

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO THE CITY'S LAND DEVELOPMENT CODES, ADOPTING THE ELLENSBURG LAND DEVELOPMENT CODE (*LDC*) AS TITLE 15 OF THE ELLENSBURG CITY CODE; RECODIFYING TITLE 12 – SUBDIVISIONS AS CHAPTER 15.260 - SUBDIVISIONS; RECODIFYING TITLE 13 – ZONING AS TITLE 15 - LAND DEVELOPMENT CODE, EXCEPT FOR CHAPTER 13.49 - ADULT ENTERTAINMENT LICENSES WHICH IS RECODIFIED AS CHAPTER 6.72 OF THE ELLENSBURG CITY CODE; and

RECODIFYING AND AMENDING CHAPTERS 1.42 – SEPA AS CHAPTER 15.270; 1.45 – LANDMARKS & DESIGN AS CHAPTER 15.280; 1.68 – LAND USE PERMITS – ADMINISTRATION AS TITLE 15 – ARTICLE 2; AND 3.32 – COMPREHENSIVE PLAN AS CHAPTER 15.120; and

RECODIFYING CHAPTER 3.40 – OUTDOOR LIGHTING AS CHAPTER 15.580; AND CHAPTER 4.38 - LANDSCAPING AS CHAPTER 15.570;

REPEALING ALTERNATIVE NO. 4, 5/20/96: EXHIBIT “A” LOCATED ON THE LAST PAGE OF TITLE 1 OF THE ELLENSBURG CITY CODE; REPEALING CHAPTERS 3.13 – AWNINGS; 6.50 – TRAILER COACHES AND CAMPS; AND TITLE 10 – ANNEXATIONS; REPEALING SECTIONS 4.14.040, 4.14.060, 4.14.080, AND 4.14.100; and

AMENDING CITY CODE SECTIONS 4.12.020, 4.12.060, 4.16.020, 4.16.060, 4.16.080, 4.16.100, 4.17.120, AND 6.56.129; PROVIDING AUTHORITY AND DIRECTION TO THE CODIFIER AND CITY OF ELLENSBURG PUBLIC WORKS DIRECTOR; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ellensburg is planning under RCW 36.70A, the Growth Management Act (GMA); and

WHEREAS, the City adopted a major update to its GMA Comprehensive Plan in 2007; and

WHEREAS, RCW 36.70A.040 requires that the City's development regulations be consistent with the City's Comprehensive Plan; and

WHEREAS, a major update to the City's Land Development Codes was initially

discussed by staff and City Council in 2009 and was formally identified by City Council as a priority project at a City Council Retreat in February 2010; and

WHEREAS, the goal of the Land Development Code Update Project was to rewrite the City's existing development regulations and to provide for a new land development code that: (1) improves clarity, conciseness, predictability, and usability for residents, development professionals, and the business community; (2) maintains the integrity of code concepts adopted over time by the City Council while utilizing new ideas and best practices where appropriate to better achieve those concepts; and (3) implements clearly and effectively the vision, goals, policies and programs established by the Ellensburg Comprehensive Plan; and

WHEREAS, as a supplement to the City's Growth Management Act (GMA) Public Participation process, a wide-range of public involvement and community outreach activities were conducted in order to inform the community regarding the Land Development Code Update Project and to obtain community input in that Project including: a series of community stakeholder interviews in Fall 2010 to develop a snapshot of existing conditions and insights into changes that might be explored in the Project; a Community Survey performed in late 2010 to assess community preferences and priorities that was responded to by over 500 citizens; a Community Workshop in early 2011 to introduce the Project and to outline and fine-tune the focus areas of the project in order to prepare a first draft of the Land Development Code Update; a Project webpage on the City's webpage that contained background materials on the Project, as well as updated drafts, summaries, issue outlines and upcoming meeting schedules; several newspaper articles and *City Town Talk* articles; and a series of Planning Commission, Landmarks and Design Commission, and City Council study sessions leading up to the final document, including several joint City Council and Planning Commission study sessions, all of

which were open to the public and public comment, testimony and input was welcomed and received; and

WHEREAS, comments and recommendations on the Land Development Code Update were forwarded to City Council by the public, the Planning Commission and the Landmarks and Design Commission during the course of the Project and the Council has reviewed those comments and recommendations and expressed the Council's intent to incorporate some of them into the Land Development Code Update; and

WHEREAS, State Environmental Policy Act (SEPA) review of the Land Development Code was initiated on July 8, 2013, no comments were received through the SEPA review process, and a Determination of Non-Significance (DNS) was issued on August 14, 2013; and

WHEREAS, the required Growth Management Act 60-Day Notice to State Agencies was submitted to the Washington Commerce Department on July 8, 2013, and one comment was received from the Washington State Department of Ecology relating to issues identified in the City's Critical Area regulations found in current Ellensburg City Code Chapter 13.39, however, because the City's Critical Area regulations are not being reviewed or changed in the Land Development Code Update other than to renumber the current Critical Area regulations as new *Title 15, Article 6 – Critical Areas*, the comments were determined to not be applicable to the Land Development Code Update and will not be addressed by this Land Development Code Update; and

WHEREAS, the Ellensburg Planning Commission held a public hearing and received testimony on November 6, 2013 to consider the final Land Development Code document and voted to make several recommendations to amend the proposed Land Development Code along with a recommendation that City Council adopt the proposed Land Development Code; and

WHEREAS, the Ellensburg City Council held a public hearing and received testimony on November 18, 2013 to consider adoption of the proposed Land Development Code, has considered the entire public record, comments and recommendations that have been submitted for City Council consideration by the public and has considered the Planning Commission recommendations and, after closing the public hearing and deliberating, has moved to amend the proposed Land Development Code and to approve the proposed Land Development Code and associated City Code amendments necessary to fully implement the proposed Land Development Code; and

WHEREAS, in so moving to adopt the Land Development Code, the Ellensburg City Council has determined that the public record established during the Land Development Code adoption process demonstrates that adoption of the Land Development Code is consistent with the GMA Planning Goals set forth in RCW 36.70A.020, and that the Land Development Code contains specific new land development requirements and processes that further implement the following GMA Goals: (1) Urban growth; (2) Reduce sprawl; (3) Transportation; (4) Housing; (5) Economic development; (6) Property rights; (7) Permits; (9) Open space and recreation; (10) Environment; (11) Citizen participation; and (13) Historic preservation; and

WHEREAS, in so moving to adopt the Land Development Code, the Ellensburg City Council has determined that the public record established during the Land Development Code adoption process demonstrates the Land Development Code is consistent with the City's adopted Comprehensive Plan and contains specific new land development requirements and processes that further implement a number of that Comprehensive Plan's goals and policies relating to the Vision Element, Land Use Element, Transportation Element, Capital Facilities and Utilities Element, Housing Element; Economic Development Element; Parks and

Recreation Element; and Historic Preservation Element.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, does hereby ordain:

Section 1. A new Title 15 entitled "Land Development Code" that is attached to this ordinance as Exhibit 1 and incorporated herein as if fully set forth, is hereby added to the Ellensburg City Code and shall be referred to as the Ellensburg Land Development Code (LDC).

Section 2. Title 12 of the Ellensburg City Code is hereby recodified as Chapter 15.260 entitled "Subdivisions".

Section 3. Title 13 of the Ellensburg City Code is hereby recodified as Title 15 entitled Land Development Code, except for Chapter 13.49 – Adult Entertainment Licenses which is recodified as Ellensburg City Code Chapter 6.72.

Section 4. Chapter 1.42 of the Ellensburg City Code entitled "State Environmental Policy Act – (SEPA)" is hereby recodified and amended as Chapter 15.270 entitled "Environmental Procedures – State Environmental Policy Act (SEPA)" of the Ellensburg City Code.

Section 5. Chapter 1.45 of the Ellensburg City Code entitled "Landmarks and Design" is hereby recodified and amended as Chapter 15.280 entitled "Ellensburg Landmark Register & Procedures" of the Ellensburg City Code.

Section 6. Chapter 1.68 of the Ellensburg City Code entitled "Land Use Permits – Administration" is hereby recodified and amended as Title 15 – Article 2 "Permits, Legislative Actions & Procedures" of the Ellensburg City Code.

Section 7. Alternative No. 4, 5/20/96: Exhibit "A" found on the last page of Title

1 of the Ellensburg City Code is hereby repealed in its entirety.

Section 8. Chapter 3.13 of the Ellensburg City Code entitled “Awnings” is hereby repealed in its entirety.

Section 9. Chapter 3.32 of the Ellensburg City Code entitled “Comprehensive Plan” is hereby recodified and amended as Chapter 15.120 of the Ellensburg City Code.

Section 10. Chapter 3.40 of the Ellensburg City Code entitled “Outdoor Lighting” is hereby recodified as Chapter 15.580 of the Ellensburg City Code.

Section 11. Section 4.12.020 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.12.020 General specifications.

All public streets and alleys hereafter shall be constructed in accordance with ~~Division 11 of the Standard Specifications and with a base and type of surfacing approved by the director of public works. The types of surfacing are:~~

~~A. Permanent type streets shall have cement pavement as specified in Section 5-05 of the Standard Specifications or asphaltic concrete pavement, Class B, as specified in Section 5-04 of the Standard Specifications, together with cement concrete curbs and gutters. The city will normally expect to maintain such pavements for an indefinite period of time;~~

~~B. Alleys shall have bituminous surface treatment, as specified in Section 5-02 of the Standard Specifications; provided, if asphaltic or cement concrete pavement is requested by LID project, construction would be in conformity with subsection (A) of this section;~~

~~C. Crushed rock surfacing type shall be ballast and crushed surfacing as specified in Section 4-04 of the Standard Specifications provided in ECC 4.04.020 and constructed to at least meet the requirements of base for a permanent type pavement the Standard Specifications set forth in ECC Chapter 4.04. [Ord. 2844, 1970.]~~

Section 12. Section 4.12.060 of the Ellensburg City Code and Ordinance 2844 is hereby amended to read as follows:

4.12.060 Width of street.

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The minimum normal width of residential city streets shall be in accordance with the Standard Specifications set forth in ECC Chapter 4.04, the streetscape design requirements set forth in ECC Chapter 15.410, and the lot design standards set forth in ECC 15.420.050 ~~30 feet from face to face of curb, and the minimum normal width of rights of way shall be 60 feet for all new~~ construction.

[Ord. 2844, 1970.]

Section 13. Section 4.14.040 of the Ellensburg City Code entitled “Establishment of grades,” as last amended by Section 4 of Ordinance 2920, is hereby repealed in its entirety.

Section 14. Section 4.14.060 of the Ellensburg City Code entitled “Construction details,” as last amended by Section 4 of Ordinance 3066, is hereby repealed in its entirety.

Section 15. Section 4.14.080 of the Ellensburg City Code entitled “Reconstruction,” as last amended by Section 6 of Ordinance 2920, is hereby repealed in its entirety.

Section 16. Section 4.14.100 of the Ellensburg City Code entitled “Acceptance by the city,” and that portion of Ordinance 2844 is hereby repealed in its entirety.

Section 17. Section 4.16.020 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.16.020 Construction.

All paved driveways and approaches on public rights-of-way hereafter constructed in the city shall be constructed in accordance with ~~Division 8~~ of the Standard Specifications set forth in ECC Chapter 4.04. [Ord. 2844, 1970.]

Section 18. Section 4.16.060 of the Ellensburg City Code and Ordinance 2844 is hereby amended to read as follows:

4.16.060 Permits for driveways.

A single permit may authorize one or more driveways or approaches to be constructed along the frontage of any ~~one ownership~~ parcel of land or leasehold thereof. However, no permit shall be issued if, in the judgment of the director of public works, the proposed driveway or approach may impair the use of the streets or be unduly dangerous to traffic or is not in accordance with the provisions of this title. [Ord. 2844, 1970.]

Section 19. Section 4.16.080 of the Ellensburg City Code and Ordinance 2844 is hereby amended to read as follows:

4.16.080 Construction details.

Unless otherwise ordered by the director of public works, all driveways or approaches constructed upon any public right-of-way within the city shall be built in compliance with the ~~appropriate public works department standard plans~~ Standard Specifications set forth in ECC Chapter 4.04, the lot design standards set forth in ECC 15.420.050, the access standards set forth in ECC 15.420.060, the site orientation standards set forth in ECC Chapter 15.510, and the housing type standards set forth in ECC Chapter 15.540. [Ord. 2844, 1970.]

Section 20. Section 4.16.100 of the Ellensburg City Code and Ordinance 2844 is hereby amended to read as follows:

4.16.100 Design requirements.

~~Except for specific conflicting provisions for driveways for service stations, the following shall apply:~~

~~A. General Specifications. No single driveway shall exceed 30 feet in length measured parallel to the curbline;~~

~~B. Private Driveways. Private driveways shall be those used primarily by the property owner~~

~~for means of ingress and egress from an improved street. Private driveways shall be ramped and shall extend from the outside edge of the curb to the outside edge of the sidewalk. Private driveways generally shall be 10 feet wide but shall not exceed the following widths:~~

~~Width of Lot Width of Driveway~~

~~Less than 16 feet — 8 feet~~

~~16 to 30 feet — 50% of lot width~~

~~30 to 50 feet — 20 feet~~

~~Over 50 feet — 25 feet~~

~~Only one driveway shall be permitted for a lot 75 feet or less in width. Two driveways shall be permitted for a lot width greater than 75 feet. Lots with two driveways shall have each driveway separated by a minimum of 20 feet and limited to 20 feet in width; Private driveways and service driveways shall be designed and constructed as set forth in Standard Specifications set forth in ECC Chapter 4.04, the lot design standards set forth in ECC 15.420.050, the access standards set forth in ECC 15.420.060, the site orientation standards set forth in ECC Chapter 15.510, and the housing type standards set forth in ECC Chapter 15.540.~~

~~C. Service Driveways. Service driveways shall be those used primarily to serve business or commercial premises to which the public is invited. They shall provide ingress and egress to such property from an improved street. Service driveways may be ramped or may be constructed without ramp.~~

~~Width of Lot Width of Driveway~~

~~Less than 16 feet — 8 feet~~

~~16 to 30 feet — 50% of width~~

~~30 to 50 feet — 25 feet~~

~~50 to 75 feet — 30 feet~~

~~Over 75 feet — 35 feet~~

~~Only one service driveway shall be permitted for a frontage which does not exceed 75 feet. Two driveways shall be permitted for frontages exceeding 75 feet. All service driveways in excess of the number allowed and/or maximum widths must be approved by the director of public works;~~

~~D. Property Location. No driveway shall be constructed within three feet (excluding curb slopes) from the extended property line of separate ownerships or leaseholds measured parallel to the curb. However, where one driveway is to be used by two adjoining ownerships or leaseholds, the driveway and driveway entrances may be continuous, but each ownership or leasehold shall have a minimum of 15 feet of driveway fronting on each of the ownerships or leaseholds and the total length of driveway shall not exceed 30 feet;~~

~~E. Corner Locations. Driveways shall be constructed no closer to the corner than 10 feet from the lot line extended into the abutting street upon which the driveway is to be constructed. In all cases, the director of public works shall have the right to determine the location of each driveway with reference to lot lines, keeping in mind the use of the street, public safety, necessity for maximum parking space on the street, and the use for which the driveway is intended. [Ord. 2844, 1970.]~~

Section 21. Section 4.16.120 of the Ellensburg City Code entitled “Abandoned driveways” is hereby repealed in its entirety.

Section 22. Section 4.17.120 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4386, is hereby amended to read as follows:

4.17.120 What may be planted.

Planting strips within the rights-of-way of the City shall be landscaped and maintained in accordance with the landscaping requirements set forth in ECC Chapter 15.570. It is unlawful for any person to plant or maintain in any planting strip described in ECC 4.17.040 any growth of any kind other than flowers, shade trees, and grass suitable to lawn, and no trees shall be set out, planted or maintained in any such planting strip described in ECC 4.17.040, except such varieties as shall be designated by the Ellensburg city arborist, nor shall any such tree be set other than at the distance apart or distance from trees existing on such planting strip as such city arborist may order. [Ord. 4386, 2004; Ord. 2947 § 2, 1973; Ord. 2917 § 3, 1972.]

Section 23. Chapter 4.38 of the Ellensburg City Code entitled “Landscaping Requirements” is hereby recodified as Chapter 15.570 “Landscaping” of the Ellensburg City Code.

Section 24. Chapter 6.50 of the Ellensburg City Code entitled “Trailer Coaches and Camps,” as last amended by Ordinance 2394, is hereby repealed in its entirety.

Section 25. Section 6.56.120 of the Ellensburg City Code, as last amended by Section 6 of Ordinance 3239, is hereby amended to read as follows:

6.56.120 Temporary use permit and License required.

It is unlawful for any person, firm or corporation to conduct or hold any carnival or rodeo ~~in~~ on any land within the city of Ellensburg or within one mile of the corporate limits thereof that is not zoned Public Reserve (P-R). Prior to conducting or holding any carnival or rodeo the person, firm or corporation shall without first having obtained from the city clerk a temporary use permit pursuant to ECC 15.250.010 and a license and, except as otherwise provided herein, ~~without first having~~ shall paid pay the license fee set forth in this chapter. Before issuing any such license, the city clerk shall confirm that such temporary use permit has been issued and

shall then provide a form of license certificate that will adequately evidence and record payment of the required fee. License fees shall be paid in advance and no refunds shall be allowed except as specially provided herein. [Ord. 3239 § 6, 1979; Ord. 2377 § 3, 1958.]

Section 26. Title 10 of the Ellensburg City Code entitled “Annexations,” as last amended by Ordinance 4591, is hereby repealed in its entirety.

Section 27. Authority and Direction to Codifier. At the time this ordinance is adopted, a final numbering system for the Ellensburg Land Development Code has not yet been established and certain reader assistance features have not been incorporated, such as web-links that allow the definition to “pop-up” when scrolled over by a computer mouse. The codifier of the City Code is therefore authorized and directed, in consultation with the City Clerk and the Community Development Director, to establish a numbering system, to insert appropriate cross-references, and to make such minor editorial changes and corrections as may be necessary to compile and publish the Land Development Code as a single, consolidated Title 15 of the Ellensburg City Code. The Codifier is also authorized and directed to provide for all words that are defined in the Ellensburg Land Development Code to be highlighted within the code and web-linked to allow the definition to “pop-up” within the code, and to provide for the insertion of all graphics provided for and referred to in the Exhibit 1 - Ellensburg Land Development Code that is attached to and incorporated in this ordinance.

Section 28. Authority and Direction to Public Works Director. Upon adoption of this ordinance, the City Public Works Director is authorized and directed, in consultation with the Community Development Director, to revise the public works development standards adopted under ECC 4.04.020 in order to implement the new development standards established by the adoption of the Ellensburg Land Development Code and to ensure consistency between

the public works development standards and the standards established by the Land Development Code.

Section 29. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions(s) of this ordinance.

Section 30. Effective Date. This ordinance shall take effect and be in force *[five (5) days after its passage, approval and publication OR After its passage, approval and publication this ordinance shall take effect and be in force on January 1, 2014].*

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the ___ day of _____, 2013.

MAYOR

Attest: _____
CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish:

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. **** is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. **** was published as required by law.

COREEN M. RENO