Article 3: Zoning Districts & Land Uses

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15.300 Zones, Maps and Designations

15.300.010 Purpose.

The city is divided into zones established in this code for the following purpose:

A. To provide for the geographic distribution of land uses into zones that reflect the goals and policies of the comprehensive plan.

B. To protect and promote the public's health, safety, and the general welfare.

C. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.

D. To provide and efficient and compatible relationship of land uses and zones.

15.300.020 Zoning map and boundaries.

A. The location and boundaries of the zones defined by this chapter shall be shown and delineated on zoning maps adopted by ordinance.

B. Changes in the boundaries of the zones, including application or amendment of interim zoning, shall be made by ordinance adopting or amending a zoning map.

C. Zoning maps are available for public review at the department of community development permit center during business hours. Zoning maps are available online at http://www.ci.ellensburg.wa.us/DocumentCenter/View/713.

15.300.030 Zone and map designation purpose.

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

15.300.040 Residential zones and map designations.

A. Residential suburban zone (R-S).

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

1. Allowing detached single family dwellings as the predominate use, with options to integrate other compatible housing types in a relatively low urban density;

2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;

3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development.
5. Providing for a minimum density standard to avoid large scale low density sprawl.
6. Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood.
7. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allow for an increase in density in exchange for:
   a. Energy efficient building and site design;
   b. Mix of housing types;
   c. Off-street trails;
   d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
   e. Preservation of historic buildings; and/or
   f. Affordable housing; and
8. Use of this zone is appropriate for:
   a. Areas designated mixed residential in the comprehensive plan; and
   b. Predominately large acreage sites in outlying areas of the city with the capability of creating new compact and walkable residential neighborhoods.

B. Residential low density zone (R-L).

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

1. Allowing detached single family dwellings as the predominate use, with options to integrate accessory dwelling units and duplexes and cottage housing on larger lots;
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
5. Providing a minimum density standard to avoid large scale low density sprawl;
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allow for an increase in density in exchange for:
   a. Energy efficient building and site design;

b. Mix of housing types;

c. Off-street trails;

d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;

e. Preservation of historic buildings; and/or

f. Affordable housing; and

7. Use of this zone is appropriate for:

a. Areas designated mixed residential in the comprehensive plan; and

b. Areas characterized as predominately detached single family in character.

C. Residential medium density zone (R-M).

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

1. Allowing a variety of housing types including detached single family dwellings, cottage housing, townhouses, and multifamily;

2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;

3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;

4. Providing standards and guidelines that promote the integration of usable open space for residential uses;

5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;

6. Providing a minimum density standard to avoid large scale low density sprawl;

7. Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:

a. Energy efficient building and site design; or

b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and

8. Use of this zone is appropriate for:

a. Areas designated mixed residential in the comprehensive plan; and

b. Areas characterized by a mix of single and multifamily buildings;

c. Areas within one-half mile of Central Washington University;

d. Areas located along designated arterial streets;

e. Areas adjacent to commercial zoned property; or

f. Areas located along corridors served by transit.

D. Residential high density zone (R-H).

The R-H zone is intended to comprise areas for high density multifamily residential development in areas served by transit and within walking distance from commercial services. These purposes are accomplished by:

1. Allowing multifamily dwellings and providing a minimum density limit;
2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards for maximum floor area ratio which provide a flexible way to ensure that new development is compatible in scale to adjacent developments;
5. Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
   a. Energy efficient building and site design; or
   b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and
6. Use of this zone is appropriate for:
   a. Areas designated high density or mixed residential in the comprehensive plan; and
   b. Areas within one-quarter mile of Central Washington University;
   c. Areas characterized by multifamily buildings;
   d. Areas adjacent to commercial zoned property; or
   e. Areas located along corridors served by transit.

E. Manufactured home park zone (MHP).

The MHP zone comprises areas developed or suitable for development for placement and occupancy of manufactured homes for residential purposes on rented or leased sites in manufactured home parks. These purposes are accomplished by:

1. Establishing regulations to establish, stabilize, and protect the residential character of the zone and to prohibit all incompatible activities;
2. Establishing provisions for common open space; and
3. Establishing standards for a safe and connected circulation system.

15.300.050 Non-Residential and mixed-use zones.

A. Commercial neighborhood zone (C-N).

The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:

1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;
2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
3. Providing a maximize size of 5 acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
6. Use of this zone is appropriate for:
    a. Areas designated mixed residential in the comprehensive plan;
    b. Areas located adjacent to a collector or arterial roadway;
    c. Areas at least 2,000 feet from an existing commercial zone; and
    d. Areas centralized to serve existing and/or planned residential neighborhoods within ¼ mile of the site.

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 15.250.070 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, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of ECC 15.250.070; 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.

D. Residential office zone (R-O).

The R-O zone is intended to serve as a transition zone separating more intensive uses from single family residential districts. These purposes are accomplished by:

1. Allowing a variety of housing types including detached single family dwellings, cottage housing, townhouses, and multifamily;
2. Providing for office uses that are compatible in scale and character with permitted residential uses.
3. Providing for limited small scale non-residential uses on street corner sites provided they are integrated with residential or office uses in a mixed-use building.
4. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
6. Providing a minimum density standard to avoid large scale low density sprawl;
7. Providing an option for a modest floor area ratio bonus (see ECC 15.330.030) in exchange for:
    a. Energy efficient building and site design; or
    b. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city; and
8. Encouraging historic preservation and adaptive re-use of historic properties;
9. Use of this zone is appropriate for:
    a. Areas designated mixed residential in the comprehensive plan; and
    b. Areas characterized by a mix of single and multifamily buildings and office uses; and/or

c. Areas located generally between commercial and single family residential zones;

E. Central commercial zone (C-C).

The C-C zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial activities. These purposes are accomplished by:

1. Allowing a range of commercial uses that serve the broad trade area;
2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;
3. Promoting residential as a secondary use in the zone, including upper floors on storefront dominated streets;
4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone; and
5. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
6. Use of this zone is appropriate for areas designated central commercial in the comprehensive plan.

F. Central commercial II zone (C-CII).

The C-C II zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:

1. Allowing a range of commercial uses that serve the broad trade area;
2. Promoting office uses, which provide for local employment and complement other commercial uses in the zone;
3. Promoting residential as a secondary use in the zone;
4. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings within the zone;
5. Providing standards and guidelines that promote compatibility between uses; and
6. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
7. Use of this zone is appropriate for areas designated central commercial in the comprehensive plan.

G. Light industrial zone (I-L).

The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

1. Allowing a range of general service and light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby residential uses;
2. Providing for eating and drinking establishments that serve other permitted uses in the zone;
3. Providing for offices as an accessory use, except where owners have purchased development rights from county properties within defined sending areas (subject to the city's adoption of a TDR program); and
4. Providing design standards and guidelines that enhance the appearance and function of uses in the zone and their compatibility with surrounding uses;
5. Use of this zone is appropriate for areas designated light industrial in the comprehensive plan.

H. Heavy industrial zone (I-H).

The I-H zone is intended to accommodate certain industrial structures and uses including large-scale or very specialized industrial operations which might have external physical effects of an offensive or hazardous nature. These purposes are accomplished by:

1. Allowing the processing of raw materials and the manufacturing, processing, storing, and compounding of semi-finished or finished durable or nondurable products; and
2. Providing design standards and guidelines that provide for flexibility in the layout of buildings and site features, yet enhance the appearance of I-H zone uses and their compatibility with surrounding uses;
3. Use of this zone is appropriate for areas designated heavy industrial in the comprehensive plan.

15.300.060 Special districts.

A. Public reserve zone (P-R).

The P-R zone is a special use classification established to provide existing and future areas where public uses, such as, but not limited to, governmental, educational, recreational, cultural, and other public uses operated by a public entity may be allowed to develop. It is anticipated that the uses allowed may be unique and may involve a combination of uses not permitted outright in any other zoning districts. These purposes are accomplished by:

1. Allowing a full range of public uses including parks, schools, community centers, and governmental facilities;
2. Providing viable options for the adaptive reuse of surplus public facilities provided new uses can be integrated with the surrounding communities in a compatible manner; and
3. Use of this zone is appropriate for:
   a. Areas designated public institutional or public open space in the comprehensive plan; and
   b. Other sites planned to accommodate public uses allowed in the zone.

B. Downtown Historic District.

1. Designated. The geographic area identified in Figure 15.300.060 below is designated an Ellensburg landmark district, hereafter to be known as the Downtown Historic District. The requirements of this chapter and ECC Chapter 15.280 shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the Downtown Historic District prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

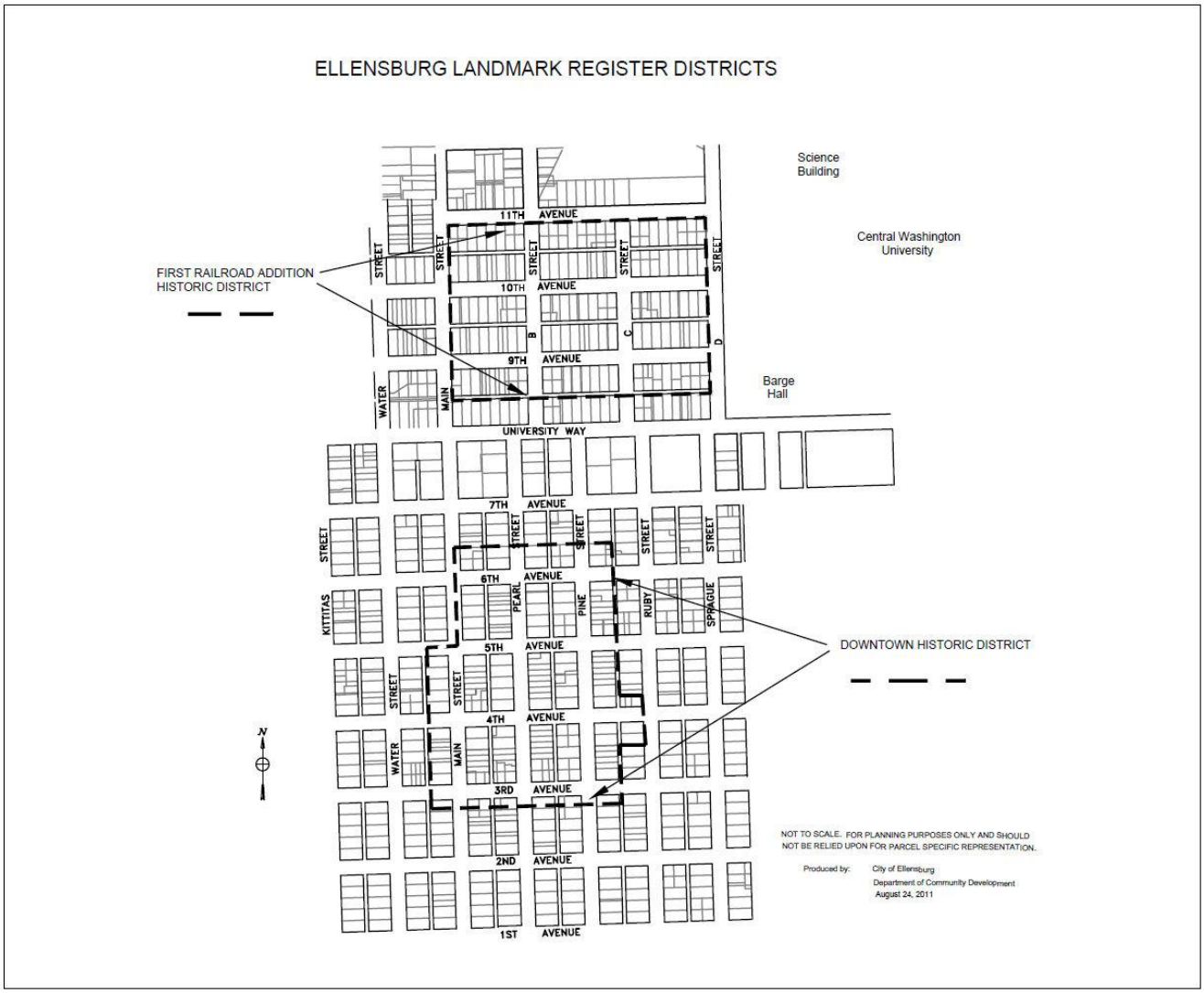

Figure 15.300.060(B). Downtown and First Railroad Addition Historic District boundaries.

C. First Railroad Addition Historic District.

1. Designated. The geographic area identified in Figure 15.300.060 above ~~are~~is designated as an Ellensburg landmark district, hereafter to be known as the First Railroad Addition Historic District. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and

2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the First Railroad Addition Historic District prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

D. Airport overlay zone (A-O).

The airport overlay (A-O) zone encompasses properties located on, adjacent to, and in the vicinity of Bowers Field, in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community. The intent is also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zone.

Properties within the A-O overlay zone [see Figure 15.300.060(D)] are subject to the standards in ECC Chapter 15.350, Airport Overlay Zone Standards, in addition to the provisions of the underlying zoning district. Where there is a conflict between the provisions of the A-O overlay zone and the underlying zoning district, the provisions of the A-O overlay zone shall apply.

Map B: Airport overlay zone and applicable airport safety zones

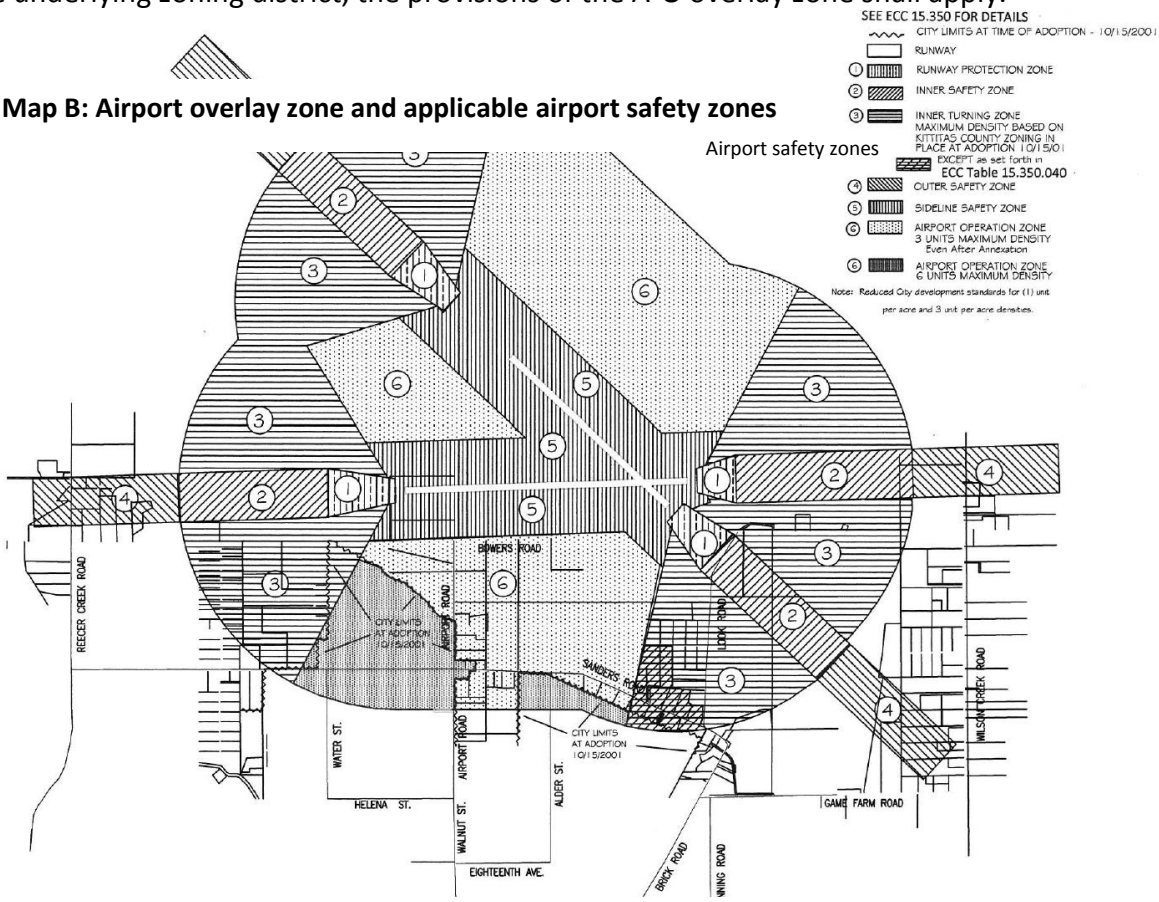

Figure 15.300.060(D). Airport overlay zone and applicable airport safety zones as described in ECC Chapter 15.350.

15.310 Permitted Uses

15.310.010 Purpose.

A. The purpose of this subchapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained.

C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit (see ECC 15.250.010).

15.310.020 Interpretation of land use tables.

A. The land use tables in this chapter determine whether a use is allowed in a zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of these tables.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the Type I review procedures set forth in ECC Chapter 15.210 plus other applicable requirements in this title. Where the use is associated with new development, it is subject to the Type II review procedures, also set forth in ECC Chapter 15.210.

D. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in ECC 15.250.040 and the general requirements of the code.

E. If the letter "A" appears in the box at the intersection of the column and the row within the P-R zone column, the use is allowed as an accessory use to the primary permitted public on the property and is allowed in the district subject to the Type I review procedures set forth in ECC Chapter 15.210 plus other applicable requirements in this title.

F. Clarification of uses and special conditions.

1. If a * appears after the use, then the use is defined in ECC Chapter 15.130;
2. Where an ECC reference/link appears after a use, then the use is subject to standards set forth in that section or chapter;
3. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the development condition with the corresponding number immediately following the land use table. If there are multiple numbers, then the use is subject to all applicable development conditions; and
4. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

15.310.030 Accessory uses.

An accessory use, as defined in ECC 15.130.010 and identified on the use tables in ECC 15.310.040 by an "A", is permitted in any zone if:

A. It is on the same lot as the principal use to which it is accessory; and

B. It is of a nature customarily incidental and subordinate to, the principal use or structure.

15.310.040 Use tables.

Table 15.310.040 Residential-based 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	MHP
RESIDENTIAL, GENERAL														
Dwelling, single family* (ECC 15.540.020)	P	P	P		P									P
Dwelling, cottage * (ECC 15.540.050)	P	P	P		P								A[6]	
Dwelling, duplex* (ECC 15.540.030)	P[1]	P[1,2]	P		P				P[7]	P[7]			A[6]	
Dwelling, townhouse* (ECC 15.540.060)	P[1,5]	P[1]	P	P	P	P[3]			P[7]	P[7]			A[6]	
Dwelling, multifamily* (ECC Article 5)	P[1,5]		P	P	P	P[3]			P[7]	P[7]			A[6]	
Dwelling, live-work*	P[1,4]		P[4]	P[4]	P[4]	P			P[7]	P[7]				
Manufactured home park* (ECC 15.340.040)			C	P	C								A[6]	P
GROUP RESIDENCES														
Boarding houses, lodging houses, sororities, fraternities*		C	P	P	C				P[7]	P[7]			A[6]	
Adult family home*	P	P	P	P	P	P			P[7]	P[7]			A[6]	
Community residential facility*			C	C	C	C			P[7]	P[7]			P/A[6]	
Senior citizen assisted housing*			P	P	P	P			P[7]	P[7]			A[6]	
RESIDENTIAL ACCESSORY USES														
Accessory dwelling unit* (ECC 15.540.040)	P	P	P	P	P				P[7]	P[7]				

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	MHP
Home occupations* (ECC 15.340.020)	P	P	P	P	P	P	P	P	P[7]	P[7]	P	P	P[6]	P
Yard sale use	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]	A[8]
TEMPORARY LODGING														
Bed & breakfast (ECC 15.340.010)			P	P	P				P[7]	P[7]				
Hotels/Motels*							P	P	P[7]	P[7]				

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and ECC Chapter 15.330.
2. Duplexes are permitted in the R-L zone per the following conditions.
   a. Lots at least 10,890 square feet in area; or
   b. Corner lots where building entries are provided on separate streets.
3. Residential uses are permitted in the C-N zone provided non-residential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.
4. Non-residential uses may be permitted within live-work dwellings subject to the use provisions for the applicable zoning district in Table 15.310.040 below.
5. Townhouses and multifamily dwelling units shall not be located adjacent to existing single family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (See ECC 15.010.050).
7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-CII zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on Storefront Streets per ECC 15.510.050 (E).
8. Yard sales are permitted as an accessory use to a dwelling provided that the following conditions are met:
   a. Only two yard/garage sales per dwelling unit not exceeding 3 consecutive days in duration are allowed per year;
   b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
   c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works department; and

d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

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
RETAIL													
Auto sales, new & used							P[1]	P	P[2]	P			
Commercial use providing drive-through service							P	P		P			
Farmers markets*						P			P	P			
Fruit stands*	P	P	P	P	P	P	P	P	P	P	P		
Heavy retail (ECC 15.310.060)								P[10]	P[2]	P		P	
Nurseries & greenhouses that are ancillary to a retail use*	P							P	P[2]	P	P	P	
Restaurants, bars, and brewpubs*			P[3]	P[3]	P[3]	P	P	P	P	P	P[11]		A[9]
Coffee house, espresso bar	P[8]		P[3]	P[3]	P[3]	P	P	P	P	P	P[11]		A[9]
Retail, small scale (<2,000sf floor area)	P[8]		P[3]	P[3]	P[3]	P	P	P	P	P			A[9]
Retail, medium scale (2,000-20,000sf floor area)	P[13]					P	P[13]	P	P	P			A[9]
Retail, large scale (20,001-60,000sf floor area)	P[13]					P[4]	P[13]	P	P	P			
Retail, super scale (>60,000sf floor area)	P[13]						P[13]	P[13]	C	C			
Outlet center								P					
Regional retail commercial projects* (subject to the locational requirements in ECC 15.250.070)	P						P	P					
PERSONAL AND GENERAL SERVICE													

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
Day care I facilities*	P	P	P	P	P	P		P	P	P	P		A[9]
Day care II facilities*	C	C	C	C	P	P		P	P	P			A[9]
General service establishments (ECC 15.310.060)						P[5]	P[6]	P	P[2]	P	P		
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*								P[10]	P[2]	P		P	
Hospitals*	C	C	C		P				C	P			P[9]
Offices, medical*	P[8]				P	P		P	P	P			P/A[9]
Kennels *								P		P	P		
Nursing homes*	C	C	C	P	P				P	P			P/A[9]
Personal service establishments*	P[8]		P[3]	P[3]	P[3]	P	P	P	P	P			A[9]
Places of assembly*	C	C	C	C	P	P			P	P	C		A[9]
Radio station (commercial)		C						C			C	C	A[9]
BUSINESS SERVICE													
Conference center*							P	P	P	P			A[9]
Offices, business or professional*, small scale (<2,000sf floor area)	P[8]					P	P	P	P	P	P[7]		P/A[9]
Offices, business or professional*, medium scale (2,000-20,000sf floor area)	P[8]						P	P	P	P	P		P/A[9]
Offices, business or professional*, large scale (20,001-60,000sf floor area)								P	P	P	P		P/A[9]
Miniwarehouse facility*			C					C			P	P	
INDUSTRIAL													
Light industry (ECC 15.130.120)									P[2,11]	P[2,11]	P	P	

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
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[9]
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. Subject use is permitted in the district only as part of an approved regional retail commercial project (see ECC 15.250.070).

Table 15.310.040 Special 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
PARK, OPEN SPACE & RECREATIONAL													
Cemeteries, columbarium or mausoleums	P	P											
Golf course	P												P[11]
Golf driving range (not associated with a golf course)	C						C	C					P[11]
Recreation - outdoor (commercial)*							P	P			C		A
Recreation - indoor (commercial)*							P	P	P	P	C		A
Recreational vehicle parks (ECC 15.340.050)							P						
Parks, Playgrounds (public or private)	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]		P[1]	P[1]	P[1]	P[1]		P
CULTURAL & ENTERTAINMENT													
Adult entertainment establishment*							P[2]						

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
Art, performing arts, and recording studios								P	P	P			P/A[7]
Museums									P	P			P/A[7]
EDUCATIONAL													
Schools	C	C	C	C	C			C	C	C			P[5]
GOVERNMENTAL													
Court								P	P	P			P
Fire facility								P					P
Police facility						P[3]		P	P[3]	P	P		P
Public agency or utility office*						P	P	P	P	P	P	P	P/A
Public agency or utility yard	P[4]	P[4]	P[4]	P[4]	P[4]	P		P	C[4]	P	P	P	P/A
Utility facility*[8]	P	P	P		P	P	P	P	P	P	P	P	P
Fairgrounds													P
Public transportation passenger terminals							P	P	P	P			P
RESOURCE													
Gardening or fruit raising (accessory use or non-commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P/A[7]
Agriculture*	P[9]												
Small wind energy[10] systems (ECC 15.340.060)	P	P	P	P	P	P	P	P	P[10]	P	P	P	P/A[7]
REGIONAL													
Airport													PC[6]

Development conditions:

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
2. Adult entertainment is regulated pursuant to Chapter ECC 6.72. Zoning locational standards within the C-T zone for adult entertainment establishments are:

   All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office);

3. Limited to "storefront" police offices. Such offices shall not have:
   a. Holding cells;
   b. Suspect interview rooms (except in the NC zone); or
   c. Long-term storage of stolen properties.
4. Public agency or utility yard conditions:
   a. Utility yards only on sites with utility district offices; or
   b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
5. Excluding private or nonprofit commercial schools, for which the principal course work is business, vocational, or technical.
6. A conditional use permit is required for the following uses:
   a. Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
   b. Airport landing areas.
7. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use, See ECC 15.310.050. Subject uses must be managed by a public agency.
8. Wireless communication facilities, including wireless communication support towers and antenna arrays, are subject to the provisions of ECC 15.340.070.
9. Agriculture uses are permitted in the subject zone provided the following conditions are met:
   a. The raising of swine, poultry or goats shall be restricted to youth educational projects or limited household consumption occurring on the same lot, or lots of record;
   b. No nuisances, such as noise, odor, air pollution, wastes, vibration, traffic or physical hazards, shall result therefrom; and
   c. Fencing and housing adequate to certain livestock shall be provided where livestock are kept, and all livestock shall be kept and maintained in accordance with applicable laws and regulations.
10. Small wind energy systems on properties listed in the Ellensburg landmarks register are subject to landmarks and design commission Certificate of Approval .
11. Subject use shall be permitted only if it is a public facility.

15.310.050 Supplemental P-R zone provisions.

A. Permitted accessory uses.

1. Services such as food, pharmacies, gift shops, bookstores, newsstands, flower shops and similar uses, and facilities such as vehicle service and repair, storage yards, and physical

plants, that are associated with a permitted use, integral to the operation of the permitted use itself, and owned and operated by the public institution involved or conducted through a lease or contract with a private individual or entity;

2. Facilities accessory to an institution, such as housing and dining facilities for students, staff or faculty of colleges, universities, and hospitals, are allowed within the principal building(s);
3. Retail services, such as concessions and rental facilities usually associated with public parks, fairgrounds, other public recreation facilities, and public educational institutions;
4. Helipads operated in conjunction with a public hospital;
5. Human medical offices, such as doctor or dentist facilities, operated in conjunction with a primary permitted use.

B. Conditional use. Buildings located within 100 feet of a residential zone and intended to be higher than 35 feet may be permitted within the P-R zone through the granting of a conditional use permit according to the procedures set out in ECC 15.250.040.

C. Master planning. Recognizing that some institutions require long-range development plans and consist of large areas of land with multiple land uses, a master plan may be prepared for all, or a portion, of an entity's land area which is subject to this chapter and which master planned land encompasses an area of 3 acres or more. See ECC 15.250.080 for application requirements, review procedures, and decision criteria for such master plans.

D. Rezone of P-R property when no longer used for public purposes. Recognizing that over time some land and structures that are zoned P-R and are used for P-R purposes may change uses to non-public uses or may become obsolete or surplussed out of active public use and occupancy, the property owner may in such situations seek a rezone out of P-R zoning pursuant to the terms and processes set forth in ECC 15.250.100, subject to the following:

The rezone applicant may request that the P-R zoned property be rezoned to any zoning district classification that abuts the subject property.

1. In the event that the P-R zoned property is developed with a structure that is not consistent with the development allowed in the abutting zones, such as a large school in the middle of a single family residential zone, the rezone applicant may request to rezone the property to a different zoning classification other than the abutting zones, provided that a concommitant agrement that identifies the types of future uses that will be permitted in the structure has been proposed by the applicant and agreed to by city council as part of any rezone approval.
2. In the event that the P-R zoned property is developed with a structure that has been identified on the Ellensburg historic resource inventory and the property owner desires to demolish all or part of the structure, a certificate of approval for such demolition must first be applied for and approved by the landmarks and design commission pursuant to ECC 15.280.090(D) before the rezone permit review can be initiated.

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
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None[1]	None[1]	None[1]	None[1]	None[1]
Minimum frontage	None[1,2]	None[1,2]	None[1,2]	None[1,2]	None[1,2]
Density, minimum (ECC 15.320.050)		6/du/acre[3]	8/du/acre[3]	15 du/acre	8/du/acre[3]
Density, maximum (base)[10] (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[4]	16 du/acre[4]	No limit	No limit	No limit
Maximum floor area ratio (FAR) (ECC 15.320.050)		0.5[5]	1.0[6]	1.5[6]	1.0[6]

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

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access [ECC 15.420.050(C)] or shared driveway [ECC 15.420.060(A)(2)].
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. Exception: Projects complying with Net Zero Energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
5. townhouses and multifamily uses, where permitted through density bonus provisions, are exempt from maximum FAR standards.
6. See ECC 15.330.030 for FAR bonus provisions.
7. 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.
8. Porches and covered entries may project up to 6 feet into the front yard.
9. No front yard is required for buildings adjacent to designated “Storefront Streets”.
10. Base maximum density refers to the maximum density allowed without utilizing density bonuses.
11. 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.

12. Accessory structures and accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

13. For lots 6,000 square feet or less, the minimum side yard shall be 5 feet on each side.

15.320.040 Form and intensity standards – Non-residential zones.

Table 15.320.040 Form and intensity standards table – Non-residential zones.

Standard	C-N	C-T	C-H	C-C	C-CII	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None[1]	None[1]	None[1]	None[1]	None[1]	None[1]	None[1]	None[1]
Density, minimum (ECC 15.320.050)	NA	NA	NA	NA	NA	NA	NA	NA
Density, maximum (ECC 15.320.050)	None	None	None	None	None	NA	NA	NA
Maximum building height [see ECC 15.320.060 for height exceptions]	35 ft	35 ft[2]	35 ft[2]	45 ft	70 feet	35 feet [2,3]	None	None[4]
BUILDING PLACEMENT (see ECC 15.320.070-130)								
Minimum front yard	10 ft[3]	10 ft[3]	10 ft[3]	None[3]	None[4]	10 ft[3]	10 ft	10 ft[5]
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	None[6]	None[6]	None[6]	None[6]	None[6]	None[6]	None[6]	None[5]
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None[6]	None[6]	None[6]	None[6]	None[6]	None[6]	None[6]	None[5]

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.

2. The maximum height limit for regional retail project buildings is 50 feet.

3. For exceptions and detailed standards, see ECC Chapter 15.510, Site Orientation Standards.
4. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).
5. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a non-residential zone is closest to the applicable structure, then there are no side or rear setback requirements.
6. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
7. See ECC 15.330.030 for FAR bonus provisions.

15.320.050 Density and floor area ratio calculations.

A. Calculations for determining minimum density: Net area.

All site areas shall be used in the calculation of minimum allowed residential density or project floor area except:

1. Street rights-of-way, easements, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities) except private easements that serve as primary access to no more than 5 lots; and
2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

B. Calculations for determining maximum density: Gross developable acreage.

1. All site areas may be used in the calculation of the maximum allowed residential density or project floor area except as outlined under the provisions of subsection (2) of this section.
2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers shall not be credited toward the maximum density or floor area calculations. Property used for new roadways, trails, storm water facilities, or other features used by residents may be counted as part of the site area for density calculations. Property transferred to the city for the construction of public roadways or other public feature shall be counted as part of the site area if the city and property owner reach such an agreement as part of the transfer.

C. Density calculations. Minimum and maximum density for an individual site shall be calculated by multiplying the gross developable acreage by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up.
2. Fractions below 0.50 shall be rounded down.

D. Prohibited reduction. Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

E. Floor area ratio (FAR) calculations. Floor area ratio is defined as the floor area (see 15.130.060) of all buildings on a lot divided by the area of that lot. For example, a one story building that covers 50 percent of the lot has a FAR of 0.50. A 2-story building that covers the entire lot has an FAR of 2.0.

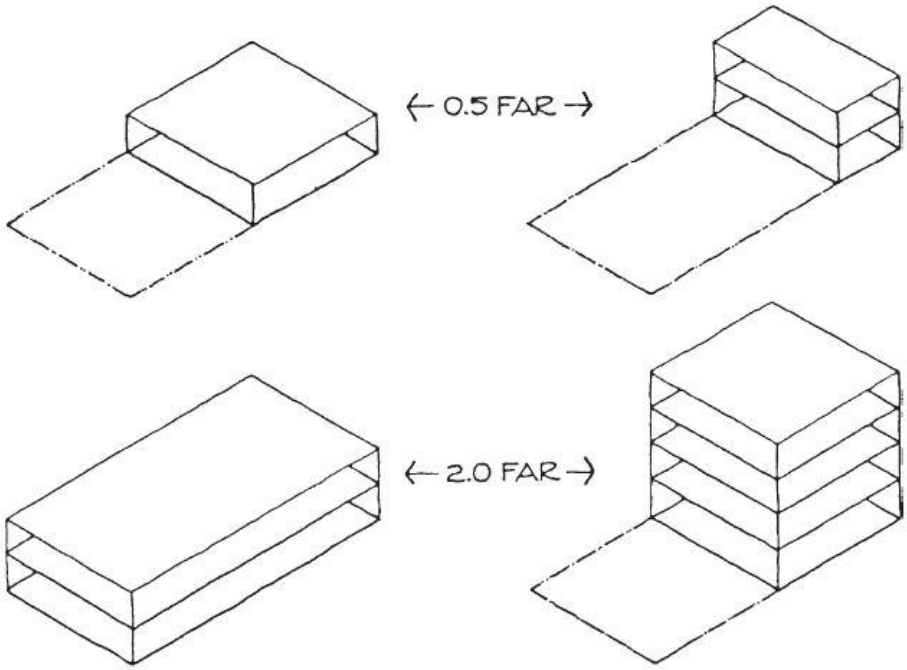

Figure 15.320.050(D). Floor area ratio examples.

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030 and ECC 15.320.040:

A. An additional 2 feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;

B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the CC and CC-II zones. Such structures constructed for non-residential or multifamily uses area subject to screening standards in ECC 15.520.060.

C. Fire or parapet walls may exceed the height limit by up to 10 feet in the CC and CC-II zones; and,

D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures.

15.320.070 Setback measurements.

A. Front yard setback. The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.

B. Side yard setback. The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.

C. Rear yard setback. The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.

D. Corner lots. For corner lots, setbacks from all street rights-of-way shall conform to setback and other development standards for front yards, unless otherwise noted.

15.320.080 Permitted projections into yards.

The following structures may extend into or be located in required setbacks:

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:

   1 Limited to 2 per facade; and

   2. Not wider than 10 feet;

B. Eaves, cornices, and signs may not project more than:

   1. 3 feet into a front or rear yard; and

   2. 2 feet into the side yard;

C. Porches and covered entries may project up to 6 feet into the front yard subject to conformance with any required site vision standards set forth in ECC 15.320.140 applicable to the lot;

D. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project up to 6 feet into the front or rear yards;

E. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk;

F. The following features may project into any front yard:

   1. Unenclosed porches and entry features may project 6 feet into the front yard;

   2. Mailboxes and newspaper boxes;

   3. Fire hydrants and associated appendages;

   4. Bus shelters; and

5. Monument signs;

G. The following features may project into any yard:

1. Telephone poles and lines;
2. Power poles and lines;
3. Cable TV and internet lines;
4. Light and flagpoles;
5. Sprinkler systems;
6. Trellises not exceeding 8 feet in height, not wider than 10 feet;
7. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;
8. Electrical equipment cabinets and similar utility boxes and vaults;
9. Surface and stormwater water management facilities;
10. Fences per ECC 15.320.140;
11. Uncovered porches and decks not exceeding 18 inches above the finished grade; and
12. Rockeries, retaining walls and curbs provided these structures do not exceed a height of 6 feet from the property line grade; and

H. No projections are allowed into a regional utility corridor or access easement.

15.320.090 Setbacks from alleys.

Accessory structures and accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

15.320.100 Setback modifications.

A. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

B. For residential lots adjacent to designated Local Streets and built to applicable standards set forth in Section 3 (Street Standards) of the city's public works development standards, setbacks shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.

15.320.110 Accessory buildings.

Where an accessory building is attached to and made a part of the main building for at least 50 percent of the length of one of the abutting walls of such accessory building, or where the total length of the abutting walls of the accessory building is equal to 50 percent of the longest wall of the

building, then the accessory building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided, and shall be not closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted.

15.320.120 Lot or site divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

A. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

B. When a lot contains residential zones of varying density:

   1. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;

   2. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and

C. Uses on each portion of the lot shall only be those permitted in each zone pursuant to ECC Chapter 15.310.

15.320.130 Fences, walls, and hedges.

A. Residential uses and zones.

1. Front yard and between façade and street. 42 inches maximum height. Homes with accessory day care uses are allowed fences up to 48 inches tall, provided the portion of the fence above 42 inches is at least 50 percent transparent;

Figure 15.320.140(A)(1). Acceptable fences and walls for the front yard of residential uses. The left image uses a picket fence. The middle image uses a low wrought iron fence. The right image uses a low masonry retaining wall.

2. Corner lot, side yard, flanking street. 42 inches maximum fence or wall height for areas less than 5 feet from the property line or sidewalk, whichever is less (but not within the right-of-way). For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30

percent transparent. For areas at least 5 feet from the property line or sidewalk, whichever is less (but not within the right-of-way), the maximum fence or wall height is 8 feet;

3. Side and rear yards. 8 feet maximum fence or wall height, except that the maximum height of any fence less than 5 feet from a sidewalk shall be 42 inches. For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent;

Figure 15.320.140(A)(2). Acceptable and unacceptable fences on corner lots for side yard/flanking streets or along reverse frontage lots where the back yard abuts a street. The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear yard, but are not allowed within 5 feet of a sidewalk. The right image shows an acceptable example where the fence is setback away from the sidewalk to allow space for landscaping.

4. Fences, walls and hedges less than 3 feet from an alley are limited to 42 inches in height. Fences or walls set back 3 feet or more from the alley may be up to 6 feet in height. Fences or walls at least 10 feet from an alley may be up to 8 feet in height.

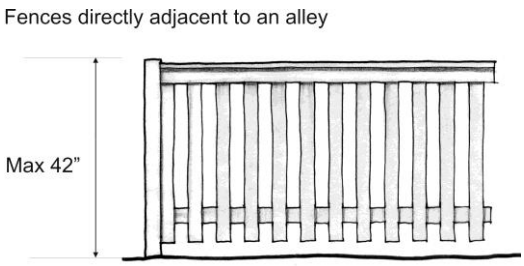

Figure 15.320.140(A)(2). Acceptable fences along an alley. The 42" fence on the left is allowed along the edge of an alley. The taller 6' fence in the middle is allowed with a 3-foot minimum setback from the alley.

5. Residential developments are subject to Edges and Fences provisions as set forth in ECC 15.420.030, which addresses gated communities and reverse frontage lots; and

6. Multifamily uses are subject to the following provisions:

   a. Side/rear yard design provisions set forth in ECC 15.520.020; and

   b. Blank wall treatment provisions as set forth in ECC 15.530.060.

B. All other uses and zones.

1. Fences less than 10 feet from a streetfront property line or sidewalk, whichever is less (but not within the right-of-way) are limited to 42 inches in height. Day care uses are allowed fences up to 48 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent. Otherwise, the maximum height for fences shall be 8 feet. Also see ECC 15.320.140 below for site distance requirements along streets and site access points;
2. Properties adjacent to designated Storefront Streets as set forth in ECC 15.510.040 are subject to fence restrictions in ECC 15.510.050;
3. Non-residential uses are subject to side/rear yard design provisions set forth in ECC 15.520.020; and
4. Non-residential uses are subject to blank wall treatment provisions as set forth in ECC 15.530.060.

C. Fence and wall measurements.

1. Fence and freestanding wall height shall be measured from the horizontal projection of the predominant ground level of either the finished grade where such grade has been established, or from the horizontal projection of the predominant existing grade in the vicinity of the fence; and
2. Fence height shall be measured to the upper surface of the fence panel.

D. Fence material standards.

1. Chain link fences.
   a. Chain link fences are prohibited in residential zones and in yards associated with residential uses; and
   b. Chain link fences are allowed in non-residential zones subject to height limits set forth in (B) above. Where visible from the street, such fences taller than 42 inches shall be screened with landscaping per the Blank Wall Treatment standards set forth in ECC 15.530.060. Chain link fences visible from the street are encouraged to use blue or black vinyl coating.
2. No fence, wall or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices except where livestock is to be contained by barbed or electrically charged wire, in which case the fence shall be located not closer than 5 feet from the property line. Where an adjacent existing fence, wall, or hedge on a property line dividing properties under separate ownership establishes a barrier, then such barbed wire fence or electrically charged fence may be placed on the property line with the mutual consent of the property owners. Fences enclosing storage areas in industrial zones (I-L and I-H) may use barbed wire so long as such wire is located not less than 6 feet above grade.

15.330 Density Bonus Incentives

15.330.010 Purpose.

A. To promote a variety of housing types;

B. To promote green building policies and practices;

C. To promote compact development patterns that encourage the use of non-motorized forms of transportation;

D. To promote the integration of trails into the design of new developments;

E. To promote the preservation of historic resources;

F. To promote the integration of affordable housing into new development; and

G. To encourage the preservation of valuable resource lands outside of the city.

15.330.020 Density bonus system for the R-S and R-L zones.

Table 15.330.020 below summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in paragraphs (A) through (H) in this section. Developments may use a combination of bonus elements provided they comply with the maximum density provisions set forth for the zone in Table 15.320.030. An exception to the maximum density provisions are only provided for projects complying with Net Zero Energy standards as set forth in paragraph (A) below.

Table 15.330.020. Density bonuses for the R-S and R-L zones.

Bonus element	Density bonus % increase	Special conditions
Energy efficient construction/Built Green, LEED or other similar environmental certification	25-150%	See (A) below for details.
Greater mix of housing types	10-15%	See (B) below for details. This option may be applied to all development sites with at least 5 acres.
Off street trails	5-20%	See (C) below for details.
Transfer of development rights (TDR)	Up to 50%	See (D) below for details.
Historic preservation	15 to 50%	See (E) below for details.
Affordable housing	15 to 50%	See (F) below for details.

A. Energy efficient construction.

1. Table of green building and energy efficient density bonuses: 4 tiers of density incentives are employed to promote increasing levels of green building performance and higher energy efficiencies (via a green building rating system) in new developments. Applicable green building rating systems shall be indicated on the plat and confirmed with individual building permit application as directed in paragraph (2), Project certification, below. The following table outlines density bonuses associated with specific green building rating systems for single family, duplex and townhomes developments in the R-S and R-L zones.

Table 15.330.020(A). Energy efficiency density bonuses for the R-S and R-L zones.

Density Bonus	20%	50%	100%	150%
Compliance Paths for Single-Family, Cottages, Duplexes, and Townhomes, Multifamily				
Certification Level Required*	LEED-Silver or Built Green 4-star	LEED-Gold or Built Green 5-star	LEED-Platinum	Living Building Challenge

Conditions/Notes:

* Equivalent rating systems which require third party verification maybe be approved at the discretion of reviewing authority.

2. Project certification.

   a. Building permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for certification by a green building rating system, such as LEED or Built Green. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

   b. Living Building Challenge. For projects pursuing the Living Building Challenge for the purpose of a density bonus, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the site, materials, indoor quality and beauty/inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

B. Mix of housing types. Up to a 50 percent density bonus may be provided for providing a diversity of housing types. This option may be applied to all development sites at least 5 acres in area.

1. Housing mix density bonus table.

Table 15.330.020(B). Housing mix density bonuses.

Housing mix	Density bonus
At least 50% of the dwelling units are "alternative housing types" as defined below. At least 2 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	10%
At least 67% of the dwelling units are "alternative housing types" as defined below. At least 3 alternative housing types must be employed, with each type accounting for no less than 10% of the total units.	15%

2. Alternative housing types include:

   a. Accessory dwelling units (ADU), complying with design provisions set forth in ECC 15.540.040. Also note that while ADU's do not count as a unit for the purpose of calculating density, they may be counted as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units;

   b. Small detached single family homes. This includes homes no larger than 1,400 square feet in gross floor area, excluding an attached or detached garage or other non habitable floor area. Such homes must comply with design provisions set forth in ECC 15.540.020;

   c. Cottage dwelling units, complying with design provisions set forth in ECC 15.540.050. Also note that each cottage shall count as one-half of a dwelling unit, for the purpose of calculating allowed density. However, for the purpose of determining the percentage of alternative housing types, each cottage dwelling may be counted as a single unit;

   d. Duplexes or triplexes, complying with design provisions set forth in ECC 15.540.030;

   e. Townhouses, complying with design provisions set forth in ECC Article 5 and notably ECC 15.540.060; and

   f. Multifamily buildings, where permitted in the applicable zoning district, complying with design provisions set forth in ECC Article 5.

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

C. Off-street trails.

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

   Table 15.330.020(C). Off-street trail density bonuses.

Trail Type	Trail Extent	Density Bonus %
Walking, soft surface	>1lf of trail/4lf of site perimeter length;	5%
	>2lf of trail/4lf of site perimeter length.	10%
Walking, hard surface	>1lf of trail/4lf of site perimeter length;	10%
	>2lf of trail/4lf of site perimeter length.	15%
Multi-use	>1lf of trail/4lf of site perimeter length;	15%
	>2lf of trail/4lf of site perimeter length.	20%

2. Standards for trails. Trails may either be a soft surface walking path, a hard surfaced walking path, or a wider hard surfaced multi-use pathway. As referenced in the Non-Motorized Transportation Plan, Federal, state, and professional guidance exists to ensure the system is designed to provide safe and accommodating facilities. Ellensburg relies primarily on:

   a. The Federal Highway Administration's (FHWA's) National Bicycling and Walking Study: Case Study No. 24 – Current Planning Guidelines and Design Standards Being Used By State and Local Agencies for Bicycle and Pedestrian Facilities, has detailed engineering solutions for many non-motorized situations.

   b. AASHTO Guide for the Development of Bicycle Facilities, 3rd Edition, offers guidelines and minimum design criteria for safe bicycle facilities.

   c. AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition has guidelines and minimum design criteria for pedestrian facilities.

   d. WSDOT's Bicycle Facility Design Guidance (Chapter 1020) provides uniform minimum standards and criteria for the design and construction of bicycle facilities.

e. WSDOT's Pedestrian Design Guidance (Chapter 1025) serves as a standard for construction and design of pedestrian facilities.

f. The John Wayne Pioneer Trail, The Ellensburg Greenway: Reconnection Study (2001) will guide the planning and design of that trail.

g. *ADA Accessibility Guidelines for Transportation Facilities* is consulted to ensure facilities are available to everyone.

h. *Manual on Uniform Traffic Control Devices for Streets and Highways*, USDOT, FHWA; as adopted and modified by WAC 468-95 provides standards for signs and other traffic control devices.

3. Context. The trails must be integrated into the design of the development as an amenity. To accomplish this goal, tall fences separating homes from trails are prohibited. Fences that separate homes in the subdivision from trails shall be less than 42 inches in height or at least 33 percent transparent (those portions of the fence taller than 42 inches in height). Notes referencing these standards shall be included on the plat. Fences adjacent to mid-block trails that run along side yards are exempt from this standard.

D. Transfer of development rights (TDR).

Developments may purchase the rights to develop additional units through the city's TDR program (subject to the city adopting a TDR program) in the amount equal to a 50 percent increase in on-site density. For example, if 60 dwelling units are permitted under base maximum density requirements, then up to 30 additional dwelling units may be developed on the site if purchased through the city's TDR program.

E. Historic preservation.

1. Density bonus. For each building that is preserved, the development shall qualify with a minimum of 15 percent and a maximum of 50 percent increase in on-site density for one acre of development. For example, if the development site covers 10 acres, the density bonus qualifies for one of the 10 acres.

2. Eligibility. Properties eligible for this density bonus option must feature a property that is eligible for historic landmark listing under the Ellensburg landmarks register, per ECC 15.280.080. Subject properties must be in habitable condition, or improved to habitable condition. Developments may also receive the density bonus credit if they are moved to another site within the city provided the applicable building/site meet applicable standards set forth in this Title.

F. Affordable housing.

1. Density bonus. The available density bonus increase is based on the percentage of affordable housing units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum density bonus increase of 50 percent. For percentage shall be based on the number of affordable housing units divided by the base maximum density.

For example, if an applicant proposes 18 affordable units out of 60 maximum base units (30 percent), then the development is eligible for a 30 percent density bonus increase (in this case, 18 additional units). Even if the applicant seeks other density bonuses, the percentage of the affordable housing units will be measured against the base maximum density (not necessarily the total density, after other density bonuses).

2. Affordable housing unit requirements.
   a. Units must be affordable to persons with incomes at or below 80 percent of the median income for Kittitas County residents;
   b. Duration**.** Housing shall serve only income-eligible households for a minimum period of 25 years from the later of the date when the Affordability Agreement between the housing owner and the city, as referenced in subsection (3) below is recorded, or the date when the affordable housing becomes available for occupancy as determined by the city;
   c. Designation of affordable housing units**:** Prior to the issuance of any permit(s), the director shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
      i. Location. The location of the affordable housing units shall be approved by the city, with the intent that they generally be intermingled with all other dwelling units in the development;
      ii. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development;
      iii. Size (bedroom): The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development; and
      iv. Size (square footage): In no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one bedroom unit, 800 square feet for a 2 bedroom unit, or 1,000 square feet for a 3 bedroom unit;
   d. Design. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with project design provisions specified in ECC Article 5. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the city; and
   e. Timing/phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
3. Affordability agreement. Prior to issuing any building permit, an agreement in a form approved by the director that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with Kittitas County auditor's office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property.
4. Monitoring and fee. The city reserves the right to establish in the Affordability Agreement referred to in subsection (3) above, monitoring fees for the affordable housing unit, which can

be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the Affordability Agreement.

15.330.030 Floor area ratio (FAR) bonus system for the R-M, R-H, and R-O zones.

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

A. Environmental certification. Projects obtaining minimum Built Green 4-star or LEED-silver may increase the allowable FAR by 0.25 FAR in the R-M, and R-O zones and by 0.5 in the R-H zones.

B. TDR. Projects may increase the allowable FAR by 0.25 FAR in the R-M and R-O zones and by 0.5 in the R-H zones through a purchase of TDR's (subject to the city adopting a TDR program).

C. Publicly accessible art. Projects may increase the allowable FAR by 0.25 FAR in the R-M, R-O, and R-H zones by voluntary contribution of at least 1 percent of the total project budget for the acquisition and installment of publicly accessible art on the development site. In order to qualify for this bonus, the project construction costs must exceed $300,000. In lieu of on-site public art, a developer may make an equivalent contribution to the Ellensburg Public Art Fund.

15.340 Index of Supplemental Use Criteria

15.340.010 Bed and breakfasts.

Bed and breakfasts shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following:

A. An approved floor plan shall be kept on file with the inspections department;

B. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety;

C. Meals shall be available on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities; and

D. Parking shall not be allowed between the building and the street.

15.340.020 Home occupations.

Home occupations shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following:

A. There shall not be structural alteration that would alter the outward appearance from a residential to commercial nature to accommodate the occupation. An example would be large storefront windows and/or a flat roof with a traditional cornice (see Figure 15.340.020 below);

Figure 15.340.020. Examples of commercial architecture that would not be appropriate for a home occupation in a residential zone.

B. The use, including all storage space, shall not occupy more than 33 percent of the residence's floor area which is finished for living purposes;

C. Only members of the family who reside on the premises and no more than one non-resident shall be engaged in the occupation(s) at any one time; provided, that home occupations with a nonresident employee shall provide off-street parking for the employee on site;

D. There shall be no window display nor shall sample commodities be displayed outside the building;

E. No materials or mechanical equipment shall be used which will have a negative impact on the residential area because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

F. If materials or commodities delivered to or from the residence require delivery by a commercial vehicle larger than a small parcel delivery van or truck, or if the parking of customers' automobiles in a manner or frequency causes disturbance or inconvenience to nearby residences, or if a public parking lot is necessary to accommodate the business, the occupation shall be termed a primary business and not a home occupation;

G. If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use;

H. For purposes of this section, use of the defined term "residence" contained in this code for the purpose of considering a home occupation in an accessory building shall be limited to single-family uses. Home occupations in multifamily dwellings shall be confined to the principal dwelling unit buildings and not be allowed in accessory structures;

I. Any home occupation granted would be personal to the person to whom it is granted and under no circumstances shall any home occupation be carried over as a result of a change in ownership of the business activity. Prior to January 15 of each year the holder of the home occupation approval shall submit written notice to the community development department that they continue to operate the home occupation at the approved location and are in compliance with all home occupation requirements and any conditions that might have been imposed in granting such approval. Failure to submit that annual written notice will result in immediate revocation of the approval; and

J. Only one sign is permitted for a home occupation in a residential zone.

15.340.030 Manufactured homes.

A new designated manufactured home is allowed in all zoning districts that allow single family residences, (see ECC 15.130.130, Definitions), and meets the following criteria:

A. Is comprised of at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials allowed on conventional site-built single family residences that are built pursuant to the applicable building code.

D. A manufactured home (see ECC 15.130.130, Definitions) is allowed in a manufactured home park pursuant to to ECC 15.340.040.

15.340.040 Manufactured home park.

Manufactured home parks shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following property development standards:

A. Minimum area shall be 3 acres;

B. Developments are subject to form and intensity standards for the applicable zoning district as set forth in ECC Chapter 15.320 unless otherwise directed herein;

C. Setback standards.

1. Minimum front yard. 5 feet from internal private roads; Otherwise, the minimum front yard shall be the same as set forth in ECC Chapter 15.320;

2. Minimum separation of manufactured homes on the site. 10 feet;

3. Side and rear setbacks to the manufactured home park property line (or manufactured home park boundary line as shown on the site development plan) shall meet the setbacks for the applicable zone in ECC Chapter 15.320; and

4. Accessory structures shall be located no closer than:

a. 10 feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be 5 feet;

b. 5 feet to accessory structures of mobile homes on adjacent spaces; and

c. 5 feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials;

D. Development shall include common open space that meets the design criteria of ECC 15.320.030(E)(1) and equals no less than 5 percent of the net project area;

E. Internal access roads must conform to one of the 3 local access street design options as referenced in ECC 15.410.070, including auto lanes, parking lanes, planting strips (between the road and sidewalk only for private roads), and sidewalks. Through roads (streets that extend from one end of the lot to the other) shall be dedicated as public streets and must comply with Section 3 (street standards) of the city's public works development standards;

F. Developments shall comply with block and connectivity standards set forth in ECC 15.420.020;

G. Developments shall provide an appropriate side and rear yard design treatment along the manufactured home park property line (or manufactured home park boundary line as shown on the site development plan) that meets the provisions of ECC 15.520.020;

H. At least one of the off-street parking spaces required for each manufactured home shall be located on or adjacent to each manufactured home pad;

I. All utility distribution and service lines located within the boundaries of a manufactured home park, including electric power, water supply, sewage disposal, natural gas, telephone, and television antenna cable, shall be installed underground in accordance with applicable city codes;

J. Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas, and telephone service lines in compliance with applicable city codes.

K. Mobile homes may be sited within the manufactured home park provided they comply with manufactured home setbacks and other development standards herein. Mobile homes must also

pass a fire safety inspection performed by the Washington State Department of Labor and Industries before an installation permit will be issued;

L. All mobile homes supported by piers shall be fully skirted; and

M. A manufactured home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hook-ups and no RV within the storage area shall be used as living quarters; and

N. Recreational vehicles, used as a primary residence, are permitted within manufactured home park per RCW 35A.21.312, provided they meet the service and utility provisions per subsection (J) above or ECC 15.340.050(M) below.

15.340.050 Recreational vehicle park.

Recreational vehicle parks shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following performance standards:

A. Minimum size of the recreational vehicle park. 100,000 square feet;

B. Maximum gross density. 1 recreational vehicle space per each 2,000 square feet of land area;

C. Recreational space. 8 percent of the total site area shall be provided as defined recreation space. The recreation space shall be easily accessible and shall be improved and maintained in such a manner so as to provide adequate recreational facilities for the residents of the recreational vehicle park;

D. Minimum width. Each recreational vehicle space shall have a minimum width of 25 feet;

E. Interior private streets.

1. 12 feet of width per each travel lane and 10 feet of width per each parking lane. A minimum of 20 feet shall be provided for one-way systems; and

2. The streets shall be improved in accordance with Section 3 (street standards) of the city's public works development standards (ADD LINK). In addition, all streets shall be well-drained, well-lighted, and continuously maintained in operable condition;

F. Spacing between units. There shall be a minimum side-to-side dimension of 12 feet between units and a minimum end-to-end dimension of 10 feet between units;

G. Minimum setbacks required. The following setback requirements shall apply:

1. 25 feet from a public street;

2. 5 feet from an interior private street; and

3. 15 feet from the park boundary;

H. Off-street parking. A minimum of 1 off-street parking space shall be required for each recreational vehicle space. It shall be located within the recreational vehicle space. In addition, 1 off-street parking space per each 3 recreational vehicle spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park;

I. Pedestrian walkways. Pedestrian walkways having a width of not less than 4 feet shall be provided from the recreational vehicle spaces to all service buildings, and facilities, refuse collection areas, and recreation areas. The walkways shall be hard-surfaced, well-drained, and well-lighted;

J. Landscaping. See ECC Chapter 15.570 for applicable landscaping standards;

K. Limit of stay. No recreational vehicle shall remain within in a recreational vehicle park for more than 120 days in any one-year period;

L. Solid waste disposal. The storage, collection and disposal of solid waste in recreational vehicle parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened from view except on collection day;

M. Utilities. The following requirements for utilities shall apply:

1. A water supply system shall be provided in the recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained recreational vehicle, the water system for a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations;

2. Watering stations. Each recreational vehicle park shall be provided with one or more accessible water supply outlets for filling recreational vehicle water storage tanks;

3. Sewage disposal system. An adequate and safe sewage disposal system shall be provided in a recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained vehicle and shall be connected to the public sewage system. The sewage disposal system in a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations;

4. Sanitary stations. Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of 1 for every 100 recreational vehicle spaces or fractional part thereof. The construction of the sanitary station shall be in accordance with the appropriate county department of health. Sanitary stations shall be screened from other activities by a visual barrier such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of not less than 50 feet;

5. Electrical supply system. Each recreational vehicle park shall be provided with an underground electrical system which shall be installed and maintained in accordance with all applicable state and local codes and regulations;

6. Other utility systems. If other utility systems such as natural gas, television cable, or telephone are installed in a recreational vehicle park, such installation shall be in accordance with state and local codes and regulations; and

N. All recreational vehicle spaces shall be well marked and numbered.

15.340.060 Small wind energy systems.

A. Purpose. To facilitate the installation and construction of wind energy systems in the city of Ellensburg for private landowners, subject to reasonable restrictions.

B. Applicability. The requirements set forth herein shall govern the siting of small wind energy systems (SWES) used to generate mechanical or electrical energy to perform work, and which may be connected to the utility grid pursuant to the Revised Code of Washington, Chapter 80.600, Net Metering of Electricity, serve as an independent source of energy, or serve as part of a hybrid system.

The requirements of this ordinance shall apply to all new Small Wind Energy Systems (SWES) proposed after the effective date of this ordinance. Any SWES for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing SWES that is not producing energy for a continuous period of 12 months shall meet the requirements of this ordinance prior to recommencing production of energy. No modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this ordinance.

C. Where permitted.

1. One SWES system per parcel is permitted in all zones subject to satisfying all requirements as set forth in this chapter, except:
   a. where otherwise noted in ECC 15.310.040; and
   b. on properties listed in the Ellensburg landmark register which must first under landmarks and design commission approval as a Type II permit per ECC 15.210.050(B)
2. Multiple SWES per parcel are permitted in all zoning districts (except where otherwise noted in ECC 15.310.040) subject to the issuance of a conditional use permit per ECC 15.250.040.

D. General requirements for small wind energy systems. . In addition to the general requirements listed below, the applicant must provide documentation showing that the SWES meets the *AWEA Small Wind Turbine Performance and Safety Standards* as promulgated by the American Wind Energy Association:

1. Visual appearance - lighting and power lines.
   a. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community, unless FAA standards require otherwise. The reviewing authority may require a photo of a *S*WES of the same model as that proposed in the landowner's application, adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
   b. No SWES shall be artificially lighted, except to the extent required by the FAA or other applicable authority.
   c. No SWES shall be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.

d. Electrical controls, control wiring and power lines shall be wireless or underground, except where SWES wiring is brought together for connection to the transmission or distribution network adjacent to that network.

2. Setbacks and height limits. The following setback requirements shall apply to all SWES towers:

   a. SWES structures up to 40 feet shall be allowed in all zones as a Type I review project (see ECC Chapter 15.210). SWES structures exceeding 40 feet, but no more than a maximum of 100 feet, are allowed in the P-R zone and all commercial and industrial zones with a conditional use permit per ECC 15.25.040;

   b. Property lines. Each tower shall be set back from the nearest property line a distance no less than 1.1 times its tower height unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the reviewing authority;

   c. Communication and electrical lines. Each SWES shall be set back from the nearest above-ground public or private non-participating utility a distance no less than 1.1 times its tower height determined from the existing power line or telephone line. Each SWES shall be set back from the nearest above-ground public or private participating utility a distance as specified by said utility; and

   d. Setbacks shall be measured to the outer edge of the base of the SWES structure towers. Guy cables and other accessory support structures may be located within setback areas.

3. Sound levels and measurement. Audible sound due to SWES operations shall not exceed 55 dBA for any period of time, when measured at the property line of any abutting property. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

4. Safety.

   a. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.

   b. Wind turbine towers shall not provide step bolts or a ladder readily accessible to the public and all step bolts, ladder or access apparatus shall be a minimum height of 10 feet above ground level.

   c. All electrical equipment shall be safely and appropriately enclosed from unintentional access by means such as barrier fencing, equipment cabinetry or similar. All access doors to wind turbine towers and electrical equipment shall remain locked until access is necessary.

   d. Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers~~,~~ and electrical equipment.

   e. All *S*WES shall be equipped with over speed controls to limit rotation of blades to a speed below the designed limits of the system. No changes or alterations from the certified

design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.

f. Any *S*WES found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within 3 months.

5. Federal, state and local requirements.

a. *S*WES shall comply with all current adopted city of Ellensburg codes and ordinances, including but not limited to Ellensburg Municipal Code Titles 3, 4, and 15.

b. *S*WES must comply with regulations of the Federal Aviation Administration (FAA).

c. All *S*WES electrical systems shall comply with requirements per the Washington State Department of Labor & Industries and the current adopted edition of the National Electrical Code (NEC).

d. All *S*WES with the intention to tie to their respective utility provider's grid system shall meet the requirements of Chapter 80.60 of the Revised Code of Washington, Net Metering of Electricity.

E. Abandonment process.

1. At such time that a SWES is scheduled to be abandoned or discontinued, the applicant will notify the building official by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the SWES within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building official. The term “physically remove” shall include, but not be limited to:

a. Removal of the wind turbine and tower and related above grade structures.

b. Restoration of the location of the SWES to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

3. In the event that an applicant fails to give such notice as required in 'A' above, the SWES shall be considered abandoned or discontinued if it has been out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building official may issue a notice of abandonment to the owner of the SWES. The owner shall have the right to respond to the notice of abandonment within 30 days from Notice receipt date. The building official shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the SWES has not been abandoned.

4. If the owner fails to respond to the Notice of Abandonment or if after review by the building official it is determined that the SWES has been abandoned or discontinued, the owner of the small wind energy system shall remove the SWES at the owner’s sole expense within 3 months of receipt of the notice of abandonment.

5. As a condition of initial SWES permit approval, the applicant may be required to provide a form of surety (e.g., post a bond, letter of credit or establish an escrow account or other) at the time of building permit approval to cover costs of the removal in the event the city must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

15.340.070 Commercial wireless communication support towers, antenna arrays and facilities.

A. Residential zones – Type I review process.

Commercial wireless communication support towers, antenna arrays and facilities which do not exceed 47 feet in height from adjacent grade shall be permitted in all residential zones subject to the setback requirements as set forth for other buildings and structures in the zone. Said commercial wireless facilities which exceed 47 feet in height from adjacent grade shall be permitted uses in all residential zones; provided, however, they shall maintain a minimum setback of 300 feet from any property line.

B. Commercial, industrial and public reserve zones – Type II review process.

Commercial wireless communication support towers, antenna arrays and facilities shall be permitted uses in all commercial, industrial and public reserve zones of the city; provided, that they are not greater than 12 feet in height above the buildings on which they are located, or 12 feet in height above adjacent buildings. Such commercial wireless communication support towers, antenna arrays and facilities greater than 12 feet in height above the building on which they are located or greater than 12 feet in height above adjacent buildings shall be permitted; provided, however, they are located at least 150 feet from any residential zone. In addition, commercial wireless communication antenna arrays shall be permitted uses on the city of Ellensburg water tower, located in the northeast quarter of the northwest quarter, Section 1, Township 17 North, Range 18 East, Willamette Meridian, commonly referred to as Craig's Hill; provided, that they do not extend more than four feet in height above the tallest point of the water tower. Associated facilities shall also be permitted uses. Associated facilities shall not exceed 12 feet in height from ground elevation and shall be contained with a defined and vegetated, screened, city- maintained compound, approximately 8,000 square feet in size, with fencing, vegetative screening and antenna colors reviewed by the landmarks and design commission at a public meeting (see ECC 15.130.160). Self-supporting towers and associated facilities must adhere to all the conditions set forth in this section.

C. Subject to building permit review.

All wireless communication support towers, antenna arrays and facilities shall require a city of Ellensburg building permit if the tower or facility is greater than six feet in height measured from adjacent grade, and all such towers over six feet shall submit the manufacturer's structural engineered plans for the erection of such towers. Any such towers or facilities located on public reserved zoned property shall be reviewed by KITTCOM prior to the issuance of a building permit.

D. Facilities within an Ellensburg landmark district.

Construction of a wireless communication support tower, wireless communication antenna array or wireless communication facility within an Ellensburg landmark district are subject to the procedures set forth in ECC 15.280.090 and are reviewed as a Type II permit per ECC 15.210.050(B).

15.350 Airport Overlay Zone (A-O) Standards

NOTE: The information contained in this chapter may not be the most current information and should be confirmed at the Ellensburg or Kittitas County planning departments.

15.350.010 Purpose.

A. The purpose of the airport overlay zone is to protect the viability of Kittitas County Airport (Bowers Field) as a significant resource to the community by encouraging compatible land uses and densities, reducing hazards to lives and properties, and ensuring a safe and secure flying environment;

B. The airport overlay zone and subdistricts therein are based on aircraft accident data from the National Transportation Safety Board (NTSB) as depicted in the Airport Master Plan Safety Zones and, the Federal Aviation Regulation (FAR) Part 77 Imaginary Surfaces and FAA AC 150/5200-33A, Hazardous Wildlife Attractants on or near Airports.

C. As the name implies, this overlay zone is laid over the existing zoning districts. It is shown outside of the current city limits as advisory to adjacent jurisdictions.

D. The airport overlay zone modifies the density and land use requirements of the underlying zoning districts. These modifications are based on the guidelines within the WSDOT Aviation Division's "Airports and Compatible Land Use, Volume 1" and provide for maximum protection to the public, health, safety and general welfare of the community, airport users, and citizens working and residing within the airport protection district.

15.350.020 Statutory authority.

This chapter is adopted pursuant to RCW 36.70.547 and 36.70A.510 that require a county, city or town to enact development regulations to discourage the siting of incompatible land uses adjacent to general aviation airports.

15.350.030 Airport overlay zone.

In order to carry out the purpose of this chapter there is hereby created an airport overlay zone (A-O) that is composed of the following surface and safety zones. The zones cover a geographic area that is affected by airport activities and are defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development patterns. The boundaries of the airport surface and safety zones are shown on airport overlay zone (A-O) Map “B,” “Safety Zones” [see Figure 15.300.060(D)] which shall be on file and open for inspection in the Kittitas County public works department, Kittitas County planning department and city of Ellensburg community development department. The surface and safety zones are overlaid on top of the existing underlying zoning that remains in full force and effect. Where the requirements imposed by the surface and safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced.

A. Surface zones. In order to carry out the provisions of this chapter, there are created and established certain surface zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Kittitas County Airport (Bowers Field). Such zones are shown on Kittitas County Airport (Bowers Field) Overlay Zone Map "A," "Part 77," as amended, which is on file and open for inspection in the Kittitas County public works department. Within each of the surface zones there are hereby established certain height restrictions for structures and trees. The surface zones are established and defined as follows:

1. Runways 07, 25, and 11, Larger than utility with a visibility minimum greater than ¾-mile non-precision instrument approach zone. The 500-foot inner edge coincides with the width of the primary surface and slopes 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and expands to a horizontal distance of 3,500 feet at a horizontal distance of 10,000 feet along the extended runway centerline. Its centerline is the continuation of the runway centerline as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 34 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Runway 29, Larger than utility with a visibility minimum lower than ¾-mile precision instrument approach zone. The 1,000-foot inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 50 feet outward for each one foot upward for the first 10,000 feet of this zone and 40 feet outward for each one foot upward for the remaining 40,000 feet of this zone.

3. Transitional zones. This zone is defined by a slope 7 feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 139 feet above mean sea level, as depicted on Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 7 feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects beyond the conical zone, no object shall penetrate the imaginary line created by a slope 7 feet outward for each one foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

4. Horizontal zone. This zone is established at 150 feet above the airport elevation or at a height of 1,916 feet above mean sea level by swinging arcs of 5,000 feet radial for all runways designated utility or visual and 10,000 feet for all other runways from the centers of the primary surface of each runway and connecting adjacent arcs by drawing lines tangent to those arcs, as depicted on Map "A." The horizontal zone does not include the approach and

transitional zones. Height restrictions: no object shall penetrate the imaginary horizontal line created at 150 feet above the airport elevation or at a height above the airport of 1,916 feet above mean sea level.

5. Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet as depicted in Map "A." Height restrictions: no object shall penetrate the imaginary line created by a slope 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height up to 3,500 feet above the surface of the land.

B. Safety zones. In order to carry out the provisions of this chapter and to promote land use compatibility on lands within and adjacent to and in the vicinity of the Kittitas County Airport (Bowers Field), there are created and established certain safety zones. Such safety zones are shown on Kittitas County Airport (Bowers Field) overlay zone Map "B," "Safety Zones," as amended and shall also be identified on the city of Ellensburg official zoning map by inclusion of the prefix "Airport" attached to the corresponding underlying zone name. Within each of the safety zones certain land use limitations are hereby established and certain development standards are hereby imposed in addition to the land uses and development standards of the underlying zoning district. Where the requirements imposed by these safety zones conflict with the requirements of the underlying zoning, the more restrictive requirement shall be enforced. The safety zones are established and defined as follows:

1. Runway protection zone 1. An area extending beyond the centerlines of runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 1). This zone begins from the outer boundaries of the primary surface, 200 feet from the ends of the runways and extends out 1,700 feet to its widest point, which measures 1,010 feet across, 505 feet on either side of the runway centerline.

2. Inner safety zone 2. An area extending beyond the centerlines of runways 11, 29, 07 and 25 as depicted in Map "B" (shaded area No. 2). This zone begins at the end of the runway protection zone 1 and extends out 2,800 feet. The zone measures 1,010 feet across, 505 feet on either side of the runway centerline.

3. Inner turning zone 3. A fan-shaped area extending beyond the centerlines of runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 3). This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60-foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the inner safety zone with sweeping arcs.

4. Outer safety zone 4. An area extending beyond the centerlines of Runways 11, 29, 07 and 25 as depicted on Map "B" (shaded area No. 4). This zone begins at the end of the inner safety zone and extends out 3,000 feet. The zone measures 1,000 feet across, 500 feet on either side of the runway centerline.

5. Sideline zone 5. An area adjacent to Runways 11, 29, 07, and 25 as depicted on Map "B" (shaded area No. 5). This zone begins from the outer boundaries of the primary surface, and

extends out 1,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.

6. Airport operations zone 6. This zone is depicted on Map "B" (shaded area No. 6) and begins from the outer boundaries of the sideline zone and extends out 5,000 feet perpendicular to the primary surface and connects to the 60-degree sector of the inner turning zone.

15.350.040 Uses, development requirements and restrictions.

A. General development requirements and restrictions applicable to all zones.

1. Underlying zoning requirements. In addition to the airport overlay zone (A-O) development requirements and restrictions set forth in subsections (A)(2) through (9) of this section and in Table 15.350.040 of this section, all uses and activities are at all times subject to the requirements of the underlying zoning district. Where the requirements and restrictions imposed by the airport overlay zone (A-O) safety zones conflict with the requirements of the underlying zoning district, the more restrictive requirement shall be applied.
2. Height. All uses shall be subject at all times to the height restrictions set forth in ECC 15.350.030(A).
3. Signal and radio communication interference. Electrical interference with navigational signals or radio communication between the airport and aircraft is prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA).
4. Lighting and glare. Activities or uses that create lighting which makes it difficult for pilots to distinguish between airport lights and nonairport lights or that create glare in the eyes of pilots using the airport are prohibited and will be regulated in accordance with rules and regulations promulgated and enforced by Federal Aviation Administration (FAA) regulations. All newly installed outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine into the sky.
5. Visibility. Activities or uses that create excessive amounts of dust, smoke, or other emissions that may result in impairment of visibility in the vicinity of the airport are discouraged and will be regulated in accordance with rules and regulations promulgated and enforced by the Washington State Department of Ecology under the Clean Air Act and other state and federal regulations.
6. Large bodies of water. Activities or uses that create large areas of standing water are discouraged and shall be reviewed and regulated in accordance with the provisions set forth in the city's SEPA regulations as set forth in Chapter 15.270 ECC.
7. Flammable and combustible materials. Flammable and combustible liquids and specifications for fuel storage shall be in accordance with the International Fire Code (IFC) as adopted in ECC Title 3.
8. Noise insulation. Noise insulation for new structures shall be in accordance with the International Building Code and the Washington State Energy Code as adopted in ECC Title 3.

9. Subdivision. When any division of land including short plats, plats, subdivisions, planned unit developments, or boundary line adjustments occurs on any land within the airport overlay zone (A-O) safety zones 1 through 6, a note shall be recorded with the county auditor as follows: "This property is located within the airport overlay zone in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property."

B. Additional safety zone uses, development requirements and restrictions. In addition to the general development requirements and restrictions set forth in subsection (A) of this section, certain additional development requirements and restrictions are necessary in specific safety zone areas in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community, and also to ensure compatible land uses in the vicinity of the airport. Those additional development requirements and restrictions are set forth in Table 15.350.040 below.

Table 15.350.040 Additional safety zone uses, development requirements and restrictions.

Airport Safety Zones	Additional Safety Zone Uses, Development Requirements and Restrictions
Zone 1 (Runway Protection Zone)	1. Land uses, which by their nature will be relatively unoccupied by people should be encouraged (mini-storage, small parking lots, etc.)
	2. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 2 (Inner Safety Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 2 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation.
Zone 3 (Inner Turning Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 3 that has annexed into the city limits prior to the date of adoption of the ordinance codified in this chapter shall maintain a maximum residential density of 6 dwelling units per gross acre with a planned unit development (PUD) option available but limited to that average maximum of 6 dwelling units per gross acre with no density bonuses available.
	3. Zoning changes on property within zone 3 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation, except that those properties which, as of the date of the

	ordinance codified in this chapter, have frontage on Sanders Road within zone 3 will be allowed to maintain a maximum density of one dwelling unit per acre after annexation to the city of Ellensburg.
Zone 4 (Outer Safety Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 4 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation.
Zone 5 (Sideline Zone)	1. Schools, play fields, hospitals, nursing homes, and churches are prohibited.
Zone 6 (Airport Operations Zone)	1. Zoning changes on property within zone 6 that has annexed into the city limits prior to the date of adoption of the ordinance codified in this chapter shall maintain an average maximum residential density of 6 dwelling units per gross acre with a planned unit development (PUD) option available but limited to that average maximum of 6 dwelling units per gross acre with no density bonuses available.
	2. Zoning changes on property within zone 6 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the city limits shall maintain an average maximum residential density of 3 dwelling units per gross acre after annexation. The minimum lot size for future subdivisions after annexation shall be 7,000 gross square feet; however, whenever any future subdivision of such property creates a lot that is smaller in size than 14,520 square feet, a note shall be placed on the face of the plat stating that there can be no further subdivision of any parcel created by that subdivision while the property is situated within the airport overlay zone (A-O).

Note:

1. All aviation uses are permitted in all zones but only when located on property owned by the Kittitas County Airport.
2. When calculating densities and available dwelling units in accordance with the requirements set forth in Table 15.35.040, if the number of dwelling units available on a property is not a whole number, then it shall be rounded down to the nearest whole number if the fraction is 0.49 or less and rounded up to the nearest whole number if the fraction is 0.5 or greater.
3. Required development standards for public infrastructure shall be consistent with the established city standards in effect at the time of development permitting. An exception is made for those properties that are designated with a density of either 3 dwelling units per acre or one dwelling unit per acre as determined by Table 15.35.040. For those excepted properties, new local residential streets shall only be required to provide for sidewalk improvements on one side of a

street and street lighting improvements at street intersections. All other standards, including but not limited to those for community arterial and collector streets, municipal utilities and any other required improvements, shall be consistent with the established city standards in effect at the time of development permitting.

15.350.050 Permits.

A. Future uses and supplemental permit review requirements. In addition to compliance with LDC provisions for uses and structures in the underlying zone per ECC 15.110.050, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by this chapter unless a permit therefore has been applied for to the city of Ellensburg community development department and granted by the reviewing authority, except as specifically provided in subsections (A)(1), (2) and (3) of this section. Permits for such activities shall be processed as a Type I decision per ECC Chapter 15.21, except where otherwise specified by applicable activity in underlying zone. Supplemental A-O zone permit requirements:

1. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of the LDC, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the zone in which such building, land, or premises is located.
2. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree is consistent with the provisions of this chapter;
3. A certificate from an engineer or land surveyor that clearly states that no airspace obstruction will result from the proposed use;
4. All construction on airport property and any construction that penetrates Federal Regulation Part 77 surfaces shall prepare and submit FAA form 7460; and
5. A site plan showing the following shall be submitted:
    a. The location of the project in relation to the Kittitas County Airport.
    b. The location and height of all proposed buildings, structures, and natural vegetation as measured from the established airport surface elevation.

No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (D) of this section.

B. Exceptions to permit requirements.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

C. Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this chapter, as amended, or than it is when the application for a permit is made.

D. Nonconforming uses abandoned or destroyed. Whenever the director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

E. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter may apply for a variance from such regulations per ECC 15.250.050. Such a variance application shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Prior to considering an application for variance to the requirements of this chapter, the board of adjustment (or other decision-maker) shall furnish a copy of the application to the Kittitas County Airport manager for advice as to the aeronautical effects of the variance. If the Kittitas County Airport manager does not respond to the application within 30 days after receipt, the board of adjustment (or other decision-maker) may act on its own to grant or deny said application.

15.360 Annexations

All lands annexed to the city shall automatically and immediately upon annexation be classified consistent with the comprehensive plan designation for the applicable site(s). Where the comprehensive plan designation includes more than one implementing zone, city council shall classify the land pursuant to the Type V review process set forth in ECC Chapter 15.210, to the zone that best suits the site based on the zoning designation criteria set forth in Chapter 15.300 and the context of the site. Annexations shall be governed by the requirements of RCW Chapter 35A.14.

15.370 Medical Cannabis

15.370.010 Findings.

The following findings are made in support of this Chapter:

A. Through its amendment/adoption of chapter RCW 69.51A, the State of Washington has found that there is medical evidence to show that some patients with terminal or debilitating medical conditions benefit from the medical use of cannabis.

B. The State of Washington has determined that qualifying patients with terminal or debilitating medical conditions, who, in the judgment of their health care professionals, may benefit from the medical use of cannabis, shall not be arrested, prosecuted or subject to other criminal sanctions or civil consequences under state law, based solely on their medical use of cannabis, notwithstanding any other provision of law.

C. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of cannabis for nonmedical purposes. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for nonmedical purposes.

D. Cannabis plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.

E. Where cannabis plants have been grown outdoors in other states, local authorities have received a significant number of formal complaints of odor that may be detectable far beyond property boundaries.

F. Cannabis, whether grown for medicinal purposes or diverted to the black market, may be sold for thousands of dollars per pound.

G. The strong smell of cannabis may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

H. Cannabis that is grown indoors may require excessive use of electricity which may overload standard electrical systems, creating an unreasonable risk of fire.

I. The ability of qualified patients to cultivate cannabis in collective gardens for medical purposes does not confer upon them the right to create or maintain a public nuisance. No more than 45 cannabis plants are allowed on any one legal parcel, which should keep the complaints regarding odor and the risks of fire and crime to a minimum.

J. Pursuant to RCW 69.51A.130, no civil or criminal liability may be imposed by any court on cities, towns, or counties or other municipalities and their officers and employees for actions taken in good faith under this chapter and within the scope of their assigned duties.

15.370.020 Applicability.

No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (Chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.

15.370.030 Restrictions on Collective Gardens.

Nothing in this chapter shall be construed to require the filing of an application for, or the issuance of, a permit from the City of Ellensburg as a condition of engaging in an activity which is subject to the provisions of this chapter; provided however, all Collective Gardens must comply with the following provisions:

A. Location and Distance Restrictions.

1. No Collective Garden shall be permitted outdoors.
2. No Collective Garden shall be located within 300 feet of any school or public park.
3. No Collective Garden shall be located anywhere the cannabis plants are visible from the public right of way or a public place.
4. The distance between the above-listed uses and the Collective Garden where the cannabis is being cultivated shall be measured from the nearest exterior wall of the building in which the cannabis is cultivated, to the nearest boundary line of the property on which the facility, building or structure or portion of the facility, building or structure in which the above-listed use occurs is located.
5. Accessory Uses. Collective Gardens shall not be allowed as an accessory use.
6. Home Occupation Use Prohibited. Collective Gardens are prohibited as Home Occupations.

B. Operating Standards.

1. The following restrictions apply to the operation of all Collective Gardens located within any incorporated area of the City of Ellensburg.
    a. Odor. The cultivation of cannabis shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.
    b. Lighting. All lights used for the cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.
    c. Visibility. Cannabis shall not be grown or on display in any location where the cannabis plants are visible from the public right of way or a public place.
    d. Signage. There shall be no exterior signage relating to the Collective Garden.
    e. Compliance with Codes. The Collective Garden shall be in compliance with the applicable provisions of the currently adopted edition of the Washington State Building Code.

f. Limitation on Square Footage Devoted to Collective Garden. The Collective Garden shall be limited to no more than 100 contiguous square feet per legal parcel.

g. Security. Security measures at the Collective Garden shall include, at a minimum, the following:

(i) the Collective Garden shall be located within a fully enclosed and secure structure as defined in section ECC 15.130.090 ("Indoors");

(ii) there shall be deadbolt locks on all exterior doors; and

(iii) all windows and roof hatches shall be secured.

h. Nuisance. The Collective Garden shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other adverse impacts, or be hazardous due to use or storage of materials, processes, products or waste.

C. Ownership and Limitation on Numbers. No more than one Collective Garden may be located on a legal parcel of land, and the parcel must be owned or leased to one of the members of the Collective Garden.

D. No Nonconforming Status. Notwithstanding the provisions of Chapter 15.240 (Nonconforming Uses), an existing Collective Garden in operation as of the effective date of this Chapter shall be brought into full compliance with the provisions of this Chapter within one year of its effective date.

E. Delivery Only Among Members. No usable cannabis from the Collective Garden may be delivered to anyone other than one of the qualifying patients participating in the Collective Garden. Collective Garden employees/volunteers or Collective Garden members may not sell any cannabis plants or usable cannabis. Such activities may be prosecuted under the Uniform Controlled Substances Act, Chapter 69.58 RCW.

F. No On-site Sales of Paraphernalia. There shall be no on-site display or sale of paraphernalia used for the use or consumption of medical cannabis at the Collective Garden.

G. Nuisance. Nothing in this Chapter shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of cannabis plants from any location, indoor or outdoor, including from within a fully enclosed and secure building.

15.370.040 Violations.

A. It is a violation of this Chapter for any person owning, leasing, occupying or having charge or possession of any parcel of land within any incorporated area of the City of Ellensburg to cause or allow such parcel of land to be used for the cultivation of marijuana or cannabis plants for medicinal purposes in excess of or contrary to the limitations and restrictions set forth herein.

B. The cultivation of more than the number of cannabis plants set forth in this Chapter on one legal parcel within the City of Ellensburg, regardless of whether the persons growing the cannabis is/are a "qualified patient," or members of a "collective garden" as defined herein, is hereby prohibited.

C. Any violations of this Chapter may be enforced as set forth in Chapter 15.290 (Enforcement), or as applicable, the Uniform Controlled Substances Act, chapter 69.58 RCW. In addition, violations of subsections A and B of this Section are deemed to be a public nuisance and may be abated by the City of Ellensburg under the procedures set forth in state law for the abatement of public nuisances.

15.380 Development Agreements

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.

15.380.020 General provisions of development agreements.

A. A development agreement shall be consistent with the applicable policies and goals of the city of Ellensburg's comprehensive plan and all applicable development regulations adopted by the city pursuant to 36.70A RCW. The development agreement shall specify the following:

   1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
   2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.
   3. Mitigation measures, development conditions and other requirements of chapter 43.21C RCW (SEPA);
   4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features;
   5. Provisions for affordable housing, if applicable;
   6. Parks and common open space preservation;
   7. Review procedures and standards for implementing decisions;
   8. Phasing, if applicable;
   9. A build-out or vesting period for applicable standards; and
   10. Any other appropriate development requirement or procedure.

B. As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

15.380.030 Enforceabilty.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specifiedin the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the city after the execution of the agreement must be consistent with the development agreement.

15.380.040 Approved procedure for development agreements.

A development agreement is a Type V development project permit application and shall be processed in accordance with the procedures established in this Title. A development agreement shall be approved by the Ellensburg city council after a public hearing.

15.380.050 No deadline for final decision, form of agreement, term, recordation.

A. Development agreements are not "project permit applications" as defined in RCW 36.70B.020. Therefore, there is no deadline for processing a development agreement. If an applicant requests that the city execute a development agreement as part of its approval of a project permit application, the applicant must first sign a written waiver of the deadline for issuance of a final decision of the project permit application.

B. Form. No development agreement shall be presented to the decision-making body unless in a form approved by the city attorney. Every development agreement shall be signed by the property owner and all other parties with a substantial beneficial interest in the property that is the subject of the development agreement, prior to any public hearing held for the purpose of authorizing execution of the development agreement.

C. Term.

1. Development agreements may be approved for a maximum period of five years.
2. In determining the appropriate term for a development agreement, the city council should consider the type, size and location of the development and phasing if proposed.
3. Extensions. A one time extension for up to five years may be requested if authorized in the development agreement. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration. All extension requests shall be reviewed by the city council after a public hearing on the request, unless another process is expressly provided for in the development agreement.

D. Recordation. A development agreement shall be recorded against the real property records of the Kittitas County assessor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city.

15.380.060 Judicial appeal.

If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.