

AGENDA PLANNING COMMISSION November 14, 2024

Hybrid Meeting In-person and via Zoom



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**CITY OF ELLENSBURG
PLANNING COMMISSION AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Thursday, November 14, 2024
5:45 PM - Regular Meeting**

- 1. Call to Order and Roll Call of Members**
- 2. Approval of Agenda** (No Public Comment)
- 3. Approval of Minutes**
 - 3.A Approval of Minutes for October 10, 2024 Planing Commission Meeting
- 4. New Business**
 - 4.A Public Hearing to Consider 2024 Land Development Code Amendments
- 5. Unfinished Business**
- 6. Citizen Comment**
- 7. Staff Update/Discussion Items**
 - 7.A Commissioner Discussion Items
- 8. Commission Representative Update**
- 9. Adjournment**



For more information on the Ellensburg Planning Commission, contact Planning Manager, Jeremy Johnston, at 509-962-7232.

The Contents of this agenda have been photocopied on recycled paper.



CITY OF ELLENSBURG

Minutes of Planning Commission, Regular Meeting

Date of Meeting

October 10, 2024

Time of Meeting

5:45 PM

Place of Meeting

**Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom**

1. Call to Order and Roll Call of Members

Commissioner Harrell called the meeting to order at 5:45 p.m.

Present: Michael Buehn, Ed Harrell, Sigrid Davison, Geraldine O'Mahony, Sathy Rajendran

Absent: George Bottcher

Others Present: Jeremy Johnston-Planning Manager; Kathy Boots-Planning Technician;
David Miler-City Council Liaison

2. Approval of Agenda

Commissioner Buehn motioned to approve the agenda. Motion passed 5-0.

3. Approval of Minutes

3.A Approval of Minutes from 9/12/2024

Commissioner O'Mahony motioned to approve the minutes from September 12, 2024. Motion passed 5-0.

4. New Business

4.A Planning Commission Middle Housing Study Session

Staff member Johnston discussed recommended Land Development Code changes for housing types inline with the Housing Action Plan and State Law. Developers were consulted to help determine why incentives were not being used. In the November meeting, a few other recommended Land Development Code changes will be presented, such as plat extensions, planning permit review times, and flood codes. Townhome potential code changes are to reduce parking slightly, decrease open space, reduce landscaping so they are inline with single family residence landscaping requirements. The cottage-style housing proposed changes are an increase in size, only public open space, eliminating architectural detail, and increased height allowed. Accessory dwelling unit (ADU) proposed changes are primarily driven by House Bill 1337. At least two ADU units allowed with a primary unit, no minimum size, maximum size increase, rear setback change, and one parking spot for the second ADU. Multifamily housing proposed changes are to increase maximum density, decrease parking for smaller multifamily complexes, allow parking in rear

setback, adjust open space, remove extra energy efficiency above state code, and remove transfer of rights.

5. Unfinished Business

None

6. Citizen Comment

None

7. Staff Update/Discussion Items

7.A Commissioner Questions

Commissioner Davison suggested the City change "citizen comment" to "public comment" on agendas since not all of the public are citizens.

8. Commission Representative Update

Commissioner Harrell will be absent for the November 14, 2024, meeting.

City council liaison Miller did not have an update for the Commission.

9. Adjournment

The meeting was adjourned at 6:40 p.m.



Meeting Date: November 14, 2024
City of Ellensburg
Planning Commission Agenda Report

Agenda Subject: Public Hearing to Consider 2024 Land Development Code Amendments

Submitted by:
Department: Community Development

Suggested Motion/Action:

Move to recommend adoption of the proposed amendments to Ellensburg City Code Title 15, Land Development Code.

Background/Summary:

The City of Ellensburg is initiating a land development code amendment cycle pursuant to ECC 15.250.100. Amendments to the Land Development Code require a Type V process which includes a recommendation from the Planning Commission to the City Council on the proposed amendments. The proposed amendments include an update to Ellensburg City Code (ECC) Chapters 15.210 and 15.220 in order to comply with Washington State Senate Bill (SB) 5290, updates to various sections of Title 15 for compliance with Washington State Engrossed House Bill (EHB) 1337 and to further goals of the City's Housing Action Plan, and updates to ECC 15.130.110 and Chapter 15.630 for compliance with the FEMA's Community Assistance Visit (CAV). All of the proposed amendments are attached.

WASHINGTON STATE DEPARTMENT OF COMMERCE REVIEW, SEPA REVIEW, AND NOTICE OF PUBLIC HEARING

The City issued a SEPA Determination of Non-Significance and forwarded the proposals to the Washington State Department of Commerce on October 10, 2024. No public comments were received during the SEPA comment period. The 60-day notice to Commerce will be completed on December 9, 2024.

Notice of the November 14, 2024 Planning Commission Public Hearing was published in the Daily Record on October 31, 2024, in accordance with ECC requirements.

Previous Council Action:
None

Analysis:

PROPOSED AMENDMENTS

Permit Review Timelines (SB 5290)

In 2023, the Washington State Legislature amended the required timelines for cities to issue a final decision on land use applications. SB 5290 sets the following required timelines:

- Final decisions for project permits that do not require public notice must be issued within 65 days of the determination of completeness.
- Final decisions for project permits that require a public notice but no public hearing must be issued within 100 days of the determination of completeness.
- Final decisions for project permits that require public notice and a public hearing must be issued within 170 days of the determination of completeness.

In addition, SB 5290 requires jurisdictions to refund up to 20% of application review fees if timelines are not met.

Staff has made updates to ECC Chapters 15.210 and 15.220 to comply with SB 5290. The amendments are attached, and include the following:

- ECC 15.210.010(B) – added an exception to permit review requirements for certain indoor alterations.
- ECC Table 15.210.040(B) and 15.220.070 have been amended to meet timelines required by SB 5290. Final decisions for Type I reviews (no public notice required) will be required within 65 days of determination of completeness, and final decisions for Type II reviews (public notice required) will be required within 100 days of determination of completeness. Final decisions for Type III and IV reviews (public notice and public hearing required) were already required within 120 days of determination of completeness. Since this is already in compliance with SB 5290, staff did not change this timeline.
- ECC 15.220.020 has been amended to comply with the fee refund requirements of SB 5290.
- A new ECC 15.220.095 has been created to address reporting requirements of SB 5290.

Middle Housing & Accessory Dwelling Units (Housing Action Plan & EHB1337)

The City's Housing Action Plan was adopted in October 2021 and has the following goals:

1. Produce more housing
2. Add variety to the housing stock
3. Preserve and create income-restricted affordable housing units

Fourteen action strategies were identified to support these three goals. The proposed ECC amendments address the following strategies:

1. Encourage the construction of townhouses
2. Encourage the construction of cottage housing
3. Encourage the construction of accessory dwelling units
4. Encourage the construction of multiplex housing
6. Building added flexibility into the zoning code
9. Update housing incentives to encourage missing middle housing production.

EHB 1337 was adopted in 2023 and requires GMA cities to revise regulations to conform with the following requirements:

- A minimum of two accessory dwelling units (ADUs) must be allowed per lot that meets the minimum lot size for the principal unit.
- ADUs cannot be required to be smaller than 1,000 square feet.
- Setback requirements, yard coverage limits, tree retention mandates, and restrictions on entry door locations shall not be more restrictive for ADUs than the principal housing unit.
- Street improvements may not be required as a condition of permitting ADUs.
- Owner occupancy cannot be required for a principal unit or an ADU.
- Sale or conveyance of a condominium unit independent of the principal unit cannot be prohibited solely on the grounds that the condominium unit was originally built as an ADU.
- Aesthetic standards or design review shall not be more restrictive for ADUs than for principal units.
- Restrictions for how much on-site parking can be required, with a sliding scale for smaller lots. No on-site parking standards may be applied to ADUs located within a half-mile of a major transit stop.
- Impact fees cannot be more than 50% of those assessed to the principal housing unit.
- Covenants, conditions, and restrictions (CC&Rs) may not be adopted that limit construction of ADUs.

In preparing the attached amendments, staff met with developers and builders, conducted a joint study session of the Affordable Housing Commission and Planning Commission, and conducted study sessions with the Planning Commission. The amendments include:

- ECC 15.130.160 has been amended to add a definition of “principal unit.”
- ECC Table 15.310.040 has been amended to remove development conditions 2 and 7 and renumber the remaining development conditions. These amendments are proposed to comply with EHB 1337 and to remove obstacles to middle housing.
- ECC 15.320.090 has been amended to remove setbacks to alleys for ADUs.
- ECC Table 15.330.020 has been amended and Tables 15.330.020(A) and (B) have been deleted to comply with EHB 1337 and to remove obstacles to middle housing.
- ECC Table 15.330.020(C) has been amended to remove transfer of development rights (TDR) provisions and to provide for density bonuses for affordable housing.
- ECC 15.540.030 has been amended to remove design provisions for duplexes.
- ECC 15.540.040 has been amended so that ADU development standards are consistent with EHB 1337.
- Cottage development standards in ECC 15.540.050 have been amended to remove obstacles to middle housing.
- ECC Table 15.550.040(A) has been amended to provide updated parking requirements for ADUs and middle housing.

In addition to the amendments listed above, staff is recommending amendments to ECC 15.260.060, 15.260.120, and 15.260.180 that would allow for up to two, one-year extension

to preliminary plat deadlines. RCW 58.17.140 allows jurisdictions to adopt procedures that allow for plat extensions.

Frequently Flooded Areas (FEMA Community Assistance Visit)

On April 10, 2024, Washington State Department of Ecology staff conducted a National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) for the City of Ellensburg. As the state NFIP coordinating agency, the Department of Ecology regularly performs CAVs for participating communities in the NFIP.

The primary purpose of the CAV is to provide an assessment of the community procedures for administering and enforcing the local floodplain management program. The CAV included a floodplain tour, review of the community's floodplain management procedures, meeting with local officials, review of local permitting process, an examination of floodplain permit, variance, and subdivision files, and a summary of information gathered and issued identified.

As part of the CAV, Ecology staff reviewed the City's floodplain management ordinance, ECC Chapter 15.630, identified sections that require revisions, and recommended additional revisions. Staff has made these revisions which include:

- Updating the definition of "accessory structure" in ECC 15.130.010, clarifying the term for floodplain management purposes.
- ECC 15.630.020(C) has been amended to update critical area report requirements for frequently flooded areas.
- ECC 15.630.040(I)(2) has been amended to clarify anchoring requirements that apply the manufactured homes in the floodplain.
- ECC 15.630.050 has been amended to update residential construction and subdivision standards.
- ECC 15.630.060 has been amended to update performance standards for areas of shallow flooding.
- ECC 15.630.070 has been amended to remove an exemption to floodway certification for small projects that protect or create fish habitat. The FEMA policy that previously allowed this has been rescinded and the construction of a restoration/habitat project without a no-rise analysis is not allowed.

RECOMMENDATION

At the conclusion of the Planning Commission public hearing, the Commission shall forward a recommendation to the City Council. The decision criteria that Council must consider are set forth in ECC 15.250.100(C) as follows:

1. The amendment is in accordance with the comprehensive plan;
2. The amendment will not adversely affect the public health, safety or general welfare;
3. The amendment is not contrary to the best interest of the citizens and property owners of the city. [Ord. 4656 § 1 (Exh. O2), 2013.]

The proposed amendments are consistent with the Goals and Policies of the Housing and

Environment Chapters of the Comprehensive Plan, as well as SB 5290 and EHB 1337. The amendments would assure development review timelines, encourage production and protection of more housing, middle housing, and affordable housing, and prevent loss from flooding. Therefore, the amendments would not adversely affect public health, safety and general welfare, and they are no contrary to the best interests of the City. Therefore, staff is recommending that the Planning Commission recommend adoption of the proposed amendments to City Council.

Financial Impact:

Budget Adjustment: No

Attachments:

1. Exhibit 1 - Permit Review Timelines
2. Exhibit 2 - ADUs Middle Housing Plat Extension
3. Exhibit 3 - Frequently Flooded Areas

- [DIVISION II. - PERMITS, LEGISLATIVE ACTIONS AND PROCEDURES](#)
- [CHAPTER 15.200 - PURPOSE/ADMINISTRATION](#)
 - [15.200.010 - Purpose.](#)
 - [15.200.020 - Administration.](#)
 - [15.200.030 - User guide.](#)
- [CHAPTER 15.210 - PERMIT REVIEW PROCESS "TYPES"](#)
 - [15.210.010 - Classification of permit review process types.](#)
 - [15.210.020 - Determination of proper permit review process type.](#)
 - [15.210.030 - Permit review process types—Defined.](#)
 - [15.210.040 - Permit review process types—Decision-making, procedures and notice requirements.](#)
 - [15.210.050 - Projects under permit review process types.](#)
 - [15.210.060 - Departures.](#)
- [CHAPTER 15.220 - PERMIT REVIEW PROCEDURES](#)
 - [15.220.010 - Preapplication meeting.](#)
 - [15.220.020 - Application.](#)
 - [15.220.030 - Determination of completeness.](#)
 - [15.220.040 - Public notice of application.](#)
 - [15.220.050 - Notice board requirements.](#)
 - [15.220.060 - Optional consolidated permit process for multi-agency permit applications.](#)
 - [15.220.070 - Permit processing time limits.](#)
 - [15.220.080 - Public notice of decision.](#)
 - [15.220.090 - Limitations on refiling of applications.](#)
 - [15.220.095 - Permit processing timeline reporting](#)
 - [15.220.100 - Limitation on number of applications.](#)
 - [15.220.110 - Reserved.](#)

- [CHAPTER 15.230 - GENERAL PROVISIONS FOR PERMIT APPLICATION HEARINGS AND APPEALS](#)

- [15.230.010 - Limitations on the number of hearings.](#)
- [15.230.020 - Public notice of public hearing.](#)
- [15.230.030 - Effective date of decision.](#)
- [15.230.040 - General description of appeals.](#)
- [15.230.050 - Grounds for administrative appeal.](#)
- [15.230.060 - Standing to initiate an administrative appeal.](#)
- [15.230.070 - Appeals.](#)
- [15.230.080 - Open record hearing or appeal hearing proceedings.](#)
- [15.230.090 - Closed record hearing or appeal hearing proceedings.](#)
- [15.230.100 - Judicial review.](#)
- [15.230.110 - Conflicts.](#)

- [CHAPTER 15.240 - NONCONFORMANCE](#)

- [15.240.010 - Purpose.](#)
- [15.240.020 - Applicability.](#)
- [15.240.030 - Benign and detrimental nonconformities.](#)
- [15.240.040 - Nonconforming use.](#)
- [15.240.050 - Nonconforming structure.](#)
- [15.240.060 - Nonconforming lots.](#)

- [CHAPTER 15.250 - REVIEW AND DECISION CRITERIA FOR CERTAIN PERMITS](#)

- [15.250.010 - Temporary use permits—Type II review process.](#)
- [15.250.020 - Site development permits—Type I or II review process.](#)
- [15.250.030 - Design review—Type II review process.](#)
- [15.250.035 - Permit expiration timelines for clearing, grading and fill, and site development permits, Type I and Type II.](#)
- [15.250.040 - Conditional use permits—Type III review process.](#)

- [15.250.050 - Variances—Type III review process.](#)
- [15.250.060 - Rezones—Type IV or V review process.](#)
- [15.250.070 - Master site plans for regional retail commercial projects—Special review process.](#)
- [15.250.080 - Master plan for P-R zone uses—Type IV review process.](#)
- [15.250.090 - Comprehensive plan amendments—Type V review process.](#)
- [15.250.100 - Land development code amendments—Type V review process.](#)
- [15.250.110 - Siting essential public facilities—Type V review process.](#)
- [CHAPTER 15.260 - SUBDIVISIONS](#)
 - [15.260.010 - Citation of chapter.](#)
 - [15.260.020 - Purpose.](#)
 - [15.260.030 - Subdivision categories.](#)
 - [15.260.040 - Exemptions.](#)
 - [15.260.050 - Boundary line adjustment—Review procedures and criteria.](#)
 - [15.260.060 - Preliminary subdivision \(long plat\)—Review procedures and criteria.](#)
 - [15.260.070 - Preliminary subdivision—Required minimum improvement standards.](#)
 - [15.260.080 - Phasing of subdivision.](#)
 - [15.260.090 - Installation of improvements.](#)
 - [15.260.100 - Final subdivision application review procedures and criteria.](#)
 - [15.260.110 - Changes to approved preliminary and final subdivisions.](#)
 - [15.260.120 - Short subdivision plat \(sometimes referred to as short plats\)—Review procedures and criteria.](#)
 - [15.260.130 - Preliminary short subdivision—Required minimum improvement standards.](#)
 - [15.260.140 - Final short subdivision application review procedures and criteria.](#)
 - [15.260.150 - Short subdivision final plat—Certifications and filing.](#)
 - [15.260.160 - Short subdivision final approval—Prohibition on further division.](#)

- [15.260.170 - Changes to approved preliminary and final short subdivisions.](#)
- [15.260.180 - Binding site plan review procedures and criteria.](#)
- [CHAPTER 15.270 - ENVIRONMENTAL PROCEDURES—STATE ENVIRONMENTAL POLICY ACT \(SEPA\)](#)
 - [15.270.010 - Authority.](#)
 - [15.270.020 - Purpose.](#)
 - [15.270.030 - Conflicts.](#)
 - [15.270.040 - Scope and policy.](#)
 - [15.270.050 - Definitions.](#)
 - [15.270.060 - Purpose and general requirements.](#)
 - [15.270.070 - Planned actions.](#)
 - [15.270.080 - Integration with Model Toxics Control Act.](#)
 - [15.270.090 - Designation of responsible official.](#)
 - [15.270.100 - Lead agency determination and responsibilities—Adoption by reference.](#)
 - [15.270.110 - Categorical exemptions—Adoption by reference.](#)
 - [15.270.120 - Threshold determinations—Adoption by reference.](#)
 - [15.270.130 - Environmental impact statements \(EIS\) and other environmental documents.](#)
 - [15.270.140 - Public notice and comments—Adoption by reference.](#)
 - [15.270.150 - Designation of official to perform consulted agency responsibilities.](#)
 - [15.270.160 - Responsibility as consulted agency.](#)
 - [15.270.170 - Using existing environmental documents—Adoption by reference.](#)
 - [15.270.180 - SEPA decisions—Adoption by reference.](#)
 - [15.270.190 - SEPA/GMA integration.](#)
 - [15.270.200 - Appeals.](#)
 - [15.270.210 - Notice of action.](#)

- [15.270.220 - Forms—Adoption by reference.](#)
- [CHAPTER 15.280 - ELLENSBURG LANDMARKS REGISTER AND PROCEDURES](#)
 - [15.280.010 - Short title.](#)
 - [15.280.020 - Declaration of purpose.](#)
 - [15.280.030 - Definitions.](#) **modified**
 - [15.280.040 - Creation of Ellensburg landmarks and design commission.](#)
 - [15.280.050 - Members, qualifications and terms.](#)
 - [15.280.060 - Powers and duties.](#)
 - [15.280.070 - Officers and records.](#)
 - [15.280.080 - Landmarks and design commission staff.](#)
 - [15.280.090 - Ellensburg landmarks register.](#) **modified**
 - [15.280.100 - Review of changes to landmarks register properties.](#)
 - [15.280.110 - Application for demolition permit; demolition review standards.](#) **modified**
 - [15.280.120 - Evaluation of economic impact.](#)
 - [15.280.130 - Special valuation for historic properties.](#)
- [CHAPTER 15.290 - CODE ENFORCEMENT](#)
 - [15.290.010 - Notice—Correction order.](#)
 - [15.290.020 - Homeowners' association maintenance.](#)
 - [15.290.030 - Complaints.](#)
 - [15.290.040 - Penalty.](#)
 - [15.290.050 - Separate offense.](#)
 - [15.290.060 - Remedy by city.](#)

CHAPTER 15.210 PERMIT REVIEW PROCESS "TYPES"

15.210.010 Classification of permit review process types.

- A. Decisions on applications shall be classified as Type I, II, III, IV, or V, based on the amount of discretion exercised by the decision-maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity available. The procedures for the five different permit review process types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether an administrative appeal process is provided. The types of decisions are set forth in ECC 15.210.030 and the requirements for each type are set forth in ECC 15.210.040.
- B. Exclusions. The following permits are excluded from the permit review requirements of this division and from RCW 36.70B.060 through 36.70B.080 and 36.70B.110 through 36.70B.130, and the review processes for these excluded permits are governed instead by the individual permit review process established for each:
1. Ellensburg landmarks register designations pursuant to chapter 15.280 ECC;
 2. Historic preservation special valuation decisions pursuant to chapter 15.280 ECC;
 3. Sidewalk use permits pursuant to ECC 4.14.170;
 4. Adult entertainment licenses pursuant to chapter 6.72 ECC;
 5. Regional retail commercial master site plan applications pursuant to chapter 15.390 ECC; and
 6. Development agreements pursuant to RCW 36.70B.200 and chapter 15.380 ECC.
 7. Interior alterations that do not result in any of the following:
 - a. Additional sleeping quarters or bedrooms
 - b. Nonconformity with federal emergency management agency substantial improvement thresholds
 - c. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(Ord. 4769 § 6, 2017; Ord. 4656 § 1 (Exh. O2), 2013)

15.210.020 Determination of proper permit review process type.

- A. *Determination by director.* The director shall determine the proper procedure for all permit applications. If there is a question as to the appropriate type of process, the director shall resolve it in favor of the higher type number.
- B. *Optional consolidated project permit application processing.* A Type V legislative nonproject action shall not be consolidated with a project permit application, but may be processed concurrently with the project permit application to the extent permitted by the processes and timelines established in the LDC for each action. Unless a different consolidation process is stated elsewhere in this title, all project approvals that involve two or more project permit application processes may, at the applicant's written request, be processed collectively under the highest numbered type procedure required for any part of the application or may be processed individually under each of the procedures identified by the code. If the application is

processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

- C. *SEPA review.* SEPA review is governed by chapter 15.270 ECC and all applications shall be reviewed under SEPA, unless categorically exempt from such SEPA review. SEPA review shall be conducted concurrently with project permit review. The following actions are exempt from such concurrent review:
 - 1. Projects categorically exempt from SEPA; and
 - 2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.
- D. *Decision-maker(s).* Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the hearing examiner, followed by the designated board or commission, and then the director.
- E. *Hearings.* During the permit review process, permits are allowed only one open record hearing, which can be either an open record predecision public hearing or an open record appeal public hearing, and one closed record appeal hearing, except for the appeal of a determination of significance which must be appealed directly to city council in a closed record appeal hearing at the time it is issued and prior to any further review on the underlying permit.

(Ord. 4769 § 7, 2017; Ord. 4656 § 1 (Exh. O2), 2013)

15.210.030 Permit review process types—Defined.

- A. *Review process Type I.* These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the LDC or other adopted city development codes. Most of these decisions are made administratively through a Type I review process by the director or by the landmarks and design commission if the project involves properties listed on the landmarks register. There are generally no notice or hearing requirements and no appeal opportunity for Type I decisions except for judicial appeals. Type I decisions are not subject to environmental review under the State Environmental Policy Act (SEPA), codified at chapter 43.21C RCW (also see chapter 15.270 ECC).
- B. *Review process Type II.* Unless otherwise specified, most Type II decisions are made by the director based on standards and clearly identified criteria in the LDC or other adopted city development codes. Some landmarks and design commission decisions are also Type II decisions. Type II decisions require some level of public notice and typically do not include a public hearing but may include a predecision public meeting, except for Type II process for COAs. See ECC table 15.210.040(A). The Type II process requires that the director or other designated decision-maker issue a written report that sets forth a decision to approve, approve with modifications or conditions, or deny the application. The written decision report will also include any threshold determinations under SEPA or critical area final determinations under division VI. Such Type II project decisions are appealable to the hearing examiner in an open record appeal hearing, except for departure decisions made by the director pursuant to ECC 15.210.060 and certificate of appropriateness decisions made by the landmarks and design commission pursuant to the procedures set forth in chapter 15.280 ECC, which are appealable to city council in a closed record appeal hearing.
- C. *Review process Type III.* These are quasi-judicial decisions that are made by the designated decision-maker and involve the use of discretionary judgment in the review of each specific application. Type III decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision. Any administrative appeal of a SEPA threshold determination or critical area final determination shall be consolidated with the open record public hearing on the project permit, except a

SEPA determination of significance, which must be appealed directly to city council at the time it is issued and prior to any further review on the underlying permit.

- D. *Review process Type IV.* These quasi-judicial decisions are made by the city council and the hearing examiner and involve the use of discretionary judgment in the review of each specific application. Type IV decisions may require a predecision open record public hearing by the designated body which will then provide recommendations to the decision-maker. The final decision must include findings and conclusions in support of the decision. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a SEPA determination of significance, which must be appealed directly to city council at the time it is issued and prior to any further review on the underlying permit.
- E. *Review process Type V.* These are legislative, nonproject decisions made by the city council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands. Type V actions include comprehensive plan adoption or amendment, area-wide rezones, annexations, adoption or changes to development regulations, and the siting of essential public facilities. Because Type V actions are not project permit applications, they are not governed by the same procedural rules as project permits. Each Type V action is included separately in the LDC with its own established review and decision process.

(Ord. 4807 § 15, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.210.040 Permit review process types—Decision-making, procedures and notice requirements.

- A. *Decision-making and appeal process.* Table 15.210.040(A) sets out the permit review decision-making and appeal processes for the permit review process types.

Table 15.210.040(A)
Decision-Making and Appeal Process for Permit Review Process Types

	Type I	Type II	Type III	Type IV	Type V
Final decision made by:	Director or designated decision-maker (see ECC 15.210.050(A))	Director or designated decision-maker (see ECC 15.210.050(B))	Designated decision-maker (see ECC 15.210.050(C))	Designated decision-maker (see ECC 15.210.050(D))	City council
Recommendation made by:	NA	NA	Designated body	Designated body	Planning commission
Open record predecision public hearing	No	No Except that landmarks and design commission holds an open record public hearing (see	Yes	Yes	Yes Multiple open record predecision hearings can be held

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(Supp. No. 2, Update 1)

		chapter 15.280 ECC)			
Open record appeal public hearing	Yes	Yes, except for landmarks and design commission decisions which have a closed record appeal	No	No	No
Closed record appeal hearing	No	No, except for landmarks and design commission decisions which are appealed to the hearings examiner	Yes	No	No
Appeal to:	Superior court	Hearing examiner except director decisions on departures are appealed to city council	Hearing examiner or city council	Superior court	Superior court or to the growth management hearings board if GMA action
Judicial appeal (see ECC 15.230.100)	Yes	Yes	Yes	Yes	Yes

- B. *Procedures.* Table 15.210.040(B) sets out the permit review procedures for the five permit review process types.

Table 15.210.040(B)
Procedures for Permit Review Process Types

	Type I	Type II	Type III	Type IV	Type V
Preapplication meeting (see ECC 15.220.010)	No	No ¹	Yes	Yes	No

Notice of complete application (see ECC 15.220.030)	No	Yes	Yes	Yes	No
Notice of application (see ECC 15.220.040)	No	Yes	Yes	Yes	No
SEPA determination (see chapter 15.270 ECC)	No	Yes if applicable	Yes if applicable	Yes	Yes if applicable
Notice of hearing (see ECC 15.230.020)	No	No	Yes	Yes	Yes
Notice of decision (see ECC 15.220.080)	Yes	Yes	Yes	Yes	Yes
120-day 120-day Review period (see ECC 15.220.070)	No 65 No ²	Yes 100 Yes	Yes 120 Yes	Yes 120 Yes	No

Notes/conditions:

1. A preapplication meeting shall be required for all major design review projects and short subdivisions as set forth in ECC 15.250.030.
 2. Short subdivisions have a 60-calendar-day deadline for issuance (after determination of complete application). A final subdivision must issue in 30 calendar days and a preliminary subdivision must issue in 90 calendar days (after determination of complete application). See RCW 58.17.140 and ECC 15.260.060 and 15.260.120. [Permit review periods for type 1 applications are calculated from the date of application submittal.](#)
- C. *Notice requirements.* Table 15.210.040(C) sets out the notice requirements for the five permit review process types.

Table 15.210.040(C)
Notice Requirements for All permit Application Types, Unless Otherwise Stated.
See chapter 15.220 ECC.

	Send to property owners within 300'	Public notice (see ECC 15.220.040)	Post property (see ECC 15.220.050)	Send to agencies	Send to applicant
Notice of completeness (see ECC 15.220.040)					X
Notice of application (see ECC 15.220.040)	X	X, except for Type I permits	X, except for Type I and II permits	X	X

SEPA determination (see chapter 15.270 ECC)		X	X	X	X
Notice of open record predecision hearing or meeting, if applicable	X	X	X for site-specific proposals		X
Notice of decision (see ECC 15.220.080)		X	X, except for Type I and II permits		X
Notice of appeal hearing, if applicable	X	X			X

(Ord. No. 4935 , § 3, 12-18-2023; Ord. 4807 § 16, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.210.050 Projects under permit review process types.

- A. *Review process Type I.* Table 15.210.050(A) identifies the types of projects and permits that require a Type I review process. Any decision-making, procedural, or noticing variations from the Type I review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(A)
Projects Under Type I Review Process

Where superscript numbers are included in a cell, please reference the applicable number under "notes/conditions" below the table.

Type I project ¹	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Boundary line adjustments	No variation	ECC 15.260.050
Code interpretation	No variation	ECC 15.110.060(F)
Commercial wireless communication support towers, antenna arrays and	No variation except if on a landmarks register property, then must undergo review and decision by the landmarks commission as	ECC 15.340.070

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facilities in residential zones	Type II project (see ECC 15.340.070)	
Critical area exemption request or allowable activity	No variation	Division VI
Critical area initial and final determination	See division VI for process variation	Division VI
Final short subdivision approval	(See ECC 15.260.120)	Chapter 15.260 ECC
Final subdivision approval	Final decision by city council (see ECC 15.260.060)	ECC 15.260.060
Home occupation	No variation	ECC 15.340.020
Minor changes to approved preliminary subdivision	No variation	ECC 15.260.110
Minor preliminary plat alteration	No variation	ECC 15.260.110(A)
Minor revision to regional retail commercial master site plan	No variation	ECC 15.390.040(C)(4)
Nonconforming use determination	No variation	Chapter 15.240 ECC
Permitted use	No variation	Chapter 15.310 ECC
Site development permits (no SEPA required)	No variation	ECC 15.250.020
Small wind energy system (one per parcel) ²	No variation except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. See ECC 15.340.060	ECC 15.340.060

Notes/conditions:

1. If any Type I project requires a SEPA threshold determination it automatically becomes a Type II project.
2. Where more than one small wind energy system is proposed for a parcel, then a conditional use permit is required.

- B. *Review process Type II.* Table 15.210.050(B) identifies the types of projects and permits that require a Type II review process. Any decision-making, procedural, or noticing variations from the Type II review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(B)
Projects Under Type II Review Process

Where superscript numbers are included in a cell, please reference the applicable number under "notes/conditions" below the table.

Type II project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Administrative variance	No variation	ECC 15.500.040
Commercial wireless communication support towers, antenna arrays and facilities in commercial and industrial zones	No variation, except landmarks register properties require decision by landmarks and design commission after a public hearing	ECC 15.340.070
Critical area exception for public agency or reasonable use	No variation	Division VI
Design review, major and minor	No variation	ECC 15.250.030 Division V (Project Design)
Design review departure request for landmarks register property	Decision by landmarks and design commission after a public hearing; appeal closed record to city council	ECC 15.210.060 (Departures)
Design review departure request for non-landmarks register property	Appeal open record to city council	ECC 15.210.060 (Departures)
Landmark certificate of appropriateness (COA)	Landmarks and design commission decision after public hearing; appeal closed record to city council	ECC 15.280.090
Landmarks register demolition	Landmarks and design commission decision after a public hearing; appeal closed record to city council	ECC 15.280.090

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Short subdivision alteration	No variation	ECC 15.260.170(C)
Short subdivision, preliminary	No variation	Chapter 15.260 ECC (Subdivisions), Division IV (Community Design)
Site development permit (if SEPA required)	No variation	ECC 15.250.020
Temporary use	No variation	ECC.250.010

- C. *Review process Type III.* Table 15.210.050(C) identifies the types of projects and permits that require a Type III review process. Any decision-making, procedural, or noticing variations from the Type III review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(C)
Projects Under Type III Review Process

Where superscript numbers are included in a cell, please reference the applicable number under "notes/conditions" below the table.

Type III project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Binding site plan	City council decision	ECC 15.260.180
Conditional use permit	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.250.040
Extension requests for regional retail commercial master site plan projects	City council decision after open record public hearing	ECC 15.390.040(C)(3)
Variance	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.250.050
Variance for critical areas regulations	Hearing examiner decision after open record hearing; appeal closed record to city council	ECC 15.610.210 and 15.610.215 (frequently flooded areas)

- D. *Review process Type IV.* Table 15.210.050(D) identifies the types of projects and permits that require a Type IV review process. Any decision-making, procedural, or noticing variations from the Type IV review process

are described in the middle column. The right column identifies code sections applicable to the project/permit.

Table 15.210.050(D)
Projects Under Type IV Review Process

Where superscript numbers are included in a cell, please reference the applicable number under "notes/conditions" below the table.

Type IV project	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Major revisions to regional retail commercial master site plans	Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing; not subject to decision timelines	ECC 15.390.040(C)(4)
Master plan for P-R zone uses	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	ECC 15.250.080 and 15.310.050
Plat alteration (major)	City council decision after open record hearing	ECC 15.260.110(C)
Plat vacation	City council decision after open record hearing	ECC 15.260.110(B)
Preliminary subdivision	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	Chapter 15.260 ECC
Regional retail commercial master site plans	Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing ¹ ; not subject to timelines	ECC 15.390.040 (master site plan provisions for regional retail commercial projects)
Site-specific rezone	Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing	ECC 15.250.060 Chapter 15.300 ECC

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Notes/conditions:

1. For review of a regional retail commercial master site plan related to a rezone application, subdivision application, a short subdivision application, or a binding site plan application, see ECC 15.390.040(C).
- E. *Review process Type V.* Table 15.210.050(E) identifies the types of approvals and permits that require a Type V review process. Any decision-making, procedural, or noticing variations from the Type V review process are described in the middle column. The right column identifies code sections applicable to the permit.

Table 15.210.050(E)
Approvals Subject to Type V Review Process

Where superscript numbers are included in a cell, please reference the applicable number under "notes/conditions" below the table.

Type V approvals	Decision-making, procedures or noticing variation from ECC 15.210.040	Relevant ECC chapter or section(s)
Annexations	No variation	Chapter 15.360 ECC
Comprehensive plan amendment	See ECC 15.250.090	ECC 15.250.090
Essential public facilities	See ECC 15.250.110	ECC 15.250.110; RCW 36.70A.200; and chapter 11 of the comprehensive plan
Land development code amendment	See ECC 15.250.100	ECC 15.250.100
Rezone (other than site specific)	No variation	ECC 15.250.060 and chapter 15.300 ECC

(Ord. No. 4935 , § 4, 12-18-2023; Ord. 4878 § 14, 2021; Ord. 4807 § 17, 2018; Ord. 4803 § 2, 2018; Ord. 4769 §§ 8—10, 2017; Ord. 4656 § 1 (Exh. 02), 2013)

15.210.060 Departures.

- A. *Overview and purpose.* The LDC provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the "purpose" of the particular standard and any additional departure criteria set forth for the particular departure opportunity.
- B. *Departures are voluntary.* This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.
- C. *Applicability.* Departure opportunities are available only to specific standards that allow for departures. Divisions IV and V include one or more standards that allow for departure opportunities.

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- D. *Procedures.* Permit applications that include departure requests go through the standard review procedures set forth in ECC 15.210.050 depending on the application type.
 - E. *Approval criteria.* Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
 - F. *Documentation.* The decision-maker shall document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city.

(Ord. 4656 § 1 (Exh. O2), 2013)

CHAPTER 15.220 PERMIT REVIEW PROCEDURES

15.220.010 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type III or IV permit, major design review project (Type II review) permit, short plats (Type II review), duplexes, multifamily dwellings, and commercial projects. Other applications may be required to have a preapplication meeting at the discretion of the director based on the complexity of the project.

Applicants for other permits are encouraged to request a preapplication meeting with the city. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable city requirements and the permit review process including the permits required by the action, timing of the permits and the approval process.

The director shall specify submittal requirements for preapplication meetings, which shall include a critical areas information form if critical areas are involved with the project. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application or a proposed project unless such plans have been submitted as part of a project permit application that previously has been deemed complete by the city. A summary of a preapplication meeting, including any documentation provided to the city by the applicant or to the applicant by the city, shall be made and included in the project file following the meeting.

(Ord. 4807 § 18, 2018; Ord. 4803 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.220.020 Application.

A. *Who may apply.* An application may be submitted by:

1. The property owner or any agent of the property owner with written authorization of agency to submit the application for the property owner for any Type I, II, III or IV permit. The city council, planning commission, or city staff may initiate a Type V application except for comprehensive plan amendments which are governed by ECC 15.250.090.
2. Each applicant submitting a project permit to the city shall designate a single person or entity to receive determinations and notices under this title. The applicant shall include the name, current address and current telephone number of the designated person or entity. The applicant shall be responsible for immediately notifying the city of any change of name, address or telephone number of the designated person or entity.

B. *Submittal requirements.*

1. The director shall prepare written submittal requirements for each type of permit application, including type, detail, and number of copies to be submitted for an application to be deemed complete. The director may waive specific submittal requirements determined to be unnecessary for review of an application. The director may require additional material such as maps, studies, or models when the director determines such material is needed to adequately assess the proposed project. Applicants may obtain application materials from the community development department.
2. In addition to the submittal requirements and conditions set forth above, the following project permit applications require specific submittal materials that are set forth in the identified LDC sections:

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- a. Short subdivision, preliminary subdivision, and binding site plan submittal requirements are set forth in chapter 15.260 ECC;
 - b. Certificate of appropriateness application requirements are set forth in chapter 15.280 ECC;
 - c. Regional retail commercial master site plan application requirements are set forth in chapter 15.390 ECC; and
 - d. Critical area determinations are set forth in division VI.

3. Eighty percent of all application fees are due at the time of application submittal. The remaining twenty percent is due prior to permit issuance. In the event the Department does not issue a decision within the time limits established in ECC 15.210.040(B), the remaining twenty percent of the permit fees shall be reduced by the following amounts:

- a. Ten percent of the full permit fee if the decision was delayed no more than twenty percent of the overall processing timeline.
- b. Twenty percent of the full permit fee if the decision was delayed more than twenty percent of the overall processing timeline.

Example

A type 3 process has a maximum processing timeline of 120 days from the date of notice of complete application. If the Department processes a type 3 application and issues the decision between 121 and 144 days, the applicant's complete permit payment will be reduced by ten percent. If the Department issues a determination beyond 144 days, the applicant will receive a twenty percent reduction in the permitting fee.

- c. The timelines established in ECC 15.210.040(B) do not include:
 - i. Circumstances in which an applicant and the Department agree in writing upon an extension to the processing timeline.
 - ii. Any time in which the Department is waiting on the applicant to submit information necessary for application processing, which has been requested by the Department in writing.
 - iii. Any exception noted in ECC 15.220.070 or otherwise expressed in Chapter 15.220.

(Ord. 4807 § 19, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.220.030 Determination of completeness.

- A. *Written determination.* Within 28 calendar days after receiving an application for a Type II, III or IV decision, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete. If the director does not provide a written determination within the 28 calendar days, the application shall be deemed complete as of the end of the 28th calendar day.
- B. *Additional information request and timeline.*
 - 1. If the additional information requested by the director is not fully submitted within 90 calendar days from the date it was requested, the application shall be considered withdrawn and any unspent filing fees, as determined by the director, shall be returned to the applicant. The applicant may submit a written request for up to a 90-day extension of this deadline. The director may grant a single extension

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- if there is a demonstration that the applicant is actively working on obtaining the requested information, and such extension is in the interests of the city.
2. Within 14 calendar days after receiving any additional information needed to make the application complete, the director shall provide to the applicant a written determination that the application is complete, or that the application is incomplete and what is necessary to make the application complete.
- C. *Criteria.* A permit application is complete for the purposes of this section when it meets the submittal requirements established by the director in ECC 15.220.020, even though additional information may be required or subsequent project modifications may occur. The determination of completeness shall not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if new information is required to complete review of the application or substantial changes in the permit application are proposed.
- (Ord. No. 4929 , § 9, 11-6-2023; Ord. 4807 § 20, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.220.040 Public notice of application.

- A. *Issue notice.* Within 14 calendar days of the determination of completeness, the city shall issue a notice of application for all Type II, III, and IV projects. Notice of any SEPA pre-threshold determination comment opportunities available pursuant to chapter 15.270 ECC or critical area determination comment opportunities pursuant to division VI shall be combined with the notice of application.
- B. *Notice contents.* The notice of application shall include the following information:
1. The dates of application, determination of completeness, and the date of the notice of application;
 2. The name and address of the applicant or the applicant's designated agent;
 3. The location and description of the project;
 4. The requested actions and any required studies, if known;
 5. The date, time, and place of any predecision public meeting or open record hearing, if one has been scheduled;
 6. Identification of any environmental or critical area documents related to the project, if any, and where they are located for review;
 7. A statement of the limits of the public comment period. With the exception of short subdivisions which have a 14-calendar-day comment period, the comment period for all applications subject to review under this section is 21 calendar days beginning on the day following the date of notice of application;
 8. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 9. The name and phone number and email address of the city staff contact for the application;
 10. Identification of the known development regulations that will be used in determining consistency of the project with the comprehensive plan; and
 11. Any other information that the city determines to be appropriate.
- C. *Public notification.* The notice of application shall be made available to the public, through the following methods:

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1. *Mail.* For site-specific proposals requiring a Type II (except signs), Type III or Type IV review process, the department shall mail notice to owners of real property located within 300 feet of the subject property and to any agencies with jurisdiction;
 2. *Post site.* The applicant for site-specific proposals requiring a Type III or IV review process and/or requiring SEPA review pursuant to chapter 15.270 ECC, shall post a notice board on the site at the applicant's expense within five calendar days after the date of issuance of the determination of complete application per the requirements set forth in ECC 15.220.050 and 15.270.120. Type V annexation proposals shall be posted as required in chapter 35A.14 RCW and verified by an affidavit of publication; and
 3. *Newspaper.* For Type II permits (except signs), site-specific proposals requiring a Type III or Type IV review process, and for non-site-specific proposals requiring a Type V review process, the department shall also publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, staff contact information, and the location where the complete application may be reviewed.
- D. *Public comments.* The department must receive all comments received on the notice of application by 5:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, faxed, or personally delivered.

(Ord. No. 4929 , § 4, 11-6-2023; Ord. 4807 § 21, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.220.050 Notice board requirements.

Posted notice for a proposal as required in ECC 15.220.040(C)(2) shall consist of one or more notice boards posted at the applicant's expense by the applicant within five calendar days following the department's issuance of a determination of completeness as follows:

- A. *Notice board.* The department shall provide the applicant with a reduced paper copy of the required notice which the applicant shall be responsible for enlarging to a six-square-foot (two feet tall by three feet wide) waterproof sign for posting;
- B. *Number of boards.* A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing. Additional notice boards may be required by the department when:
 1. The site does not abut a public road;
 2. A large site abuts more than one public road; or
 3. The department determines that additional notice boards are necessary to provide adequate public notice;
 4. Type V annexation by petition proposals shall be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation pursuant to RCW 35A.14.130.
- C. *Location of the notice board.* The notice board shall be located:
 1. At the midpoint of the site's street frontage or as otherwise directed by the department for maximum visibility;

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2. Five feet inside the street property line except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the department;
 3. So that the top of the notice board is between seven to nine feet above grade; and
 4. Where it is completely visible and readable from the facing property line of the site.
- D. Notice boards shall be:
1. Maintained in good condition by the applicant during the notice period through the time of the final city decision on the proposal, including the expiration of any applicable appeal periods and, for decisions that are appealed, through the time of the final resolution of any appeal. Failure to properly maintain the notice board in good condition and in the proper location as specified above may result in the director making a determination that there is a need to provide additional time for public notice;
 2. In place at least 21 calendar days prior to the date of any required hearing for a Type III or IV project, or at least 14 calendar days following the department's issuance of a determination of completeness for any Type II project;
 3. Removed within 14 calendar days after the final decision has been made on the project and all applicable appeal periods have passed;
 4. Removal of the notice board prior to the required time above may be cause for discontinuance of city review until the notice board is replaced and remains in place for the specified time period; and
- E. An affidavit of posting shall be submitted to the department by the applicant within seven days following the department's determination of completeness to allow continued processing of the application by the department.

(Ord. No. 4929 , § 5, 11-6-2023; Ord. 4807 § 22, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.220.060 Optional consolidated permit process for multi-agency permit applications.

The applicant for a development permit(s) from the city which also involves applications for development permits from other agencies may request that one open record public hearing be held between the city and any other public agency with jurisdiction. The intention of such combined public hearing would be to supply the different public agencies with the same public record for their separate review and decision-making process.

Such request for a combined public hearing shall be subject to mutual agreement between the applicant and the city as to the timing of the public hearing and the expense related to compiling the record required by the various public agencies involved.

(Ord. 4656 § 1 (Exh. 02), 2013)

15.220.070 Permit processing time limits.

- A. Decisions on Type I permits should be issued within ~~653030~~ calendar days from the date of ~~issuance of a determination that the application is complete~~application submittal and, in the event that the decision will take longer than ~~6530~~ calendar days, the applicant shall be notified and provided with a reason for the delay and an estimate of the time frame in which the decision will be made. Decisions on Type II project permits shall be made within 100 calendar days. Decisions on Type ~~II, II, III,~~ or IV project permits shall be made within

120 calendar days from the date of issuance of a determination that the application is complete. Exceptions to this 120-calendar-day time limit are:

1. Substantial project revisions are made or requested by an applicant, in which case the 120 calendar days will be calculated from the time that the city determines the revised application to be complete;
2. The time required to prepare a critical area report pursuant to division VI (if applicable) and the time required to issue a draft and final environmental impact statement (EIS) in accordance with the State Environmental Policy Act (if applicable);
3. Any period for administrative appeals of project permits;
4. Landmarks and design commission certificates of appropriateness must be issued within ~~30~~ 10030 calendar days of the application being deemed complete, unless the COA involves another permit application review process, in which case the permit processing time limits are governed by that other permit application review process, or unless the COA is for a demolition in which case the time limits set forth in ECC 15.280.090 shall apply;
5. Amendments to the comprehensive plan or LDC for which the schedule for adoption is established legislatively;
6. Short subdivisions, preliminary and final subdivisions, and binding site plans which are governed by the processing time limits set forth in chapter 15.260 ECC; or
7. Development agreements (see chapter 15.380 ECC and RCW 36.70B.200).
8. Any written notice from the Department requesting additional information shall include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review. Non-responsiveness means that the applicant is not making demonstrable progress on providing additional requested information to the Department, or that there is no ongoing communication from the applicant to the Department on the applicant's ability or willingness to provide the additional information..

B. The time limits set for Type I, II, III, or IV projects do not include:

1. Any period of time during which the applicant has been requested in writing by the department to correct plans, perform studies, including critical area reports pursuant to division VI, or provide additional information. This period of time shall be calculated from the date the department notifies the applicant of the need for such additional information, studies or reports, until the date the department determines that the additional information satisfies the request for such information or 14 calendar days after the date the information has been provided to the department, whichever is earlier.
2. If the department determines that the additional information submitted to the department by the applicant under subsection (B)(1) of this section is insufficient, the department shall notify the applicant of the deficiencies in writing within 14 calendar days from the date the information was provided to the department, and the procedures provided in subsection (B)(1) of this section shall apply as if a new request has been made.

C. If the department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall notify the applicant of that inability to issue the final decision within the prescribed time limits. Such notice shall include a statement of the reasons why the time limit has not been met and an estimated date for issuance of the notice of decision.

(Ord. 4807 § 23, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.220.080 Public notice of decision.

For Type I, II, III, and IV project permits, the director shall issue and mail a notice of decision to the parties of record, to any person who, prior to the rendering of the decision, requested notice of the decision in writing and to the Kittitas County assessor's office. The notice of decision may be a copy of the final report, and must include the SEPA threshold determination and critical area final determination if the project was not categorically exempt from SEPA and critical area determination. For Type III and IV permits, the notice of decision shall also be posted on the subject property and published in the city's official newspaper pursuant to the requirements in ECC 15.220.040(C) and 15.220.050.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.220.090 Limitations on refiling of applications.

Upon denial of an application by the director, the hearing examiner or the city council, no new application for substantially the same proposal shall be accepted within one year from the date of denial.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.220.095 Permit processing timeline reporting.

The city shall prepare annual performance reports consistent with the requirements of RCW 36.70B.080. These reports shall be provided to the Washington State Department of Commerce and published on the City website no later than March 1 of each year to reflect the previous year's reporting data. Monitoring of this data for reporting purposes shall begin January of 2025.

15.220.100 Limitation on number of applications.

The city shall not accept more than one application for a development proposal for each development site at any one time, unless all applications are necessary for the same development proposal.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.220.110 Reserved.

Editor's note(s)—Ord. No. 4929 , § 7, adopted November 6, 2023, redesignated former § 15.220.110, which pertained to permit expiration timelines for clearing, grading and fill, and site development permits, as § 15.250.035.

15.130.160 P definitions.

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.

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 chapter 15.550 ECC and section 6, parking standards, public works development standards.

Pedestrian accessway refers to a publicly accessible walkway or trail that provides a mid-block connection between streets. See ECC 15.420.020(A)(3) for applicable standards.

Pedestrian-oriented space is defined in ECC 15.520.030(C).

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.

Permit, project permit, or project permit application means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

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. "Person" includes a trustee, a receiver, an assignee, or a similar representative.

Personal service means a use that provides a service that is nonmedical as a primary use and may include accessory retail sales of products related to the services. Examples would include but not be limited to: barber, beautician, masseur, tailors, clothing rental, shoe repair shops, and steam and sauna baths.

Personally identifiable information, for the purpose of chapter 15.370 ECC, means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

Places of assembly means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Planning commission means the Ellensburg planning commission created by chapter 1.14 ECC.

Plant means, for the purpose of chapter 15.370 ECC, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

Precision instrument approach is, for the purpose of chapter 15.350 ECC, designed to provide an approach path for exact alignment and descent of an aircraft on final approach to a runway.

Precision instrument runway 29 is, for the purpose of chapter 15.350 ECC, 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.

Preliminary subdivision or plat 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 chapter 15.260 ECC.

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

Preservation planner means, for the purposes of chapter 15.280 ECC, 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 means, for the purpose of airport overlay zone regulations set forth in chapter 15.350 ECC, 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.

Principal unit is a single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

Process means, for the purpose of chapter 15.370 ECC, to handle or process cannabis in preparation for medical use.

Produce means, for the purpose of chapter 15.370 ECC, to plant, grow, or harvest cannabis for medical use.

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

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.

Public place includes, for the purpose of chapter 15.370 ECC, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

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."

Public use means any use of land by the public or a local, state or federal government agency.

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.

Public works development standards means those standards filed by the director of public works and utilities 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. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.310.040 - Use tables.

Table [15.310.040](#)
Residential-Based Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
RESIDENTIAL, GENERAL															
Dwelling, single-family * (ECC 15.540.020)	P	P	P		P										P
Dwelling, cottage * (ECC 15.540.050)	P	P	P		P									A ⁵	
Dwelling, duplex * (ECC 15.540.030)	P ²	P ²	P		P			P ⁷	P ⁷		<u>P</u>	<u>P</u>		A ⁵	
Dwelling, townhouse * (ECC 15.540.060)	P ²	P ²	P	P	P	P ²		P ⁷	P ⁷		P	P		A ⁵	
Dwelling, multifamily * (Division V of this title)	P ^{1,4}	P ^{1,4}	P	P	P	P ²	C	P ⁷	P ⁷		P	P		A ⁵	
Dwelling, live-work *	P ³	P ³	P ³	P ³	P ³	P		P ⁷	P ⁷		P	P			
Manufactured home park * (ECC 15.340.040)	C	C	C	P	C									A ⁵	P
GROUP RESIDENCES															

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
Boarding houses, lodging houses		C	P	P	C			P ⁷	P ⁷		P	P		A ⁵	
Adult family home *	P	P	P	P	P	P		P ⁷	P ⁷		P	P		A ⁵	
Community residential facility *			C	C	C	C		P ⁷	P ⁷		P	P		P/A ⁵	
Senior citizen assisted housing *			P	P	P	P		P ⁷	P ⁷		P	P		A ⁵	
RESIDENTIAL ACCESSORY USES															
Accessory dwelling unit * (ECC 15.540.040)	P	P	P	P	P			P ⁷	P ⁷						
Home occupations * (ECC 15.340.020)	P	P	P	P	P	P	P	P ⁷	P ⁷	P	P	P	P	P ⁵	P

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in table [15.320.030](#) and [chapter 15.330](#) ECC.

~~2. Duplexes and townhomes are permitted in the R-L and R-S zones on infill lots (preexisting legal lots of record as of December 31, 2021) notwithstanding the maximum density limits in table [15.320.030](#). For lots recorded after this date, duplexes and townhomes are permitted in the R-L and R-S zones but must meet the density requirements of ECC [15.320.030](#).~~

2. Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.

3. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district.

4. Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.

5. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC [15.310.050](#)).

~~7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC [15.510.050\(E\)](#).~~

15.320.090 Setbacks from alleys.

Accessory buildings ~~and accessory dwelling units, where built on top of an existing garage, and accessory dwelling units, where built on top of an existing garage,~~ may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley. [Side property line setbacks still apply.](#)

(Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

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

Table [15.330.020](#) summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in subsections (A) through (F) of this section. Developments may use a combination of bonus elements provided they comply with the maximum density provisions set forth for the zone in table [15.320.030](#). An exception to the maximum density provisions is only provided for projects complying with net zero energy standards as set forth in subsection (A) of this section.

Table [15.330.020](#)
Density Bonuses for the R-S and R-L Zones

Bonus element	Density bonus % increase	Special conditions
Energy efficient construction/Built Green, LEED or other similar environmental certification	25—150%	See subsection (A) of this section for details
Greater mix of housing types	10—15%	See subsection (B) of this section for details. This option may be applied to all development sites with at least 5 acres
Off-street trails	5—20%	See subsection (C) of this section for details
Transfer of development rights (TDR)	Up to 50%	See subsection (D) of this section for details
Historic preservation	15 to 50%	See subsection (E) of this section for details
Affordable housing	15 to 50 <u>100%</u>	See subsection (F) of this section for details

~~A.—Energy efficient construction.~~

~~1.—Table of green building and energy efficient density bonuses. Four tiers of density incentives are employed to promote increasing levels of green building performance and higher energy efficiencies (via a green building rating system) in new developments. Applicable green building rating systems shall be indicated on the plat and confirmed with individual building permit application as directed in subsection (A)(2) of this section, project certification. The~~

following table outlines density bonuses associated with specific green building rating systems for single-family, duplex and townhouse developments in the R-S and R-L zones.

Table 15.330.020(A)
Energy Efficiency Density Bonuses for the R-S and R-L Zones

Density bonus	20%	50%	100%	150%
Compliance paths for single-family, cottages, duplexes, townhouses, and multifamily				
Certification level required-*	LEED-Silver or Built Green-4-star	LEED-Gold or Built Green-5-star	LEED-Platinum	Living Building Challenge

Conditions/notes:

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

2. Project certification.

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

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

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

1. Housing mix density bonus table.

~~Table 15.330.020(B)~~
~~Housing Mix Density Bonuses~~

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

~~2. Alternative housing types include:~~

- ~~a. Accessory dwelling units (ADU) complying with design provisions set forth in ECC 15.540.040. Also note that while ADUs do not count as a unit for the purpose of calculating density, they may be counted as an alternative housing type for the purpose of calculating the percentage of alternative housing types to total permitted units;~~
- ~~b. Small detached single-family dwelling units. This includes dwellings no larger than 1,400 square feet in gross floor area, excluding an attached or detached garage or other nonhabitable floor area. Such dwellings must comply with design provisions set forth in ECC 15.540.020;~~
- ~~c. Cottage dwelling units, complying with design provisions set forth in ECC 15.540.050. Also note that each cottage shall count as one-half of a dwelling unit for the purpose of calculating allowed density. However, for the purpose of determining the percentage of alternative housing types, each cottage dwelling may be counted as a single unit;~~
- ~~d. Duplexes complying with design provisions set forth in ECC 15.540.030;~~
- ~~e. Townhouses complying with design provisions set forth in division V and notably ECC 15.540.060; and~~
- ~~f. Multifamily buildings, where permitted in the applicable zoning district, complying with design provisions set forth in division V.~~

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

C. Off-street trails.

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

Table [15.330.020\(C\)](#)
Off-street Trail Density Bonuses

Trail type	Trail extent	Density bonus %
Walking, soft surface	>1 lf of trail/4 lf of site perimeter length	5%
	>2 lf of trail/4 lf of site perimeter length	10%
Walking, hard surface	>1 lf of trail/4 lf of site perimeter length	10%
	>2 lf of trail/4 lf of site perimeter length	15%
Multi-use	>1 lf of trail/4 lf of site perimeter length	15%
	>2 lf of trail/4 lf of site perimeter length	20%

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

- a. The Federal Highway Administration's (FHWA's) National Bicycling and Walking Study: Case Study No. 24—Current Planning Guidelines and Design Standards Being Used by State and Local Agencies for Bicycle and Pedestrian Facilities, has detailed engineering solutions for many nonmotorized situations.
- b. AASHTO Guide for the Development of Bicycle Facilities, 3rd Edition, offers guidelines and minimum design criteria for safe bicycle facilities.
- c. AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition, has guidelines and minimum design criteria for pedestrian facilities.
- d. WSDOT's Bicycle Facility Design Guidance (Chapter 1020) provides uniform minimum standards and criteria for the design and construction of bicycle facilities.
- e. WSDOT's Pedestrian Design Guidance (Chapter 1025) serves as a standard for construction and design of pedestrian facilities.
- f. The John Wayne Pioneer Trail, The Ellensburg Greenway: Reconnection Study (2001) will guide the planning and design of that trail.

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

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

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

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

E. *Historic preservation.*

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

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

F. *Affordable housing.*

1. *Density bonus.* The available density bonus increase is based on the percentage of affordable housing units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum density bonus increase of ~~50~~ 100 percent. The percentage shall be based on the number of affordable housing units divided by the base maximum density.

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

2. Affordable housing unit requirements.

a. *Affordability.* Units must be affordable to persons with incomes at or below 80 percent of the median income for Kittitas County residents for a density bonus of up to 50%. For density bonuses of 50-100%, at least 20% of affordable units must be affordable to persons with incomes at or below 60 percent of Kittitas County median income.

b. *Duration.* Housing shall serve only income-eligible households for a minimum period of 25 years from the later of the date when the affordability agreement between the housing owner and the city, as referenced in subsection (F)(3) of this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the city;

c. *Designation of affordable housing units.* Prior to the issuance of any permit(s), the director shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

i. *Location.* The location of the affordable housing units shall be approved by the city, with the intent that they generally be intermingled with all other dwelling units in the development;

ii. *Tenure.* The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development; and

iii. *Size (bedroom).* The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development; and

~~iv. *Size (square footage).* In no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit;~~

d. *Design.* The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with project design provisions specified in division V. ~~The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the city;~~ and

e. *Timing/phasing.* The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

3. *Affordability agreement.* Prior to issuing any building permit, an agreement in a form approved by the director that addresses price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the affordable housing units shall be recorded with Kittitas County auditor's office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property.

4. *Monitoring and fee.* The city reserves the right to establish in the affordability agreement referred to in subsection (F)(3) of this section, monitoring fees for the affordable housing unit, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.

(Ord. 4807 § 47, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.020 Single-family design standards.

A. *Purpose.*

1. To enhance the character of the street;
2. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape;
3. To deemphasize garages and driveways as major visual elements along the street; and
4. To provide usable yard space for residents.

B. *Entries and facade transparency.*

1. Clear and obvious pedestrian access between the sidewalk and the building entry is required for new dwelling units (the driveway may be used to help meet this requirement);
2. All new houses shall provide a covered entry with a minimum size of three feet by three feet. Covered entries may project up to six feet into the front yard per chapter 15.320 ECC; and
3. At least eight percent of the facade (all vertical surfaces facing the street) shall include transparent windows or doors.

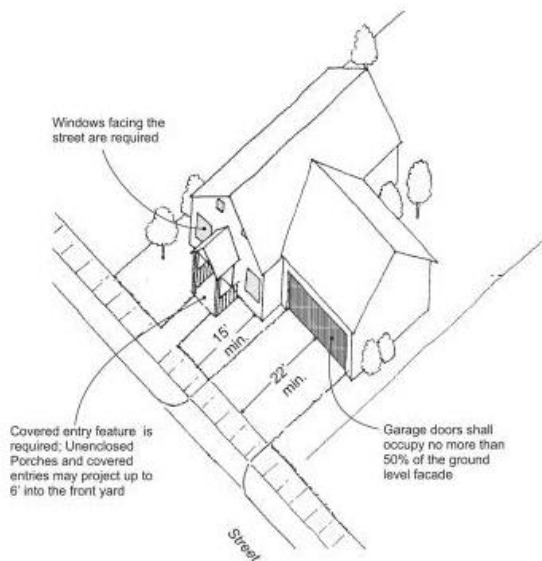


Figure 15.540.020(B). Single-family design requirements.

C. *Garage placement and design.*

1. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
2. The garage doors shall occupy no more than 50 percent of the ground-level facade facing the street. Departure: garage doors may exceed this limit up to a maximum of 65 percent of the ground level facade facing the street provided at least two of the following design details are utilized. For front-loaded lots where the garage faces the street and the garage is even with the facade of the house or less than five feet behind the front facade of the house, at least one of the following design details shall be utilized:

- a. A decorative trellis over the entire garage;
- b. A window or windows are placed above the garage on a second story or attic space under roofline;
- c. A balcony that extends out over the garage and includes columns;
- d. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two-car garages;
- e. Decorative windows on the garage door;
- f. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail;
- g. A garage door color (other than white) that matches or complements the color of the house; and/or
- h. Other design techniques that meet the intent, as determined by the director.



Figure 15.540.020(C). Garage design detail examples.

3. The minimum garage setback is at least 22 feet from the sidewalk edge.
- D. *Driveway standards.* Where a new driveway off of a public street is permitted, the following standards apply:
1. No more than one driveway per dwelling unit;
 2. Private driveways shall not exceed the following widths:

Width of lot	Width of driveway
Less than 16 feet	8 feet
16 to 30 feet	50% of lot width
30 to 50 feet	20 feet
Over 50 feet	25 feet

3. Tandem parking configurations may be used to accommodate two-car garages for single-family and duplex structures pursuant to ECC 15.550.040(A).

The width of properties with nonparallel side lot lines shall be determined at the plane of the garage door when determining conformance with the standards above.

Also see section 3, street standards, of the city's public works development standards for additional driveway standards.

- E. *Minimum usable open space.* All new single-family residences shall provide a contiguous open space equivalent to ten percent of the lot size (excluding area within an adjacent alley or public right-of-way). ~~Such open space shall not be located within the front yard.~~ The required open space shall feature a minimum dimension of 15 feet on all sides. For example, a 6,000-square-foot lot would require a contiguous open space of at least 600 square feet, or 20 feet by 30 feet in area. Driveways shall not count in the calculations for usable open space. Single-family additions shall not create or increase any nonconformity with this standard.

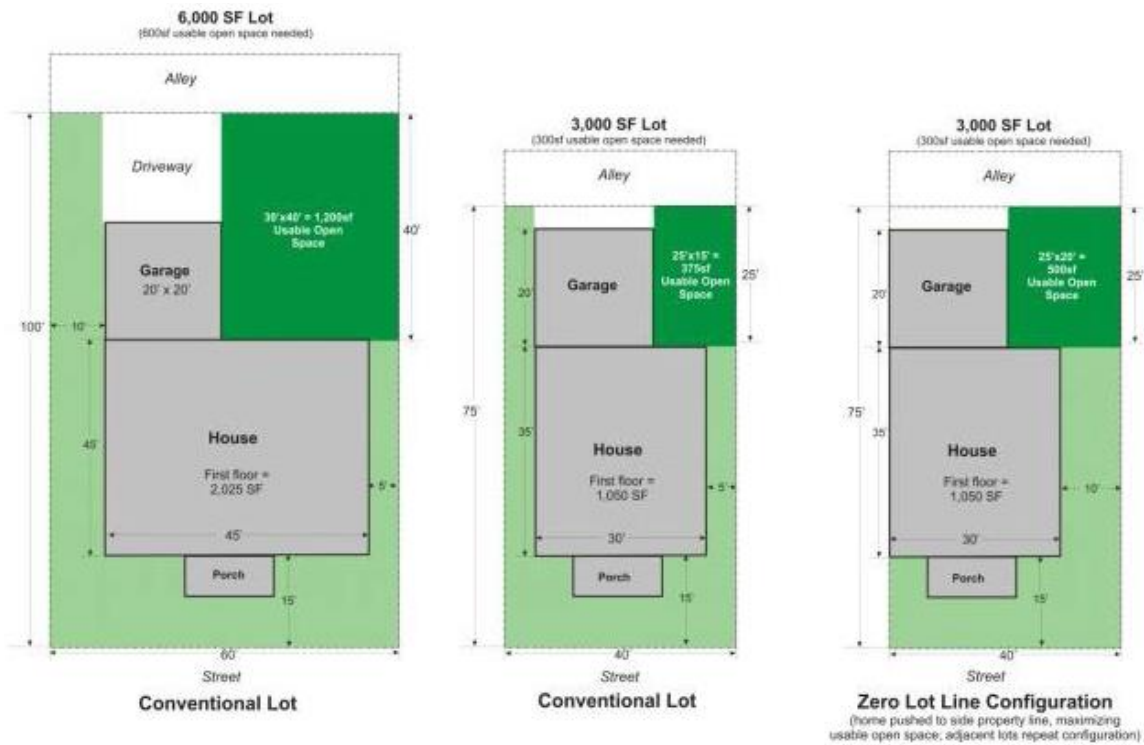


Figure 15.540.020. Examples of how to meet open space requirements for alley-loaded lots.

~~F. *Energy efficiency.* Single-family dwellings and accessory buildings are encouraged to meet the energy efficiency guidelines set forth in ECC 15.530.070.~~

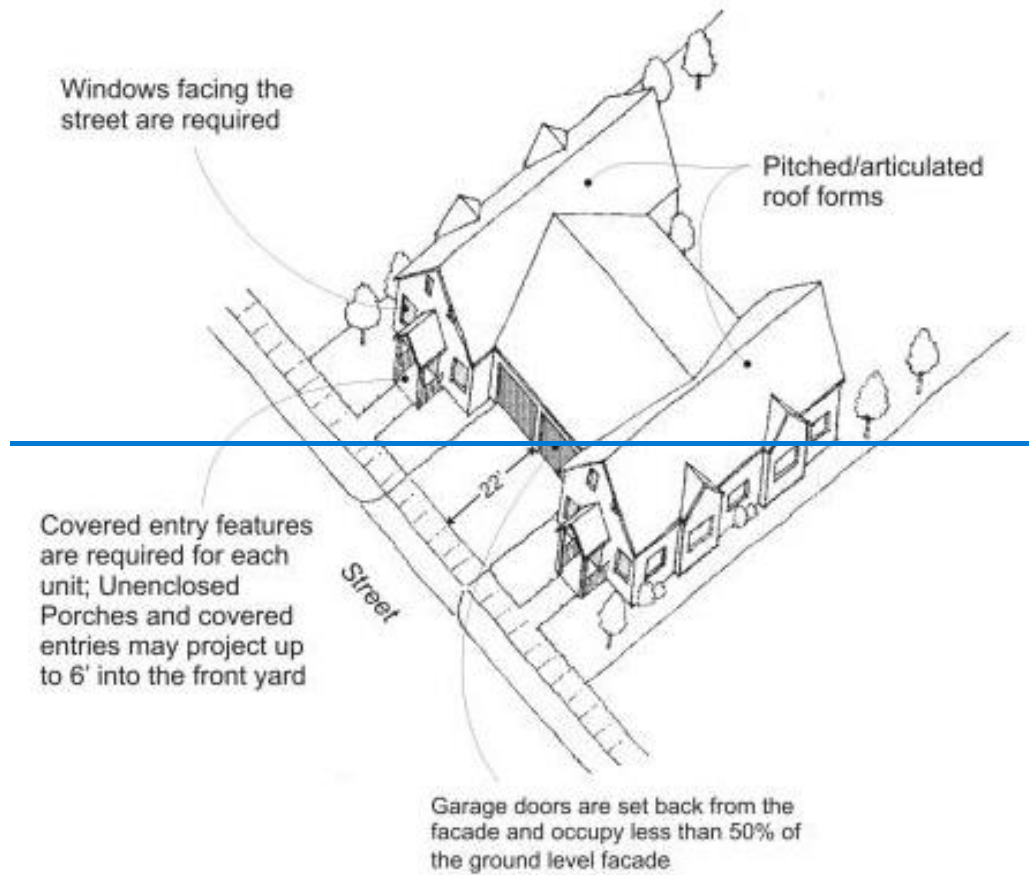
(Ord. No. 4929 , § 6, 11-6-2023; Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.030 - Duplex design standards.

A. *Purpose.* Duplexes should be designed similar in nature to single-family dwellings and shall feature a visible entry and windows facing the street. The visibility of driveways and garages should be minimized and sufficient private open space should be provided.

B. *Design provisions.* Specifically, duplexes shall comply with the single-family design provisions set forth in ECC 15.540.020 with the following exceptions and additional provisions:

1. Duplexes may include a 24-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot;
2. Tandem parking to accommodate two-car garages may be used for duplex structures pursuant to ECC [15.550.040](#)(A); and
3. Separate covered entries for each unit are required (applicable to new buildings only);
- ~~4. Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only); and~~
- ~~5. Duplexes shall use articulated roof forms to help break up the massing of buildings and distinguish individual units. Duplexes on corner lots may be exceptions, where it is often desirable for a duplex to appear as one dwelling unit (but with entries on opposite streets).~~



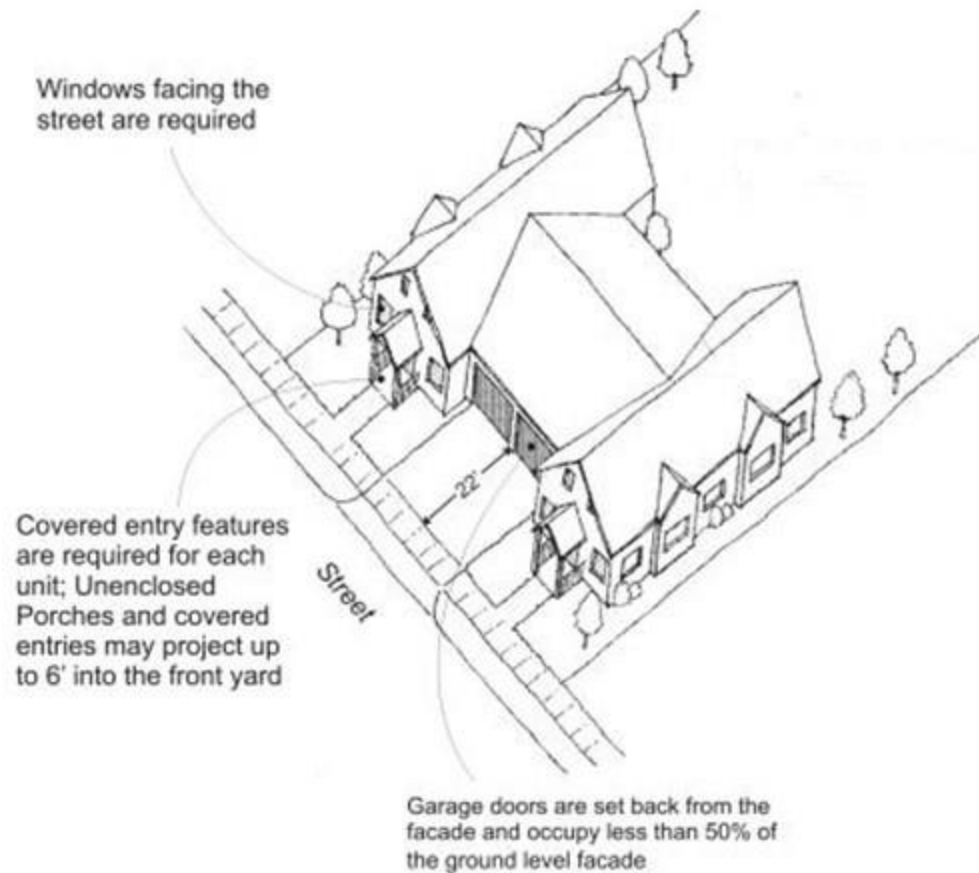


Figure 15.540.030. Diagram illustrating duplex design provisions.

(Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.540.040 Accessory dwelling unit design standards (ADU).

A. Purpose.

1. To provide infill housing opportunities throughout residential zones in Ellensburg;
2. To provide affordable housing options; and
3. To provide an opportunity for rental income for property owners.

B. Standards for all ADUs. An ADU is designed and established to be a separate dwelling unit that is accessory to a primary single-family dwelling. ADUs can be attached to the primary dwelling or detached. ADUs differ from duplexes in the zoning districts where they are allowed and ADUs are subject to specific size and design criteria relative to the primary dwelling unit.

~~ADUs are prohibited on any lot of record that is currently developed with a single family dwelling unit that has been converted to a multifamily use. For example, this would include a single family dwelling unit that has a defined "unit A" and a "unit B."~~

~~Subject to the prohibition above, one~~ Two accessory dwelling units ~~are~~ is permitted on any residential lot of record that is currently developed with a ~~single family~~ principal dwelling unit provided all of the following conditions are met:

1. No more than two bedrooms shall be provided in an accessory dwelling unit;
2. ADUs shall contain a minimum of 300 square feet in floor area, exclusive of stairways or garage area;
3. ADUs shall not exceed ~~40 percent of the floor area of a primary dwelling unit or~~ 1,000 square feet, ~~whichever is less, except as follows:~~ of gross floor area. Gross floor area is the interior habitable area including basements and attics but not including a garage.
 - a. ~~An ADU up to 500 square feet in floor area shall be allowed when the size of the primary dwelling unit would restrict the size of the ADU to less than 500 square feet in floor area. For example: a primary dwelling unit that has a floor area of 1,000 square feet would be allowed an ADU up to 500 square feet rather than an ADU of 400 square feet in floor area (40 percent of 1,000 square feet);~~
 - b. ~~For attached ADUs only, the city may allow for an increased size up to 1,000 square feet maximum in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met; and~~
4. The presence of an accessory dwelling unit must be clearly identified on each entrance by proper numbering.

C. Additional standards for a detached ADU (DADU).

1. DADUs may be separate freestanding structures located to the side or rear of a primary dwelling unit or may be placed next to and/or above a garage. Existing garages may be converted to an ADU provided the conversion does not impact the ability for the principal unit to demonstrate consistency with current parking standards at the time of building application. This conversion shall not make a legal non-conforming garage more non-conforming;
2. ~~DADUs are subject to the building placement standards set forth for garages for the applicable land use district in chapter 15.320 ECC;~~
3. ~~The site coverage of the DADU and accessory buildings shall not exceed 40 percent of the rear yard area;~~

4. ~~There shall be a minimum separation of 15 feet between the existing dwellings and the DADU, except where the DADU is built on top of and/or next to an existing garage; and~~

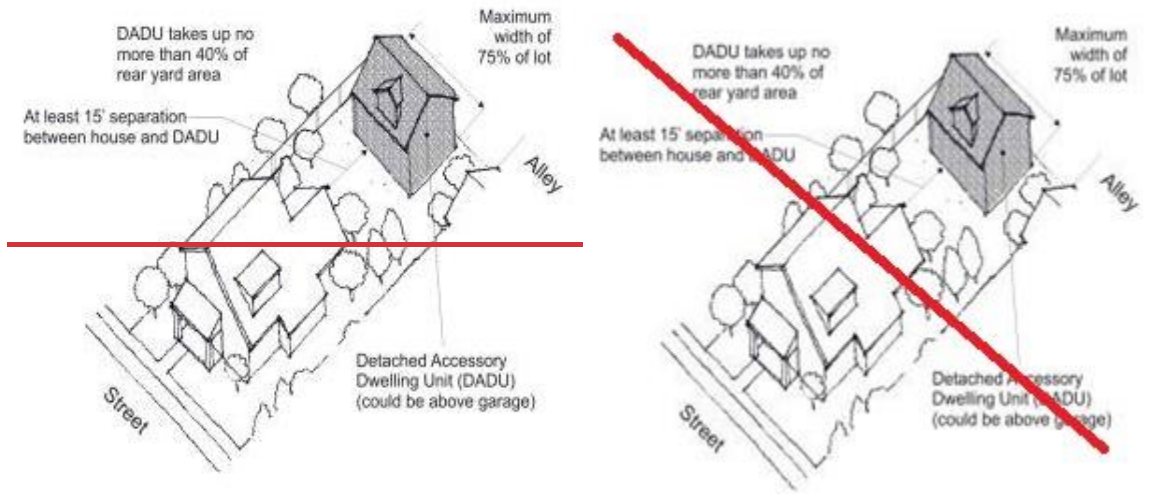


Figure 15.540.040(C) - DADU example/standards.

5. ~~The maximum width of the DADU shall be 75 percent of the width of the lot, including all projecting building elements such as bay windows and balconies.~~

(Ord. 4810 § 1, 2018; Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.540.050- Cottage housing design standards.

A. Purpose.

1. To provide an opportunity for small, detached housing types clustered around a common open space;
2. To ensure that cottage developments contribute to the overall character of residential areas;
3. To provide for centrally located and functional common open space that fosters a sense of community;
4. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
5. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and
6. To promote conservation of resources by providing for clusters of small dwelling units on a property.

B. *Description.* Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.

C. *Lot configuration.* Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

D. *Density calculation bonus* Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units. When calculating required off-street parking spaces, one cottage shall be counted as one dwelling unit.

E. Dimensional standards.

Table [15.540.050](#)
Dimensional Standards for Cottages

Standard	Requirement
Maximum floor area	1,200 1,500 SF
Minimum common space (see subsection (I) of this section for more info)	300 400-SF/unit
Minimum private open space (see subsection (J) of this section for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for accessory structures of cottages	18 <u>24</u> ft.

Standard	Requirement
Setbacks (to exterior property lines)	See ECC 15.320.030
Minimum distance between structures (including accessory structures)	10 ft.
Minimum parking spaces per cottage	See table 15.550.040 (A)

F. Units in each cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage housing development.

G. Transparency ~~Windows on the street.~~ - Transparent windows and/or doors are required on at least ~~ten~~ eight percent of the facades (all vertical surfaces) of all cottages facing the street and common open space. ~~For facades facing north, at least eight percent of the facade shall include transparent windows or doors.~~ Departures will be considered pursuant to ECC [15.210.060](#) for cottages where that standard applies to two or more facades, provided the design meets the purpose of the standards.

H. Parking and driveway location and design.

1. Parking shall be located on the same property as the cottage development;
2. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
3. ~~Parking areas shall be located to the side or rear of cottage clusters and not between the street and cottages.~~ Parking is prohibited in the front and interior setback areas;
4. ~~Parking and vehicular areas shall be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least ten feet of Type C landscaping (see ECC [15.570.040](#)(C)) shall be provided between the sidewalk and the parking area. For parking lots along adjacent residential uses, at least five feet of Type A, B, or C landscaping (see ECC [15.570.040](#)) shall be required. The city will consider alternative landscaping techniques provided they effectively mitigate views into the parking area from the street or adjacent residential uses and enhance the visual setting for the development; Streetscape Design must be provided consistent with relevant standards in ECC 15.410.~~
5. ~~Parking shall be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley). Departures will be considered pursuant to ECC [15.210.060](#) provided alternative configurations improve the visual setting for development;~~
6. Garages may be attached to individual cottages provided all other standards herein are met. ~~and the footprint of the ground floor, including garage, does not exceed 1,000 square feet.~~ Such garages shall be located away from the common open spaces; and
7. No more than one driveway per cottage cluster shall be permitted, except where clusters front onto more than one street.

I. Common open space requirements.

- ~~1. Open space shall abut at least 50 percent of the cottages in a cottage housing development;~~
2. Open space shall have cottages abutting on at least two sides;
3. Cottages shall be oriented around ~~and have the main entry from~~ the common open space; and
- ~~4. Cottages shall be within 60 feet walking distance of the common open space; and~~

4. Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 15 ~~20~~ feet.

~~J. Required private open space. Private open space shall be required adjacent to each dwelling unit for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than ten feet.~~

~~K. Porches. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side.~~

L. *Covered entry and visual interest.* Cottages located facing a public street shall provide:

1. A covered entry feature (with a minimum dimension of three ~~six~~ feet by three ~~six~~ feet) ~~-visible from the street;~~
2. At least ten feet of landscaped open space between the residence and the street; ~~and~~
- ~~3. At least two architectural details, such as:~~
 - ~~a. Decorative lighting;~~
 - ~~b. Decorative trim;~~
 - ~~c. Special door;~~
 - ~~d. Trellis or decorative building element; and/or~~
 - ~~e. Bay window.~~

~~Alternative design treatments will be considered as departures pursuant to ECC 15.210.060 provided the design treatments provide visual interest to the pedestrian.~~

M. *Character and diversity.* Cottages and accessory buildings within a particular cluster shall be designed within the same "family" of architectural styles. Examples of elements include:

1. Similar building/roof form and pitch;
2. Similar siding materials;
3. Similar porch detailing; and/or
4. Similar window trim.

A diversity of cottages can be achieved within a "family" of styles by:

1. Alternating porch styles (such as roof forms);
2. Alternating siding details on facades and/or roof gables; and/or
3. Different siding color.

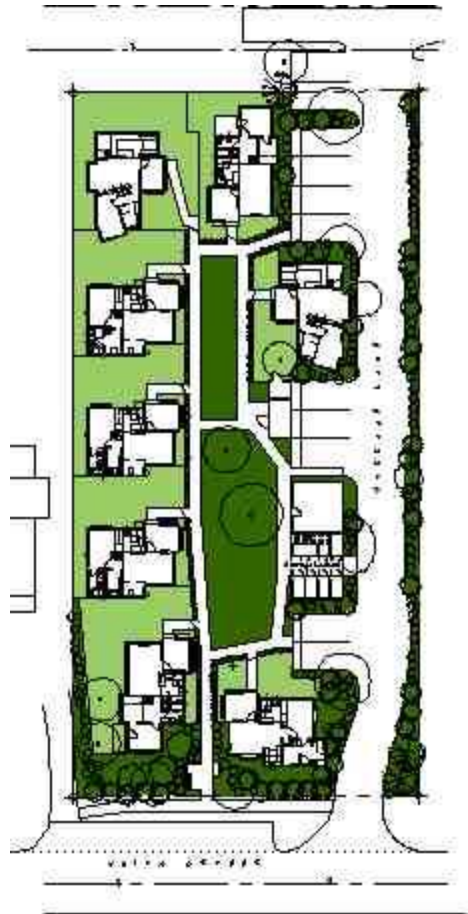


Figure 15.540.050(M)(1). ~~Typical~~ Sample cottage housing layouts.



Figure 15.540.050(M)(2). Cottage housing examples.

~~N. *Energy efficiency.* Cottages and accessory buildings are subject to energy efficiency guidelines and standards set forth in ECC 15.530.070.~~ (Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.540.050- Cottage housing design standards.

A. Purpose.

1. To provide an opportunity for small, detached housing types clustered around a common open space;
2. To ensure that cottage developments contribute to the overall character of residential areas;
3. To provide for centrally located and functional common open space that fosters a sense of community;
4. To provide for semi-private area around individual cottages to enable diversity in landscape design and foster a sense of ownership;
5. To minimize visual impacts of parking areas on the street and adjacent properties and the visual setting for the development; and
6. To promote conservation of resources by providing for clusters of small dwelling units on a property.

B. *Description.* Cottage housing refers to clusters of small detached dwelling units arranged around a common open space.

C. *Lot configuration.* Cottages may be configured as condominiums or fee-simple lots provided they meet the standards herein.

D. *Density calculation bonus* Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units. When calculating parking, one cottage shall be counted as one dwelling unit.

E. Dimensional standards.

Table [15.540.050](#)
Dimensional Standards for Cottages

Standard	Requirement
Maximum floor area	1,200 1,500 SF
Minimum common space (see subsection (I) of this section for more info)	300 400-SF/unit
Minimum private open space (see subsection (J) of this section for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for accessory structures of cottages	18 <u>24</u> ft.

15.540.060 - Townhouse Design Standards.

A. Purpose.

1. To ensure that townhouse developments enhance the pedestrian-oriented character of downtown streets;
2. To provide adequate open space for townhouse developments;
3. To reduce the impact of garages and driveways on the pedestrian environment;
4. To reduce the apparent bulk and scale of townhouse buildings compatible with adjacent uses; and
5. To promote architectural variety that adds visual interest to the neighborhood.



Figure 15.540.060(A). Desirable townhouse example. With units fronting on the street and garages placed to the rear accessible from an alley or shared driveway.

B. Entries.

1. Townhouses fronting on a street must all have individual ground-related entries accessible from the street. Configurations where enclosed rear yards back up to a street are prohibited;
2. Separate covered entries at least three feet deep are required for all dwelling units;
3. For sites without alleys or other rear vehicular access, new buildings **are encouraged to** must emphasize individual pedestrian entrances over private garages to the extent possible by using both of the following measures: enhance **enhancing** entries with a trellis, small porch, or other architectural features that provide cover for a person entering the unit and a transitional space between outside and inside the dwelling; and
 - a. ~~Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than four feet.~~
 - b. ~~Provide a combination of shrubs or groundcover and a tree (refer to city arborist or street tree list if available); and~~
4. ~~Planting strips with no dimension less than four feet are required adjacent to the primary entry of all dwelling units. This includes townhouses located to the rear of lots off an alley or private internal drive.~~

C. Garages and driveways.

1. Where lots abut an alley, the garage or off-street parking area should take access from the alley.
2. For lots without alleys, individual driveways off of the street are prohibited (shared driveways are required).
3. Garages facing a public street are prohibited.
4. Internal drive aisle standards.
 - a. Must meet minimum fire code widths;
 - b. Minimum building separation along uncovered internal drive aisles shall be 25 feet. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and drive aisles, which often function as usable open space for residents; and
 - c. Upper level building projections over drive aisles are limited to three feet, and must comply with provisions in subsection (C)(4)(b) of this section.

[Remove following photos]



Figure 15.540.060(C). Good and bad examples of garage/entry configurations. The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping is a glaring omission.

- D. Open space. Townhouse residential units shall provide open space at least equal to ten percent of the building living space, not counting automobile storage. The required open space may be provided by one or more of the following ways:
 1. Usable private open space that is directly adjacent and accessible to dwelling units. Such space shall have minimum dimensions of at least 12 feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc.;
 2. Common open space meeting the requirements of ECC 15.520.030(E)(1);
 3. Balconies, decks and/or front porches meeting the requirements of ECC 15.520.030(E)(2); and/or
 4. Community garden space meeting the requirements of ECC 15.520.030(E)(5).

E. Building design.

1. *Townhouse articulation.* Townhouse buildings shall comply with multifamily building articulation standards as set forth in ECC 15.530.030(D) except that the articulation intervals shall be no wider than the width of units in the building. Thus, if individual units are 15 feet wide, the building shall include at least three articulation features per ECC 15.530.030(D) for all facades facing a street, common open space, and common parking areas at intervals no greater than 15 feet.
2. *Repetition with variety.* (See Figures 15.540.060(E)(2) and 15.540.060(E)(3).) Townhouse developments shall employ one or more of the following "repetition with variety" guidelines:
 - a. ~~Reversing the elevation of two out of four dwellings for townhouses;~~
 - b. ~~Providing different building elevations for external townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns;~~
 - c. ~~Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two stories are typical (or a two-story design where three stories are typical); and/or~~
 - d. ~~Other design treatments that add variety or provide special visual interest. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the guidelines.~~



~~Figure 15.540.060(E)(2). Acceptable townhouse configuration employing the repetition with variety concept.~~



Figure 15.540.060(E)(3). An acceptable townhouse building. Note the landscaped front yards and individual walkways and entries. The internal units each have distinct, but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and facade detailing.

Energy efficiency. Townhouses are subject to energy efficiency provisions set forth in ECC [15.530.070](#); (Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.550.040 - Computation of required off-street parking spaces.

A. Spaces required. Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table [15.550.040\(A\)](#)
Computation of Required Off-Street Parking Spaces

Category of land use ¹	Minimum parking spaces required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
<u>1st Accessory dwelling unit</u>	None required
<u>2nd Accessory dwelling unit</u>	<u>1.0 per dwelling unit</u>
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than <u>4 6</u> bedrooms, 1 additional space for each bedroom in excess of <u>4 6</u> shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	<u>1.0 per dwelling unit for 1-2 bedroom units.</u> 2.0 per dwelling unit <u>for units with 3-4 bedrooms</u> ; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided

Category of land use ¹	Minimum parking spaces required
Studio units	1.2 <u>1.0</u> per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.0 5 per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 <u>1.0</u> per dwelling unit
Senior housing	1.0 per dwelling unit (this may be reduced based on the characteristics of the use)
Adult family home	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted.
Senior citizen assisted housing	1.0 per 2 dwelling or sleeping units
Community residential facilities	1.0 per 2 bedrooms
Boarding houses, lodging houses	1.0 per bedroom
Hotel/motels (where restaurants and conference	1.0 per guest room

Category of land use ¹	Minimum parking spaces required
facilities are included, see standards for applicable use)	
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility

K. Setback areas.

1. Required off-street parking spaces ~~are not allowed to~~ may extend into the rear yard setbacks within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts. Required parking may not extend into required open space. If the lot abuts an alley, parking shall be set back 5 feet from the alley line. Single-family residences located in any of the R-L, R-M, R-O, and R-H zoning districts are allowed to locate the minimum required two off-street parking spaces within the setback areas or required open space area. Any additional parking spaces must be located outside of the required open space and setback areas.

15.260.060 Preliminary subdivision (long plat)—Review procedures and criteria.

A. *Procedures.*

1. Land subdivisions that create ten or more lots (sometimes referred to as long plats) are subject to the Type IV review process as set forth in chapter 15.210 ECC.
2. Time limits. Subdivisions that are granted preliminary approval shall be effective for a period set forth in RCW 58.17.140, during which time the final subdivision application shall be submitted for approval and recording. **Any applicant that files a plat extension application at least 30 days prior to the expiration, demonstrating that the that the applicant has attempted in good faith to submit the final plat within the allowed time period, and that the associated plat extension application fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted two times.**

The city shall make a decision on approval or denial of a preliminary subdivision application within 90 calendar days of the determination that the application is complete.

B. *Application contents.* Applications for a preliminary subdivision shall contain the following:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed subdivision application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the preliminary subdivision;
2. Payment of the application fee in the amount established in the city's adopted fee schedule;
3. A completed SEPA checklist and payment of the SEPA application fee;
4. A completed critical area information form or critical area report pursuant to division VI, if applicable;
5. A title report of the property to be subdivided;
6. A recorded copy of the deed for the property to be subdivided;
7. Copies of all existing or proposed restrictive covenants involving the land within the proposed subdivision;
8. Names and addresses of the owner(s) of the property to be subdivided and of any person or entity holding an interest in the property as identified on the title report in subsection (B)(5) of this section;
9. Names and addresses of all property owners within 300 feet of the boundaries of the proposed subdivision as those names appear on the records of the Kittitas County assessor;
10. The preliminary subdivision plat drawing which shall comply with all general drafting standards and tier 3 drafting guidelines required by the city's public works development standards (section 5, drafting standards). Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;

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- e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - f. Approximate boundaries of all areas subject to irrigation or stormwater overflow;
 - g. Location, width and direction of flow of all watercourses on the site; and
 - h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by division VI.
- 11. Preliminary grading plan pursuant to public works and utilities department requirements;
 - 12. Preliminary stormwater plan pursuant to public works and utilities department requirements;
 - 13. Preliminary landscaping plan pursuant to divisions IV and V of this title;
 - 14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
 - 15. Transportation study, if required by the public works and utilities department;
 - 16. Location of any proposed building envelopes on the lots being created; and
 - 17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.
- C. *Referral to city departments and other agencies for comments.* The community development department shall distribute one copy of the preliminary subdivision application to the public works and utilities department, building department, fire marshal, and any public agency that may be affected by the proposed preliminary subdivision.
- Whenever the property proposed to be subdivided is located within one-half mile of the corporate limits of the unincorporated county, a copy of the proposed preliminary subdivision application shall be distributed to the respective jurisdiction.
- The community development department will transmit any department or agency review materials to the hearing examiner as part of the staff report on the application.
- D. *Hearing examiner recommendation.* The hearing examiner shall be responsible for holding an open record public hearing pursuant to procedures established in chapter 15.210 ECC to review the proposed preliminary subdivision application together with accompanying materials and documents, land use applications, staff reports and public testimony. Based on the comments and testimony established at the public hearing, the hearing examiner shall make a recommendation on the preliminary subdivision application and any other related land use applications to the city council or return the preliminary subdivision application to the applicant with a request for additional information. If the hearing examiner makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. In recommending any proposed preliminary subdivision, the hearing examiner shall propose written findings of fact and conclusions of law to the city council which shall state fully the reasons for the recommendation.
- E. *City council action.*
- 1. The hearing examiner recommendation, findings and all supporting documents shall be forwarded to the city council. The community development department shall set a date and time for a public hearing before the city council to review the recommendation of the hearing examiner in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

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2. Prior to making a decision the city council may refer the preliminary subdivision application back to the hearing examiner for further consideration or may require the applicant to modify the preliminary subdivision application, or require more information to be submitted.
- F. *Decision criteria.* The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:
1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the building setback and intensity standards in chapter 15.320 ECC, the streetscape design standards in chapter 15.410 ECC, the subdivision design standards in chapter 15.420 ECC, the project design standards in division V, and the public works development standards;
 2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC title 4, public works, the streetscape design standards and subdivision design and block standards in division IV, and the project design standards in division V;
 3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC title 9, utilities;
 4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's public works and utilities department design standards and with ECC title 9, utilities;
 5. The preliminary subdivision conforms to all applicable critical areas standards set forth in division VI; and
 6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(Ord. 4807 § 32, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.260.120 Short subdivision plat (sometimes referred to as short plats)—Review procedures and criteria.

- A. *Procedures.* Short subdivisions are divisions that create nine or fewer lots and are sometimes referred to as short plats. Short subdivision applications are subject to the Type II review process as set forth in chapter 15.210 ECC, with exceptions provided herein.
- B. *Application contents.* Applications for a preliminary short subdivision shall contain all of the items required for a preliminary subdivision in ECC 15.260.060(B) except as follows: no SEPA checklist is required unless the proposed short subdivision is determined to not be exempt from SEPA review.
- C. *Referral to city departments and other agencies for comments.* The community development department shall distribute one copy of the preliminary short subdivision application to the public works department and utilities department, building department, fire marshal, and any public agency that may be affected by the proposed preliminary subdivision.

Whenever the property proposed to be subdivided is located within one-half mile of the corporate limits of the unincorporated county, a copy of the proposed preliminary short subdivision application shall be distributed to the respective jurisdiction.

Comments may be submitted for 14 calendar days after the date of issuance of the notice of application.

- D. *Decision criteria.* The director may approve, approve with conditions, or deny a short subdivision application based on conformance with the following decision criteria:
 - 1. Conformance with applicable provisions of the LDC, including the building setback and intensity standards in chapter 15.320 ECC, the streetscape design standards in chapter 15.410 ECC, the subdivision design standards in chapter 15.420 ECC, the project design standards in division V, the public works development standards, and applicable critical areas standards set forth in division VI;
 - 2. Integration of specific provisions. Short subdivisions shall integrate appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
 - 3. Public interest. The public's interest shall be served by the short subdivision and dedication.
- E. *Time frame for approval.* The administrator shall make a decision on approval or denial of a preliminary short subdivision application within 60 calendar days of the determination that the application is complete. An approved preliminary short subdivision application is valid for five years from date of approval. Failure to submit the final short subdivision application within that five-year time frame will result in a lapse of the preliminary short subdivision approval. **Any applicant that files a plat extension application at least 30 days prior to the expiration, demonstrating that the that the applicant has attempted in good faith to submit the final plat within the allowed time period, and that the associated plat extension application fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted two times.**

(Ord. No. 4929, § 2, 11-6-2023; Ord. 4807 § 34, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.260.180 Binding site plan review procedures and criteria.

- A. *Purpose.* This chapter shall govern a subdivision of land through the optional binding site plan process provided for in RCW 58.17.035, or its successor. If approved under this chapter, a division of land authorized by a binding site plan is exempt from the subdivision and short subdivision regulations and processes. Binding site plans are authorized by RCW 58.17.035, or its successor, to be used for condominiums and for the division of commercial or industrial zoned properties.
- B. *Applicability.* The underlying zoning district standards shall apply for development utilizing the binding site plan process. The binding site plan option shall apply to the following:
1. Commercial zoned property in the C-H, C-T and C-C II zoning districts;
 2. Industrial zoned property in the I-H and I-L zoning districts;
 3. Condominiums for one or more units in any R-S, R-L, R-M, R-H, C-N, C-C or C-C II zoning district that are owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; and
 4. Land divisions for the purpose of leasing property that is located:
 - a. Within a manufactured home park; provided, that no residential structure other than manufactured homes is to be placed on the land within a manufactured home park; and
 - b. Within the C-T zoning district; provided, that no residential structure other than recreational vehicles is to be placed on the land within an approved recreational vehicle park.
- C. *Application—Administration.* All applications shall be submitted to the administrator. Binding site plan applications shall be processed as a Type III permit pursuant to the requirements set forth in ECC 15.210.030(C).
- D. *Complete application requirements.* All requests for a binding site plan shall be filed with the administrator together with the application fee as set forth in the adopted fee schedule. An application for a binding site plan shall not be determined to be complete until all of the following have been provided on the binding site plan drawing or on any other supporting documentation submitted along with the binding site plan drawing:
1. The minimum application requirements set forth in ECC 15.220.020 and a completed binding site plan application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the subdivision application.
 2. A recorded copy of the deed for the property proposed for the binding site plan.
 3. A current title report on the property proposed for the binding site plan.
 4. Copies of all existing or proposed restrictive covenants to be imposed upon land in the binding site plan.
 5. Textual description of phasing if proposed, including the timing for all public improvements, required landscaping and binding site plan amenities to be installed with each phase.
 6. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for the binding site plan as those names appear on the records of the county assessor.
 7. Any information in the opinion of the administrator which is necessary to determine if the proposed binding site plan makes appropriate provision for physical problems or hazards involving public health, safety and/or welfare.
 8. A completed SEPA checklist and payment of the SEPA application fee.

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9. A completed critical area information form or critical area report pursuant to division VI, if applicable.
 10. A preliminary binding site plan drawing which shall comply with all general drafting standards and tier 3 drafting guidelines required by the city's public works development standards (section 5, drafting standards). Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system within a one-quarter-mile radius.
 - b. Zoning of the property within the binding site plan.
 - c. The names and locations of adjacent subdivisions, short subdivisions, and binding site plans.
 - d. Location and size of existing and proposed utilities, railroads and irrigation rights-of-way within the binding site plan.
 - e. Plan view of proposed streets with their names and widths, any proposed pedestrian ways, and all proposed utilities and easements.
 - f. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage.
 - g. Approximate boundaries of all areas within the binding site plan subject to irrigation or stormwater overflow and the location, width and direction of flow of all watercourses and the extent and location on the site of the 100-year flood flow from said watercourses.
 - h. Name and address of the owner(s) of the binding site plan property and all mortgagee(s) of said property.
 - i. Legal description of the binding site plan property.
 - j. Surveyed boundary lines of the binding site plan property with complete bearings, lineal dimensions and the acreage.
 - k. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field; lot area in square feet; and number of lots and blocks which shall be numbered consecutively from one to total number of lots.
 - l. All section, township, municipal and city lines lying within or adjacent to the binding site plan property.
 - m. Name, address and official seal of the licensed professional land surveyor preparing the binding site plan drawing.
 - n. Ties and controlling reference points to existing and permanent points, monuments and markers.
 - o. Date, scale, north point and origin of meridian, with the scale shown at 100 feet to the inch unless otherwise approved by the city engineer.
 - p. Proposed phasing plan with clear delineation of each phase.
 - q. Locations of land areas intended to be dedicated for public use or reserved for use of owners of the property in the binding site plan, along with a textual declaration of the dedication or reservation. Any roads not dedicated to the public must be clearly marked on the face of the binding site plan drawing as private roads. (Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and purposes as a quitclaim deed

to the donee or donees, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors).

- r. Location, centerline, and width of all existing and proposed rights-of-way and easements along with name of all existing or proposed streets within and adjoining the binding site plan and the name and auditor's file number for all easements.
- s. The areas and locations of open space, recreational amenities, and critical areas including prescribed critical area buffers.
- t. Areas designated for landscaping, vehicle use, parking, truck loading, and nonmotorized transportation corridors or pathways.
- u. The location of all existing and proposed structures.
- v. A declaration that all development of the property shall conform to that shown on the binding site plan drawing and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
- w. Signatures and date lines for:
 - i. Certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
 - ii. The approvals of the city engineer, public works and utilities director and community development director;
 - iii. The county treasurer indicating that the real property taxes are current;
 - iv. All owners and all others holding an interest in the binding site plan property with acknowledgments for all such signatures;
 - v. Approval by the mayor; and
 - vi. Approval by the irrigation district, if applicable.
- x. If the binding site plan is in conjunction with condominiums, pursuant to chapter 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all individuals or entities now and hereafter having any interest in the land described herein.
- y. All binding site plan designs shall include, as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at the time of the binding site plan. However, site plan review for subsequent building size, location and use will be required when submitted.

E. *Design standards and dedications.* In order to meet the public interest:

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1. A binding site plan shall conform to the applicable zoning and development standards of the city of Ellensburg land development code codified in this title and the public works development standards and all other city utility development standards;
 2. Each lot in a binding site plan shall be provided with satisfactory access established consistent with the requirements of the public works development standards and ECC title 4, public works;
 3. Each lot in a binding site plan shall be provided with adequate provisions for water supplies, sanitary wastewater facilities and stormwater and drainage facilities consistent with the requirements of the public works development standards and ECC title 9, utilities;
 4. Each lot in a binding site plan shall be provided with adequate provisions for electric utility service, and natural gas utility service if applicable, consistent with the requirements of the city public works and utilities department and ECC title 9, utilities; and
 5. Approval of binding site plans may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, and other needs of the public.
- F. *Administrative review.* Upon deeming the binding site plan to be a complete application and issuing the notice of application pursuant to ECC 15.220.040, the director shall transmit the binding site plan to city departments, the Kittitas Valley Fire and Rescue fire marshal, the SEPA responsible official for any required SEPA review pursuant to chapter 15.270 ECC, and to the landmarks and design commission for any required landmark and design review pursuant to chapter 15.280 ECC. The director shall concurrently perform critical area review if such review is required pursuant to division VI of this title. The community development department will transmit any department or agency review materials to the planning commission as part of the staff report on the application.
- G. *Planning commission recommendation.* The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in chapter 15.210 ECC to review the proposed binding site plan together with accompanying materials and documents, land use applications, staff reports, and public testimony. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation to the city council on the binding site plan for approval, disapproval, or approval with conditions.
- H. *City council action.* The planning commission recommendation, findings and all supporting documentation shall be forwarded to the city council. The community development department shall set a date for a closed record public hearing before the city council to review the recommendation of the planning commission in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the binding site plan.
- I. *Decision criteria.* The city council may approve, approve with conditions, or disapprove a binding site plan based on conformance with the following decision criteria:
1. Whether the binding site plan conforms to this section;
 2. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 3. Whether the public interest will be served by the approval of the binding site plan and any dedication.
- J. *Findings and conclusions.* The city council shall not approve any binding site plan unless written findings are made that:

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1. The binding site plan conforms to this section;
 2. Appropriate provisions are made for the public health, safety, and general welfare and for other such open spaces, drainage ways, streets or roads, alleys, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 3. The public use and interest will be served by the approval of the binding site plan and any dedication.
- K. *Time limit on action.* An application for a binding site plan shall be approved, approved conditionally or disapproved by the city council within 90 calendar days from the date the application was deemed complete unless the applicant consents to a time extension; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.
- L. *Duration of approval.* Preliminary approval of the binding site plan shall be effective for five years from the date of such approval by the city council, during which time the final binding site plan may be submitted. **Any applicant that files a plat extension application at least 30 days prior to the expiration, demonstrating that the that the applicant has attempted in good faith to submit the final plat within the allowed time period, and that the associated plat extension application fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted two times.**
- M. *Irrigation water district approval.* Any binding site plan which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW shall provide for such irrigation water rights-of-way and any other improvements as shall be required by the irrigation district for each parcel of land in such district and such rights-of-way shall be evidenced by the respective binding site plan submitted for final approval to the city council.
- N. *Final binding site plan—Submittal deadline.* Failure to submit the final binding site plan application within five years of preliminary approval will result in a lapse of the preliminary binding site plan approval. **Any applicant that files a plat extension application at least 30 days prior to the expiration, demonstrating that the that the applicant has attempted in good faith to submit the final plat within the allowed time period, and that the associated plat extension application fees are paid, shall be granted a one-year extension. Such an extension can be requested and granted two times.**
- O. *Final binding site plan—Application.* The final binding site plan application shall include the same information as for a final subdivision application as set forth in ECC 15.260.100.
- P. *Final binding site plan—Administrative action.*
1. Upon receipt of the final binding site plan application containing the items identified in subsection (O) of this section, the city council shall have 30 calendar days for review to determine conformance with the approved preliminary binding site plan and all applicable regulations and standards. The city council shall make written findings of fact relating to its decision on the final binding site plan and, if approved, shall direct the mayor to sign the final binding site plan. Upon approval by the city council, the director, the city public works and utilities director, and the city engineer shall sign the final binding site plan document and shall present the final binding site plan document to the mayor for signature. The final binding site plan shall then be presented to the county treasurer for review and signature. Such signatures and approval of the final binding site plan document shall be subject to the following determinations:
 - a. The requirements of chapter 58.17 RCW and other applicable state law, the city's comprehensive plan, and any other applicable city ordinances that were in effect at the time of preliminary binding site plan approval, and this title have been met;
 - b. Conditions imposed on the preliminary binding site plan approval, if any, have been met; and

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- c. The bond or other proposed security meets the requirements of the public works development standards and has been approved and accepted by the city engineer.
 - 2. If the final binding site plan is not approved by city council, the decision, along with reasons for denial, shall be communicated in writing to the applicant.
- Q. *Final binding site plan—Filing.* The final binding site plan shall not be officially complete until the signed original final binding site plan and subdivision improvements agreement, if required, have been recorded with the county auditor. Said documents shall be recorded by the director within ten working days after the appeal period has expired, in the presence of the applicant and with the cost of recording paid by the applicant. Filing of the final binding site plan shall not relieve the property owner of the obligation to complete the minimum public improvements.
- R. *Amendment, modification and vacation.* Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short plat. In the event the vacation is of a dedicated road right-of-way, the review process shall follow the city's road vacation process.

(Ord. 4807 § 36, 2018; Ord. 4804 §§ 1, 2, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Title 15 - LAND DEVELOPMENT CODE
DIVISION VI. - CRITICAL AREAS
CHAPTER 15.630 FREQUENTLY FLOODED AREAS

15.130.010 A definitions.

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

Accessory building means a subordinate building that is physically detached from the main building, the use of which is incidental and related to that of the main building use on the same lot. See ECC 15.320.110 for related standards.

Accessory dwelling unit means a self-contained residential unit that is accessory to a single-family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. 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 15.540.040 for special ADU design provisions.

Accessory structure means a structure which is incidental and subordinate to the principal building and shall not be used as a dwelling or accessory dwelling. Accessory structures must be on the same property as the building or use to which they are accessory. Examples of accessory structures may include fences, enclosed stair landings, storage sheds, and similar structures. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Accessory use means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. See ECC 15.310.030 for special accessory use provisions.

Administrative decision means any decision made by the 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 decision.

Adult family home means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

Affordable housing unit means, for the purpose of ECC 15.330.020, housing reserved for occupancy by eligible households and affordable to households with annual incomes below 80 percent of the regional median income, adjusted for household size, and no more than 30 percent of the monthly household income is paid for monthly housing expenses. Housing expenses for ownership housing include mortgage, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowance.

Agriculture means the use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment, but excluding stockyards, slaughtering or commercial food processing.

Airport means, for the purpose of chapter 15.350 ECC, the Kittitas County Airport (Bowers Field).

Airport elevation means, for the purpose of chapter 15.350 ECC, 1,766 feet above mean sea level.

Airport overlay zone, as established in chapter 15.350 ECC, 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."

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Airport surface means, for the purpose of chapter 15.350 ECC, 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 15.350.030. The perimeter of the approach surface coincides with the perimeter of the approach zone.

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, for purposes of the LDC, means any construction or remodeling which modifies all or part of 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; change of paint color; and site improvements. For purposes of chapter 15.240 ECC, nonconformance, "alter" or "alteration" shall be as defined in chapter 15.240 ECC. For purposes of ECC title 3, buildings and fire, "alter" or "alteration" shall be as defined in the International Building Code and International Residential Code.

Alteration means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Alteration of watercourse means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Apartment means any building containing three or more dwelling units.

Appeal, closed record. A "closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing decision on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. The appeal may be granted or granted with modifications if the appellant proves that the decision of the decision-making body is not supported by a preponderance of the evidence or is clearly erroneous. In all other cases, the appeal shall be denied. In the appeal consideration, substantial weight shall be accorded to the decision-maker's decision.

Appeal, open record. An "open record appeal" means an administrative appeal of a Type I or II decision that creates the city's record through testimony and submission of evidence and information under procedures prescribed by the city by ordinance or resolution. An open record appeal hearing may be held only if there has been no open record pre-decision hearing held on the project permit application.

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, for the purpose of chapter 15.350 ECC, are set forth and defined in ECC 15.350.030.

Area of shallow flooding means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on flood insurance rate maps always includes the letters A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). Definitions of each zone are established by the Federal Emergency Management Agency (FEMA). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Articulation means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complimentary pattern or rhythm, dividing the large buildings into smaller identifiable pieces.

Arts commission means the city arts commission created in Chapter 1.33 ECC.

ASCE 24 means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Average gross floor area means the gross floor area of a building divided by the number of floors.

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

(Ord. 4878 § 2, 2021; Ord. 4807 § 2, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

CHAPTER 15.630 FREQUENTLY FLOODED AREAS

15.630.010 Designation of frequently flooded areas.

- A. *Frequently flooded areas.* Frequently flooded areas shall include:
1. *Areas identified on the flood insurance map(s).* Those areas of special flood hazard within the incorporated city limits of Ellensburg identified as being within the 100-year floodplain by the federal insurance administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Kittitas County, Washington and Incorporated Areas," dated September 24, 2021, and any revisions thereto, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The FIS and FIRMs are on file with the Ellensburg community development department, located at 501 N. Anderson Street in Ellensburg, Washington. The best available information for flood hazard area identification as outlined in subsection (D) of this section shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under subsection (D) of this section.
- B. *Use of additional information.* The director may use additional flood information that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
- C. *Compliance.* All development within special flood hazard areas is subject to terms of this chapter and other applicable regulations.
- D. *Flood elevation data.* When base flood elevation data is not available (A and V zones designated under subsection (A) of this section), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, county or other source, in order to administer this section.
- E. *Designation made by director.* The flood insurance maps are to be used as a guide for the city, project applicants and/or property owners and the public, and should be considered a minimum designation of frequently flooded areas. Because flood insurance maps may be continuously updated as areas are reexamined or new areas are identified, the best available information for flood hazard area identification shall be the basis for regulation.

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- F. *Supplemental documentation.* Any areas identified by the director in this section shall be supported by professional scientific information.
- G. *Maintenance of records.* The director shall maintain for public inspection all records of floodplain hazards, certificates of floodproofing, and flood elevation data.
- H. *Mapping.* The location and extent of frequently flooded areas are shown on the critical area maps adopted with the ordinance codified in this chapter by the city. The following maps and data are hereby adopted and are available from the city and/or the listed governmental agency: Federal Emergency Management Administration flood insurance rate maps; Community Panels: 530234 0001C; 530234 0002C; 530095 0439B; 530095 0552C; 530095 0443B; 530095 0556B; 530095 0554C.
- I. *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
- J. *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another section of the city code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- K. *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 4878 § 24, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.015 Designation of the floodplain administrator—Permit review.

- A. The director is hereby appointed as the floodplain administrator to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions. The duties of the floodplain administrator shall include, but not be limited to:
- B. Permit review. Review all development permits to determine that:
1. The permit requirements of this chapter have been satisfied;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of ECC 15.630.070(B)(1) are met;
 5. Notify FEMA when annexations occur in the special flood hazard area; and
 6. Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

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- C. Information to be obtained and maintained.
1. Where base flood elevation data is provided through the FIS, FIRM, or required as in ECC 15.630.040(D), obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in ECC 15.630.040(D):
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - b. Maintain the floodproofing certifications required in ECC 15.630.020(C)(2).
 3. Certification required by ECC 15.630.070(B)(1), floodway encroachments.
 4. Records of all variance actions, including justification for their issuance.
 5. Improvement and damage calculations.
 6. Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Whenever a watercourse is to be altered or relocated:
1. Notify adjacent communities and the department of ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and
 2. Assure that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.
- E. Interpretation of FIRM boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

(Ord. 4878 § 25, 2021)

15.630.020 Critical area report requirements—Frequently flooded areas.

- A. *Prepared by a qualified professional.* A frequently flooded areas report shall be prepared for development within floodplains. Such report shall be required to be prepared by a qualified professional who is a hydrologist or engineer, and who is licensed in the state of Washington with experience in preparing flood hazard assessments.
- B. *Areas addressed in critical area report.* The following areas shall be addressed in a critical area report for frequently flooded areas:
1. The location of the proposed activity;
 2. All areas of a special flood hazard, as indicated on the flood insurance map(s) within 200 feet of the project area; and
 3. All other flood areas indicated on the flood insurance map(s) within 200 feet of the project area.
- C. *Flood hazard assessment required.* A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment including the following site- and proposal-related information at a minimum:
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1. *Site and construction plans.* A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (100-year flood elevation); ten-year and 50-year flood elevations and floodway, if required by the director and, in addition, other critical areas, buffers, and shoreline areas;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Extent and location of proposed clearing and grading activity;
 - d. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - e. Elevation in relation to mean sea level to which any structure has been floodproofed.
 - f. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
 - g. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
 2. *Floodproofing certificate.* When floodproofing is proposed, a certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the requirements of ECC 15.630.040(H), floodproofing.
 3. *Watercourse alteration.* When watercourse alteration is proposed, the critical area report shall include:
 - a. *Extent of watercourse alteration.* A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of the proposal; and
 - b. *Maintenance program required for watercourse alterations.* A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not diminished.
 4. *Information regarding other critical areas.* Potential impacts to wetlands, fish and wildlife habitat and other critical areas shall be addressed in accordance with the applicable sections of this chapter.

(Ord. 4878 § 26, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.030 Warning and disclaimer of liability.

The degree of flood protection required by this chapter poses and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the federal insurance administrator, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 4878 § 27, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.040 Performance standards—General requirements.

- A. Permit(s) required. The permit required by this section shall be incorporated into the basic underlying permits necessary for the project or activity to proceed within a frequently flooded area, e.g. building permit, short plat, public works permits, State Environmental Policy Act and city critical areas reviews, and similar permits and development reviews. Completion of and compliance with the necessary review processes and permits listed above shall satisfy the requirement of issuance of a development permit for any activity that

would alter land or commence a new use within a frequently flooded area. The permit shall be for all structures including manufactured homes, as set forth in chapter 15.130 ECC, definitions, and for all development including fill and other activities, also set forth in chapter 15.130 ECC, definitions.

- B. All necessary permits shall be obtained. The director shall verify that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state, or local law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendment of 1972 and the Endangered Species Act of 1973.
- C. Development proposals must not reduce the effective base flood storage volume of a floodplain. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site. The compensatory storage must provide equivalent volume at equivalent elevations to that being displaced, be hydraulically connected to the source of the flooding, be provided in the same construction season, and occur on site or off site, if legal arrangements can be made to assure that the effective compensatory storage will be preserved over time.
- D. Areas without base flood elevation data. Where base flood elevation data is not available (A and V zones designated under ECC 15.630.010(A)), and there is insufficient data available from federal, state, county, or other sources, the director shall determine the base flood elevation using historical data, high water marks, photographs of past flooding, and other available information. If there is insufficient data available for the director to make a determination of the base flood elevation, and standards requiring a base flood elevation cannot be implemented, the director shall require measures that assure the proposed structures will be reasonably safe from flooding. At a minimum, the base flood elevation shall be set at least two feet above the highest adjacent grade. The director shall have the authority to set an average base flood elevation if there are sufficient grade deficiencies in elevation around the development area.
- E. AE zones with base flood elevations but no floodways. In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
- F. Construction materials and methods.
 - 1. Methods that minimize flood damage. All new construction and substantial improvements shall be constructed using flood-resistant materials and utility equipment, and with methods and practices that minimize flood damage.
 - 2. Structures shall be located outside the floodplain. All structures shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. For sites with no buildable area out of the floodplain, structures shall be placed on the highest land on the site, oriented parallel to the anticipated flow of water rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the director finds any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
 - 3. Utilities shall be protected. All utilities shall be located on the buildable portion of the site out of the floodplain unless there is no buildable site area out of the floodplain. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within their components during conditions of flooding. Water wells shall be located on high ground that is not in the floodway per WAC 173-10-171. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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- G. Elevation certificate required following construction. Following construction or substantial improvement of a structure within the floodplain where the base flood elevation is provided, the applicant shall be required to submit to the director an as-built elevation certificate from a licensed professional land surveyor that records the elevation of the lowest floor (including basement), and whether or not the structure contains a basement. The director shall obtain said as-built elevation certificate and maintain for public inspection said certificates in its official records.
- H. Floodproofing.
1. When a nonresidential structure is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. Watertight structure. The structure shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
 - b. Hydrostatic resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Certified by a registered professional engineer or architect. The structure shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
 2. Floodproofing certificate required following construction. Following construction of the structure, the applicant shall obtain and provide to the director a floodproofing certificate from a registered professional engineer or architect that records the actual (as-built) elevation to which the structure was floodproofed.
 3. Floodproofing nonresidential buildings. Applicants floodproofing nonresidential buildings shall be notified by the director that flood insurance premiums will be based on rates that are one foot below the floodproofed level (for example, a building floodproofed to the base flood level will be rated as one foot below).
- I. Anchoring.
1. Anchoring required. All new construction and substantial improvements within the floodplain, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
 2. Manufactured homes shall be anchored. All manufactured homes to be placed or substantially improved within the floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and must be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- J. Fill and grading. Fill and grading within the floodplain shall only occur after the review and approval by the city of the clearing, grading, and fill proposal. Such proposal shall require a determination from a licensed professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the city delineated such zones as of the time of the application.
- K. Storage of materials and equipment.
1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
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2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(Ord. 4878 § 28, 2021; Ord. 4803 § 7, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.050 Performance standards—Specific uses.

In all frequently flooded areas where base flood elevation data has been provided as set forth in ECC 15.630.010(A) or 15.630.040(D), the following standards are required:

A. *Residential construction.*

1. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation for the area. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in ECC 15.630.060.
3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the entry and exit of floodwater.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

4. New construction and substantial improvement for any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

- B. *Manufactured homes must be elevated.* All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. *Recreational vehicles.* Recreational vehicles are required to either:
 1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 3. Must obtain a development permit and meet the requirements of this section, including elevation and anchoring, for manufactured homes.

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- D. *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (D)(1) or (2) of this section.
1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b. If located in an AO zone, the structure shall meet the requirements in ECC 15.630.060.
 - c. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.
 - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater.
 - iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.
 2. If the requirements of subsection (D)(1) of this section are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in ECC 15.630.015(B)(2).
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section.
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(Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums.)

E. *Utilities.*

1. Shall be designed to minimize infiltration of floodwaters. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
2. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. *Subdivision & development proposals.*

1. All subdivisions and short subdivisions as well as new development shall:
 - a. *Minimize flood damage.* Subdivisions, ~~and~~ short subdivisions, as well as new development shall be designed to minimize or eliminate flood damage to proposed structures; and public utilities and facilities that are installed as part of such subdivisions, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate flood protection changes;
 - b. *Have adequate drainage.* Subdivisions, ~~and~~ short subdivisions, as well as new development shall have adequate natural surface water drainage in accordance with city's public works development standards to reduce exposure to flood hazards; and
 - c. *Show flood areas on plat maps.* Subdivisions and short subdivisions shall show the 100-year floodplain, floodway, and channel migration zone where designated by the city on the preliminary and final plat and short plat maps.
2. Detailed base flood elevation data shall be generated for subdivisions of at least 50 lots or five acres. Where detailed base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is the lesser.

G. *Alteration of watercourses.*

1. Shall require the submission of a critical area report by the applicant and be in accordance with the habitat regulations set forth in ECC 15.650.020 and 15.650.030 et seq. Watercourse alterations shall only be allowed when no negative impacts occur to critical areas.
2. Shall not result in blockage. Watercourse alteration projects shall not result in blockage of side channels.
3. Notification required. The city shall notify adjacent communities, the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and the Federal Insurance Administration of the proposed watercourse alteration at least 30 days prior to permit issuance.
4. Maintenance of alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood-carrying capacity is not diminished. The applicant shall furnish the city with a surety bond for maintenance, which bond shall remain in effect for a period of five years after completion of the alterations and be in accordance with a maintenance program approved by the director for the alteration project. The bond shall be in an amount to be determined by the director as sufficient to ensure that the flood-carrying capacity of the

watercourse is not diminished and complies with the terms of the maintenance program. The surety and the form of the bond shall be subject to the approval of the city attorney.

- H. *Crawlspaces.* Crawlspaces are commonly used as a method of elevating buildings to or above the base flood elevation or providing area for easier access to utilities and other building facilities. The following requirements apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:
1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required opening standards set forth below in this section. ~~If crawlspace construction is proposed for areas in which the flood velocities exceed five feet per second, the design must be reviewed and approved by a registered architect or engineer.~~
 2. The crawlspace is an enclosed area below the base flood elevation, and as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Openings or vents must meet the following criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
 3. All portions of the building below one foot above the base flood elevation must be constructed with materials resistant to flood damage. The recommended construction practice is to elevate the bottom of the joists and all insulation above the base flood elevation.
 4. Any building utility systems within the crawlspace must be elevated one foot above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components. Duct work must either be placed above the base flood elevation or sealed from floodwaters.
 5. In addition to the above requirements, the following specific provisions also apply to below grade crawlspaces:
 - a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade;
 - b. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point;
 - c. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas (refer to FEMA Technical Bulletin 11-01, page 7, Guidance for Pre-Engineered Crawlspaces). This limitation is intended to prevent these crawlspaces from being converted into habitable spaces.
 - ed. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils or drainage systems such as perforated pipes, tiles, gravel or other means; and
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- d. ~~Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.~~

- I. *Enclosed area below the lowest floor.* If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.
- J. *Appurtenant structures (detached garages and small storage structures) in A zones (A, AE, AH, AO).*
1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b. The portions of the appurtenant structure located below one foot above the BFE must be built using flood-resistant materials;
 - c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed ~~to or~~ at least one foot above the BFE;
 - e. The appurtenant structure must comply with floodway encroachment provisions in ECC 15.630.070(B)(1);
 - f. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (A)(3) of this section;
 - g. The structure shall have low damage potential;
 - h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - i. The structure shall not be used for human habitation.
 2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (A) of this section.
 3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

(Ord. 4878 § 29, 2021; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.060 Performance standards—Areas of shallow flooding.

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the ~~in these areas~~, the following provisions also apply:

- A. *Residential structures.* New construction and substantial improvements of residential structures and manufactured homes within AO zones identified in the flood insurance study and maps referenced in

ECC 15.630.010(A) shall have the lowest floor (including basement **and mechanical equipment**) elevated above the highest adjacent grade of the building site to one foot above the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified.

- B. *Nonresidential structures.* New construction and substantial improvements of nonresidential structures within such AO zones shall either:
1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to a height totaling one foot higher than the depth number specified in feet on the flood insurance map or at least two feet if no depth number is specified; or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed one foot above the depth number specified in the flood insurance map(s) referenced in ECC 15.630.010(A) so that any space below that depth number is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in ECC 15.630.040(H), Floodproofing.
- C. *Drainage paths.* All development shall include adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. *Recreational vehicles.* Recreational vehicles placed on sites within AO zones on the flood insurance map(s) shall either:
1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 3. Must meet the requirements of this section and the anchoring requirements for manufactured homes.

(Ord. 4803 § 7, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.630.070 Prohibited uses and activities.

- A. *Critical facilities.* Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year flood) or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

If not otherwise required by the city, locating of critical facilities within a frequently flooded area shall be subject to SEPA review and action.

- B. *Construction in floodways.* Located within areas of special flood hazard established in ECC 15.630.010(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:
1. New construction requires certification by a licensed professional engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard

engineering practice, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. ~~Small projects that are solely to protect or create fish habitat and designed by a qualified professional may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the city by a qualified professional in the field of hydraulics.~~

2. Residential construction and reconstruction prohibited. Construction and reconstruction of residential structures is prohibited within designated floodways, except for:
 - a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and
 - b. Repairs, reconstruction or improvements to a structure, for which the cost does not exceed 50 percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged, and is being restored, before the damage occurred.

Improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded from the calculation of the 50 percent.

3. Substantially damaged residences in floodway.
 - a. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the floodplain administrator may make a written request that the department of ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the department of ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the department of ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1); and
 - b. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to chapter 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - i. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - iii. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - iv. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - v. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.

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- vi. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
 - vii. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
 - 4. If the provisions of subsection (B)(1) of this section are satisfied, or construction is allowed pursuant to subsection (B)(2) or (B)(3) of this section, all new construction and substantial improvements shall comply with all applicable requirements of ECC 15.630.040 and 15.630.050.
 - C. *Livestock sanctuary areas.* Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.
- (Ord. 4878 § 30, 2021; Ord. 4656 § 1 (Exh. O2), 2013)