

# Article 1: General Provisions

Draft, September 1, 2011

NOTE: This is the first full draft of the code – intended for review by city council, planning commission, city staff, and interested citizens. The provisions herein are intended to replace applicable land use regulations now found in ECC Titles 12 and 13. For clarification, we have indicated in (parentheses) whether each chapter is new or updates or replaces a current ECC chapter or section.

Also, text in CAPS are special notes to reviewers. **Highlighted text** warrants special review.

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**City of Ellensburg**  
**Land Development Code Update**

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## 15.10 User Guide

### 15.10.010 How to use this code.

This code has been designed and written to make it as easy to use as possible. Below is a simple step by step procedure for helping property owners determine what can be built on their property, what the applicable standards are, and how to obtain necessary permits. To assist in understanding the code, all words that are *italicized* are defined in Chapter 15.13 in alphabetical order.

#### Step 1: What zoning district am I located in?

- See zoning map (IMBED LINK)

#### Step 2: What type of development can I do on my property?

- See Article 3 (IMBED LINK), which addresses permitted uses and density/dimensional standards.

#### Step 3: What design standards apply?

- First, see **Article 4** (IMBED LINK), which addresses standards for larger scale community design elements such as subdivisions (if applicable) and streetscape design (for streets adjacent to and/or within property).
- Second, see **Article 5** (IMBED LINK) for individual project design standards. For non-residential and multifamily projects, most of the chapters in this article apply (such as site orientation standards, site planning and design elements, and building design). For detached single family uses, there are special standards in Chapter 15.54. Plus, some specialized site development issues warrant their own chapter including off-street parking (Chapter 15.55), signage (Chapter 15.56), landscaping (Chapter 15.57), and outdoor lighting (Chapter 15.58). It's important to read the applicability sections at the beginning of each chapter in Article 5.

#### Step 4: Are there designated “Critical Areas” on my property?

- First check City Critical Areas Maps (IMBED LINK)
- Second, see **Article 6** for provisions related to the particular type of critical area (such as wetlands or geologically hazardous areas).

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

- First, see **Article 2** for permits and procedures provisions.
- Second, determine what “Type” of review process applies for the particular development by reviewing ECC 15.21.050 (IMBED LINK).
- Third, review the requirements for each permit type starting with ECC 15.21.040, then looking at Chapter 15.22 for the actual procedures for each “Type” of review process.
- Other chapters in Article 2 address specialized standards/procedures for subdivisions, environmental review, non-conforming structures or uses, and code enforcement.

## **15.11 Purpose/Authority/Interpretation** *(replaces/updates ECC 13.02)*

### **15.11.010 Title.** *(NEW)*

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

### **15.11.020 Purpose.** *(replaces ECC 13.02.020)*

The purpose of the LDC is to provide regulations by which the citizens of the city can guide the development of their community in a logical and orderly manner, maintain a quality environment and provide for the conservation, protection and enhancement of the public health, safety and general welfare. The LDC provides for the implementation of the goals and policies of the Ellensburg comprehensive plan through the adoption, administration and enforcement of zoning maps, regulations, procedures, and programs.

### **15.11.030 Authority.** *(NEW)*

The LDC is enacted under the authority granted to the city of Ellensburg by the Constitution of the State of Washington, the Optional Municipal Code (RCW Title 35A), and other sections of the Revised Code of Washington.

### **15.11.040 Severability.** *(NEW)*

The provisions of the LDC are declared to be severable. If any provision of the LDC or any code or document adopted by reference herein is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining provisions of the LDC. If any provision of the LDC is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of the LDC to other properties, uses, buildings, or structures shall not be affected.

### **15.11.050 Scope.** *(NEW)*

- A. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of the LDC, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the zone in which such building, land, or premises is located.
- B. Creation of or changes to lot lines shall conform to the use provisions, dimensional and other standards, and procedures of the LDC.
- C. Non-project development and land use actions, including but not limited to rezones, annexations, and the adoption of plans and programs, shall comply with the provisions of the LDC.

- D. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance herewith, may continue as provided in Chapter 15.24.

**15.11.060 Roles and responsibilities.** *(replaces ECC 13.02.060)*

- A. The elected officials, appointed commissions, hearing examiner, and city staff share the roles and responsibilities for carrying out the provisions of the LDC.
- B. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the planning commission or hearing examiner in legislative and quasi-judicial matters.
- C. The planning commission is the designated planning agency for the city as specified by state law. The planning commission is responsible for a variety of discretionary recommendations to the city council on land use legislation, comprehensive plan amendments and quasi-judicial matters. The planning commission duties and responsibilities are specified in the bylaws duly adopted by the planning commission.
- D. The hearing examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.
- E. The director or designee shall have the authority to administer the provisions of the LDC, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within the LDC, and to enforce requirements.
- F. The rules and procedures for proceedings before the hearing examiner, planning commission, and city council are adopted by resolution and available from the city clerk's office and the department.

**15.11.070 Vesting of applications.** *(replaces ECC 13.02.040)*

- A. A project permit shall vest upon submittal of a complete application for a project permit.
- B. Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.
- C. Vesting of an application does not vest any subsequently required project permits, nor does it affect the requirements for vesting of subsequent project permits or approvals.
- D. A project does not vest upon submittal of a pre-application request.

**15.11.080 Relationship to other codes. (NEW)**

The LDC is part of a comprehensive program of regulation related to land use and development within the city. The ECC contains other regulations that relate, directly or indirectly, to land use and development, including but not limited to, building and fire (Title 3), traffic (Title 8), utilities (Title 9), annexation (Title 10), and impact fees (Title 14). In order to understand all of the regulations that may relate to land use and development, readers are advised to consult both the LDC and the ECC.

**15.11.090 Interpretation of terms. (replaces ECC 13.02.040)**

- A. For the purposes of the LDC, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:
1. The word "shall" is always mandatory, while the word "should" is not mandatory, and "may" is permissive.
  2. Words in the present tense include the future, the singular includes the plural and the plural includes the singular.
  3. The word "and" indicates that all connected items or provisions apply.
  4. The word "or" indicates that the connected items or provisions may apply singularly or in any combination.
  5. The term "either/or" indicates that the connected items or provisions shall apply singularly but not in combination.
  6. Where terms are not specifically defined in ECC 15.13.060, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, latest edition, shall be considered in determining ordinarily accepted meanings.
- B. Illustrations found herein are not intended to supersede or replace written definitions, restrictions or standards.

**15.12 Comprehensive Plan (replaces ECC 3.32)**

**15.12.010 Adopted. (replaces ECC 3.32.040)**

The city of Ellensburg comprehensive plan, as amended in 2006 to comply with the Growth Management Act and as may subsequently be amended thereafter, is hereby adopted by reference.

**A. Chapters of the comprehensive plan:**

- |                       |                                      |
|-----------------------|--------------------------------------|
| 1. Introduction.      | 4. Land Use.                         |
| 2. Community Profile. | 5. Transportation.                   |
| 3. Vision.            | 6. Capital Facilities and Utilities. |

7. Housing.
8. Economic Development.
9. Parks and Recreation.
10. Historic Preservation.
11. Essential Public Facilities.

**B. Other elements of the comprehensive plan adopted by reference:**

1. 6-Year Capital Facilities Plan as annually updated.
2. 2008 Non-Motorized Transportation Plan, as amended
3. 2002 Comprehensive Parks and Recreation Plan as amended.
4. City of Ellensburg Water Plan, as amended.
5. City of Ellensburg Comprehensive Sewer Plan as amended.

## 15.13 Definitions

NOTE TO REVIEWIERS:

- NEW DEFINITIONS ARE HIGHLIGHTED IN YELLOW.
- CHANGES TO EXISTING DEFINITIONS ARE IN TRACK CHANGES WITH [ADDITIONS](#) AND [DELETIONS](#) SHOWN AS SUCH.

### 15.13.010 A definitions.

**Accent lighting.** “Accent lighting” means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

**Accessory building.** “Accessory building” means a subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building for at least 50 percent of the length of one of the abutting walls of such accessory building, or where the total length of the abutting walls of the accessory building is equal to 50 percent of the longest wall of the building, then the accessory building shall be considered an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to the main building as provided, and shall be not closer than 10 feet to the main building, except that covered walkways or breezeways between main and accessory buildings shall be permitted. [Ord. 2810 § 2.04(b), 1970.]

**Accessory dwelling unit (ADU).** “Accessory dwelling unit” means a self-contained residential unit that is accessory to a single-family home. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage. See ECC 15.54.040 for special ADU design standards.

**Accessory use.** “Accessory use” means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 2810 § 2.04(a), 1970.] See ECC 15.31.030 for special accessory use provisions.

**Administrative decision.** “Administrative decision” means any decision made by the ~~director~~ decision-maker. This includes decisions on code interpretation related to permit applications, and decisions as to whether or not permit applications meet the standards for any project that requires a ~~director~~ decision.

**Adult arcade or adult arcade premises.** “Adult arcade” or “adult arcade premises” means any premises on which any adult arcade device is located and to which patrons, customers and/or members of the public are admitted.

**Adult arcade device.** “Adult arcade device,” sometimes also known as “panoram,” “preview,” “picture arcade,” or “peep show” means any device which, for payment of a fee, membership fee, or other charge, is used to exhibit or display a picture, view, film, videotape, videodisc, or similar reproduction means, a live show or other graphic display of “specified anatomical areas” or “specific sexual activities.” All such devices are denominated under this chapter by the term “adult arcade device.”

**Adult arcade manager.** “Adult arcade manager” means any person who manages, operates, directs, administers, or is in charge of the affairs and/or conduct of any adult arcade premises.

**Adult arcade owner.** “Adult arcade owner” means any person who owns and/or has a substantial ownership interest in an adult arcade or adult premises.

**Adult arcade station or booth.** “Adult arcade station or booth” means such enclosures where a patron, member, or customer would ordinarily be positioned while using an adult arcade device or viewing a live show. An “adult arcade station or booth” shall also refer to the area in which an adult arcade device is located and from which the adult arcade picture, view, live show or graphic display is to be viewed. The words “adult arcade station or booth” do not mean such enclosures that are private offices used by owners, managers, or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held open to the patron, members or public for use, for hire or for a fee for the purpose of viewing the entertainment provided by the arcade device or live show, and are not open to any persons other than employees. For the purposes of this definition, the words “open to an adjacent public room so that the area inside is visible to persons in the adjacent room” mean that there may be no door, curtain, partition or other device extending from the floor to the top of the door frame with the exception of a door which is completely transparent and constructed of safety glass as specified in the International Building Code so that the activity and occupant inside the enclosure may be clearly and easily viewed or seen by persons outside the enclosure from any point in the adjacent public room.

**Adult cabaret.** “Adult cabaret” means a nightclub, bar, restaurant, tavern, or similar commercial establishment, whether or not alcoholic beverages are served, that features adult entertainment.

**Adult entertainment.** “Adult entertainment” means any exhibition, dance of any type, or other performance, not exempt from this chapter where such entertainment involves a person appearing or performing (either live or re-created) who:

1. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the nipple or areola of the female breast, or (without regard to gender) any portion of the pubic region, anus or genitals; or
2. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of themselves or a patron, or any other person, or permits the touching, caressing or fondling of their own breasts, buttocks, anus, genitals or pubic region by a patron, another employee or anyone else with the intent to sexually arouse or excite.

**Adult entertainment establishment.** “Adult entertainment establishment” means a commercial establishment defined herein as being an “adult arcade,” “adult cabaret,” “adult theater,” “adult retail store,” or “other adult entertainment facility.” [Ord. 4348, 2002; Ord. 4212, 1999.]

**Adult entertainment premises or adult entertainment business.** “Adult entertainment premises” or “adult entertainment business” means a commercial establishment defined herein as an adult arcade, adult cabaret, adult theater, adult retail store, or other adult entertainment facility.

**Adult retail store.** “Adult retail store” means a commercial establishment such as a bookstore, video store, or novelty shop which as a principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term “principal business purpose” shall mean a business purpose that constitutes 25 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

**Affordable housing unit.** “Affordable housing unit” means housing reserved for occupancy by eligible households and affordable to moderate income households, adjusted for household

size, and no more than thirty percent of the monthly household income is paid for monthly housing expenses.

**Agriculture.** “Agriculture” means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

**Airport.** “Airport” means the Kittitas County Airport (Bowers Field).

**Airport elevation.** “Airport elevation” means 1,766 feet above mean sea level.

**Airport overlay zone.** “Airport overlay zone” shall include the runway protection zone, inner safety zone, inner turning zone, outer safety zone, sideline zone, and the airport operation zone as depicted on Map “B,” “Safety Zones” and numbered Zones 1 through 6, respectively, and shall also encompass the area identified within 14 CFR Federal Aviation Regulation (FAR), Part 77, as amended and depicted on Map “A,” “Part 77.”

**Airport surface.** “Airport surface” means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface along the same slope as the approach zone height limitation slope set forth in ECC 15.36.020. The perimeter of the approach surface coincides with the perimeter of the approach zone.

**Alley.** “Alley” means a thoroughfare which has been dedicated or deeded to the public for public use and which affords a secondary means of access to abutting property in most cases.

**Alter or alteration.** “Alter” or “alteration” means any and all modification which changes the exterior appearance of a building, structure, or site, including but not limited to addition, removal, or replacement of architectural features; redesign of building components; change or substitution of existing materials; new signage or change of signage; change of paint color; and site improvements.

**Applicant.** “Applicant” means any person, firm or corporation, other entity or authorized representative undertaking an application for a development proposal, permit, or approval.

**Approach, transitional, horizontal, and conical zones.** “Approach, transitional, horizontal, and conical zones” are set forth and defined in ECC 15.36.020.

**Awning.** “Awning” means a covering structure constructed of canvas, cloth, or other flexible material projecting horizontally from and attached to a building.

### 15.13.020 B definitions.

**Basement.** “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

**Bed and breakfast.** “Bed and breakfast” means overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

**Block.** “Block” means a group of lots, tracts or parcels bounded by streets. For the purpose of block design standards in ECC 15.41.020, blocks are bounded by streets, pedestrian access ways, and other private interval circulation routes that allow for public access. [Ord. 3235 § 5(4), 1979.]

**Board.** “Board” means the duly constituted board of adjustment of the city of Ellensburg. [Ord. 2810 § 2.02, 1970.]

**Boarding houses, lodging houses, sororities, fraternities.** “Boarding houses, lodging houses, sororities, fraternities” means an establishment with lodging for 5 or more persons on a weekly or longer basis with a central kitchen and dining area maintained exclusively for residents and their guests.

**Brewpub.** “Brewpub” means a restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premise as an accessory use. Such an accessory use shall not occupy more than 30 percent of the gross floor area of the restaurant.

**Building.** “Building” means a structure having a roof, but excluding all forms of vehicles even though immobilized. Where this title requires or where special authority granted pursuant to this title requires that a property use shall be entirely enclosed within a building, this definition shall be qualified by adding “and enclosed on all sides.” (See ECC 15.13.220, Vehicle.) [Ord. 2810 § 2.04(e), 1970.]

**Building height.** “Building height” means the vertical distance measured from the highest elevation of the proposed finished grade around the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. [Ord. 2810 § 2.04(f), 1970.]

**Building official.** “Building official” means the city of Ellensburg building inspector.

**Built Green of Central Washington.** “Built Green of Central Washington” is a residential green building rating program covering Kittitas, Yakima and Klickitat Counties and administered by the Central Washington Home Builders Association. Built Green currently certifies only single-family residential development using a menu of prescriptive measures based on the National Association of Home Builders’ (NAHB) National Green Building Standard. Projects earn between a 2 – 5 star rating based on the number of “points” achieved during the design and construction process. Only those projects seeking 4- and 5- star certification required verification by a third party. Link: [www.builtgreencw.org](http://www.builtgreencw.org)

**Business or professional office.** “Business or professional office” means an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, dentists, physicians, brokers, insurance agents, and optometrists. [Ord. 2810 § 2.04 (g), 1970.]

### 15.13.030 C definitions.

**Camping vehicle.** “Camping vehicle” means a travel trailer, whose overall length does not exceed 28 feet, a pickup camper, or similar vehicular dwelling used for travel, vacation, or recreational purposes. (See also ECC 15.13.180, Recreational vehicle.) [Ord. 2810 § 2.04(h), 1970.]

**Certificate of approval or COA.** “Certificate of approval” or “COA” means the approval issued by the commission for alterations to a designated landmark, or to a property located within a landmark historic district, certifying the changes as having no adverse affect on the significant features of the property that contributed to its designation.

**Certified local government or CLG.** “Certified local government” or “CLG” means a local government certified by the Washington State Historic Preservation Officer as having established its own historic preservation commission and a program meeting federal and state standards.

**City.** “City” means the incorporated city of Ellensburg, county of Kittitas, state of Washington, and its appointed or elected officials.

**City clerk.** “City clerk” means the city clerk of Ellensburg or his/her designee.

**Class of properties eligible to apply for special valuation in the city of Ellensburg.** “Class of properties eligible to apply for special valuation in the city of Ellensburg” means only those properties listed on the Ellensburg landmarks register, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter [84.26](#) RCW.

**Commission.** “Commission” means the duly constituted planning commission of the city of Ellensburg. [Ord. 2810 § 2.02, 1970.]

**Community residential facility (CRF).** “Community residential facility “ means living quarters meeting applicable Federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

1. CRF-I – 9 to 10 residents and staff;
2. CRF-II – 11 or more residents and staff.

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

**Comprehensive plan.** “Comprehensive plan” means the plan adopted by the Ellensburg city council on March 19, 2007, including all subsequent amendments thereto, Ordinance No. 4474, 2007. [Ord. 4289, 2001; Ord. 3235 § 5(5), 1979.]

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

**Conference center.** “Conference center” means an establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.

**Conical surface.** “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to each one foot outward for a horizontal distance of 4,000 feet. See ECC Chapter 15.36.

**Council.** “Council” means the duly constituted legislative authority of the city of Ellensburg. [Ord. 2810 § 2.02, 1970.]

**Crime Prevention through Environmental Design (CPTED).** “CPTED” means a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social and administrative environment.

**Critical areas.** “Critical areas” include the following areas and ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. [Ord. 3820 § 2, 1992.]

**Critical facilities.** “Critical facilities” means facilities for which even a slight chance of flooding would represent a major risk. Critical facilities include, but are not limited to, schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use or store hazardous materials or hazardous waste of a type and in amounts deemed to be inappropriately located in a 100-year floodplain. [Ord. 3637 § 1, 1988.]

**Cut-off angle.** “Cut-off angle” (of a luminaire) means the angle measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

#### 15.13.040 D definitions.

**Day care.** “Day care” means an establishment for group care of nonresident adults or children. Specifically:

1. Day care shall include child day care services, adult day care centers, and the following:
  - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
  - b. Nursery schools for children under minimum age for education in public schools;

- c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
  - d. Programs covering after-school care for school children.
2. Day care establishments are subclassified as follows:
- a. Day care I – a maximum of 12 adults or children in any 24-hour period; and
  - b. Day care II – over 12 adults or children in any 24-hour period.

**Department.** “Department” means the Ellensburg Community Development Department.

**Departure.** “Departure” means an alternative way to meet specific design standards set forth in this title.

**Dedications.** “Dedications” means a deliberate appropriation of land by an owner in fee simple, for any general and public use. [Ord. 3235 § 5(6), 1979.]

**Development.** “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. [Ord. 3954 § 1, 1994.]

**Docket.** “Docket” (noun) means the list of suggested changes to the comprehensive plan or development regulations maintained by the department. “Docket” (verb) means to record with the department a suggested change to the comprehensive plan or development regulations.

**Dual frontage properties.** “Dual frontage properties” refers to properties that have street frontage on 2 opposite boundaries, one of which is the street address and primary access.

**Dwelling, cottage.** “Cottage” means a small single family dwelling that is clustered with other similar units surrounding a common open space. See ECC 15.54.050 for special cottage housing provisions.

**Dwelling, duplex.** “Duplex” refers to a building that is entirely surrounded by open space on the same lot and contains 2 dwelling units. See ECC 15.54.030 for special duplex provisions.

**Dwelling, live-work unit.** “Live-work unit” means an individual dwelling unit that is used for residential and non-residential use types. The dwelling unit type may be any type that is permitted in the applicable zoning district. Permitted non-residential uses may be those that are permitted in the applicable zoning district.

**Dwelling, multifamily.** “Multifamily” refers to a building that contains 3 or more dwelling units.

**Dwelling, townhouse.** “Townhouse” refer to a row of 3 or more attached single family dwellings. Each unit has its own front and/or rear access to the outside. See ECC 15.54.060 for special townhouse provisions

**Dwelling, single-family.** “Single-family dwelling” means a dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any. [Ord. 4152, 1998; Ord. 3223 § 1, 1979; Ord. 2810 § 2.04(l), 1970.] **See ECC 15.54.020 for special single family dwelling provisions.**

**Dwelling unit.** “Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel or hotel, which is separately defined.

### **15.13.050 E definitions.**

**Early notice.** “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance is likely for the applicant’s proposal pursuant to WAC 197-11-350.

**Easement.** “Easement” means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. This may include pedestrianways, bicycle paths, utility easements, drainage, open space, etc. [Ord. 3235 § 5(7), 1979.]

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

**Ellensburg historic resource inventory or inventory.** “Ellensburg historic resource inventory” or “inventory” means the comprehensive inventory of historic properties within the boundaries of the city.

**Ellensburg landmarks and design commission or commission.** “Ellensburg landmarks and design commission” or “commission” means the commission created in ECC 15.28.030.

**Ellensburg landmarks register, landmarks register, or register.** “Ellensburg landmarks register,” “landmarks register,” or “register” means the local listing of historic properties designated as landmarks, landmark sites, or landmark districts pursuant to criteria set forth in ECC 15.28.080.

**Employee.** “Employee” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, any and all persons, including managers, entertainers and independent contractors providing adult entertainment services, who work in or at or render any services directly related to the operation of an adult entertainment premises.

**Entertainer.** “Entertainer” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, any person who provides adult entertainment for an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

**Entertainment.** “Entertainment” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, any exhibition or dance of any type, pantomime, modeling or any other performance.

**Essential public facilities.** “Essential public facilities” means those facilities identified in RCW 36.70A.200 that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. See ECC 15.25.090.

#### **15.13.060 F definitions.**

**Family.** “Family” means one or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or hotel, but not more than 4 unrelated persons, whether or not related to each other by blood or marriage, occupying a single housekeeping unit and using common cooking facilities. [Ord. 2810 § 2.04(n), 1970.]

**Farmers’ markets.** “Farmers’ market” means a public market at which farmers and other vendors sell agricultural products, crafts, and food and beverages.

**Federal Aviation Administration (FAA).** “Federal Aviation Administration” is the national aviation authority of the United States.

**Fence.** “Fence” means a barrier composed of posts or piers connected by boards, rails, panels, or wire, or a masonry wall designed for the purpose of enclosing space or separating parcels of land. “Fence” does not include retaining walls. [Ord. 2810 § 2.04(p), 1970.]

**Final subdivision or plat.** “Final subdivision or plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all requirements set forth in Chapter 58.17 RCW and in this title. [Ord. 3235 § 5(8), 1979.]

**Fish and wildlife habitat conservation areas.** “Fish and wildlife habitat conservation areas” means areas which include the following:

1. Areas in which endangered, threatened, and sensitive species have a primary association.
2. All naturally occurring ponds and their submerged aquatic beds that provide fish or wildlife habitat.
3. Areas of local importance for those species which are present in the community.
4. All lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity. [Ord. 3820 § 2, 1992.]

**Fixture.** “Fixture” (also called a “luminaire”) means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

**Flood.** “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters. [Ord. 3302 § 2(b), 1981.]

**Flood insurance rate maps.** “Flood insurance rate maps” means those maps which depict the various flood insurance rate zones of the 100-year floodplain which are determined by the Federal Emergency Management Agency. This term is interchangeable with “floodplain maps.” [Ord. 3302 § 2(c), 1981.]

**Floodplain.** “Floodplain” means that area of land shown on the city’s flood insurance rate maps as being inundated by the waters of the 100-year flood. [Ord. 3302 § 2(d), 1981.]

**Floodway.** “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Ord. 3954 § 2, 1994.]

**Floor area.** “Floor area” means the sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of 7 feet or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on 2 sides, areas having ceiling height of less than 7 feet and basements used exclusively for storage or housing of mechanical or central heating equipment.

**Floor area, gross (GFA).** “Gross floor area” means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. [The term gross floor area includes basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment with structural head room, interior balconies, and mezzanines. For the purpose of determining off-street parking requirements, this definition excludes areas within the building used for parking and loading purposes.](#)

**Floor area ratio (FAR).** “Floor area ratio” means dividing the floor area of all buildings on a lot by the area of that lot.

**Foot candle.** “Foot-candle” means a measure of luminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen/square foot. As an example, a typical 60-watt incandescent lamp (840 lumens) produces a luminance of one-tenth foot-candle at a distance of about 25 feet.

**Formal subdivision.** “Formal subdivision” means the division of land into 10 or more lots, tracts or parcels.

**Fossil fuel light.** “Fossil fuel light” means any outdoor lighting fixture producing light directly by the combustion of natural gas or other fossil fuel.

**Frontage.** “Frontage” means either the front of the lot abutting a street or the front of a building (where the main entrance to the particular use is), depending on the context it is used in. Unless the context specifically refers to “building frontage”, the term frontage shall mean the front of the lot abutting the street. Where a lot is adjacent to multiple streets, then it has multiple frontages, for the purpose of the standards in this title unless otherwise noted.

**Frequently flooded areas.** “Frequently flooded areas” means lands within the floodplain subject to a one percent or greater chance of flooding in any given year. These lands shall be consistent with all designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program. These are designated on the FEMA flood insurance rate map set by the Federal Insurance Administration as being inundated by the waters of the 100-year flood. [Ord. 3820 § 2, 1992.]

**Fruit stand.** “Fruit stand” means a building, structure, or land area used for the sale of fresh fruit or vegetables grown on-site.

### 15.13.070 G definitions.

**Garage, private.** “Private garage” means an accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on. (See also ECC [13.04.060](#), Accessory building.) [Ord. 2810 § 2.04(r), 1970.]

**General service establishment.** “General service establishment” refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include:

1. Postal service, local office only;
2. Couriers and messengers, local office only;
3. Consumer rental goods;
4. General rental centers;
5. Services to buildings and dwellings;
6. Electronic and precision equipment repair;
7. Personal and household goods repair;
8. Personal and laundry services;
9. Commercial copy centers;
10. Gas service stations with minor repair work permitted only; excludes truck stop operations unless otherwise noted;
11. Miniwarehouses and self storage units with less than fifty thousand (50,000) GFA;
12. Taxidermist;

13. Special trade contractors;

14. Veterinary services; or

15. Other uses similar in nature and impacts to those referenced above.

**Geologically hazardous areas.** “Geologically hazardous areas” means areas reasonably subject to significant hazards because of their susceptibility to erosion, sliding, earthquake or other geological events and as such are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. The intent is to classify and designate areas on which development should be prohibited, restricted or otherwise controlled because of danger from geological hazards. Those areas in the city designated as having slopes which exceed 40 percent are designated as geologically hazardous areas and subject to the requirements of Chapter ~~13-39~~ [Article 6](#) ECC, Critical Areas District. [Ord. 3820 § 1, 1992.]

**Glare.** “Glare” means light emitting from a luminaire with an intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.

**Green roof.** “Green roof” is an area of living vegetation installed on top of buildings that can help mitigate stormwater runoff, increase thermal and acoustical properties within the building, and provide habitat for wildlife.

**Grade.** “Grade” means the elevation of the ground surface. “Existing grade,” “finish grade” and “rough grade” are defined as follows:

1. “Existing grade” means the grade before grading; and
2. “Finished grade” means the final grade of the site that conforms to an approved plan.

#### 15.13.080 H definitions.

**Hazardous waste.** “Hazardous waste,” for the purpose of this title, means and includes all dangerous and extremely hazardous wastes designated in WAC [173-303-040](#), [173-303-070](#) through [173-303-103](#), and RCW [70.105.010](#). [Ord. 3648 § 2, 1989.]

**Hazard to air navigation.** “Hazard to air navigation” means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**Heavy industry.** “Heavy industry” means construction, mining, manufacturing, transportation, and public utilities due to the land use intensity impacts typically associated with large industrial uses, their accessory outdoor storage uses, and large building areas. This use category includes:

1. Animal food, meat product, seafood product manufacturing;
2. Slaughterhouses, meat processing;
3. Auto wrecking yards;
4. Breweries, wineries, distilleries;
5. Sawmills;

6. Manufactured home manufacturing;
7. Pulp, paper and paperboard mills;
8. Petroleum refining and related industries;
9. Chemical manufacturing, including compost operations ;
10. Cement and asphalt batch plants;
11. Welding and machine shops;
12. Cement manufacturing;
13. Ready-mix concrete manufacturing;
14. Other nonmetallic mineral product manufacturing;
15. Primary metal manufacturing;
16. Ammunition (except small arms) manufacturing;
17. Transportation equipment manufacturing;
18. Rail and water freight facilities;
19. Livestock feeding, cattle sales, livestock auctions;
20. Equipment yards (primary use); or
21. Other uses similar in nature and impacts to those referenced above.

**Heavy retail and service.** “Heavy retail and service” includes retail and/or service activities that may have exterior service or storage areas. This use category includes:

1. Special trade contractors;
2. Agriculture supply sales;
3. Lumber sales;
4. Truck, recreational vehicles, boats and other vehicle sales;
5. Building materials and home centers;
6. Other building materials dealers;
7. Manufactured home dealers;
8. Fuel dealers;
9. Equipment sales and service (farm and construction);
10. Truck, utility, trailer, RV rental;
11. Commercial industrial machinery and equipment rental;
12. Vehicle repair services, towing, parking, storage; motor vehicle auction;
13. Taxi and limousine service;

14. Truck stop, including other associated uses such as restaurant, laundry, showers;
15. Outdoor display and sale of prefabricated garden sheds and other similar outdoor structures, including picnic tables and play equipment;
16. Warehousing storage facilities with a maximum GFA of 50,000 square feet; or
17. Other uses similar in nature and impacts to those referenced above.

**Height.** “Height,” for the purpose of determining the height limits in all airport overlay zones set forth in Chapter 15.36 and shown on the airport overlay zone (A-O) Map “A,” the datum shall be mean sea level elevation unless otherwise specified.

For the purpose of building height, see the definition of “building height” set forth in ECC 15.13.020.

**Home occupation.** “Home occupation” means any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling. See ECC 15.34.02~~30~~ for applicable standards.

**Horizontal surface.** “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation.

**Hospital.** “Hospital” means an institution receiving in-patients and out-patients and rendering medical, surgical and/or obstetrical care. ~~This definition includes clinics. [Ord. 2810 § 2.04(t), 1970.]~~

**Hotel.** “Hotel” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, lodging, sorority or fraternity house.

#### 15.13.090 I definitions.

**Impervious surface.** “Impervious surface” means any hard surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking areas, graveled areas, sidewalks, and paved recreation areas. See ECC 15.32.030 and .040 for maximum impervious area standards and ECC 15.32.070 for additional details.

**Improvement.** “Improvement” means any building, structure, or object constituting a physical improvement of real property.

**Incentives.** “Incentives” are such compensation, rights, privileges, or combinations thereof which the Ellensburg city council or other county, state, or federal public agencies, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of designated landmarks, landmark sites, or landmark districts. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezones, street vacations, transfers of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or the like.

**Installed.** “Installed” means the initial installation of outdoor light fixtures, as defined herein, made subsequent to the enactment of the ordinance codified in this chapter and shall not pertain or apply to those outdoor light fixtures existing at the time of enactment of the ordinance codified in this chapter, or to the maintenance or replacement of existing fixtures with like or similar fixtures.

**15.13.100 J definitions.**

**15.13.110 K definitions.**

**Kenel.** “Kenel” means a place where dogs or cats are boarded for compensation and/or where dogs or cats are bred or raised for sale purposes.

**15.13.120 L definitions.**

**Lamp.** “Lamp” means the light-producing source installed in the socket portion of a luminaire.

**Landmark.** “Landmark” means any historic property and the improvement(s) thereon designated as a landmark pursuant to ECC Chapter 15.28.

**Landmark district.** “Landmark district” means a contiguous geographic area of multiple properties and/or improvements thereon designated as a landmark district pursuant to ECC Chapter 15.28.

**Landmark site.** “Landmark site” means a property, with or without improvements or above-ground features, designated as a landmark site pursuant to ECC Chapter 15.28.

**Larger than utility runway.** “Larger than utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

**Leadership in Energy and Environmental Design (LEED).** “LEED” is a green building certification system used throughout North America and internationally. Administered by the U.S. Green Building Council (USGBC), various LEED rating systems apply to residential, commercial and institutional buildings. Each rating system consists of a checklist of prescriptive and performance-based measures and certification is earned based on the number of “points” a project achieves during the design and construction process. Certification is administered through the Green Building Certification Institute. Link: [www.usgbc.org](http://www.usgbc.org)

**Light industry.** “Light industry” refers to a category of uses that accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This use category includes:

1. Construction of buildings;
2. Call centers, claim centers;
3. Heavy and civil engineering construction;
4. Special trade contractors;

5. Food and drug processing and manufacturing;
6. Beverage and tobacco product manufacturing;
7. Textile mills, textile product mills and apparel manufacturing;
8. Leather and allied product manufacturing;
9. Wood product manufacturing;
10. Paper manufacturing;
11. Printing and related support services;
12. Carbon black manufacturing;
13. Pharmaceutical and medicine manufacturing;
14. Soap cleaning compound and toilet preparation manufacturing;
15. Printing ink manufacturing;
16. Plastics and rubber product manufacturing;
17. Nonmetallic mineral product manufacturing;
18. Fabricated metal product manufacturing;
19. Machinery manufacturing;
20. Computer and electronic product manufacturing;
21. Electrical equipment, appliance and component manufacturing;
22. Motor vehicle parts manufacturing;
23. Motorcycle, bicycle and parts manufacturing;
24. Furniture and related product manufacturing;
25. Miscellaneous manufacturing;
26. Wholesale trade;
27. Non-store retailers;
28. Trucking transportation;
29. Transit and ground passenger transportation maintenance, service, storage facilities;
30. Support activities for transportation;
31. Postal service, regional;
32. Couriers and messengers, regional;
33. Warehousing storage facilities;
34. Research and development, including biotech, software;
35. Services to buildings and dwellings;

36. Medical and diagnostic laboratories;
37. Special food services;
38. Automotive paint, body, interior repair and maintenance;
39. Commercial and industrial machinery and equipment repair;
40. Heavy industry, where the business is less than 20,000 square feet;
41. Research and development facility, where the facility generally resembles and industrial or manufacturing facility or where such facility manufactures a finished product;
42. Crematories; or
43. Other uses similar in nature and impacts to those referenced above.

**Light pollution.** “Light pollution” means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

**Light trespass.** “Light trespass” means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (luminance) that exceeds one-half foot-candle at the property line

**Living Building Challenge.** “Living Building Challenge” is certification program administered by the International Living Future Institute. It addresses both residential and commercial buildings and developments and is comprised of a list of 20 performance-based imperatives, or mandatory requirements necessary to achieve certification. A Living Building must be completed and occupied for a minimum of 12-months prior to certification, which is based on actual rather than predicted performance. Link: [www.ilbi.org](http://www.ilbi.org)

**Long Plat.** “Long plat” means the map or representation of a formal subdivision, both in preliminary and final short plat form, containing all of the pertinent information as required by this title. See ECC Chapter 15.26.

**Lot.** For purposes of this title, a “lot” is a parcel of land ~~of and at least sufficient size to meet minimum zoning requirements for use, coverage, area, and yards. Such lot shall have frontage on an improved public street, and~~ may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination of parcels of land shall any residual lot or parcel be created which does not meet the requirements of this title. ~~[Ord. 2810 § 2.04(w), 1970.]~~

For the purpose of subdivision regulations set forth in Chapter 15.26, a “lot” is a fractional part of subdivided land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

~~**Lot depth.** “Lot depth” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. [Ord. 2810 § 2.04(x), 1970.]~~

~~**Lot frontage.** “Lot frontage” means that portion of the lot nearest the street. For the purpose of determining yard requirements on corner lots and on through lots, all sides of the lot adjacent to public streets shall be considered frontage and yards shall be provided as indicated in this title. [Ord. 2810 § 2.04(y), 1970.]~~

**Lot line.** “Lot line” means a line bounding a lot; synonymous with “street line” when a lot line coincides with a right-of-way line of an abutting street.

1. “Front lot line” means, for interior lots, the lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on 2 streets, designation of the front lot line shall be ~~at the discretion of the lot owner~~ made by the director.
2. “Rear lot line” means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.
3. “Side lot line” means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an “exterior side lot line”; all other side lot lines are termed “interior side lot lines.”

**Lot types – Corner, interior, through.** The following illustrates terminology used in this title with reference to lot types:

1. “Corner lot” means a lot located at the intersection of 2 or more streets.
2. “Interior lot” means a lot other than a corner lot with frontage only on one street other than an alley.
3. “Through lot” means a lot other than a corner lot with frontage on more than one street other than an alley and may also be referred to as a “double frontage lot.” [Ord. 2810 § 2.04(aa), 1970.]

~~**Lot width.** “Lot width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply. [Ord. 2810 § 2.04(bb), 1970.]~~

~~**Lowest floor.** “Lowest floor” means the first floor of a structure which provides, or is capable of providing, for human habitation or the storage of materials. This term shall include basements. [Ord. 3302 § 2(e), 1981.]~~

**Luminaire.** See definition for “fixture.”

### 15.13.130 M definitions.

**Maintenance and repair in-kind.** “Maintenance and repair in-kind” means work whose purpose and effect is to prevent or correct deterioration or damage to real property and the improvements thereon, using like materials, and returning the property to the condition and appearance that existed prior to the deterioration or damage.

**Major project design review.** “Major project design review” refers to the review process required for construction activity requiring a building permit meeting one or more of the following criteria:

1. The construction of any new nonresidential building with a gross floor area of 15,000 square feet or more;
2. The construction of any new residential building which contains 10 or more living units; or
3. All construction activity requiring a building permit which will result in any new structure or alter the exterior appearance of an existing building on the Landmarks Register as established in ECC 15.30.080.

See ECC 15.25.030 for details on the design review process.

**Manager.** “Manager” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

**Manufactured home.** “Manufactured home” means a [single family dwelling constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development \(HUD\) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.](#) See ECC 15.34.040 for applicable provisions.

**Manufactured home, designated.** “Manufactured home, designated” means a single family dwelling constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance. See ECC 15.34.040 for applicable provisions.

**Manufactured home, new.** “Manufactured home, new” means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW [82.45.032\(2\)](#). See ECC 15.34.040 for applicable provisions.

**Manufactured home lot.** “Manufactured home lot” means a portion of a manufactured home park ~~or manufactured home subdivision~~ used or intended to be used for the parking of one manufactured home, including the land covered by the manufactured home, adjacent open spaces, and attached or detached accessory buildings and structures. ~~[Ord. 3954 § 4, 1994; Ord. 2810 § 2.04(ee), 1970.]~~ See ECC 15.34.050 for manufactured home park provisions.

**Manufactured home park.** “Manufactured home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by 2 or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. See ECC 15.34.050 for manufactured home park provisions. ~~[Ord. 3954 § 5, 1994; Ord. 2810 § 2.04(ff), 1970.]~~

~~**Manufactured home subdivision.** “Manufactured home subdivision” means a subdivision comprising 5 or more manufactured home lots platted for lease or sale to the public, and restricted to such use by covenant or deed restrictions. [Ord. 3954 § 6, 1994; Ord. 2810 § 2.04(gg), 1970.]~~

**Marquee.** “Marquee” means an immobile covering structure projecting horizontally from and attached to a building and constructed of material other than cloth, canvas or other fabrics.

**Massage.** “Massage” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, the method, art or science of treating the human body for hygienic, remedial or relaxational purposes by rubbing, stroking, kneading, tapping, rolling or manipulating the human body of another with the hands, or by any other agency or instrumentality. Manipulation of the human body in the course of the practice of medicine, surgery, osteopathy, chiropractic, chiropody, naturopathy, dentistry, nursing, physical therapy, optometry or any other of the healing arts by persons licensed by the state to practice such healing arts is not included in the term “massage” as used herein.

**Massage parlor.** “Massage parlor” means any, for the purpose of adult entertainment standards set forth in ECC 15.34.010, premises where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration, except:

1. Facilities adjunct to athletic clubs, health clubs, medical facilities, hotels, motels or beauty salons; and
2. Enterprises licensed by the state and operating as approved home occupations.

**Median income.** “Median income” means the median income for the Ellensburg Micropolitan Statistical Area as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Ellensburg Micropolitan Statistical Area or Kittitas County, the city may use any other method for determining the Kittitas County median income, adjusted for household size.

**Miniwarehouse.** “Miniwarehouse” means an enclosed single story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. Ministorage is synonymous with miniwarehouse. [Ord. 3176 § 1, 1978.]

**Minor project design review.** “Minor project design review” refers to the review process required for construction activity requiring a building permit meeting all of the following criteria:

1. The construction of any new nonresidential building with a gross floor area of less than 15,000 square feet or more;
2. The construction of any new residential building which contains less than 10 living units; and
3. The development is not located on the Landmarks Register as established in ECC 15.28.080.

See ECC 15.25.030 for details on the design review process.

**Mixed-use building.** “Mixed-use building” refers to a building that includes both residential and non-residential uses and/or business or professional office uses with other non-residential uses. Such uses may be mixed vertically or horizontally in one building. Examples include a restaurant with apartments and/or professional offices upstairs or professional offices on one end of the building with retail and/or residential uses on another end.

**Mobile home.** “Mobile home” means a single-family residence transportable in one or more sections, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

**Moderate income household.** “Moderate income household” means a household whose gross income of all permanent household members over the age of 18 is equal to or less than 80 percent of the Kittitas County Median Income, adjusted for household size.

**Motel.** See definition for “Hotel” in ECC 15.13.080.

#### 15.13.140 N definitions.

**National Register of Historic Places.** “National Register of Historic Places” means the national listing of properties significant to the cultural heritage of the country.

**Net project area.** “Net project area” means all of the land area included within a development project excluding land dedicated as a public street or park.

**Nonconformance (nonconformity).** “Nonconformance” or a “nonconformity” means any use, improvement or structure established in conformance with city of Ellensburg rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of the LDC due to changes in the LDC or its application to the subject property.

**Nonconforming use.** “Nonconforming use” means, for the purpose of airport overlay zone regulations set forth in ECC Chapter 15.36, any preexisting structure, object of natural growth, or use of land that is inconsistent with the provisions of this chapter.

**Nonconformity, benign.** “Benign nonconformity” means a nonconformity that does not have a negative impact on the health and safety of the public but may have an impact on public welfare. Examples may include not enough landscaping, too few parking spaces, or minimal deviation from dimensional standards. See ECC Chapter 15.24 for applicable provisions.

**Nonconformity, detrimental.** “Detrimental nonconformity” means a nonconformity that has a negative impact on the health and safety of the public. Examples include uses involving hazardous materials, such as gasoline, in single family neighborhoods, uses that produce significant noise, such as body shops or paint shops, uses that have been deemed incompatible, such as adult entertainment establishments near schools, or uses that have large trip generation characteristics such as drive through restaurants. See ECC Chapter 15.24 for applicable provisions.

**Nonprecision instrument runway.** “Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**Nudity.** “Nudity” means unclothed, or the showing of the human genitals, pubic region, vulva or anus with less than a fully opaque covering, the showing of any female breast with less than a fully opaque covering of any part of the nipple or areola, or the showing of covered male genitals in a discernibly turgid state.

**Nursery and greenhouses (commercial).** “Nursery and greenhouses” means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor plantings conducted within or without an enclosed building.

**Nursing home.** “Nursing home” means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for 3 or more patients or residents not related by blood or marriage to the licensee. [Ord. 3181 § 1, 1978.]

### 15.13.150 O definitions.

**Obscenity.** “Obscenity”, [as referred to in ECC Chapter 15.34](#), shall mean any matter:

1. Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; or
2. Which explicitly depicts or describes patently offensive representations or descriptions of:
  - a. Ultimate sexual acts, normal or perverted, actual or simulated; or

- b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital areas; or
- c. Violent or destructive sexual acts, including but not limited to human and/or animal mutilation, dismemberment, rape and/or torture; or
- d. Has a dominant theme which appeals to the prurient interests of minors in sex; which is patently offensive because it affronts contemporary community standards relating to the description of representation of sexual matters or sadomasochistic abuse; and
- e. Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

**Obstruction.** “Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in ECC [Chapter 15.36](#).

**Occupancy.** “Occupancy” means the purpose for which a building is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include change of tenants or proprietors, but intended to indicate a change in the type of use. [Ord. 2810 § 2.04(jj), 1970.]

**Office, business or professional.** “Business or professional office” means an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, dentists, physicians, brokers, insurance agents, and optometrists. [Ord. 2810 § 2.04 (g), 1970.]

**Office, medical.** “Medical office” means an office or clinic used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

**Off-site.** “Off-site” means separate and/or geographically separated noncontiguous property located within the city of Ellensburg corporate boundaries. Off-site hazardous waste treatment and storage facilities treat and store hazardous wastes generated from separate property locations within the city of Ellensburg. [Ord. 3648 § 1, 1989.]

**One-hundred-year (100-year) flood.** “One-hundred-year (100-year) flood” means a type of flood which can be expected to occur at any time in a given year based upon recorded historical precipitation and other valid data, but with an average statistical one percent chance of being equaled or exceeded during any one year. This term is interchangeable with a “one percent” or “intermediate regional flood” or “base flood.” [Ord. 3302 § 2(f), 1981.]

**On-site.** “On-site” means the same, geographically contiguous, or bordering property. On-site hazardous waste treatment and storage facilities treat and store wastes generated on the same property. [Ord. 3648 § 1, 1989.]

**Open space.** “Open space” means any area which is preserved and/or improved to serve as active or passive recreational areas or for resource protection in an essentially undeveloped state has been landscaped or left undisturbed in a natural state. Applicable provisions are set forth in ECC 15.33.020 (related to density bonuses for subdivisions), ECC 15.41.040 (design standards for parks and open spaces integrated into subdivisions), and ECC 15.52.030 (open space standards for non-residential and multifamily uses). Also, ECC Chapter 15.54 includes open space standards for particular housing types. ~~Open air patios and any outdoor space devoted to recreation or leisure activities shall be considered as open space. Driveways and off-street parking areas may be considered as open space. [Ord. 2962 § 1, 1973; Ord. 2810 § 2.04(kk), 1970.]~~

**Operator.** “Operator” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, any person operating, conducting, or maintaining an adult entertainment business.

**Other adult entertainment facility.** “Other adult entertainment facility” means for the purpose of adult entertainment standard set forth in ECC 15.34.010, any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises’ activity, including but not limited to escort agencies, semi-nude or nude modeling studios, or similar establishments.

**Outdoor lighting fixture.** “Outdoor lighting fixture” means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.

**Owner of property.** “Owner of property” means the fee simple owner of record as exists in the Kittitas County assessor’s records.

### 15.13.160 P definitions.

**Park.** “Park” means those areas of land under public ownership devoted to passive and active recreation activities and facilities. Such activities include open spaces, playgrounds, athletic fields, athletic or recreation structures. [Ord. 3235 § 5(12), 1979.]

**Parking space, off-street.** “Off-street parking space” means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in ECC Chapter 15.55 and Section 6, public works development standards. shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way. [Ord. 2810 § 2.04(III), 1970.]

**Pedestrian accessway.** “Pedestrian accessway” refers to a publicly accessible walkway or trail that provides a mid-block connection between streets. See ECC 15.41.020(A)(4) for applicable standards.

**Pedestrian-oriented space.** “Pedestrian-oriented space” is defined in ECC 15.52.030(C).

**Permeable pavement.** “Permeable pavement” is a paving system which allows rainfall to percolate through it into the underlying soil or an aggregate reservoir. Examples include porous asphalt, porous concrete, interlocking concrete pavers, and open cell paving grids.

**Person.** “Person” means, for the purpose of airport overlay zone regulations set forth in ECC Chapter 15.36, an individual, firm, partnership, corporation, company, association, joint stock association or government entity. “Person” includes a trustee, a receiver, an assignee, or a similar representative.

**Person.** “Person” means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized.

**Personal services.** “Personal services” means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths. [Ord. 2810 § 2.04(mm), 1970.]

**Precision instrument approach.** “Precision instrument approach” is designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway. See ECC Chapter 15.36.

**Precision instrument runway 29.** “Precision instrument runway 29” is a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point. See ECC Chapter 15.36.

**Preliminary subdivision.** “Preliminary subdivision” means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. [See ECC Chapter 15.26.](#) [Ord. 4289, 2001; Ord. 3235 § 5(14), 1979.]

**Preservation planner.** “Preservation planner” means, [for the purposes of ECC Chapter 15.28,](#) the department of community development employee or consultant assigned to staff the Ellensburg landmarks and design commission and administer the historic preservation program.

**Primary surface.** “Primary surface” means, for the purpose of Airport Overlay Zone regulations set forth in ECC Chapter 15.36, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Premises.** “Premises” means a specified lot or tract of land under single ownership.

**Public agency or utility office.** “Public agency or utility office” means a building or portion thereof used primarily for administration purposes by a public agency or utility.

**Public meeting.** “Public meeting” means an informal meeting of people to obtain comments from a city commission, committee, or public agency and members of the public prior to a decision on a project permit application. The proceedings at a public meeting may be recorded and included in the permit application file. Public notice for a public meeting shall be the same as set forth for a public hearing (see ECC 15.23.020).

**Public place.** “Public place” means any area generally visible to public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles, whether moving or not.

**Public transportation.**

1. “Public transportation” means the conveyance of passengers and/or freight by buses, trains, airplanes or taxis for a fare.
2. “Passenger terminals” means the facilities used as transfer areas, ticketing agencies and administrative offices for “public transportation,” excluding taxi stands or bus stops along prescribed bus routes.
3. “Deadhead stations” means the facilities used for the storage and mechanical maintenance of vehicles engaged in “public transportation.” [Ord. 3241 § 2, 1979.]

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

**Public utility.** “Public utility” means any use of land by a local, state, or federal agency, or by any person, firm or corporation licensed or franchised by such a government agency involving the transportation or transmission of materials, signals or electrical energy by vehicle or through conduit, wire, pipe or other similar device. Typical examples of this would include water, gas and sewer mains, television or telephone lines, and refuse collection. For the purpose of this title, such uses located or to be located on the properties they are to serve shall not be included in this definition. [Ord. 3241 § 1, 1979; Ord. 2810 § 2.04(oo), 1970.]

**Public works development standards.** “Public works development standards” means those standards filed by the director of public works with the Ellensburg city clerk, as approved and adopted by reference in ECC [4.04.020](#), including any amendments thereto made in accordance with ECC [4.04.040](#). [Ord. 4446 § 3, 2006.]

**15.13.170 Q definitions.**

**Quasi-judicial decision.** “Quasi-judicial” means the action taken and discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions. The review processes III and IV as defined in ECC 15.21.030 are examples of quasi-judicial decisions.

### 15.13.180 R definitions.

**Regional retail commercial.** “Regional retail commercial” means any use which involves the display and sale of retail consumer goods and also includes personal, professional, household services, and general grocery sales. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of commercial uses; provided, that at least 50,000 square feet must be constructed for and used by one retailer. As used in this LDC, “regional retail commercial” uses are subject to special location and ~~other design~~ standards (see ECC Chapter 15.35) and a specific review process (see ECC 15.25.070). ~~that are included in the commercial tourist and highway commercial zones, the city’s design standards and the regional retail commercial master site plan permit.~~ “Regional retail commercial” development may also include other ~~permitted~~ uses provided they are permitted in the relevant zone in which such development is located. ~~[Ord. 4497 § 4, 2007.]~~

**Recreational vehicle.** “Recreational vehicle” is a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

1. Travel trailer;
2. Folding camping trailer;
3. Park trailer;
4. Truck camper;
5. Motor home; and
6. Multi-use vehicle.

Also see ECC 15.34.060 for applicable recreational vehicle park standards.

**Recreational vehicle park.** “Recreational vehicle park” means a lot, parcel or tract of land, or a portion of a manufactured home park, having as its principal use the rental of space for temporary, short-term, transient occupancy by 2 or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto. See ECC 15.34.060 for applicable standards.

**Recreation – indoor commercial.** “Recreation – indoor commercial” means a commercial recreation land use conducted entirely within a building, including, but not limited athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

**Recreation – outdoor commercial.** “Recreation – outdoor commercial” means a commercial recreation land use conducted primarily outdoors, including, but not limited to water parks, amusement parks, and miniature golf courses.

**Religious institution.** “Religious institution” means a church or place of worship or religious assembly that can have related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult day care, or playground.

**Retail.** “Retail” means any use which involves the display and sale of retail consumer goods.

**Reverse frontage lot.** “Reverse frontage lot” is a double frontage lot for which the boundary along one of the streets is established as the rear lot line.

**Reviewing authority.** “Reviewing authority” refers to the individual or official body identified as having the responsibility to review and approve or deny permit applications described in this title.

**Right-of-way.** “Right-of-way” means a general term denoting land, property or interest therein which is meant for public use, usually for transportation purposes. Rights-of-way are distinguished from easements in that they are separate and distinct from the lots adjoining such rights-of-way and are not included in any private ownership. [Ord. 3235 § 5(15), 1979.]

**Runway.** “Runway” means, for purposes of ECC Chapter 15.30, a defined area on an airport prepared for landing and takeoff of aircraft along its length.

### **15.13.190 S definitions.**

**Secondary effects.** “Secondary effects” means, for the purpose of adult entertainment standards set forth in ECC 15.34.010, increase in prostitution, sexually transmitted disease, drug and alcohol offenses and other criminal activity.

**Senior housing.** “Senior housing” means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens (over 62 years old). For the purpose of permitted uses in ECC 15.31.040, senior housing is a type of multifamily dwelling, unless it also meets the definition of senior citizen assisted housing, set forth in ECC 15.13.190(B) below.

**Senior citizen assisted housing.** “Senior citizen assisted housing” means housing in a building consisting of 2 or more dwelling units restricted to occupancy by at least one occupant 62 years of age or older per unit, and must include at least 2 of the following support services:

1. Common dining facilities or food preparation service;
2. Group activity areas separate from dining facilities;
3. A vehicle exclusively dedicated to providing transportation services to housing occupants;
4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

**SEPA rules.** “SEPA rules” means Chapter 197-11 WAC, as now existing or hereafter amended by the Department of Ecology.

**Shielding.** “Shielding” means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture. [Ord. 4586 § 1, 2011.]

**Short plat.** “Short plat” means the map or representation of a short subdivision, both in preliminary and final short plat form, containing all of the pertinent information as required by this title. [Ord. 4028 § 10, 1996; Ord. 3235 § 5(16), 1979.] [See ECC Chapter 15.26.](#)

**Short subdivision.** “Short subdivision” means the division of land into 9 or fewer lots, tracts or parcels. [Ord. 4357, 2003; Ord. 4289, 2001; Ord. 3235 § 5(17), 1979.] [See ECC Chapter 15.26.](#)

**Sign.** “Sign” means any communication device intended to attract attention to and advertise a business, service, activity, product, idea or concept. Such definition includes any letters, figures, symbols, trademarks or other copy meant to aid in such advertisement. For the purpose of ECC Chapter 15.56, a sign shall not be considered to be a building.

**Sign, A-frame.** “A-frame sign” means a small moveable sign that is not attached to the ground. Said signs are constructed often to function as a folding structure with 2 separate display faces or as a double-faced surface suspended between 2 separate supports mounted at each end of the sign face. A-frame signs are further designed to support their own weight as they rest directly on the ground without the use of permanent anchors or other exterior supports. See ECC 15.56.120 for applicable standards.

**Sign area.** “Sign area” means the entire area of a sign on which copy is to be placed. The structure supporting the sign is not included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising message, copy, graphic symbols or nonstructural trim.

**Sign, awning.** “Awning sign” means a single-faced sign attached to the front of an awning. See ECC 15.56.090 for applicable standards.

**Sign, back-lit.** “Back-lit sign” means a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign. See ECC 15.56.050 for applicable standards.

**Sign, banner.** “Banner sign” means a sign made of cloth, canvas, or other similar light-weight and flexible yet durable material that can easily be folded or rolled. Banner signs are attached to a building and generally project from the building at right angles over a sidewalk or walkway. See ECC 15.56.080 for applicable standards.

**Sign, electronic** “Electronic sign” means a sign containing a display that can be changed by an electrical, electronic or computerized process. See ECC 15.56.140 for applicable standards.

**Sign, flashing.** “Flashing sign” means an electric sign or a portion thereof which changes light intensity in a transitory burst or which switches on and off in a constant or irregular pattern. [See ECC 15.56.040.](#)

**Sign height.** “Sign height” means the vertical distance measured from the highest point of the sign to the grade of the adjacent street or ground beneath the sign, whichever point is lower.

**Sign, marquee.** “Marquee sign” means a single-faced sign attached to the front of a marquee whose sign face is parallel to the wall which supports the marquee. See ECC 15.56.090 for applicable standards.

**Sign, pole.** “Pole sign” means a sign supported by poles and not attached to any building. See ECC 15.56.060 for applicable standards.

**Sign, political.** “Political sign” means a sign advertising a candidate or candidates for public office or elective office or a political party or urging a particular vote or action on a public issue decided by ballot. [See ECC 15.56.180 for applicable standards.](#)

**Sign, projecting.** “Projecting sign” means a sign attached to a building that projects generally at right angles to the building over a sidewalk or walkway. See ECC 15.56.080 for applicable standards.

**Sign, service station.** “Service station sign” means a sign that advertises an on-site vehicular service station, including monument signs and wall signs placed on buildings, service station canopies, and fuel dispensing islands, and other permitted signs. Service station signs may include fuel price information. See ECC 15.56.130 for applicable standards.

**Sign, standing.** “Standing sign” means a small movable sign that is not attached to the ground. Standing signs are supported one or 2 poles or braces and contain 2 sign faces. See ECC 15.56.120 for applicable standards.

**Sign, under canopy.** “Under canopy sign” means a small pedestrian-oriented sign that hangs from the bottom of an awning, marquee, canopy or other building projection. Such signs are often referred to as blade or bracket signs. See 15.56.100 for applicable standards.

**Sign, wall.** “Wall sign” means any sign painted on or attached to an exterior wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall. See ECC 15.56.070 for applicable standards.

**Sign, window.** “Window sign” means a sign that is affixed on a window or placed behind the window for view from outside the building. See ECC 15.56.110 for applicable standards.

**Significant feature.** “Significant feature” means, [for purposes of ECC Chapter 15.28,-](#) any physical characteristic of a landmark, landmark site, or landmark district which the commission has stipulated in the designation as important to the historic value of the property, and for which a certificate of approval is required prior to alteration.

**Site development permit.** “Site development permit” means a permit, issued by the city, to develop, redevelop or partially develop a site exclusive of any required building or land use permit. A site development permit may include one or more of the following activities: paving, grading, clearing, filling, tree removal, on-site utility installation, stormwater facilities, walkways, striping, wheelstops or curbing for parking and circulation, landscaping, or restoration. See ECC 15.25.020 for applicable standards.

**Small Wind Energy System (SWES).** "Small Wind Energy System" means, for purposes of ECC Chapter 15.34, a wind energy conversion system with a rated output up to and including 20 kW in residential zones and up to and including 100kW in commercial, industrial and public reserve zones and consisting of: wind turbine, tower, base and associated control or conversion electronics, as well as all anchors, guy cables and hardware.

**Special valuation for improvements to historic property or special valuation.** "Special valuation for improvements to historic property" or "special valuation" means, [for purposes of ECC Chapter 15.28](#), the local option program established under the authority of Chapter [84.26](#) RCW which, once implemented, makes available to property owners a special tax valuation for rehabilitation of historic properties, under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to 10 years, the actual cost of the rehabilitation.

**Specified anatomical areas.** "Specified anatomical areas" means, [for purposes of ECC Chapter 15.34](#):

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region; or
  - b. Human anus; or
  - c. Female breast, exposing any part of the nipple, or areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities.** "Specified sexual activities" means, [for purposes of ECC Chapter 15.34](#):

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy or bestiality; or
3. Fondling or other erotic touching of human genitals, pubic region, human anus or female breast.

**Start of construction.** "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date [or the conclusion of any extension that may have been granted](#). [See ECC Title 3](#). The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [Ord. 3954 § 7, 1994.]

**Storage.** “Storage” means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC [173-303-201](#). [Ord. 3648 § 3, 1989.]

**Storefront.** “Storefront” means a building located adjacent to the sidewalk and featuring non-residential uses on the ground floor, an entry facing the sidewalk, and transparent window area along at least 70 percent of the ground floor façade between 30 inches and 8 feet above grade.

**Street.** “Street” means a thoroughfare ~~not less than 20 feet in width including an alley~~ which has been dedicated to the public and designated for public use as a street ~~and which affords a primary means of access to abutting property.~~ [Ord. 2810 § 2.04(qq), 1970.]

**Strip commercial development.** “Strip commercial development” means commercial development in a linear form along any public street. Characteristics of strip commercial development are:

1. Primary access is from one street.
2. Lot(s) are less than 300 feet deep.
3. There is little or no commercial development on the street to the rear of the lot(s).
4. Uncoordinated development of separate lots. [Ord. 3357 § 1, 1982.]

**Structure.** “Structure” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. It shall also include but not be limited to buildings, manufactured homes, walls, fences, billboards and poster panels; provided, however, for the purposes of the floodplain district provisions only, [as set forth in ECC Article 6](#), the term “structure” shall be limited to mean a walled and roofed building including a gas or liquid storage tank that is principally aboveground. [Ord. 3954 § 8, 1994; Ord. 3302 § 3, 1981; Ord. 2810 § 2.04(rr), 1970.]

**Structure.** “Structure” means, for the purpose of Airport Overlay Zone regulations set forth in ECC Chapter 15.36, an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

**Structural alteration.** “Structural alteration” means any change, addition, or modification in the supporting members of a building or structure such as bearing walls, columns, beams or girders, floor joists or roof joists. [Ord. 2810 § 2.04(ss), 1970.]

**Studio apartment.** “Studio apartment” means a dwelling unit no larger than 500 square feet with one habitable room together with a kitchen or kitchenette and bathroom facilities.

**Subdivision.** “Subdivision” means the division of land as governed by Washington State in Chapter 58.17 RCW and by Chapter 15.26 of the LDC and other applicable sections of the LDC. [Ord. 3235 § 5(19), 1979.]

**Substantial improvement.** “Substantial improvement” means any repair, reconstruction, alteration or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the alteration takes place or, if the structure is damaged, before the damage occurred. [Ord. 3302 § 2(g), 1981.]

**Supplemental directional sign.** “Supplemental directional sign” is a sign that is required under the Washington State Department of Transportation “Motorist Information Sign Program” to provide supplemental direction to assist interstate travelers to locate businesses advertised on interstate information signs through the state program. Such signs shall be no more than 24 inches by 12 inches in size, shall be of similar color and design as required under the state program for motorist information signs, and may be located at off-premises locations within the city.

### 15.13.200 T definitions.

**Temporary banners and posters.** “Temporary banners and posters” means [for the purposes of ECC 15.56.180](#), any nonpermanent banner or poster displayed on the exterior of a building or other structure on a lot of record. Such banner or poster shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary banners and posters shall be distinguished from other types of temporary decorations in their use of square or rectangular shapes and presence of letters and figures that display a message that is intended to be read by those who view the banner or poster.

**Temporary decorations.** “Temporary decorations” means, [for the purposes of ECC 15.56.180](#), pennants, balloons, flags and other such nonpermanent display which is displayed on the exterior surface of a building or lot of record. Such temporary decorations shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary decorations as defined herein shall be distinguished from other types of temporary signs, banners and posters by their wide variety of shapes and forms and their lack of letters or figures that display a message which is intended to be read by those who view the temporary decoration.

**Temporary use.** “Temporary use” means a use which will operate for less than 60 days. See ECC 15.25.010 for details.

**Theater.** “Theater” means a place of public assembly intended and expressly designed for the presentation of motion pictures, other than an adult theater.

**Theater, adult.** “Theater, adult” means, [for the purposes of ECC Chapter 15.34](#), a place of public assembly at which motion pictures, slides, video, films or any other method of visual media are presented which are distinguished or characterized by depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section, for observation by patrons therein. This shall not include movies that have been rated G, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America. [Ord. 4348, 2002; Ord. 4212, 1999.]

**Tower height.** "Tower height" means, for the purposes of ECC Chapter 15.36, the distance measured from the finished grade to the highest point of the structure.

**Transitional surfaces.** "Transitional surfaces," [for the purposes of ECC Chapter 15.36](#), extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each one foot vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

**Transportation demand management (TDM).** "TDM" means a broad range of strategies that reduce or shift use of the roadway, thereby increasing the efficiency and life of the overall transportation system. TDM programs influence travel behavior by using strategies that accommodate more person-trips in fewer vehicles, shift the location or time of day at which trips are made, or reduce the need for vehicle trips.

**Treatment.** "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amendable for energy or material resource recover, amendable for storage, or reduced in volume. [Ord. 3648 § 4, 1989.]

**Tree.** "Tree" means, for the purpose of airport overlay zone regulations set forth in ECC Chapter 15.36, any object of natural growth.

#### 15.13.210 U definitions.

**Usable floor area.** "Usable floor area" is a term used in computing parking requirements, meaning the aggregate area of a building enclosed by the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed with a building, the area for sales, display, or service shall be measured to determine equivalent usable floor area. [Ord. 2810 § 2.04(yy), 1970.]

**Utility facility.** "Utility facility" means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. For commercial wireless communication support towers, antenna arrays, and facilities, see ECC 15.34.080 for applicable standards and procedures.

**Utility runway.** “Utility runway” means, [for the purposes of ECC Chapter 15.36](#), a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

### 15.13.220 V definitions.

**Variance.** A “variance” is an authorized relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts. [Ord. 2810 § 2.04(zz), 1970.] [See ECC 15.25.050.](#)

**Vehicle.** “Vehicle” means any contrivance in or on which persons or things may be contained, carried or conveyed, whether in motion or standing, and includes mobile homes or [trailer houses](#), [recreational vehicles](#) as defined in this title, whether or not fixed or fitted with wheels or runners. (See ECC [15.13.020](#), [13.04.140](#), Building.) [~~Ord. 2810 § 2.04(aaa), 1970.~~]

**Visual runway.** “Visual runway” means, [for the purposes of ECC Chapter 15.36](#), a runway intended solely for the operation of aircraft using visual approach procedures. [Amended during 2007 codification; Ord. 4296, 2001.]

### 15.13.230 W definitions.

**Washington Heritage Register.** “Washington Heritage Register” means the state listing of properties significant to the cultural heritage of the state.

**Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties or State Advisory’s Council’s Standards.** “Washington State Advisory Council’s Standards for the Rehabilitation and Maintenance of Historic Properties” or “State Advisory’s Council’s Standards” means the rehabilitation and maintenance standards used by the Ellensburg landmarks and design commission as minimum requirements for determining whether an historic property is eligible for special valuation, and whether or not the property continues to be eligible for special valuation once it has been so classified. [Ord. 4323, 2002; Ord. 4245, 2000.]

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

State Wetlands Rating System, published by the Washington State Department of Ecology in October, 1991 (Publication No. 91-58), shall be used to identify and determine the relative functions, critical status, unique status, and sensitivity of a wetland. [Ord. 3820 § 2, 1992.]

**Wind turbine.** “Wind Turbine” means, for purposes of ECC Chapter 15.34, the parts of the wind system including the blades, generator and tail.

**Wireless communication antenna array.** “Wireless communication antenna array” means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electronic energy, which may include omnidirectional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

**Wireless communication facility.** “Wireless communication facility” means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

**Wireless communication support tower.** Wireless communication support tower” means a structure designed specifically to support a wireless communication antenna array, and may include a guy wire support tower, monopole, lattice tower and other similar structures. [Ord. 4180, 1998.]

#### 15.13.240 X definitions.

#### 15.13.250 Y definitions.

**Yard.** “Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward; provided, however, that fences, ~~and~~ walls, covered building entries, and limited building projections may be permitted in any yard subject to limitations as indicated herein. [~~Ord. 2810 § 2.04(bbb), 1970.~~]

**Yard, front.** “Front yard” means a yard extending between side lot lines across the front of a lot and abutting the front property line.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. [Ord. 2810 § 2.04(ccc), 1970.]

**Yard, rear.** “Rear yard” means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. [Ord. 2810 § 2.04(ddd), 1970.]

**Yard, side.** “Side yard” means a yard extending from the rear line of required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to an interior lot.

Widths of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established. [Ord. 2810 § 2.04(eee), 1970.]

**15.13.260 Z definitions.**