrance toward the principal street frontage creates pedestrian interaction, minimizes automobile dominance, and results in a lively streetscape; and

Avoid facing buildings to the side with the resultant erosion of the streetscape.

- ii. Site entrances shall be emphasized with landscape treatments to strongly indicate the pedestrian orientation of these areas;
- iii. Consideration should be given to the relationship between buildings and adjacent open space areas. All design should appear as an integrated part of an overall site plan; and
- iv. Roadways should be designed to reduce the visual impact of pavement area through siting of structures, berms and landscaping.

f. Human Activity.

- i. Design the project to human scale in order to provide pedestrian interest and facilitate pedestrian activity.

Design techniques may include:

Use setback areas for pedestrian activities such as outdoor seating or dining, for a plaza or recessed entry, or for landscaping.

Arcades, colonnades, or awnings at ground floor level provide pedestrian interest and can provide protection.

Create clear and safe pedestrian pathways from the sidewalks to the building's entrance

Include public gathering spaces throughout the site, locating smaller retail buildings close to streets, and developing quality landscaping along street frontages.

Appropriate pedestrian amenities could include benches, planters, decorative paving, artwork, lighting, and/or bicycle racks.

- ii. The design should provide for a sense of enclosure and safety along commercial streets including the provision of sidewalks, benches, public transportation and a clear pedestrian and bicycle access to all buildings including both internal connections and linkages to city's planned and existing sidewalk and trail network.
  - iii. Column and bay spacing along street fronts should be provided at intervals no greater than 36 feet apart in order to maintain a pedestrian-oriented scale and rhythm.
- g. Respect for Adjacent Sites. Structures should be scaled to other structures and spaces. (see subsection (F)(5)(b)(v) of this section).
- h. Phased Developments.
- i. Future development pads shall be designed to relate to the rest of the project's architecture and will provide pedestrian-scale exterior features.
  - ii. Each phase of the development shall be designed to be consistent with, but not necessarily the same as, the balance of the project architecture, including materials, colors, and general style.
- i. Transition Between Uses and Streetscape.
- i. Use open spaces to assist in the organization of architectural elements.
  - ii. Provide common garden elements and/or human activity focus points.
  - iii. Lessen the impact of parking by creating a prominent street front which is desirable for development attractiveness, public safety and pedestrian access.
2. Landscaping.
- a. Reinforcing Design Continuity with Neighboring and Adjacent Sites.
- i. Select plant materials that are suitable to the site and to Ellensburg's climate zone, and provide a viable stationary irrigation system.  
 Design techniques:  
 Choice of plant materials and their placement on the site are critical to the valley's windy, semi-arid climate.  
 Install a stationary irrigation system that provides full coverage of the landscaped area.
  - ii. Building entries, primary vehicular entries and building perimeters should be enhanced with landscaping which could include ornamental vines, groundcovers, shrubs and/or trees selected for their screening, canopy, spatial enclosure and seasonal variation.

- iii. Benches, kiosks, signs, bollards, waste receptacles, street vending carts, water fountains, lighting standards, perch walls, sidewalks, pathways, trails and special water features should be designed to be compatible elements of like materials and design.
- iv. Streetscape plantings should be simplified to allow adequate visibility from automobiles to businesses.
- v. The use of potted plants and flowers as well as street trees are encouraged, but should not impede pedestrian traffic.vi. The landscape design character of Ellensburg should be reinforced by using:

Design techniques:

Street trees – Ellensburg has a long-term “Tree City” designation. If a street has a uniform planting of street trees, or an area of distinctive species, plant additional street trees that match the planting pattern or species.

Similar plant materials – When many lots on a block feature similar landscape materials, emphasis on these materials will help a new project fit into the local context.

Similar construction materials textures, colors or elements – Extending a low brick wall, using paving similar to a neighboring use or employing similar stairway construction are ways to achieve design continuity.

- vii. Use landscaping to integrate the commercial development with the community, through the establishment of sidewalks, street trees per City of Ellensburg Street Tree List, and street lighting.

Design techniques:

Plant regularly spaced trees to shade the sidewalk and street, and consider the use of planters to create a safety barrier between street and sidewalk, or between sidewalk and setback.

Utilize the City of Ellensburg’s Street Tree List (see Appendix B attached to the Design Standards of the City of Ellensburg) to select climate-appropriate species.

Street lighting designs should reflect the scale of the neighborhood.

- viii. Provide landscaping of appropriate scale in the area of the required setbacks, in conformance with city code.

Design techniques:

Incorporate landscape materials into the design of setbacks to help define pedestrian spaces, circulation, and building access.

Landscaping can be effectively used to denote property edges and to accent architectural elements of street facades.

Use landscaping to soften the effect of blank walls.

b. Landscaping to Enhance a Large Commercial Building and/or Site.

i. Enhance the site with landscaping.

Design techniques:

Techniques that may be used to enhance the site might include:

Softening the form of the building by screening blank walls, terracing retaining walls, etc.;

Providing a framework such as a trellis or arbor for plants to grow on;

Incorporating a planter guard or low planter wall as part of the architecture;

Distinctively landscaping open areas created by building modulation;

Incorporating upper story planter boxes or roof planters;

Including a special feature such as a courtyard, fountain or pool;

Emphasizing entries with special planting in conjunction with decorative paving and/or lighting; and

Screening a building from view by its neighbors, or an existing use from the new building.

ii. Screen dumpsters, utilities, and service areas from view with landscaping.

Design techniques:

Where service elements cannot be located away from the street front, they should be screened from view and not encroach upon the pedestrian right-of-way.

Use an effective combination of landscape materials with fencing to screen the service area, and locate its opening away from the sidewalk.

c. Landscaping to Address Special Site Conditions.

i. High Bank Front Yard. Where the building's ground floor is elevated above a sidewalk pedestrian's eye level, landscaping can help make the transition between grades.

Design techniques:

Rockerries with floral displays, live ground cover or shrubs;

Terraces with floral displays, ground covers or shrubs;

Low retaining walls with raised planting strips; and

Stone or brick masonry walls with vines or shrubs.

ii. Barrier-Free Access. Where wheelchair ramps must be provided on a street front, the ramp structure might include a planting strip on the sidewalk side of the elevated portions of the ramp.

- iii. Steep Banks or Stream Bed Topography. Special plantings or erosion control measures may be necessary to prevent site destabilization and/or to enhance the visual qualities of the site in connection with neighboring improvement programs.
  - iv. Boulevards. Incorporate landscaping which reflects and reinforces the sense of streetscape.
  - v. Greenbelt or Other Natural Setting. Protect or preserve greenbelts and other settings by:
    - Design techniques:
      - Minimizing the removal of significant trees;
      - Replacing trees that were removed with new trees;
      - Emphasizing naturalized or native landscape materials;
      - Retaining natural greenbelt vegetation that contributes to greenbelt preservation; and
      - Selecting colors that are more appropriate to the natural setting.
3. Parking Lots and Structures. Reduce the visual impact of parking lots and parking structures.
- a. Parking – Surface.
    - i. Where possible, break-up or divide large parking lots. Employee and overflow parking may be located behind buildings and away from areas of high public visibility. Handicap stalls should be located throughout the development.
      - Design techniques:
        - The relationship of building facade to the street, and safe pedestrian access to the building entrances, are of primary consideration in commercial development; parking must not dominate the street front.
    - ii. Parking areas should include landscape areas. The size and location of parking areas should be minimized and related to the group of buildings served.
      - Design techniques:
        - All parking lots visible from public rights-of-way, or located within 20 feet of residential property, should be screened using a combination of trees, shrubs, walls, and/or trellis structures with plants.
        - Screening need not be sight-obscuring, and need not be uniform along the property frontage.
    - iii. Minimize long, straight, monotonous rows and effect of large paved areas by visually breaking up the parking lot with landscaped islands. Landscape islands or

nodes are in addition to the required 15 percent landscaping and shall be distributed throughout the parking lot at a rate of 24 square feet per stall.

- iv. Landscaping shall be provided to screen surface parking areas and provide transition between the project and surrounding areas. Landscape and screen surface parking areas visible to the public.
- v. Pedestrian access from parking areas and vehicle circulation through parking areas should be safe and clearly defined.
- vi. Landscaped medians are encouraged where access and traffic allow.
- vii. Open space and landscaping should be coordinated and linked wherever possible, particularly in relation to public areas and the pedestrian system.
- viii. Design and locate parking areas in a manner that will break up large areas of parking and provide for shared parking among businesses.
- ix. For retail buildings less than 5,000 square feet, locate off-street parking to the rear or side of the building, whenever possible.

Design techniques:

The site plan should minimize the number and width of driveways and curb cuts along the street ~~and should consider alleyway access.~~

Various parking lot configurations may be possible, depending upon site constraints; ~~large lots may be broken into several smaller lots.~~

- x. Minimize the visual impact of parking surface run-off treatments, and incorporate them into landscaping where possible.
  - xi. Allow surface parking in front of large retail structures and anchor retailers but reduce visibility of parking from public streets with landscaping and the location of smaller structures.
- b. Parking Structures.

- i. The presence and appearance of garage or large door entrances should be minimized so that they do not dominate the street or building frontage.

Design techniques:

Recess the portion of the facade where the entry is located to help conceal it.

Extend portions of the structure over the garage entry to help conceal it.

Emphasize other elements of the facade to reduce the visual prominence of the garage entry.

- ii. Structured parking should be designed to avoid undifferentiated planes. The scale of parking structures should be modulated by interruptions of the facades, setbacks, and lowering the first level below the existing grade (where the water table allows) to reduce total height.

- iii. Facades of parking structures should include a landscape treatment in addition to architectural screening.

Design techniques:

Parking structures should have landscaping around the ground level perimeter and the top floor which will correspond to adjacent land uses and activities. Landscaping should include, but not be limited to, a combination of shade trees, evergreen trees, shrubs, groundcovers, deciduous native and ornamental shrubs, and vines to further screen the structures.

- iv. Provide walkways in parking floors with barriers to protect pedestrians from vehicles.

Design techniques:

For security, pedestrian routes should be visible and avoid enclosed, hidden areas. Emergency call boxes should be available.

- v. Parking structures should be enclosed with retail or office uses on the exterior or where this enclosure is not feasible, the visual impact should be softened with landscaping or screening.

#### 4. Exterior Lighting.

- a. An exterior lighting plan for the development area shall be provided and approved.

Design Techniques:

The plan should encourage nighttime pedestrian movement through and around the development area.

Street lighting should relate in scale to the pedestrian characters of the area.

The design of the light standards and luminaries should enhance the design theme.

Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.

- b. In order to direct light downward and minimize the amount of light spilled into the dark night sky, all lighting fixtures shall be full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).
- c. Fixtures used to accent architectural features, materials, colors, styles of buildings or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky.

Design techniques:

Lighting fixtures shall not generate excessive light levels, cause glare or direct light beyond the facade onto neighboring property, streets or the night sky.

Flags of the United States or Washington State may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

- d. Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky.

Design techniques:

Select plants that will not overgrow security lighting.

Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.

- e. Fuel service station and truck stop exterior lighting levels should be adequate to facilitate only the activities taking place in such locations.

Design techniques:

Canopy light shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties. Lights shall not be mounted on the top or sides of the canopy.

Lighting shall not be used to attract attention to the business.

- f. Security lighting should be designed and used to discourage crime and undesirable activity.

Design techniques:

Install full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

Use the lowest possible illumination to effectively allow surveillance.

Use sensor technologies, timers or other means to activate lighting during times when it will be needed to conserve energy, provide safety, and promote compatibility between different land uses.

Aim lighting fixtures so that illumination is directed to the designated areas.

## 5. Architectural Design.

### a. Building Height, Bulk and Scale.

- i. The height, bulk and scale of buildings should be compatible with one another in the development and with neighboring property buildings. ~~Compatibility could be accomplished by:~~

Design techniques:

Architectural context – the use of architectural style, details (such as roof lines or fenestration), color or materials that derive from neighboring uses should be considered.

The creative use of landscaping or other screening.

The location of features on-site to facilitate transition, such as locating required open space or the most compatible uses on the edge of the development area.

Treating topographic conditions in ways that minimize impacts on neighboring development, such as by using a rockery rather than a retaining wall to give a more human scale to a project, or stepping a project down a hillside.

b. Architectural Elements and Materials.

- i. The building as an individual structure or as part of a series of buildings should respect architectural context of the development area.

Design techniques may include: ~~This can be done through~~

Facade articulation;

Building scale and proportion;

Complementary architectural style;

Roof forms;

Building details and fenestration patterns;

Complementary materials.

- ii. ~~Design~~ Roof lines should be designed to reflect traditional commercial roof configurations.

Design techniques:

~~Commercial architecture in Ellensburg has traditionally included various roof forms, most often characterized by a decorative parapet wall.~~

Various roof configurations such as gabled, flat, or shed ~~are possible behind the parapet~~ should be considered ~~;~~ however, mansard ~~Mansard~~ roofs are ~~not traditionally found in Ellensburg and their use is discouraged.~~

Avoid roof configurations which overly mimic residential styles.

- iii. Rooftop utilities and mechanical systems should not be visible from the street. Regional retail commercial project buildings have a building height limit of 50 feet which includes any building mechanical equipment.
- iv. The roofline of buildings should be modulated to avoid the appearance of large areas of flat roof and should include interesting architectural features. Consideration should be given to the appearance.
- v. The scale of all structures in relationship to other structures and spaces is important. Multiple stories or the appearance of multiple stories may be used up to the maximum height limit. Some variation in heights contributes to the variety and complexity of the environmental experience, and is encouraged.

~~Design techniques:~~

~~Consider from among a wide range of wall treatments derived from traditional commercial architecture such as: pediments, cornice molding, cresting, or a stepped false front design should be considered.~~

- vi. ~~Organize m~~Multi-story commercial building facades should be organized with three-part horizontal division and vertical column division.
  - vii. The ground floor of buildings should provide pedestrian interest and activity (see subsection (F)(1)(f) of this section, Human Activity).
  - viii. ~~Use traditional s~~Storefront components and proportions should be used on the ground-floor levels of street-facing facades.
  - ix. Facade designs should include ~~some contemporary translations of traditional commercial facade elements, such as:~~
    - Design techniques:
      - Recessed entries;
      - Kick plates as bases;
      - Plate glass display windows, commercial in scale;
      - Transoms;
      - Canopies, marquees, and awnings.
  - x. ~~Include w~~Windows should be included on the second-floor levels of street-facing facades.
    - Design techniques:
      - Second-story windows create an important rhythm of solid-to-void.
      - Alignment, proportions, and groupings of second-floor windows should relate to first-floor building elements.
      - ~~Provide s~~Second-story windows with architectural detailing of appropriate scale should be provided.
  - xi. Modulate, or break up, blank street-facing walls over 40 feet in width with windows, artwork, recesses, columns, bands, textural treatment, landscaping, color or a combination of these techniques.
  - xii. Avoid design features of incompatible scale such as:
    - Design techniques:
      - Residential design features, such as wood-frame porches;
      - Blank second-story walls;
      - ~~Box-like design, especially on large buildings;~~
- c. Architectural Features.

- i. Give special architectural treatment to primary building entrances and corner entrances. Special attention should be given to architectural features, fenestration patterns, and the building's proportions.

Design techniques:

Recessed entry;

Roof line emphasis;

Windows above entry;

Canopy, marquee, or awning above entry;

Head molding or decorative lintel above doorway;

Contrasting, decorative finish materials;

Beveling;

Roof accentuation or height increase;

Sculptural relief;

Landscape emphasis;

Other architectural features or methods.

- ii. ~~Create~~ Building articulation by should include:

~~Design techniques:~~

Modulating the facade by stepping back or extending forward a portion of the facade;

Repeating the window patterns at an interval that equals the articulation interval;

Providing features such as a marquee, patio, deck or covered entry;

Providing a balcony or bay window for each interval;

Changing the roofline by alternating dormers, stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval;

Changing the materials or color with a change in the building plane; and

Providing a lighting fixture, trellis, tree or other landscape feature with each interval;

Other architectural features or methods.

- iii. Maintain a consistent architectural concept that reflects a human scale by:

Design techniques may include:

Articulating the building's facades vertically and horizontally ~~in intervals that conform to an existing structural pattern;~~

Utilizing recessed spaces at ground level;

Reducing the bulk of the main building by building upper floors;

Grouping in a campus setting;

Limiting the length of, or otherwise modifying facades, to imply a group of smaller scale buildings; and

Reducing or varying the height of the structure to imply a smaller scale building; and

Other architectural features or methods.

d. Exterior Finish Material.

- i. Building exteriors should be constructed of durable and maintainable materials that are typically commercial in character. Exterior should be attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

- ii. Acceptable commercial building materials and exterior finish typical to Ellensburg include the following:

~~Design techniques:~~

~~Clear or painted wooden storefront ornamentation/fenestration;~~

~~Architectural metal beaming and columns, decorative iron or visible metal exterior support structure which is incorporated into the building facade;~~

~~Brick work with pattern articulation, simple corbelling and accent materials;~~

~~Stone columns, fenestration, and accent combined with brick;~~

~~Cement work that has embossed ornamentation, architectural accent or structural column division;~~

~~Ceramic and terra-cotta (pattern/relief molded), tile ornamentation or decorative panels; and~~

~~Brick, stone, stone veneer, clay tile, and stucco/Dryvit, Exterior Insulated Finish System (EIFS), concrete masonry units (CMU), architectural masonry and concrete.~~

~~Also acceptable are concrete, dryvit, and wood.~~

Varying patterns, textures, and combinations of materials and colors encouraged.

- iii. An earth-tone color palette that complements the surrounding development is encouraged. Select exterior color schemes that are appropriate for large scale development and fall within a traditional commercial range (see color notebook on file at city).

- iv. Building design ~~must~~should relate in material, colors, scale and form, which are harmonious with the surrounding environment.
  - v. Buildings should be constructed of materials that minimize light reflection and glare.
  - vi. Green building practices or environmentally sensitive and innovative design and materials are encouraged and should comply with Leadership in Energy and Environmental Design (LEED) standards.
6. ~~Commercial Signage. A sign plan shall be submitted with the design review application. The plan at a minimum shall show locations, dimensions and designs of the proposed signs. (Please refer to ECC Chapter 15.560, Signage, for sign regulations in the C-T and C-H zones and the Washington State Department of Transportation for State Highway sign regulations.~~

### **15.300.050 Non-Residential and mixed-use zones.**

\* \* \*

#### **B. Commercial tourist zone (C-T).**

The C-T zone is intended to encourage suitable areas for commercial lodging, service stations, eating and amusement places, and other establishments primarily servicing Interstate 90 and U.S. Highway 97 travelers. In addition, specific areas of the C-T zone which have a comprehensive plan designation of general commercial may have regional retail commercial uses if special development criteria in ECC Chapter 15.2350.070 are met. These purposes are accomplished by:

- 1. Allowing commercial uses that serve the traveling public;
- 2. Providing the opportunity for regional retail uses in specific areas deemed appropriate for such uses; and
- 3. Providing standards and guidelines that enhance the appearance and function of commercial-tourist uses and their compatibility with surrounding uses;
- 4. Use of this zone is appropriate for:
  - a. Areas designated Tourist Commercial and General Commercial in the comprehensive plan; and
  - b. Areas located within one-half mile of an Interstate 90 interchange.

#### **C. Commercial highway zone (C-H).**

The C-H zone is intended to accommodate diversified commercial establishments. These purposes are accomplished by:

- 1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;

2. Allowing small to large scale retail uses in all areas in the zone and super scale retail uses in areas included in a master site plan for regional retail commercial projects as provided in ECC Chapter 15.250.070, but excluding super scale retail (over 60,000 square feet of floor area), which are more desirable in other zones; and
3. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
4. Use of this zone is appropriate for:
  - a. Areas designated corridor neighborhood commercial, general commercial, or tourist commercial in the comprehensive plan; and
  - b. Areas adjacent to, or with good access to, arterial streets and highways.

\* \* \*

#### 15.310.040 Use tables.

\* \* \*

Table 15.310.040 Non-residential uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
<b>RETAIL</b>													
Auto sales, new & used							P <sup>1</sup>	P	P <sup>2</sup>	P			
Commercial use providing drive-through service							P	P		P			
Farmers markets*						P			P	P			
Fruit stands*	P	P	P	P	P	P	P	P	P	P	P		
Heavy retail (ECC 15.310.060)								P <sup>10</sup>	P <sup>2</sup>	P		P	
Nurseries & greenhouses that are ancillary to a retail use*	P							P	P <sup>2</sup>	P	P	P	
Restaurants, bars, and brewpubs*			P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P	P <sup>11</sup>		A <sup>9</sup>
Coffee house, espresso bar	P <sup>8</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P	P <sup>11</sup>		A <sup>9</sup>
Retail, small scale (<2,000sf floor area)	P <sup>8</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P			A <sup>9</sup>

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
Retail, medium scale (2,000-20,000sf floor area)						P		P	P	P			A <sup>9</sup>
Retail, large scale (20,001-60,000sf floor area)						P <sup>4</sup>		P	P	P			
Retail, super scale (>60,000sf floor area)									C	C			
Outlet center								P					
Regional retail commercial projects* (ECC 15.250.070)							<u>PC</u> <sup>13</sup> <u>C</u>	<u>PC</u> <sup>13</sup> <u>C</u>	C	C			
<b>PERSONAL AND GENERAL SERVICE</b>													
Day care I facilities*	P	P	P	P	P	P		P	P	P	P		A <sup>9</sup>
Day care II facilities*	C	C	C	C	P	P		P	P	P			A <sup>9</sup>
General service establishments (ECC 15.310.060)						P <sup>5</sup>	P <sup>6</sup>	P	P <sup>2</sup>	P	P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*								P <sup>10</sup>	P <sup>2</sup>	P		P	
Hospitals*	C	C	C		P				C	P			P <sup>9</sup>
Offices, medical*	P <sup>8</sup>				P	P		P	P	P			P/A <sup>9</sup>
Kennels *								P		P	P		
Nursing homes*	C	C	C	P	P				P	P			P/A <sup>9</sup>
Personal service establishments*	P <sup>8</sup>		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P			A <sup>9</sup>
Places of assembly*	C	C	C	C	P	P			P	P	C		A <sup>9</sup>
Radio station (commercial)		C						C			C	C	A <sup>9</sup>
<b>BUSINESS SERVICE</b>													
Conference center*							P	P	P	P			A <sup>9</sup>

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
Offices, business or professional*, small scale (<2,000sf floor area)	P <sup>8</sup>					P	P	P	P	P	P <sup>7</sup>		P/A <sup>9</sup>
Offices, business or professional*, medium scale (2,000-20,000sf floor area)	P <sup>8</sup>						P	P	P	P	P		P/A <sup>9</sup>
Offices, business or professional*, large scale (20,001-60,000sf floor area)								P	P	P	P		P/A <sup>9</sup>
Miniwarehouse facility*			C					C			P	P	
<b>INDUSTRIAL</b>													
Light industry (ECC 15.130.120)									p <sup>2,11</sup>	p <sup>2,11</sup>	P	P	
Hazardous waste treatment (off-site)(see definition of "off-site" in ECC 15.130.150)											C	C	
Hazardous waste treatment (on-site) (see definition of "on-site" in ECC 15.130.150)							C	C	C	C	C	C	A <sup>9</sup>
Heavy industry (ECC 15.310.060)												C	

Development conditions:

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 or within a live-work dwelling. Such uses shall be subject to Secondary Street frontage standards as set forth in EMC 15.510.060.
4. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.

5. Except for gas service stations, the use must be enclosed entirely within a building.
6. Includes gas service stations with truck stop facilities only. No other general service uses are permitted.
7. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
8. Subject non-residential uses may be permitted in the RS zone subject to the following conditions:
  - a. The location for planned non-residential uses shall be designated on the plat.
  - b. Non-residential uses may be integrated into subdivisions provided the subdivision encompasses at least 5 acres in gross land area and the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
  - c. Non-residential uses shall not be located adjacent to existing single family dwellings, except where such uses were approved on an individual plat.
  - d. For the purpose of identifying appropriate site orientation standards for future non-residential development, the plat shall indicate the street frontage type designation for streets fronting planned non-residential uses as either Storefront, Secondary, or Landscaped Street (see ECC Chapter 15.510).
9. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.010.050.
10. Home retail uses are limited to 60,000 square feet of floor area.
11. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
  - a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.58 for standards), dust or other physical effect; and
  - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
12. Subject use is permitted in the district only when accessory to a permitted use (see accessory use definition in ECC 15.130.010).
13. Regional retail commercial projects are permitted, subject to the requirements of ECC 15.250.070, provided the property is specifically designated for general commercial or regional retail commercial land uses in the city's comprehensive land use map.

### **15.380.010 Authority.**

The city may enter into a development agreement with a person having ownership or control of real property within the city limits. The city may also enter a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement pursuant to RCW 36.70B.170(1), ~~however, as a condition of entering into the development agreement, the annexation proceeding must be completed and the property annexed prior to approval of the development agreement.~~

### **15.400.020 Applicability and compliance.**

The community design provisions in this article generally apply to the following development within the city:

- A. All street improvements. See Section 3 (Street Standards) of the city's public works development standards for details on the types of developments that are subject to street improvements.
- B. All subdivisions, including binding site plans.
- C. All other development within the city. However, the provisions herein largely focus on large site development (where new street connections may be required with new development) or parks or design components of subdivisions; provided, that the provisions of this chapter shall not apply to regional retail commercial projects governed by ECC 15.250.070.

These standards are intended to supplement other provisions of Title 15 and other existing city codes applicable to developments. Where there is a conflict between the provisions of this article and other codes, the provisions herein shall apply.

### **15.510.020 Applicability.**

The provisions of this chapter shall apply to all non-residential and multifamily development; provided, that the provisions of this chapter shall not apply to regional retail commercial projects governed by ECC 15.250.070.



September 27, 2013

Ellensburg City Council  
City of Ellensburg  
501 North Anderson Street  
Ellensburg, WA 98926

Dear Council Members,

Thank you for the opportunity to comment on the revised Draft Land Development Code dated September 11, 2013. We thank you for removing chapter 15.560 of Article 5 regarding signage. The Chamber of Commerce would like to offer our assistance in finding individuals to serve on your sign committee and would like you to know that we are willing to serve on this committee. Our additional recommendations/comments are listed below.

15.210.050(C) We recommend all conditional use permits go before a Hearings Examiner. A Hearings Examiner is a Land Use Professional that will make decisions based on the Code and Findings of Fact.

15.250.030(C) We support this and feel that all non-landmark property departures should go through the Director or a Hearings Examiner.

15.310.040 Retail of any size should be a permitted use in all of the commercial zones with the exception of C-N. If the City is going to see any retail growth it must allow retailers to have the flexibility they need to site in the location that will make them successful. If they are forced to go into an area they feel won't work well, they won't come. This applies to light industrial and office as well. Outlet centers should be allowed in C-T as well as C-H, CC and CCII. Large scale office should be allowed in C-T also. There are professional businesses that draw from places other than Ellensburg and want to be close to the Interstate in order to serve their customers.

15.320.040 We recommend removing the Floor Area Ratio completely.

15.340.010 Although it is not always the case there are times when a Bed and Breakfast does not have the owner living on-site. This should not be a requirement nor should they have to

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serve a meal. In some cases B & B's have given out certificates for breakfast at one of our local restaurants which helps the restaurant as well. This again is an area where flexibility is needed and should be given to allow a business to be successful.

15.540.020 & 050 We recommend removing the façade transparency altogether.

In closing the Kittitas County Chamber of Commerce would like remind the Council that over regulating and not allowing creativity or flexibility within the development codes will have an adverse affect on our community and will cause development to occur outside of our city limits and in other communities surrounding Ellensburg. We encourage you listen to your developers and builders and work with them as we continue towards adoption of this code.

Thank you for your considerations,

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Criddlebaugh". The signature is stylized and fluid.

Ron Criddlebaugh  
Kittitas County Chamber of Commerce

To: Mike Smith, Community Development Director

From: Karen Raymond

Date: September 26, 2013

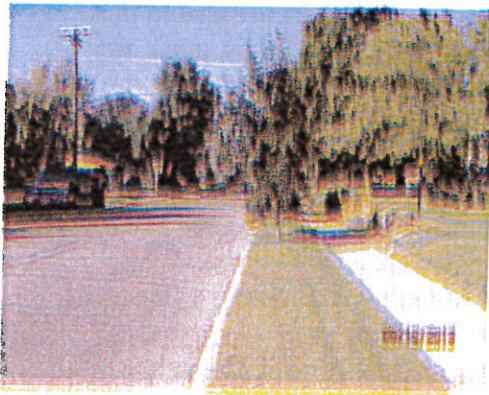
Re: Land Development Code

Thank you for the opportunity to comment on the Revised Draft Final Land Development Code. I was a member of both the 2008 Nonmotorized Transportation Plan Committee and the 2009-2010 Nonmotorized Transportation Code Committee and have attended the City Council study sessions related to the Community Design section of the code this summer. Please consider the following suggestions related to Articles 4 and 5:

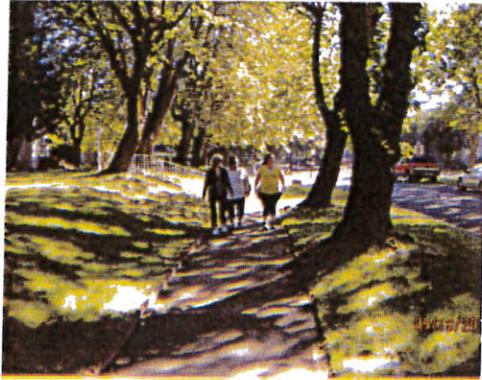
15.410.040 Local Access Street Design

The width of the planting strips on residential streets was shrunk from 10 feet to 6 feet in the final draft. According to the City Arborist, the size of the planting strip dictates the size of the tree that can be planted there. A 6-foot strip will only allow the planting of small (less than 30 foot) trees, such as eastern redbuds or hedge maples, and this size strip would also eliminate even some small trees with aggressive roots. An 8-foot strip would allow homeowners the option of planting medium-sized (less than 45-foot) trees, such as red maples and European mountain ashes, and a 10-foot strip would allow the planting of larger trees (less than 60-foot) such as pin oaks and sugar maples and green ashes.

Here are some examples of 6-foot planting strips on Ellensburg streets:



Here are some examples of larger strips (these are actually 12-foot strips):



Which street would you rather walk on? Six-foot strips are smaller than they sound! An 8- or 10-foot strip would give homeowners the option of planting larger street trees, which do a better job of shading the street and provide a more pleasant walking environment and a more attractive streetscape.

Increasing the strips to 8 feet would only increase the right-of-way to 46-, 50-, and 56-feet for 20-, 24-, and 30-foot roads respectively, and increasing the strips to 10 feet would increase those rights-of-way to 50-, 54-, and 60-feet. Because utilities will be placed under sidewalks, these rights-of-way with either the 8-foot or 10-foot strip option would still be smaller than what was originally proposed and smaller or equal to that required by the current code.

Another issue which came up in a study session but was not addressed in the final draft relates to whether plantings would be required in planting strips. To avoid just rock or bare dirt strips, which heat up the sidewalk and/or cause erosion, language requiring homeowners to plant and maintain vegetation of some kind needs to be inserted in this section. Vegetation could include regular or drought-resistant trees, shrubs, grass, or flowers (the city has an informational pamphlet on xeriscaping).

#### 15.420.030 Community Design Provisions

The final draft allows exceptions to the prohibition against reverse frontage lots in cases where there is a 10-foot vegetative buffer between the sidewalk and the fence. While better than fences with no buffer, this exception would still allow block-long expanses of tall fencing. Imagine Bender Road with trees along the fences. Better? Undoubtedly. But what if both sides of the street were edged by the fences? Even with vegetation, you could still have a sort of "tunnel" effect along arterials, with streets sandwiched between tall fences and no homes facing the street, no "eyes on the street." Furthermore, this exception as written is not limited to arterials. It would allow reverse frontage/block-long expanses of tall fences even along collectors and local access roads, so long as the other conditions were met. Do we want neighborhoods like this?

This exception also states that a “homeowner’s association” would be responsible for maintaining the vegetation. But what exactly constitutes a homeowner’s association and who will review the agreements? And what happens if they don’t maintain the vegetative buffer or scoop the sidewalks, which would not be easily accessible from the homes because of the fence? Will the city be stuck with that responsibility at taxpayers’ expense? This exception should be deleted.

#### 15.540.020 Housing Type Standards

The final draft sets a 22-foot minimum setback for a garage and a 15-foot minimum setback for a house. But this configuration would still allow a garage to stick out in front of the house if the house were to be set back more than 22 feet (the 15-foot setback is a minimum setback). Sometimes this design is unflatteringly referred to as a “snout house,” a design that reduces street and neighborhood visibility to the left and/or right for residents, particularly if adjacent homes are designed this way (see below), resulting in fewer “eyes on the street.” Many communities, from Portland to Cedar Rapids, Iowa, are imposing some limits on how much a garage can protrude, and new Ellensburg neighborhoods would become safer and more welcoming if we did likewise.



#### Other (not sure where this belongs)

In the interests of conserving energy, some communities do not allow covenants that prohibit clotheslines—a good idea for Ellensburg, too.

Thank you for considering these suggestions.