

AGENDA PLANNING COMMISSION October 9, 2025

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, October 9, 2025
5:45 PM - Regular Meeting**

- 1. Call to Order and Roll Call of Members**
- 2. Approval of Agenda (No Public Comment) (No Public Comment)**
- 3. Approval of Minutes**
- 4. New Business**
 - 4.A Public Hearing to Consider 2025 Land Development Code Amendments
- 5. Unfinished Business**
- 6. Public Comment**
- 7. Staff Update/Discussion Items**
 - 7.A October 23, 2025 Planning Commission Study Session
- 8. Commission Representative Update**
- 9. Adjournment**



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

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



Meeting Date: October 9, 2025
City of Ellensburg
Planning Commission Agenda Report

Agenda Subject: Public Hearing to Consider 2025 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, as found in Exhibit A.

Background/Summary:

The City of Ellensburg is initiating a land development code (LDC) 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 2025 ECC Title 15 Land Development Code Update includes four main focuses, and revisions to many sections and chapters of Title 15, all with the intention of completing requested updates, required updates, and code clean up. This update includes two citizen proposed amendments: ECC 15.250.010 a proposed exemption to temporary use permits, and ECC 15.260.180 a proposed replace-and-repeal of the binding site plan section. This update also includes Community Development driven code clean-up in multiple sections correcting contradictions, adding clarifying language, and rectifying timeline requirements. Community Development has also included required updates to add co-living housing options in the Land Development Code. All of the proposed amendments are attached as one cohesive code update document, Exhibit A. Summaries of the proposed amendments are provided below:

Application P25-108: Binding Site Plan Repeal and Replace

Mitch Williams has submitted a Land Development Code amendment application that proposes repealing the existing binding site plan provisions contained in ECC 15.260.180 and replacing them with new language. According to the application, the current code is confusing and has conflicting provisions. Additionally, the existing code does not provide for binding site plans in the Planned Unit Development zoning district.

A binding site plan is an alternative method of land division that is authorized by RCW 58.17.035. Binding site plans may only be used for industrial or commercial uses, lease of mobile homes, tiny houses, travel trailers, or condominiums. For binding site plans to be used to divide land, local governments must adopt procedures for their review and approval.

Ellensburg City Code (ECC) 15.260.180 contains provisions for dividing land via the binding site plan process. These provisions were originally adopted in 2013.

RCW 58.17 has previously been amended to allow binding site plans for the divisions of land for the purpose of lease of tiny houses and travel trailers, but this is not reflected in current code. Additionally, the Washington State Legislature adopted Engrossed Substitute Senate Bill (ESSB) 5611 in 2025, which broadens the definition of commercially zoned property to include properties zoned for multifamily housing. Staff has included these legislative updates in the proposed amendment. As written, the proposed binding site plan amendment would:

- Simplify the applicability section.
- Remove internal code conflicts.
- Allow for binding site plan approval of existing developments, including planned unit developments.
- Allow for an administrative final binding site plan process in accordance with RCW 58.17.035.
- Update binding site plan procedure provision for consistency with legislative amendments to RCW 58.17.

Application P25-033: Temporary Use Exemption

Eric Engmann, on behalf of DR Horton, submitted a Land Development Code amendment application proposing to allow temporary model home real estate sales offices as exempt from ECC 15.250.010: Temporary Use Permit process and requirements.

The intention of the temporary use permit section is for the city to be able to permit a use within the city on private property on an interim basis, without requiring full compliance with the LDC, or by which the city may permit seasonal or transient uses not otherwise permitted. Currently, there are several criteria by which a proposed temporary use is evaluated, including:

1. The temporary use will not be detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use.
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use.
3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on site.
4. Hours of operation of the temporary use are specified.
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.

According to the application, many jurisdictions have special allowances for temporary model home and real estate offices for residential subdivisions. Although the use is temporary, the need for these offices can last longer than most typical temporary uses, conflicting with the current Ellensburg City Code limit being 60 days with a one-year extension possibility.

The applicant provided examples from other jurisdictions that allow this specific temporary use, emphasizing that these offices are intended to be removed and reverted back to the residential use once the development is complete and the homes are sold.

HB 1998 Co-living Housing Requirements

In 2024, the Washington State Legislature passed HB 1998, which is now reflected in RCW 36.70A.535, which requires Cities and Counties to adopt regulations allowing co-living housing by the end of 2025. Co-living housing allows for renting units that may have a private or shared bathroom and have shared kitchen facilities. (They may offer a kitchenette but not a full kitchen, distinguishing them from efficiency or studio units.) The legislation includes specific provisions for where co-living housing needs to be allowed, which is any lot that would allow for six or more multifamily units and include provisions for density calculations and parking requirements. The general standard is no more restrictive than multifamily housing. While we do not expect that there will be a lot of development of this kind, there is a local example in the Verge (within the urban growth area but not the City), where tenants rent sleeping units around a shared living and kitchen area.

On September 10, 2024, the Affordable Housing Commission reviewed the proposed changes and recommended them for approval to the Planning Commission and City Council.

Code Clean Up

The proposed code cleanup items amend existing elements of Title 15 that currently contain internal contradictions or vagueness, particularly for review procedures, timelines, and noticing. Staff has diligently noted gaps in the code that lack clarity, contradict, or need process improvement. It is important to ensure that the Land Development Code is clear and understandable, to ensure smooth development and permit review for staff and the community.

Washington State Department of Commerce Review, SEPA Review, and Public Hearing Noticing

The City issued a SEPA Notice of DNS on October 2, 2025, with the public comment period ending October 23, 2025. The proposal was also sent to Commerce on September 18, 2025, with the 60-day review ending on November 18, 2025. SEPA public comments will be provided at the City Council public hearing. Notice of the October 9, 2025 Planning Commission Public Hearing was published in the Daily Record on September 25, 2025 in accordance with ECC requirements.

Previous Council Action:

None

Analysis:

Application P25-108: Binding Site Plan Repeal and Replace

The existing binding site plan procedures in ECC 15.260.180 were adopted by Ordinance 4656 in 2013. Since then, the provisions in this ordinance have never been used. One application was received in 2018, but was deemed incomplete and the application never proceeded beyond that point. This indicates that the existing binding site plan provisions may be overly complicated. The proposed amendment consisting of repealing the existing provisions and replacing with new language would simplify the binding site plan procedures, allow for binding site plans of existing developments, create an administrative final binding site plan process in accordance with RCW 58.17.035, and include language consistent with

legislative amendments, including ESSB 5611. Proposed binding site plans would be required to follow established land division procedures and meet applicable development regulations contained in the Ellensburg City Code. Therefore, staff recommends approval of the proposed Land Development Code amendment to repeal the text of existing section ECC 15.260.180, and replace with the proposed text as found in Exhibit A.

Application P25-033: Temporary Use Exemption

The existing Temporary Use Permit procedures in ECC 15.250.010 includes a 60-day expiration limit, which can be shortened by the director or extended for up to one year. These permit applications go through a Type II review process, meaning there is opportunity for public comment and review, completed by all city departments.

Staff adapted updates from several of the examples provided by the applicant, and included additional sideboards in the draft, including:

- Only allowed for one single family home in a subdivision with forty or more lots, and must cease temporary use no later than three years from filing of final plat of the subdivision or its phase.
- For multifamily, they are only allowed one model display and one office, which may be ground-level and ADA accessible, in a project with twenty or more units, and must cease temporary use no later than three years from the final CO for all dwellings in the project.
- Sales and leasing offices are limited to sale or lease of units in the development of which they are located.
- The office must meet building code and public works requirements for the temporary use; any non-required parking areas must be removed upon removal of the temporary use.

Proposed residential temporary sales offices will be required to be reviewed and approved through typical typical Type II permit and development requirements, and are only allowed for larger developments. Being exempt from the temporary use permit process, the sideboards proposed by staff can be tracked through the plat and final plat process, with building and site review happening at the time of building permit submittal. Therefore, staff recommends approval of the proposed Land Development Code Amendment.

HB 1998 Co-living Housing Requirements

Recommended changes to the following sections are required for compliance with RCW 36.70A.535 by the end of 2025. (If appropriate changes are not adopted, the RCW requirements would supersede City code provisions.) The proposed updates are required, and do not go beyond the required language but seek to integrate this housing type with clarification that it will be treated the same as multifamily housing. Therefore, staff recommends approval of the proposed Land Development Code Amendments regarding co-living housing.

Code sections with changes include the following:

15.130.030 - C definitions,

15.130.110 - K definitions,
15.130.190 - S definitions,
15.310.040 - Use tables,
15.320.030 - Building setback and intensity standards table - Residential zones,
15.500.020 - Applicability and compliance,
15.520.030 - Open space for nonresidential and multifamily uses, and
15.550.040 - Computation of required off street parking spaces.

Code Clean Up

Recommended changes to the remaining code sections regarding the code cleanup are extensive, but largely procedural and not substantive in nature. As community and regulatory needs and requirements change, staff updates the code to ensure procedures are compliant and cohesive to our local community. This clean up addresses many code aspects, particularly review procedures, timelines, and noticing. Staff has provided new or slightly revised definitions for existing regulated uses that lack clear definitions, and in limited cases amend existing zoning allowances to align with apparent intent of existing provisions found elsewhere in code. Formatting needed to be addressed in places, in addition to clarifying applicability of existing provisions and procedures. Staff recommends approval of the proposed Land Development Code Amendments regarding the several aspects of code clean-up.

Below is an explanation of most changes made in order according to code section, to further explain the proposed revisions:

1. ECC 15.110.060: RCW 36.70B.110(11) requires incorporation of procedures for administrative interpretation of development regulations, for Local Project Review Act (Notice of Application)
2. ECC 15.130.010 ("A"): cleans up ADU terms; defines administrative appeals; provides new definition for existing "Art, performing arts, or recording studio"; provides new definition for revised "Auto fueling"; and provides new definition for existing "Auto sales".
3. ECC 15.130.030 ("C"): provides new definition for revised "Café"; provides new definition for existing "Cemetery, columbarium or mausoleum"; cleans up cottage housing square-footage to match previous amendments to 15.540.050
4. ECC 15.130.040 ("D"): amends design review – major now 20,000 sf (increase from existing 15,000) and amends for applicability clarification (square-footage aligned to Retail and Office 20,000 SF thresholds for permitted uses in 15.310.040 tables); provides new definition for existing "Dry cleaner"; cleans up single-family terminology re. ADU's
5. ECC 15.130.070 ("G"): provides new definitions for existing "Golf course" and "Golf driving range"
6. ECC 15.130.120 ("L"): Provides new definition for existing "Laundromat"; adds "commercial laundries" example to "Light industry" (to distinguish from laundromat)
7. ECC 15.130.130 ("M"): cleans up multifamily terms and clarifies applicability & re. ADU's
8. ECC 15.130.160 ("P"): provides new definitions for parking lots (private, public, and freight truck) based on recent proposals and lack of direct regulations; provides new definition for existing "Personal electric vehicle battery charging station"

9. ECC 15.130.180 ("R"): provides new definitions for existing "Radio station" and "Restaurant"
10. ECC 15.130.200 ("T"): provides new definition for revised "Tavern"
11. ECC 15.130.210 ("U"): provides new definition for "University"; removes accessory building calcs from "Usable floor area" definition
12. ECC 15.210.030: cleans up Type II permit review process re. LDC decisions and appeal body
13. ECC 15.210.040:
 - a. Cleans up Table 15.210.040(A) regarding Type II and Type III Permits' appeal bodies
 - b. Cleans up Table 15.210.040(B) regarding SEPA applicability, projects requiring preapplication, statutory language for subdivisions and review timelines, and determinations of completeness; all pursuant to RCW 36.70B.020 & .070 and 58.17.140, and ECC 15.220.030
 - c. Cleans up Table 15.210.040(C) regarding newspaper public notices, SEPA notices, notices to commenters and testifiers, and notification methods based on Permit Type – clarifies Type I permits do not receive most notices, that open record hearing notices are not posted on-site for Type I or II permits unless required (e.g. SEPA), that notices of decision are not published for Type I or II permits unless required (e.g. SEPA), that notices of closed record appeals are not published, and that parties who comment, testify, or request notice receive SEPA determinations, notice of decision, and notice of closed record or appeal hearings; all pursuant to RCW 36.70B.110, .130 & .140 and provisions of 15.220.080, 15.230.020, 15.220.040 & 15.230.090
14. ECC 15.210.050:
 - a. Cleans up Table 15.210.050(A) regarding Type I Permit review, decision & notice processes and applicable code references for code interpretations, minor changes to long subdivisions, minor changes to short plats, and permitted uses with no SEPA; amends Minor Design Review (under 20,000 sf or 10 dwellings) with no departures and outside Landmarks district to a Type I permit (65-day admin review); clarifies requirement for pre-application meetings
 - b. Cleans up Table 15.210.050(B) regarding Type II Permit review, decision & notice processes and applicable code references for administrative variances, commercial wireless facilities, major design review, major or minor design review departure requests (landmarks- and non-landmarks), landmarks COA's; clarifies process for SEPA threshold determinations and short subdivision vacations with no public land vacated as found elsewhere in Title 15; adds provisions for potential Type II Landmarks process for "Small wind energy systems" matching similar provisions in the Chapter for Type I
 - c. Cleans up Table 15.210.050(C) regarding Type III Permit review, decision & notice processes, and applicable code references by providing for short subdivision vacations where public land is vacated (current only as found elsewhere in Title 15)
 - d. Cleans up Table 15.210.050(D) regarding Type IV Permit review, decision & notice processes and applicable code references for approval or revisions to regional retail commercial master site plans, and long subdivision alterations and vacations

15. ECC 15.220.010: clarifies projects requiring preapplication as found elsewhere in Title 15
16. ECC 15.220.015: adds new Section providing requirements for subsequent preapplication meetings
17. ECC 15.220.040: clarifies 14-day SEPA comment period as found elsewhere in Title 15
18. ECC 15.220.050: clarifies 14-day public notice board requirement for Type I or II permits with concurrent SEPA threshold determination as found elsewhere in Title 15; clarifies that required decision notice boards must remain posted through applicable appeal periods (in narrow cases required for longer than 14 days per RCW)
19. ECC 15.220.070: amends Type I administrative permit review 65-day timeline to start from day application is determined complete (vs. date of submittal as existing); clarifies 100-day Type II Landmarks permit decision timeline; clarifies SEPA threshold determination timelines
20. ECC 15.220.080: adds provisions pursuant to RCW 36.70B.130 under Local Project Review Act (Notice of Decision) re. required language in notices, and eligibility to request change in property valuation; reiterates requirement for SEPA threshold determinations to post on-site notice
21. ECC 15.230.010: cleans up language regarding appeals and applicability to SEPA determinations
22. ECC 15.230.020: clarifies applicability of Section to open record public hearings including when they are appeal hearings; clarifies Permit Types requiring on-site notice postings; adds provisions clarifying process for city hearing body notification of hearings
23. ECC 15.230.025: adds new section clarifying process distinctions for public notice of closed record public hearings as found elsewhere in Title 15
24. ECC 15.230.030: clarifies date effectiveness of decisions
25. ECC 15.230.040: cleans up general description of appeals based on Permit Types
26. ECC 15.230.050: cleans up decision-making and bodies who hear administrative appeals
27. ECC 15.230.060: clarifies closed record appeal eligibility is open to testifiers at preceding open record hearings; strikes restriction on signed petitioners and form letter submitters from being parties of record for purpose of written comment submissions (new 15.230.025 clarifies notices are only sent to parties who provide sufficient contact information for written notification)
28. ECC 15.230.070: cleans up administrative appeal procedures; incorporates requirements of RCW 36.70B.110(9) under Local Project Review Act (Notice of Application) to extend appeal period for project permit decision issued with a SEPA threshold determination under standard 2-comment window process (additional week of appeal eligibility/decision notice posting)
29. ECC 15.230.080: clarifies applicability of Section to open record administrative appeal hearings, including relevant Section references for notices of decision
30. ECC 15.230.090: clarifies applicability of Section to closed record administrative appeal hearings; revises to allow parties of record defined in 15.230.060 have right to participate in appeal hearings (not necessarily to initiate an appeal); clarifies that noticing is limited to methods described in 15.230.025 as revised; re-formats decision & notice Subsection similarly to 15.230.080(G) including relevant Section references for notices of decision

31. ECC 15.230.100: revised to clarify potential for non-administrative appeals to Growth Management Hearings Board if applicable
32. ECC 15.250.010: revised to reflect potential applicability of Type I minor project design review as revised in Table 15.210.050(A); cleans up landmarks code references; clarifies distinction between Type I or II design review as revised in Tables 15.210.050(A),(B)
33. ECC 15.260.050: modernizes submittal requirements for Boundary Line Adjustment
34. ECC 15.260.060: modernizes submittal requirements for preliminary subdivisions; clarifies findings of conformance must be in writing
35. ECC 15.260.080: limits phasing eligibility to long subdivisions; restricts submissions no later than 2 years from preliminary subdivision approval; later phasing proposal submissions would be reviewed as Type IV Plat Alteration (Council approval required); prohibits short subdivision phasing; clarifies limitations of phasing, and potential for new conditions for phasing proposals
36. ECC 15.260.100: modernizes submittal requirements for final subdivisions
37. ECC 15.260.120: clarifies naming convention "short subdivision" (vs. "short plat" which is final plat drawing of short subdivision per RCW 58.17.020(15)); adds RCW 58.17.155 requirement to notify WSDOT of proposed short plats adjacent to state ROW (no equivalent provisions for long subdivisions); clarifies findings of conformance must be in writing; clarifies 90-calendar day approval period for preliminary short subdivisions; reincorporates Subsection E.2 lost by Municode in codifying Ordinances 4953 & 4955
38. ECC 15.260.160: re-formats existing provisions pursuant to RCW 58.17.060(1) for time restriction on subsequent short subdivisions unless altering by creating no more than 4 total lots within boundary
39. ECC 15.260.170: reiterates prohibition on phasing plans for short subdivisions
40. ECC 15.280.090: revises Landmarks nomination hearing scheduling timeline from date of application completeness determination (vs. date of submittal, as existing) to align with all other processes; revises decision timeline to 10 working day (vs. calendar days as existing) to align with all other processes; revises decision notice procedures to reference Section applicable to all other processes
41. ECC 15.280.100: revises decision window to standard 100-day applicable to all other Type II processes (vs. 30-day as existing); adds reference to applicable appeal Section
42. ECC 15.280.110: revises decision window to standard 100-day applicable to all other Type II processes (vs. 30-day as existing); revises decision timeline to 10 working day (vs. calendar days as existing) to align with all other processes
43. ECC 15.280.130: clarifies judicial appeal under referenced Administrative Procedures Act RCW is only applicable after exhausting local administrative appeals
44. ECC 15.285: relocates entirety of existing 15.720 "Murals" (only remaining Chapter under Division VII) with Section renumberings; only substantive change is deletion of previous Subsection 030.D.5 re. location of murals on facades adjacent to streets, with Subsection 6 renumbered as 5
45. ECC 15.310.040:
 - a. Adds asterisks to uses with existing definitions or newly added definitions in 15.130, and deletes redundant definition code sections in use columns
 - b. Re-formats Residential table numbering to 15.310.040-1

- c. Re-formats Nonresidential table numbering to 15.310.040-2; revises Note 5 to permit subject nonresidential uses in certain residential zones if 1,200 feet from commercial or mixed-use zone (vs. only applicable to R-S & R-L and separated from existing C-N or commercial use); adds Note 11 to only permit noted nonresidential uses on lots abutting the intersection of multiple public street frontages (e.g. corner lots);
- d. Revises "Restaurants": applies revised Note 5 to R-S, R-L, R-M and R-H; applies new Note 11 to R-S, R-L, R-M & R-O
- e. Revises "Cafes" (formerly Coffee house, espression bar): applies Note 5 to R-M & R-H; applies new Note 11 to R-S, R-L, R-M & R-O
- f. Revises "Heavy services": prohibits in C-C (downtown; currently permitted with Note 2)
- g. New regulations for "Private parking lots": Permitted in R-H & RCMU; conditional in C-C & C-C II
- h. New regulations for "Feight truck parking lots": Permitted in C-H & P-R
- i. Revises "Personal service establishments": applies revised Note 5 to R-M & R-H; applies new Note 11 to R-S, R-L & R-M
- j. Revises "Laundromats and dry cleaners": applies revised Note 5 to R-M & R-H; applies new Note 11 to R-M & R-O
- k. Revises "Radio station": deletes "Commercial" modifier; prohibits in R-L (Conditional as existing)
- l. Revises "Offices <2,000 sf": applies revised Note 5 to R-M & R-H
- m. Revises "Offices 2,000-20,000 sf": prohibits in R-S & R-L (Permitted with Note 5 as existing)
- n. Revises "Miniwarehouse facility": prohibits in R-M & I-H (Conditional as existing)
- o. Revises "Hazardous waste treatment (on-site)": prohibits in C-C (Conditional as existing)
- p. Revises "Tow vehicle storage area": Conditional in I-L (Permitted as existing)
- q. Re-formats Residential table numbering to 15.310.040-3; adds new Note 13 to permit subject nonresidential uses in residential zones if at least 1,200 ft from an existing commercial or mixed-use zone
- r. Revises "Golf course": prohibits in R-S (Permitted as existing)
- s. Revises "Golf driving range": deletes non-association to golf courses; prohibits in R-S (Conditional as existing), Conditional in RC-MU (prohibited as existing)
- t. Revises "Recreation, small-scale indoor studios (commercial)": adds new Note 13 in R-S, R-L & R-M
- u. Revises "Recreational vehicle parks": Conditional in C-H (Permitted as existing), Accessory in P-R (prohibited as existing)
- v. New regulations for "University": Permitted in P-R only with Note 5
- w. New regulations for "Public parking lot": Permitted in C-C, Permitted/Accessory with Note 7 in P-R

46. ECC 15.320.030: revises Table 15.320.030:

- a. Revises Note 11 to require total minimum side yards of 15-feet calculated together with each a minimum 5 (e.g., permits two 7.5-ft side yards, or one 5 and the other 10)
- b. Re-formats R-S & R-L minimum interior side yard to reflect changes to Note 11

- c. Revises R-M minimum interior side yard to 5-ft, deletes Note 11
- d. Revises R-H minimum interior side yard to 10-ft, deletes Note 11
- e. Applies existing Note 9 to minimum exterior side yard

47. ECC 15.320.045: revises Table 15.320.045:

- a. Revises Note 9 to require total minimum side yards of 15-feet calculated together with each minimum 5 (e.g., permits two 7.5-ft side yards, or one 5 and the other 10)
- b. Re-formats R-O minimum interior side yard to reflect changes to Note 9
- c. Deletes Note 9 from R-O minimum exterior side yard

48. ECC 15.320.060: adds new Subsections E, F & G to reference other existing height regulation exceptions of in Sections 3.12.340(C), 15.340.060 & 15.340.070 and 15.395

49. ECC 15.320.070: adds new Subsection F for setback modifications under the existing Setback measurements Section (relocated without amendment from 15.320.100)

50. ECC 15.320.080: revises permitted projections

- a. Permits fireplaces, bay windows, enclosed stair landings, closets and similar structure up to 30-inches into any setback (existing only permits front or rear); requires minimum 5-feet separation maintained between such projections and side property line
- b. Revises Subsection B: eaves, cornices and signs may project max 30 inches into required setback or from a structure projection permitted by this Section (existing only permitted 3-feet into front or rear yard, or 2-feet into side yard) – standardizes projection into all yards and measures from possible permitted projections vs. only into required setback
- c. Revises Subsection C: enclosed porches and similar covered entries permitted up to 6 feet into front or rear yard (existing does not specify enclosed entry spaces)
- d. Revises Subsection D: unenclosed covered porches, covered decks (w/ or w/o entries) and similar entry features may project 6 feet into any yard; requires minimum 5-feet separation maintained between such projections and a side property line
- e. Revises Subsection F: permits listed projections into any external side yard (existing only front); deletes unenclosed porches (relocated above) and renumbers remaining Subsections
- f. Revises Subsection G: re-aligns numeric Subsection; revises Uncovered porches to “Patios” to clarify types of <18-inch tall projections that are permitted in any yard

51. ECC 15.320.100: deletes Setback modifications (relocated to 15.320.080); renames Section to clarify remaining contents of Section (admin variances) and renumbers Subsections

52. ECC 15.340.020: deletes annual notification requirement for Home Occupation permittees

53. ECC 15.390.040: clarifies that SEPA checklist is only needed if required for a regional commercial project; deletes Type IV project timeline exemption so standard 120-day decision window applies

54. ECC 15.420.050: permits eaves up to 30 inches over shared property line for zero lot line homes if sufficient easement is granted (existing only permits up to 18 inches and with no explicit easement requirement)
55. ECC 15.520.040: reincorporates Figure 15.520.040(D) exemplifying parking lot pathway standards (deleted in previous code amendments) to clarify how to meet Subsection
56. ECC 15.540.040: cleans up ADU terms and permission; deletes that principal unit standard applies where standards conflict
57. ECC 15.520.070: re-numbers Subsection 1.d and Subsection 2 to clarify separate applicability of standards; rennumbers following Subsections
58. ECC 15.550.040: revises off-street parking computation Section
 - a. Deletes tandem parking allowances from only eligible for single-family, duplexes and adult family homes in Table 15.550.040(A), to conform with RCW 36.70A.622(1)(c) (GMA residential parking regulation) which require tandem parking to be permitted for any residential use
 - b. Clarifies 1 parking space only required for 2nd ADU on a lot with 2 ADU's
 - c. Deletes "Studio units" line item and adds to 1-bedroom line, to consolidate same existing parking standard; specifies "(all other)," to distinguish from requirements in C-C outside downtown historic district
 - d. Specifies "(all other)" for 2-bedroom and larger, to distinguish from requirements in C-C outside downtown historic district
 - e. Revises Note B to refer to the Table for C-C parking requirements for residential uses outside the downtown historic district (removes potentially conflicting interpretation)
 - f. Revises Note D to clarify intent (lower standard applies where there's any conflict)
 - g. Revises Note J to permit tandem parking for any residential dwelling units pursuant to RCW 36.70A.622(1)(c) (existing only permits for single-family and duplexes in this Note)
59. ECC 15.570.050: new Subsection D relocated from 2nd sentence of existing Subsection C to clarify eligibility for Departures for all parking lot perimeters, not just standards for parking lots along internal lot lines; Subsection 3 amended to clarify all internal parking lot landscaping standards only apply to lots with more than 40 spaces (existing only exempts the minimum planting area requirement below this space threshold)
60. Division VII: repealed in entirety (only existing Chapter 15.720 "Murals" relocated to 15.285)

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; and
2. The amendment will not adversely affect the public health, safety or general welfare; and

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.]

Staff finds that the proposed amendments are in accordance with the three decision criteria, as described above. Therefore, staff recommends the planning commission recommend adoption to the City Council.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. EXHIBIT A_CODE AMENDMENT TEXT
2. EXHIBIT B_P25-033 DR HORTON APPLICATION
3. EXHIBIT C_P25-108 MITCH WILLIAMS APPLICATION
4. EXHIBIT D_EXISTING ELLENSBURG CITY CODE 15.260.180

Exhibit A

2025 Land Development Code Amendments

Proposed changes are indicated by an underline for additions and ~~striketrough~~ for removals.

15.110.060 Roles and responsibilities.

- A. The elected officials, appointed commissions, hearing examiner, and city staff share the roles and responsibilities for carrying out the provisions of the LDC.
- B. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the reviewing body in legislative and quasi-judicial matters.
- C. The planning commission is the designated planning agency for the city as specified by state law. The planning commission is responsible for a variety of discretionary recommendations to the city council on land use legislation, comprehensive plan amendments and certain quasi-judicial matters.
- D. The hearing examiner is responsible for certain quasi-judicial decisions designated by this title and the review of administrative appeals.
- E. The landmarks and design commission is the designated body responsible for certain quasi-judicial and legislative decisions established by this title relating to properties identified as being on the Ellensburg landmarks register.
- F. The director shall have the authority to administer the provisions of the LDC, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within the LDC, to decide all requests for non-landmarks register departures from the city's design standards (see ECC 15.210.060 for "departure" provisions), and to enforce requirements.
 - 1. Where a proposed use of land is not specified in ECC Chapter 15.310 or defined in ECC Chapter 15.130, the director shall have the discretion to determine the use of land in this Title most closely related to that proposed in making determinations of requirements thereto.
 - 2. Administrative code interpretations are appealable under provisions of ECC 15.230.040(A).
- G. The rules and procedures for proceedings before the hearing examiner, appointed review bodies, and city council are adopted by ordinance and available from the city clerk's office and the department.

(Ord. No. 4935, § 2, 12-18-2023; Ord. 4656 § 1 (Exh. O2), 2013)

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 principal unit~~ on a lot and may be added to, created within, or detached from the ~~primary single-family dwelling principal 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 principal unit~~ including the yard, parking, or storage. For the purpose of this Title, accessory dwelling units are not calculated for dwelling unit density and are not considered a multifamily use. 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."

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, administrative. An "administrative appeal" means an appeal of a Title 15 decision or determination from a city decision-maker that is heard by a city appeal body.

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."

Art, performing arts, or recording studio means a space where physical or digital media artists draft, create, display or sell works of art, where performance art productions are rehearsed or performing artists train, or a facility whose principal use is the production of audio or video recordings.

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.

Auto fueling means a commercial use of land where customers obtain fuel for personal vehicles, not to include heavy service truck stops.

Auto sales means a commercial use of land for the display and sale of personal vehicles and similar products.

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. No. 4951, § 2, 12-16-2024; Ord. 4878 § 2, 2021; Ord. 4807 § 2, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.030 C definitions.

Cafe means a commercial establishment whose principal use is the on-premise preparation of beverages and food items for customers, including those serving alcoholic beverages on-premise incidental to primary use, such as coffee houses, tea shops, drive-through coffee stands, and similar uses.

Cannabis, for the purpose of chapter 15.370 ECC, means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this title, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

Cannabis products, for the purpose of chapter 15.370 ECC, means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this title and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

Cemetery, columbarium or mausoleum means a public or private use of land for the interment of human remains.

Certificate of appropriateness or *COA* means the approval issued by the landmark and design commission indicating the commission has reviewed the proposed changes to a landmarks register property or within a landmarks register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation. See chapter 15.280 ECC.

Certified local government or *CLG* means a local government certified by the Washington State Historic Preservation Officer as having established its own historic preservation commission and a program meeting federal and state standards. See chapter 15.280 ECC.

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

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

Class of properties eligible to apply for special valuation in the city of Ellensburg means only those properties listed on the Ellensburg landmarks register, or the National Register of Historic Places, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in chapter 84.26 RCW. Also see chapter 15.280 ECC.

Closed record hearing means a final decision hearing by a local government body or officer, including the legislative body, following an open record hearing on a project permit application which results in a pre-decision recommendation being made by that government body or officer. The closed record hearing is based on the record developed in the pre-decision open record hearing, with no or limited new evidence or information allowed to be submitted and the final decision is issued based on that record.

Co-living housing means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities, and may share bathroom facilities, with other sleeping units in the building.

Community garden means an open space with a series of garden plots that are used by residents of a development. It can also be a publicly accessible open space for use by residents of the neighborhood or city. The plots can be used to grow flowers, vegetables, herbs, or other plants. See ECC 15.520.030(E)(5) for community garden standards associated with multifamily developments.

Community residential facility means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licensed under chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

Comprehensive plan means the long-range plan used as a guide for the physical, economic, and social development of Ellensburg, as adopted by the Ellensburg city council on March 19, 2007, including all subsequent amendments thereto, Ordinance No. 4474, 2007.

Conditional use means a use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. Such conditional uses may be permitted in such zoning districts, but only if specific provision for such conditional use is made in this title. See ECC 15.250.040 and division III.

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

Conical surface means, for the purpose of chapter 15.350 ECC, a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet upward to each one foot outward for a horizontal distance of 4,000 feet.

Cooperative means a group of more than one, but no more than four qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

Cottage housing means a type of housing design established in ECC 15.540.050 that consists of small, detached dwelling units arranged in a cluster of four to 12 dwelling units around a common central open space, potentially at a density greater than the underlying zoning district. Such dwelling units may not exceed ~~1,200~~ 1,500 total square feet in size and may be configured as condominiums or fee simple lots.

Council means the duly constituted legislative authority of the city of Ellensburg.

CPTED means a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social and administrative environment.

Creation or establishment as it pertains to chapter 15.620 ECC is the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involved in excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support growth of hydrophytic plant species.

Critical areas include the following areas and ecosystems: wetlands; areas with a critical recharging effect on aquifers used for potable water; fish and wildlife habitat conservation areas; frequently flooded areas; and geologically hazardous areas. See division VI.

Critical facilities means facilities for which even a slight chance of flooding would represent a major risk. Critical facilities include, but are not limited to, schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use or store hazardous materials or hazardous waste of a type and in amounts deemed to be inappropriately located in a 100-year floodplain. See division VI.

Cultivation, for the purpose of chapter 15.370 ECC, means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

Cut-off angle (of a luminaire) means the angle measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible. (Ord. 4807 § 3, 2018; Ord. 4803 § 1, 2018; Ord. 4728 § 1, 2016; Ord. 4656 § 1 (Exh. 02), 2013)

15.130.040 D definitions.

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

1. Day care shall include child day care services, adult day care centers, and the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
 - b. Nursery schools for children under minimum age for education in public schools;
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
 - d. Programs covering after-school care for school children.
2. Day care establishments are subclassified as follows:
 - a. Day care I: a maximum of 12 adults or children in any 24-hour period; and
 - b. Day care II: over 12 adults or children in any 24-hour period.

Decision-maker refers to the individual or official body identified in the LDC as having the responsibility to approve or deny project permit applications made to the city.

Dedications means a deliberate appropriation of land by an owner in fee simple, for any general and public use.

Department means the Ellensburg community development department.

Departure means an alternative way to meet specific design standards set forth in this title. See ECC 15.210.060 for general information and procedures associated with departures.

Design review, major project refers to the review process required for construction activity requiring a permit meeting one or more of the following criteria:

1. The construction of any new nonresidential floor area ~~with creating a total building gross floor area of 15,000-20,000~~ square feet or more (including new buildings or additions to existing buildings);
2. The construction of any new residential building or a residential building addition which contains ten or more dwelling units; or
3. All construction activity requiring a building permit which will result in any new structure or alter the exterior appearance of an existing building on the landmarks register as established in ECC 15.280.080.

See ECC 15.250.030 for details on the design review process.

Design review, minor project refers to the review process required for construction activity requiring a permit meeting the following criteria:

1. The construction of any new nonresidential building with a gross floor area of less than ~~15,000-20,000~~ square feet;
2. The construction of any new residential building which contains less than ten dwelling units; or

3. Exterior modifications and building additions except:
 - a. Minor exterior modifications exempt from review per ECC 15.250.030(B)(3); and
 - b. ~~Nonresidential building additions that result in 15,000 square feet or more of floor area, Any activity requiring design review as a major project; and~~
 - c. ~~Residential building additions that add ten or more dwelling units; and~~
4. ~~The d~~Development is not located on the landmarks register must be design reviewed as established in ECC 15.280.080.

See ECC 15.250.030 for details on the design review process.

Designated provider means a person who is 21 years of age or older and:

1. a. Is the parent or guardian of a qualifying patient who is under the age of 18 and beginning July 1, 2016, holds a recognition card; or
 - b. Has been designated in writing by a qualifying patient to serve as the designated provider for that patient;
2. a. Has an authorization from the qualifying patient's health care professional; or
 - b. Beginning July 1, 2016:
 - i. Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient; and
 - ii. Has been provided a recognition card.
3. Is prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider;
4. Provides marijuana to only the qualifying patient that has designated him or her;
5. Is in compliance with the terms and conditions of chapter 69.51A RCW; and
6. Is the designated provider to only one patient at any one time.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard; and use of land or water or the intensification or expansion of the use of land or water.

Development agreement means a contract between an applicant and the city defining their respective roles and responsibilities for final approval of a land development.

Development application means a written request completed by a developer, seeking city approval for a development.

Development approval means any authorization issued by the city of Ellensburg which approves a development.

Director means the city of Ellensburg community development director or his/her designee, unless otherwise specified.

Docket (noun) means the process for determining which proposed annual comprehensive plan amendments will be considered during the annual review process. See ECC 15.250.090.

Domicile as it pertains to marijuana cooperatives means a person's true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located. It is the place where the person intends to remain and

to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

Dry cleaner means a commercial establishment providing personal service cleaning, ironing and tailoring of customer clothing.

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

Dwelling, cottage. "Cottage" means a small single-family dwelling that is clustered with other similar units surrounding a common open space. See ECC 15.540.050 for special cottage housing provisions.

Dwelling, duplex. "Duplex" refers to a building that is entirely surrounded by open space on the same lot and contains two dwelling units or two dwelling units that are physically separated but on the same lot. A duplex will not be considered a duplex for purposes of the land development code standards if more than one duplex building is located on one lot. See ECC 15.540.030 for special duplex provisions.

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

Dwelling, multifamily. See definition of "multifamily," ECC 15.130.130.

Dwelling, single-family. "Single-family dwelling" means one principal dwelling unit ~~or one dwelling unit with whose lot may include one or two~~ an attached or detached accessory dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. See ECC 15.540.020 for special single-family dwelling provisions.

Dwelling, townhouse. "Townhouse" is a single-family dwelling constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Ownership of a townhouse includes the unit's building and associated property. See ECC 15.540.060 for special townhouse provisions.

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

(Ord. 4807 § 4, 2018; Ord. 4803 § 1, 2018; Ord. 4728 § 2, 2016; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.070 G definitions.

Garage, private. "Private garage" means an accessory building or an accessory portion of the main building designed and/or used for shelter or storage of automobiles, boats, and/or any other vehicles owned or operated by the occupants of the main building, and in which no occupation for profit is carried on. (See also ECC 15.320.110, accessory buildings.)

Gated community means a development that is surrounded by a fence and featuring controlled access at the entry or entries. See ECC 15.420.030 for related provisions.

Gateway corridor means a principal arterial street that serves to access the downtown area. Gateways have unique street standards (ECC 15.510.070) and permitted land uses adjacent to street corridors that create an attractive environment and destination for commerce, employment, living, interaction, dining, and entertainment for the residents, workers, and visitors of the city of Ellensburg.

Geologically hazardous areas means areas reasonably subject to significant hazards because of their susceptibility to erosion, sliding, earthquake or other geological events and as such are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. The intent is to classify and designate areas on which development should be prohibited, restricted or otherwise controlled because of danger from geological hazards. Those areas in the city designated as having slopes which exceed 40

percent are designated as geologically hazardous areas and subject to the requirements of division VI, critical areas district.

Golf course means an outdoor recreational use consisting of one or more holes for playing the sport of golf.

Golf driving range means an outdoor recreational facility for practicing golf.

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

Grade means the elevation of the ground surface. "Existing grade," and "finished grade" are defined as follows:

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

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

(Ord. 4887 § 8, 2022; Ord. 4807 § 6, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.110 K definitions.

Kennel or shelter means any outdoor or indoor facility which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may be either a separate business or an accessory use. A kennel is to be distinguished from a veterinary clinic which houses animals for periods that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed in a veterinary clinic. See definition of "Veterinary clinic" in ECC 15.130.220.

Kitchen means a room or part of a room which is used, intended, or designed to be used for preparing food. The kitchen includes facilities, or utility hookups for facilities, sufficient to prepare, cook, and store food, and wash dishes, including, at a minimum, countertops, a kitchen-style sink, space and utilities sufficient for a gas or 220/240v electric stove and oven, and a refrigerator.

(Ord. 4807 § 8, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.120 L definitions.

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

Landmark means any historic property and the improvement(s) thereon designated as a landmark pursuant to Chapter 15.280 ECC.

Landmark district means a contiguous geographic area of multiple properties and/or improvements thereon designated as a landmark district pursuant to Chapter 15.280 ECC.

Landmark site means a property, with or without improvements or above-ground features, designated as a landmark site pursuant to Chapter 15.280 ECC.

Landmarks and design commission means the commission created in ECC 15.280.030.

Landmarks register, or register means the local listing of historic properties designated as landmarks, landmark sites, or landmark districts pursuant to criteria set forth in ECC 15.280.080.

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

Laundromat means a commercial establishment whose principal use is on-premise customer washing and drying of household clothing.

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

Legal parcel, for the purpose of chapter 15.370 ECC, means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, which for purposes of this title shall also include parcels organized as a condominium, such legal parcels shall be counted as a single parcel.

Light industry refers to a category of uses that accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This use category includes, but is not limited to, contractors, call centers, textiles, wood products, printing, pharmaceuticals, machinery manufacturing, research and development, regional distribution, commercial laundries, and crematories.

Light manufacturing means a light industrial business where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building and does not involve the use or production of flammable, explosive, or other hazardous materials. May include an ancillary restaurant, or retail use through which goods produced on site are sold or served to the public on site or distributed wholesale to off-site users or resellers.

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

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

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

Long plat or subdivision plat means the map or representation of a subdivision of land into ten or more lots, tracts or parcels, both in preliminary and final form, containing all of the pertinent information as required by this title. See chapter 15.260 ECC.

Lot. For purposes of this title, a "lot" is a parcel of land and may consist of:

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

For the purpose of subdivision regulations set forth in chapter 15.260 ECC, a "lot" is a fractional part of subdivided land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

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

1. *Front lot line* means, for interior lots, the lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on two streets, designation of the front lot line shall be made by the director based on the context of the site and addressing needs for fire, life, and safety.
2. *Rear lot line* means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.
3. *Side lot line* means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an "exterior side lot line"; all other side lot lines are termed "interior side lot lines."

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

1. *Corner lot* means a lot located at the intersection of two or more streets.
2. *Interior lot* means a lot other than a corner lot with frontage only on one street other than an alley.
3. *Through lot* means a lot other than a corner lot with frontage on more than one street other than an alley and may also be referred to as a "double frontage lot."

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of chapter 15.600 ECC (i.e. provided there are adequate flood ventilation openings).

Luminaire. See definition for *fixture*.

(Ord. 4887 § 10, 2022; Ord. 4878 § 7, 2021; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.130 M definitions.

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

Manufactured home, designated means a single-family dwelling constructed after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance, and meeting the specific design criteria set forth in ECC 15.340.030. Designated manufactured homes are allowed as single-family dwellings in all zones that permit single-family dwellings.

Manufactured home lot means a portion of a manufactured home park used or intended to be used for the parking of one manufactured home, including the land covered by the manufactured home, adjacent open spaces, and attached or detached accessory buildings and structures. See ECC 15.340.040 for manufactured home park provisions.

Manufactured home, new means any manufactured home required to be titled under RCW title 46, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). New manufactured homes are allowed in manufactured home parks pursuant to the requirements in ECC 15.340.040.

Manufactured home park or subdivision means a lot, parcel (or contiguous parcels), or tract of land divided into two or more manufactured home lots for rent or sale, including any accessory buildings, structures or uses customarily incidental thereto. See ECC 15.340.040 for manufactured home park provisions.

Manufactured home park or subdivision, new means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the new manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

Marijuana or marihuana means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana-infused products means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana processor means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana producer means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana products means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana retailer means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana and marijuana-infused products in a retail outlet (as defined in RCW 69.50.101 and provided herein for reference).

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

Mean sea level means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

Median income means, for the purpose of ECC 15.330.020, the median income for the Ellensburg Micropolitan Statistical Area as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under said Section 8(f)(3) are terminated, median income determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Ellensburg Micropolitan Statistical Area or Kittitas County, the city may use any other method for determining the Kittitas County median income, adjusted for household size.

Medical (or medicinal) use of cannabis means, for purpose of chapter 15.370 ECC, the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

Miniwarehouse means an enclosed single-story building(s) designed and constructed to provide individual compartmentalized controlled access stalls or lockers which shall be used only for the storage of personal property. Ministorage is synonymous with miniwarehouse.

Mixed-use means any combination of permitted land uses either within one development or within one zoning district.

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

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

Moderate income household means, for the purpose of ECC 15.330.020, a household whose gross income of all permanent household members over the age of 18 is equal to or less than 80 percent of the Kittitas County median income, adjusted for household size.

Modulation means a measured and proportional inflection on a building's face. Together, articulation and modulation and their interval create a sense of building scale.

Motel. See definition for *hotel* in ECC 15.130.080.

Multifamily. As a use "multifamily" refers to one lot that contains three or more principal dwelling units whether attached or detached. Accessory dwelling units are not calculated as a dwelling unit for the purpose of this definition. Multifamily may include duplexes located on contiguous lots. Staff will make the determination as to whether a project qualifies as multifamily on a case-by-case scenario.

Mural. A "mural" is a singular work of visual art, which may contain graphics or text, painted or otherwise applied or attached on a building, structure, fence, or other object within public view.

Museum means an institution, open to the public, devoted to the procurement, conservation, study, and display of objects of historical, scientific, artistic, or cultural interest, for the purposes of education, study and enjoyment.

(Ord. 4887 § 11, 2022; Ord. 4878 § 8, 2021; Ord. 4807 § 9, 2018; Ord. 4725 § 2, 2016; Ord. 4724 § 2, 2016; Ord. 4669 § 2, 2014; Ord. 4656 § 1 (Exh. O2), 2013)

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 lot, private. "Private parking lot" means a principal use of land for the temporary commercial parking of personal vehicles in off-street parking spaces.

Parking lot, public. "Public parking lot" means a publicly owned or managed parcel or portion thereof where the principal use is temporary parking of personal vehicles open to the public, such as surface parking lots and parking garages or parkades.

Parking lot, freight truck. "Freight truck parking lot" means a parcel or portion thereof used for parking less than 24 hours of heavy freight trucks and tractor trailers, whether as a private commercial use or a publicly owned or managed use of land.

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).

Permanent supportive housing is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

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 electric vehicle battery charging station means all or portion of an off-street vehicle parking area where spaces are dedicated for charging personal electric vehicles.

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 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. No. 4955, § 104, 2-18-2025; Ord. No. 4953, § 2, 1-21-2025; Ord. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013; Ord. No. 4936, § 3, 2-5-2024)

15.130.180 R definitions.

Radio station means an indoor space for broadcasting audio programs. Any associated recording studios or on-site wireless communication facilities are regulated separately by this Title.

Reasonably safe from flooding means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, "reasonably safe from flooding" means that the lowest floor is at least two feet above the highest adjacent grade.

Recreation—Indoor commercial means a commercial recreation land use conducted entirely within a building, including, but not limited to, athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

Recreation—Outdoor commercial means a commercial recreation land use conducted primarily outdoors, including, but not limited to, water parks, amusement parks, and miniature golf courses.

Recreation—Small scale indoor commercial studios means a commercial recreation land use conducted entirely within a building, limited to a floor area of no more than 2,000 square feet, including, but not limited to, dance, yoga, aerobics, martial arts, and spin classes.

Recreational vehicle is a vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

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

Recreational vehicle park means a lot, parcel or tract of land, or a portion of a manufactured home park, having as its principal use the rental of space for temporary, short-term, transient occupancy by two or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto. See ECC 15.340.050 for applicable standards.

Regional retail commercial refers to any use which involves the display and sale of retail consumer goods as part of a regional retail master site plan approved in accordance with the standards and design criteria of chapters 15.390 and 15.390A ECC. Permitted uses and exceptions are described within ECC 15.390.030. Regional retail

commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of allowable uses; provided, that at least 50,000 square feet must be used by one retailer.

Residential care facilities means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15, functionally disabled persons and which is not licensed under chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

Residential treatment facility means, for the purposes of chapter 15.370 ECC, a facility providing for treatment of drug and alcohol dependency.

Restoration, as it pertains to chapter 15.620 ECC, is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purposes of tracking net gains in wetland acres, restoration is divided into:

1. *Re-establishment*. the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
2. *Rehabilitation*. the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain.

Restaurant means a commercial establishment whose principal use is on-premise preparation of food for consumption by customers whether on-premise or off-premise, including those serving alcoholic beverages on-premise incidental to primary use, such as full-service dine-in eateries, drive-through fast food establishments, take-out and drive-in food services, and similar uses.

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

Retail outlet means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, usable marijuana, and marijuana-infused products (as defined in RCW 69.50.101 and provided herein for reference).

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

Reviewing authority refers to the individual or official body identified as having the responsibility to review and approve or deny permit applications described in this title. Also see *decision-maker* in ECC 15.130.040.

Right-of-way means a general term denoting land, property or interest therein which is meant for public use, usually for transportation purposes. Rights-of-way are distinguished from easements in that they are separate and distinct from the lots adjoining such rights-of-way and are not included in any private ownership.

Runway means, for purposes of chapter 15.350 ECC, a defined area on an airport prepared for landing and takeoff of aircraft along its length.

(Ord. 4887 § 14, 2022; Ord. 4878 § 10, 2021; Ord. 4803 § 1, 2018; Ord. 4769 § 5, 2017; Ord. 4724 § 3, 2016; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.190 S definitions.

School means, for the purposes of chapter 15.370 ECC, an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school.

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

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

Senior housing means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens (over 62 years old). For the purpose of permitted uses in ECC 15.310.040, senior housing is a type of multifamily dwelling, unless it also meets the definition of senior citizen assisted housing, set forth in this section.

SEPA rules means chapter 197-11 WAC, as now existing or hereafter amended by the department of ecology. See chapter 15.270 ECC.

Shielding means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

Short plat or *short subdivision plat* means the map or representation of a short subdivision, both in preliminary and final short subdivision plat form, containing all of the pertinent information as required by this title. See chapter 15.260 ECC.

Short subdivision means the division of land into nine or fewer lots, tracts or parcels. See chapter 15.260 ECC.

Significant feature means, for purposes of chapter 15.280 ECC, any physical characteristic of a landmark, landmark site, or landmark district which the commission has stipulated in the designation as important to the historic value of the property, and for which a certificate of appropriateness is required prior to alteration.

Site development permit means a permit, issued by the city, to develop, redevelop or partially develop a site exclusive of any required building or land use permit. A site development permit may include one or more of the following activities: paving, grading, clearing, filling, tree removal, on-site utility installation, stormwater facilities, walkways, striping, wheelstops or curbing for parking and circulation, landscaping, or restoration. See ECC 15.250.020 for applicable standards.

Sleeping unit means an independently rented or owned and lockable unit that provides living and sleeping space.

Small wind energy system means, for purposes of ECC 15.340.060, a wind energy conversion system with a rated output up to and including 20 kilowatts in residential zones and up to and including 100 kilowatts in commercial, industrial and public reserve zones and consisting of: wind turbine, tower, base and associated control or conversion electronics, as well as all anchors, guy cables and hardware.

Special valuation for improvements to historic property or *special valuation* means, for purposes of chapter 15.280 ECC, the local option program established under the authority of chapter 84.26 RCW which, once implemented, makes available to property owners a special tax valuation for rehabilitation of historic properties, under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start date of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storefront means a building located adjacent to the sidewalk and featuring nonresidential uses on the ground floor, an entry facing the sidewalk, and transparent window area along at least 70 percent of the ground floor facade between 30 inches and eight feet above grade.

Street means a thoroughfare including an alley which has been dedicated to the public and designated for public use as a street.

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

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

Structural alteration means any change, addition, or modification in the supporting members of a building or structure such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. It shall also include but not be limited to buildings, manufactured homes, walls, fences, billboards and poster panels. For the purposes of the floodplain district provisions only, as set forth in division VI, the term "structure" shall be limited to mean a walled and roofed building including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home. For the purposes of airport overlay zone regulations set forth in chapter 15.350 ECC, "structure" means an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

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

Subdivision means the division of land as governed by Washington State in chapter 58.17 RCW and by chapter 15.260 ECC and other applicable sections of the LDC.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

The term does not, however, include either:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

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

(Ord. 4878 § 11, 2021; Ord. 4807 § 11, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.130.200 T definitions.

Tavern means a commercial establishment whose principal use is the on-premise sale and consumption of alcoholic beverages, including those selling food incidental to primary use, such as bars, wine tasting rooms, and similar uses of land.

Temporary use means a use which will operate for less than 60 days. See ECC 15.250.010 for details.

Terminal or debilitating medical condition means, for the purposes of chapter 15.370 ECC:

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders;
2. Intractable pain, limited for the purpose of this title to mean pain unrelieved by standard medical treatments and medications;
3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications;
4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications;
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications;
6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or
7. Any other medical condition duly approved by the Washington State Medical Quality Assurance Commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

THC concentration means, for the purposes of chapter 15.370 ECC, percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

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

Tow vehicle storage area means the approved yard and buildings where stored vehicles are kept. The storage areas and fencing must comply with the requirements established by the Washington State Department of Licensing, Washington State Patrol, and all local zoning rules and regulations. All tow vehicle storage areas must be physically located within the tow zone assigned to the operator.

Tower height means, for the purposes of chapter 15.350 ECC, the distance measured from the finished grade to the highest point of the structure.

Transitional housing means a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

Transitional surfaces, for the purposes of chapter 15.350 ECC, extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot

vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

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

Treatment means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amendable for energy or material resource recover, amendable for storage, or reduced in volume.

Tree means, for the purpose of airport overlay zone regulations set forth in chapter 15.350 ECC, any object of natural growth.

(Ord. 4807 § 12, 2018; Ord. 4656 § 1 (Exh. O2), 2013; Ord. No. 4936, § 4, 2-5-2024)

15.130.210 U definitions.

University means a public institution of higher learning for adults offering course instruction, business, technical or vocational training, or professional accreditation, including associated institutional functions not limited to residences, assembly spaces, recreational uses, food service, research centers, professional offices and others associated uses owned, operated or managed by the institution.

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

Useable cannabis means, for the purposes of chapter 15.370 ECC, dried flowers of the Cannabis plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than 15 percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

Utility facility means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. For commercial wireless communication support towers, antenna arrays, and facilities, see ECC 15.340.070 for applicable standards and procedures.

Utility runway means, for the purposes of chapter 15.350 ECC, a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

(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~~ landmarks and design commission decisions. 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~~ the hearings examiner in a closed record appeal hearing. See ECC 15.210.050(B).
- 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 chapter 15.280 ECC)	Yes	Yes	Yes Multiple open record predecision hearings can be held
Open record appeal public hearing	Yes	Yes, except for landmarks and design commission decisions which have a closed record appeal <u>to the hearings examiner</u>	No	No	No
Closed record appeal hearing	No	No, except for landmarks and design commission decisions which are appealed to	Yes	No	No

		the hearings examiner			
Appeal to:	Superior court	Hearing examiner except director decisions on departures, are appealed to city council	Hearing examiner <u>Superior court</u> 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 ³	Type II ³	Type III ³	Type IV ³	Type V
Preapplication meeting (see ECC 15.220.010) ¹	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, <u>if applicable</u>	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
Review period (see ECC 15.220.070) ²	65 days	100 days	120 days	120 days	No

Notes/conditions:

1. A preapplication meeting shall be required for all Type III or IV permits, multifamily projects, townhouses, commercial projects, industrial projects, major design review projects, binding site plans, and short subdivisions as set forth in ECC 15.250.030. See ECC 15.220.010.
2. Preliminary short subdivisions and preliminary long subdivisions have a 60-90-calendar-day deadline for issuance from date of filing (after determination of complete application), subject to eligible extensions pursuant to RCW

58.17.140(1). All final subdivisions-plats and short plats must issue in 30 calendar days from date of filing, 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 & 15.260.120. "Date of filing" is the date an application is determined complete pursuant to ECC 15.220.030.

3. Permit review periods for Type I applications are calculated from the date of application submittal the application is determined complete.

- 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'	<u>Public Newspaper legal notice</u> (see ECC 15.220.040)	Post property (see ECC 15.220.050)	Send to agencies with <u>jurisdiction</u> (for SEPA)	Send to applicant	<u>Send to parties who comment, testify, or request notice</u>
Notice of completeness (see ECC 15.220.040)					X	
Notice of application (see ECC 15.220.040) ¹	<u>X, except for Type I permits</u>	X, except for Type I permits	X, except for Type I and II permits	X	X	
SEPA determination (see chapter 15.270 ECC) ¹		X	X	X	X	<u>X</u>
Notice of open record predecision hearing or meeting , if applicable	X	X	<u>X, except for Type I and II permits for site specific proposals</u>		X	
Notice of decision (see ECC 15.220.080) ¹		<u>X, except for Type I and II permits</u>	X, except for Type I and II permits		X	<u>X</u>
Notice of <u>closed record or appeal</u>	X	X		<u>X</u>	X	<u>X</u>

hearing, if applicable						
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Notes/conditions:

1. Any SEPA review requires applicable public notice; see Chapter 15.270 ECC.

(Ord. No. 4951, § 4, 12-16-2024; Ord. No. 4935, § 3, 12-18-2023; Ord. 4807 § 16, 2018; Ord. 4656 § 1 (Exh. 02), 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), <u>ECC 15.240.030</u>
Commercial wireless communication support towers, antenna arrays and facilities in residential zones	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 15.340.070)	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
<u>Design review, minor (no departures)</u>	<u>No variation</u>	<u>ECC 15.250.030</u> , <u>Division V (Project Design)</u>
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 long subdivision	No variation	ECC 15.260.110(A)
Minor <u>changes to approved preliminary short plat alteration</u>	No variation	ECC 15.260.110(A) ECC 15.260.170(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 (<u>no SEPA required</u>) ³	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.
 3. Permitted uses may require a preapplication meeting prior to submission of project permit applications, pursuant to ECC 15.220.010.
- 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	<u>ECC 15.320.100</u> , <u>ECC 15.500.040</u>
<u>Binding site plan, general</u>	<u>No variation</u>	<u>ECC 15.260.180</u>
<u>Binding site plan, final</u>	<u>No variation</u>	<u>ECC 15.260.180</u>
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, <u>appeal closed record to the hearings examiner</u>	ECC 15.340.070
Critical area exception for public agency or reasonable use	No variation	Division VI
Design review, major <u>(no departures)</u> and minor	No variation	ECC 15.250.030 Division V (Project Design)
Design review <u>(major or minor)</u> departure request for landmarks register property	Decision by landmarks and design commission after a public hearing; <u>appeal closed record to the hearings examiner</u> city council	<u>ECC 15.210.030(B)</u> , <u>ECC 15.210.060</u> (Departures), <u>ECC 15.250.030</u> , <u>ECC 15.280</u>
Design review <u>(major or minor)</u> departure request for non-landmarks register property	Appeal open record to city council <u>No variation</u>	<u>ECC 15.210.030(B)</u> , <u>ECC 15.210.060</u> (Departures), <u>ECC 15.250.030</u>
Landmark certificate of appropriateness (COA)	Landmarks and design commission decision after public hearing; <u>appeal closed record to the hearings examiner</u> city council	ECC 15.280.090
Landmarks register demolition	Landmarks and design commission decision after a public hearing; <u>appeal closed record to the hearings examiner</u> city council	ECC 15.280.090 <u>15.280</u>
<u>SEPA threshold determination</u>	<u>No variation</u>	<u>Chapter 15.270 ECC</u>

Short subdivision alteration	No variation	ECC 15.260.170(C)
<u>Short subdivision vacation (if no public land is vacated)</u>	<u>No variation</u>	<u>ECC 15.260.170(B)</u>
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
<u>Small wind energy system (one per parcel)¹</u>	<u>No variation, except landmarks register properties require decision by landmarks and design commission after a public hearing, appeal closed record to the hearings examiner</u>	<u>ECC 15.340.060</u>
Temporary use	No variation	ECC.250.010

Notes/conditions:

1. Where more than one small wind energy system is proposed for a parcel, then a conditional use permit is required.
- 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	Relevant ECC chapter or section(s)
	15.210.040	
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	City council decision after open record public hearing	ECC 15.390.040(C)(3)

commercial master site plan projects		
<u>Short subdivision vacation (if public land is vacated)</u>	<u>City council decision after open record public hearing</u>	<u>ECC 15.260.170(B)</u>
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 <u>Hearings examiner recommendation to city council after open record hearing; city council decision after closed record hearing</u>	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 Long subdivision alteration (major) , including phasing plans	City council decision after open record hearing	ECC 15.260.110(C); <u>ECC 15.260.080 for phasing plans</u>
Plat Long subdivision vacation	City council decision after open record hearing	ECC 15.260.110(B)
Preliminary long 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

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	Relevant ECC chapter or section(s)
	15.210.040	
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. O2), 2013)

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), binding site plans, duplexes, multifamily ~~projects-dwellings~~, townhouses, and commercial or industrial 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)

15.220.015 Subsequent preapplication meeting.

- A. A subsequent preapplication meeting shall be required when either of the following apply:
 - 1. Five years or more have lapsed between the date a preapplication meeting report is sent to its applicant and the submission of permit applications for the project, and there is no consistent party among the applicant, owner, or representative of the previous preapplication and project permit; or
 - 2. The property of the proposal has been subject to change by any boundary line adjustment, annexation, comprehensive plan future land use map amendment, subarea plan adoption or amendment, or area-wide rezone, when such change was not evaluated in the previous preapplication as toward the proposal and the change meaningfully alters project entitlements or requirements.
- B. A subsequent preapplication meeting may be requested by the applicant prior to submission of project permit applications, or by the city prior to a determination of application completeness, when development standards amended subsequent to the preapplication report would alter said previous report with respect to project entitlements and requirements for substantially the same project, including:
 - 1. Amendments to the Ellensburg City Code;
 - 2. Amendments to City of Ellensburg Public Works Development Standards; or

3. Amendments to the Revised Code of Washington or Washington Administrative Code pertinent to the proposal and administered by the city, such as SEPA, Critical Areas ordinances, zoning, subdivision, local project review, transportation, utilities, and construction.
- C. Required subsequent preapplications, and voluntary subsequent preapplications requested by an applicant, are subject to applicable fees.

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 and SEPA determinations which have a 14-calendar-day comment period per ECC 15.270.120(A), 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:
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. 02), 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;
 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 I or II project requiring a concurrent SEPA threshold determination;
 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. O2), 2013)

15.220.070 Permit processing time limits.

- A. Decisions on Type I permits shall be issued within 65 calendar days from the date the application is determined complete ~~of application submittal~~ and, in the event that the decision will take longer than 65 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 from the date of issuance of a determination that the application is complete. Decisions on Type 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~~ 100 calendar days of the application being deemed complete, unless the COA involves another permit application review process with a longer timeline pursuant to ECC 15.210.020(B), 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, and SEPA Threshold Determinations which are governed by chapter 15.270 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 nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. "Nonresponsiveness" 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. No. 4951, § 6, 12-16-2024; Ord. 4807 § 23, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.220.080 Public notice of final project permit 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 or~~ provided substantive comment on the proposal, 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. The decision notice must state procedures and timelines for eligible administrative appeals under Chapter 15.230 ECC, and state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For Type III and IV permits and SEPA threshold determinations, 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)

15.230.010 Limitations on the number of hearings.

- A. No more than one open record hearing shall be heard on any project permit application. The administrative appeal hearing on a SEPA threshold determination ~~of nonsignificance~~ or a critical area determination pursuant to division VI shall be consolidated with any open record hearing on the project permit.
- B. A public meeting may be held by a designated body prior to making a recommendation to a decision-maker. The purpose of such public meeting shall be to help inform the recommendation or decision but will not involve the acceptance of any evidence or formal testimony. Materials submitted and utilized in informing any recommendation shall accompany the recommendation to the decision-maker. Procedures for public meetings are governed by chapter 42.30 RCW.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.230.020 Public notice of open record public hearing.

Notice of the time and place of an open record hearing, including open record appeal hearings, shall be made available to the public by the department no less than 14 calendar days prior to the hearing, through use of these methods:

- A. *Mail.* Mailing to owners of real property located within 300 feet of the subject property;
- B. *Newspaper.* The department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located; and
- C. *Post site.* Posting the property ~~(for site-specific proposals)~~. (Type III and IV permits, SEPA appeals, and Critical Area appeals only; See ECC 15.220.040).
- D. *City hearing body notification.* Notice of an open record hearing may be transmitted by the department to a city hearing body through staff in accordance with the body's regular meeting agenda process.

(Ord. 4807 § 24, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.230.025 Public notice of closed record public hearing.

Notice of the time and place of a closed record hearing, including closed record appeal hearings, shall be made available by the department no less than 14 calendar days prior to the hearing pursuant to ECC 15.230.090(B)(3), limited to the following parties and methods:

- A. *Mail.* Mailing or electronic mail to the applicant, anyone who testified at the open record public hearing and provided sufficient contact information for written notification, any person who timely submitted written comments incorporated into the open record by mail with a return address or via email;
- B. *City hearing body notification.* Notice of a closed record hearing may be transmitted by the department to a city hearing body through staff in accordance with the body's regular meeting agenda process.

15.230.030 Effective date of decision.

Unless an administrative appeal is timely filed, a project permit decision of the city shall be effective on the date the written decision is issued, or as otherwise stated in the decision such as for zoning ordinances.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.230.040 General description of appeals.

Appeals of decisions issued by a city decision-maker under ECC Title 15 shall be governed by this Section and ECC Table 15.210.040(A) as modified by 15.210.050, generally as follows:

- A. Type I project permits are appealable only to superior court.
- B. Type II project permit decisions are subject to administrative appealable to the hearing examiner ~~(unless otherwise noted in table 15.210.050(B)) who conducts an open record appeal hearing.~~

- C. Type III project permit decisions are either subject to administrative appeal to city council or to judicial appeal to superior court as provided ~~appealable to city council which conducts a closed record appeal hearing, except Type III decisions made by city council which are appealable to superior court.~~
- D. Appeals of city council final decisions (including all Type IV and V permits), and appeals of an administrative appeal body's ~~authority's final~~ decisions, shall be made to the superior court or to the growth management hearings board, as applicable to the matter being appealed.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.230.050 Grounds for administrative appeal.

Any administrative appeal to Type II and III heard by a city appeal body ~~for project permit decisions made by city decision-makers~~ shall be linked to the criteria of the underlying project permit decision. The grounds for filing an appeal shall be limited to the following:

- A. The designated decision-maker exceeded his or her jurisdiction or authority;
- B. The designated decision-maker failed to follow applicable procedures in reaching the decision;
- C. The designated decision-maker committed an error of law; or
- D. The findings, conclusions or decision prepared by the designated decision-maker are not supported by substantial evidence.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.230.060 Standing to initiate an administrative appeal.

- A. *Limited to parties of record.* Only parties of record may file an administrative appeal.
- B. *Definition.* The term "parties of record" for the purposes of this chapter, shall mean:
 - 1. The applicant;
 - 2. In the case of a closed record appeal: Any person who testified at the open record public hearing on the application;
 - 3. Any persons who submitted written comments concerning the application ~~(excluding persons who have only signed petitions or mechanically produced form letters);~~
 - 4. The Ellensburg city council;
 - 5. Property owners within 300 feet of the property subject to the project permit; or
 - 6. Any person who can demonstrate that he/she is aggrieved by the decision in a manner sufficient to establish standing to initiate an administrative appeal.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.230.070 ~~Appeals~~ Administrative appeal procedures.

~~Appeals~~ Administrative appeals of a project permit decision shall be governed by the following:

- A. *Time to file.* An administrative appeal to a city appeal body shall be considered timely only if it is filed with the community development director within 14 calendar days after written notice of the decision is ~~mailed~~ issued and is accompanied by the appropriate appeal fee. ~~Appeals~~ Administrative appeals

shall be delivered to the community development department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. ~~Appeals~~ Administrative appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

1. Exception. When a SEPA threshold determination requiring subsequent public comment is issued concurrently with a project permit decision that is eligible for administrative appeal, the appeal period shall be extended by an additional seven days. See RCW 36.70B.110(9).
- B. *Computation of time.* For the purposes of computing the time for filing an administrative appeal, the day the decision is issued shall not be counted. If the last day of the administrative appeal filing period is a Saturday, Sunday, or holiday designated by RCW 1.16.050 or by a city ordinance, then the appeal must be filed on the next business day.
- C. *Acceptance of appeal.* The director shall accept administrative appeals that meet the requirements of this section and shall schedule such appeals for consideration by the appeal body ~~or city council~~ as provided in ECC 15.230.040. The director shall reject any administrative appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the director rejects an administrative appeal, or in the event that the appellant files a written statement with the director at least 15 calendar days before the scheduled date for consideration of the appeal. In all other cases, the appeal fee shall be nonrefundable.
- D. *Content of appeal.* ~~Appeals~~ Administrative appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:
 1. Appellant's name, address and phone number.
 2. A statement describing appellant's standing to appeal.
 3. Identification of the application or decision that is the subject of the appeal.
 4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record;
 5. The specific relief sought.
 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature or the signature of the appellant's agent, provided such agent's authorization is in writing and accompanies the appeal.
- E. *Effect.* The timely filing of an administrative appeal shall stay the decision-maker's decision until such time as the appeal is concluded or withdrawn.
- F. *Burden of proof.* The appellant shall bear the burden to demonstrate that at least one of the grounds for administrative appeal as set forth in ECC 15.230.050 has occurred.
- G. *Standard of review.* The appeal body shall determine whether there is substantial evidence in the administrative record to support an affirmative finding that one of the grounds for administrative appeal raised by the appellant has been met. The appeal body may affirm, modify or reverse the decision of the hearing body.
- H. *Decision.* The appeal body shall issue a written decision on the appeal supported by written findings and conclusions. The director shall mail notice of the appeal body's decision to the appellant(s), the applicant, and other parties of record. The notice shall consist of the appeal body's decision identifying the case by number and appellant's name. The notice shall also include a statement concerning any appeal rights for the appeal decision. Where applicable, the notice shall comply with the official notice provisions of RCW 34.21C.075.

(Ord. 4807 § 25, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.230.080 Open record hearing or open record appeal hearing proceedings.

A. *Responsibility of director for hearing.* The director shall:

1. Schedule a predecision public hearing or an open record administrative appeal public hearing as applicable. If the matter is a predecision public hearing, the open record hearing shall be heard within 60 calendar days from the issuance of the notice of application. If the matter is an administrative appeal of a decision which provides for an open record ~~appeal~~ hearing, such administrative appeal hearing shall be held and a decision made within 45 calendar days from the date the appeal is filed unless otherwise established by statute.
2. Provide notice of public hearing as required per ECC 15.230.020.
3. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on a project permit that did not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA.
4. Once a decision has been issued, prepare the notice of decision, if required by the hearing body, and mail a copy of the notice of decision to those required to receive such decision.

B. *Conflict of interest; ethics; Open Public Meetings Act; appearance of fairness.* The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and chapter 42.23 RCW), open public meetings (chapter 42.30 RCW), and appearance of fairness (chapter 42.36 RCW) as the same now exist or may hereafter be amended.

C. *Ex parte communication.*

1. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before the hearing body, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless such member provides notice and opportunity for all parties to participate, except as provided in this subsection:
 - a. The hearing body may receive advice from legal counsel;
 - b. The hearing body may communicate with staff members on code or procedural matters; and
 - c. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (C)(2) of this section.
2. If a member of the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
 - a. All written communications received;
 - b. All written responses to the communication;
 - c. A statement of the substance of all oral communications received and all oral responses made; and
 - d. The identity of each person from whom the hearing body member received any ex parte communications.
3. Any person in the hearing audience may object to the participation in the hearing of any hearing body member who has placed an ex parte communication on the record and the hearing body member may choose to recuse himself or herself from the hearing or may provide rebuttal to said objection and

indicate on the record that he or she believes that they can continue on to hear the matter in a fair and unbiased manner.

D. *Disqualification.*

1. A member of the hearing body who is disqualified through recusal shall not be counted for purposes of forming a quorum. Any member who is disqualified by recusal may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing room.
2. Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

E. *Burden and nature of proof.* Except for Type V actions, the burden of proof is on the proponent to demonstrate that the project permit application is supported by proof established on the record that it conforms to the applicable elements of the LDC and comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

F. *Order of proceedings.* The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

Before receiving information on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted on the record and, if there is objection, the hearing body has the discretion to proceed or terminate;
2. Any abstentions or disqualifications shall be determined;
3. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record;
4. Information shall be received from the staff and then from proponents and then from opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony; and
5. When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may not ask further questions of any person without reopening the public hearing, except that questions to staff of code or procedural clarification or legal question to the city attorney.

G. *Decision and notice of decision.*

1. Following the hearing procedure described in this section, the hearing body shall approve, conditionally approve, or deny the application. If the open record hearing is an administrative appeal, the hearing body shall affirm, ~~affirm with conditions~~, or reverse the decision that is on appeal.
2. The open record hearing body's written predecision, or final decision for open record appeals, shall be issued within ten working days after the hearing on the project permit application. The notice of any final decision shall be issued pursuant to ECC Table 15.210.040(B) and 15.220.080 ~~within 120 calendar days after the city notifies the applicant that the application is complete.~~

~~H. *Issuance of notice of final decision.* The notice of decision shall be issued pursuant to ECC 15.220.080.~~

(Ord. 4807 § 26, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.230.090 Closed record hearing or closed record appeal hearing proceedings.

- A. A closed record hearing or closed record administrative appeal hearing shall be heard and decided within 45 calendar days from the date the ~~appeal matter~~ is filed unless otherwise established by statute.
- B. The procedure for closed record hearing or closed record administrative appeal hearing shall be the same as set forth in ECC 15.230.080, ~~open record hearing or appeal hearing proceedings~~, except that:
 - 1. The closed record hearing shall be limited solely to the record established in the ~~predecision~~-open record hearing on which the recommendation or decision was made, and the hearing body shall be limited in its review to determining whether the previous recommendation or decision is supported by the record. The ~~appeal~~-closed record hearing body, may decide:
 - a. To uphold the decision as being supported by the record; or
 - b. Reverse the decision as not being supported by the record.
 - 2. Participation in the closed record hearing shall be limited to the city, including all staff, the applicant for the proposal subject to appeal, parties of record as defined in ECC 15.230.060(B), and for closed record administrative appeals those persons or entities which have timely filed complete written appeal statements and paid the appeal fee. No new testimony or evidence can be entered into the record although the hearing body can seek clarification of the record.
 - 3. Public noticing requirements for closed record hearings and closed record administrative appeals will be limited to persons and methods pursuant to ECC 15.230.025 ~~the applicant and parties of record~~.
- C. ~~The designated appeal body shall issue a decision on the appeal within 21 calendar days after the conclusion of the appeal hearing, unless the project permit applicant has agreed in writing to an extension of that time frame.~~ Decision and notice of decision.
 - 1. The hearing body shall approve, conditionally approve, or deny the application when considering a predecision or recommendation. If the closed record hearing is an administrative appeal, the hearing body shall affirm or reverse the decision that is on appeal.
 - 2. Where the closed record hearing provides for a final decision by a hearing body serving as decision-maker, the hearing body's written decision shall be issued within ten working days after the hearing on the project permit application. The notice of decision shall be issued pursuant to ECC Table 15.210.040(B) and 15.220.080.

(Ord. 4807 § 27, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.230.100 Judicial review and growth management review—non-administrative appeals.

No person may seek judicial review of any decision of the city, unless that person first exhausts the administrative appeal remedies provided by the city. Appeals of final city decisions, including those of a city administrative appeal body, shall be made to a court of competent jurisdiction or to the growth management hearings board as applicable to the matter being appealed and eligible under law.

(Ord. 4656 § 1 (Exh. O2), 2013)

Section 35. Section 15.250.010 of the Ellensburg City Code, as last amended by Ordinance 4656, Section 1, is hereby amended to read as follows:

15.250.010 Temporary use permits—Type II review process.

- A. *Purpose.* A temporary use permit is a mechanism by which the city may permit a use to locate within the city on private property on an interim basis, without requiring full compliance with the LDC or by which the city may permit seasonal or transient uses not otherwise permitted.
- B. *Procedures.* Temporary uses are subject to the Type II review process as set forth in chapter 15.210 ECC.
- C. *Decision criteria.* The director may approve or modify and approve an application for a temporary use permit if:
 - 1. The temporary use will not be detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
 - 2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
 - 3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
 - 4. Hours of operation of the temporary use are specified; and
 - 5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.
- D. *Time period.* A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the director may establish a shorter time frame or extend a temporary use permit for up to one year. Temporary uses for more than one year shall require review and approval by city council as a Type IV decision.
- E. *Exemptions.* Temporary model dwellings and related sales or leasing offices shall be exempt from temporary use permitting requirements, subject to the following:
 - 1. No more than one lot may be utilized for such temporary use within a long subdivision permitting single-family residences, limited to a period not to exceed three years from recording the final plat of the subdivision or the phase containing the temporary use. Short subdivision lots shall not be eligible for this exemption, and the long subdivision must contain a minimum of 40 lots to be eligible for this exemption.
 - 2. For multifamily projects, no more than one ground-level ADA accessible unit may be utilized for home model display, and one ground-level ADA accessible unit for sales/leasing office, both limited to a period commencing from issuance of the building's first certificate of occupancy and not to exceed one year from the final certificate of occupancy for all permanent dwellings in the project. The multifamily project must contain a minimum of 20 dwelling units to be eligible for this exemption.
 - 3. Sales or leasing offices must be limited to sale or lease of lots or dwellings within the same subdivision or multifamily development.
 - 4. Such use shall comply with all building code requirements, public works development standards, and any conditions imposed for the temporary use by the community development director to mitigate reasonably foreseeable identified impacts of the use. Any additional off-street parking areas developed solely to serve a sales or leasing office within a subdivision containing single-family homes shall be removed upon removal of the exempt temporary use.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.250.030 Design review—Type I or II review process.

A. Purpose.

1. To promote the public health, safety, and general welfare of the citizens of the city;
2. To recognize that land use regulations aimed at the orderliness of community growth, the protection and enhancement of property values, the minimization of discordant and unsightly surroundings, the avoidance of inappropriateness and poor quality of design and other environmental and aesthetic objectives provide not only for the health, safety and general welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of the community, and as such, are the proper and necessary concerns of local government;
3. To increase awareness of design considerations among the citizens of Ellensburg; and
4. To create a review process that balances flexibility and predictability for applicants, staff, public officials, and community members.

B. Minor and major project design review.

1. Exterior modifications to any property that is on the landmarks register are reviewed for applicable design review by the landmarks and design commission pursuant to ECC 15.280.090.
2. For all non-landmarks register properties, exterior modifications and new construction are subject to both major and minor design review, as defined in ECC 15.130.040, and are reviewed for conformance with applicable land use and zoning provisions in division III, applicable community design provisions in division IV, and applicable project design provisions in division V, plus other applicable provisions set forth in the LDC.
3. The director shall have the authority to determine if a minor exterior modification to a non-landmarks register property is not significant, and therefore does not require design review, based on factors such as the scope, location, context and visibility of the change or modification. The director may determine that design review is not required for such minor exterior modifications including, but not limited to: repainting structures to similar colors; relocating, modifying or adding mechanical equipment; reorganization of portions of parking lots involving less than five spaces; modifications to locations of existing lighting; or minor changes to existing approved landscaping; provided, that cost of work does not exceed 15 percent of the structure's current Kittitas County assessed value as of the time the initial application for the work is submitted.

If there is no current Kittitas County assessed value for a structure, a current appraisal of the structure, which shall be provided by the applicant and acceptable to the director, shall be used as the value point of reference for the structure.

C. Procedures. Minor design review projects are subject to the Type I review process, and major design review projects or minor design review projects that request departures or are located on landmarks properties are subject to the Type II review process, as set forth in chapter 15.210 ECC.

1. Major design review projects require a preapplication meeting (see ECC 15.220.010), ~~and~~
2. ~~Projects~~ Major or minor design review projects on landmarks register properties, and such projects which include one or more departure requests, require a review and approval by the landmarks and design commission through a Type II review process as set forth in table 15.210.050(B).
3. ~~Projects~~ Major or minor design review projects not on landmarks register properties which include one or more departure requests require a review and approval by the director through a Type II review process as set forth in table 15.210.050(B).

D. Decision criteria. Decision criteria for minor and major design review projects are set forth in divisions III through V of this title.

15.260.050 Boundary line adjustment—Review procedures and criteria.

- A. *Procedures.* Adjustments of property boundary lines are subject to the Type I review process as set forth in chapter 15.210 ECC. Applications shall be reviewed by the director and certified as meeting the requirements of this section within 30 calendar days of the determination that the application is complete.
- B. *Application contents.* Applications for a boundary line adjustment shall contain the following:
1. The minimum application requirements set forth in ECC 15.220.020 and a completed boundary line adjustment application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the boundary line adjustment.
 2. Payment of the application fee in the amount established in the city's adopted fee schedule.
 3. Three copies of an accurate preliminary map drawn to scale.
 4. A current title report showing ownership and legal description of all parcels involved in the boundary line adjustment.
 5. The existing and proposed dimensions and area of the lots involved in the boundary line adjustment.
 6. Legal descriptions of the existing lot lines and the proposed lot lines after the adjustment, as prepared by a professional land surveyor licensed in the state of Washington.
- C. *Decision criteria.* The director shall approve an application for a boundary line adjustment if it is determined that:
1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
 2. No lot is modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated. Where a lot is located within a zone that does not provide for a minimum area or dimension, no lot or tract is modified which contains insufficient area for a building site;

For the purposes of this chapter, a "building site" means the lot or property contains sufficient area and dimension to accommodate a development capable of housing the type of uses established within division III for the underlying zoning classification;
 3. No lot is modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement or tract in favor of the public is rendered impractical to serve its purpose;
 4. The boundary line adjustment is consistent with the applicable provisions of the city's zoning code;
 5. No lot is modified which is inconsistent with an applicable requirement or condition of a previous land use action, subdivision, or short subdivision;
 6. No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application; and
 7. No lot is modified in a manner that circumvents a zoning regulation which would otherwise be applicable to any lot affected by the boundary line adjustment.
- D. *Minimum improvements.* Boundary line adjustments shall not be subject to any minimum improvements as outlined in ECC 15.260.060(F) and 15.260.070.

- E. *Final decision.* If the director determines that all the above criteria are met, he or she shall issue a notice of approval decision. If the director determines one or more of the above criteria are not met, he or she shall send a letter to the applicant listing those criteria that are not met in the proposed boundary adjustment.
- F. *Recording.* Upon approval, prior to recording the boundary adjustment, the following must be submitted to the community development department for review.
- G. *Requirements for final boundary map.* Once the boundary line adjustment has been approved by the director:
1. Survey of the boundary line adjustment. A final boundary map shall be prepared by a land surveyor licensed in the state of Washington at a scale of 100 feet to the inch, or larger, which shall contain the following:
 - a. Company name, address and phone number of the land surveyor;
 - b. City file number;
 - c. Date prepared;
 - d. Sheet number and number of sheets;
 - e. Certification by the licensed land surveyor with stamp and signature;
 - f. Lot numbers;
 - g. Monuments at all new lot corners, angle points, and intersections with old lines;
 - h. North arrow;
 - i. Legend of symbols used;
 - j. Basis of bearings;
 - k. All dimensions to hundredths of a foot;
 - l. All existing easements and tracts shown;
 - m. Existing lot lines to be adjusted, shown as dashed lines; and
 - n. The final legal descriptions as prepared by the licensed land surveyor, together with lot closures for each lot.
 2. The applicant will be responsible for recording the boundary line adjustment within ~~ten working~~ 180 days after the appeal period has expired, including an exhibit that corresponds to the drawing approved by the city, with the Kittitas County auditor's office. A copy of the recorded documents must be returned to the planning department within ~~ten calendar~~ ten working days of such recording, along with an electronic copy in a format readable by the city's current version of AutoCAD.

(Ord. 4807 § 31, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

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.

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- a. 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.
 - b. Notwithstanding the foregoing, any applicant that files a plat extension application at least 30 calendar days prior to the original expiration date or the first expression thereof, demonstrating that the applicant has attempted in good faith to complete the required minimal improvement standards per ECC 15.260.070 and 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 by the director. 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~~ An electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced paper copy not to exceed 11 inches by 17 inches, shall be provided. 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;
 - 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;

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- 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 department requirements;
 - 12. Preliminary stormwater plan pursuant to public works 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 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 department, energy services 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 written findings of 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 energy services 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. No. 4955, § 105, 2-18-2025; Ord. No. 4953, § 3, 1-21-2025; Ord. 4807 § 32, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. 02), 2013)

15.260.080 Phasing of long subdivision.

A long subdivision may be developed and recorded as final in phases. Any phasing ~~proposal shall be submitted for review at any time prior to final subdivision application~~ may be submitted with a preliminary subdivision application. Phasing proposals may be submitted after preliminary subdivision approval, provided they are submitted no later than two years after the date of preliminary subdivision approval and before the filing of a final plat.

All phasing plans shall be reviewed pursuant to the Criteria of this Section. Phasing proposals submitted after preliminary subdivision approval shall be reviewed as a Type IV Plat Alteration pursuant to ECC 15.260.110(C) and subject to applicable timelines. Phasing is not allowed for short subdivisions.

Approval of the phasing plan shall be based on making the following findings:

- A. The phasing plan includes all land contained within the approved preliminary subdivision, including areas where off-site improvements are being made;
- B. The sequence and timing of development is identified on a phasing map;

- C. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any city codes;
- D. Each phase provides adequate circulation and utilities;
- E. Specific public improvements that are necessary for the entire development may be required to be completed with the first phase, regardless of phase design or completion schedule of future phases, such as but not limited to stormwater facilities which may be designed to be located in a subsequent phase but that are necessary to be developed in the first phase in order to ensure the facility essential to all of the subdivision is developed even if subsequent phases are never completed; and
- F. Any approved phase of a preliminary subdivision that has not been completed and recorded as final by the city prior to the lapse of the preliminary subdivision approval as set forth in ECC 15.260.060(A)(2) will be deemed to have lapsed with that preliminary subdivision.
- G. A phasing plan submitted after approval of a preliminary subdivision may not be used to evade, abrogate or nullify any requirements of this Chapter or the public works development standards, to absolve applicant from providing any public improvements required by the preliminary subdivision approval, or to waive the meeting of any conditions of the subdivision's preliminary approval.
- H. Additional conditions of approval may be imposed by the City related to phasing of the subdivision to mitigate reasonably foreseeable and identified impacts of phasing.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.260.100 Final subdivision application review procedures and criteria.

- A. *Procedures.* Final subdivision applications are subject to the Type I review process as set forth in chapter 15.210 ECC, with exceptions provided herein.
- B. *Application contents.* Applications for a final subdivision shall contain the following:
 - 1. The minimum application requirements set forth in ECC 15.220.020 and a completed final subdivision application form provided by the department, which shall include the signatures of all owners of interest in the land involved in the subdivision application as verified by the title report in subsection (B)(4) of this section;
 - 2. A final subdivision plat drawing on mylar or other reproducible material 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). ~~Three copies of the drawing shall be provided with the application, along with an~~ An electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced paper copy not to exceed 11 inches by 17 inches shall be provided. In addition to meeting the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Name of the owner(s) of the property being subdivided and mortgagee(s) of said property, if any;
 - b. Legal description of the property;
 - c. Boundary and lot lines, lot dimensions, lot area in square feet, and lot and block numbers;
 - d. Name and official seal of the licensed professional surveyor preparing the final subdivision plat certifying that the plat is a true and accurate survey;
 - e. Date, scale and north arrow;
 - f. Location of rights-of-way and easements, with easement purpose identified;

- g. Statements of approval and places for signatures for the city engineer, city energy services director, community development director, the mayor of the city of Ellensburg, irrigation water district representative if applicable, and the county auditor;
 - h. A certification signed by the county treasurer's office that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid; and
 - i. A notarized acknowledgment by the owner(s) and mortgagee(s), if any, of the approval of the final subdivision plat and the dedication of streets and other public places.
3. Engineered design drawings for all required minimum improvements as shown on the approved preliminary subdivision plat drawing, which drawings shall meet the requirements of the public works development standards, and be approved by the city engineer prior to filing of the final subdivision application;
 4. A title report of the property to be subdivided if the final subdivision application is not submitted to the administrator for review within 120 calendar days of the approval of the preliminary subdivision application; and
 5. If required public improvements are not to be installed prior to final subdivision application and will be bonded for instead, a subdivision improvements agreement shall be submitted including the following:
 - a. Public improvements to be provided in the subdivision as shown on the approved engineering design drawings;
 - b. Estimated cost of constructing said public improvements;
 - c. Phases of development of the subdivision, if phasing was provided for and approved in the preliminary subdivision approval, and completion dates for said phases;
 - d. Provisions for the dedication of park land or payment of fees in lieu of such land if applicable;
 - e. A bond guaranteeing the installation of the public improvements which shall meet the requirements of the public works development standards and be approved and accepted by the city engineer; and
 - f. In lieu of a bond the applicant may fulfill the public improvements requirement by actually installing the improvements required in the preliminary subdivision approval under the direction of the city engineer.
 6. A copy of any deeds, covenants, conditions, or restrictions together with a copy of the documents which establish and govern any homeowners' association which may be required.
- C. *Recommendations as prerequisites for final subdivision approval.* Each preliminary subdivision submitted for final approval shall be accompanied by the following recommendations:
1. Director's recommendation as to compliance with the terms of preliminary approval of the proposed subdivision; and
 2. City engineer's recommendation as to compliance with the terms of preliminary approval of the proposed subdivision.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (C)(1) and (2) of this section shall not modify the terms of its recommendations without the consent of the applicant.

- D. *Decision criteria.* A final subdivision application shall be approved if the subdivision proposed for approval:
1. Conforms to all of the preliminary subdivision terms and conditions of approval; and

2. Meets all other applicable final subdivision requirements as set forth in chapter 58.17 RCW, other applicable state laws, this chapter, and any other applicable city ordinances which were in effect at the time of preliminary subdivision approval.
 3. Approval and inscription. The city council shall make written findings of fact relating to its decision on the final subdivision application. If the decision is to approve the final subdivision application, a specific written finding of fact shall also be made that:
 - a. Appropriate provisions are made 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 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
 - b. The public use and interest will be served by the approval of such subdivision and dedication.
 4. Upon approval of the final subdivision, the city council shall authorize the mayor to suitably inscribe and execute council's written approval on the face of the final subdivision plat drawing.
 - E. *Effect of final subdivision approval.* Any lots in a final subdivision filed for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final subdivision, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.
 - F. *Time frame for approval.* The final subdivision application, or portion thereof, shall be approved, disapproved, or returned to the applicant by the city within 30 calendar days of the determination that the application is complete.
 - G. *Recording.* The final subdivision plat, in the form specified in this chapter, shall be recorded by the director with the Kittitas County auditor within ten working days after the appeal period has expired and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant.
- (Ord. No. 4955, § 107, 2-18-2025; Ord. 4807 § 33, 2018; Ord. 4804 § 2, 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. Short subdivisions located adjacent to the right-of-way of a state highway shall be noticed to the state Department of Transportation.

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 written findings of 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.*

1. The administrator shall make a decision on approval or denial of a preliminary short subdivision application within ~~30-90~~ calendar days of the determination that the application is complete. An approved preliminary short subdivision application is valid for ~~one year~~ five years from date of approval. Failure to submit the final short subdivision application within that ~~one year~~ five-year time frame will result in a lapse of the preliminary short subdivision approval.
2. Any applicant that files a plat extension application at least 30 days prior to the expiration, demonstrating that the applicant has attempted in good faith to submit the final plat within the allowed time period, and that the associated extension application fees are paid, shall be granted a one-year extension by the director. Such an extension can be requested and granted by the director two times.

(Ord. No. 4955, § 108, 2-18-2025; Ord. No. 4953, § 4, 1-21-2025; Ord. No. 4929, § 2, 11-6-2023; Ord. 4807 § 34, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.260.160 Short subdivision ~~final approval~~ — ~~Prohibition on~~ requirements for further division.

- A. *Subsequent divisions.* Property in an approved short subdivision that has been filed for record may not be further divided in any manner within a period of five years unless filed as a long subdivision pursuant to ECC 15.260.060.
- B. *Exception for alterations of small subdivisions.* When the approved short subdivision contains less than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing a short plat alteration within five years of approval to create up to a total of four lots within the original approved short subdivision boundaries, pursuant to ECC 15.260.170(C).

~~Property in approved short subdivisions that have been filed for record may not be further divided in any manner within a period of five years without the filing of a new subdivision pursuant to ECC 15.260.060, except that when the approved short subdivision contains less than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of four lots within the original approved short subdivision boundaries. This requirement shall be stated on the face of the recorded short subdivision plat drawing.~~

(Ord. 4656 § 1 (Exh. O2), 2013)

15.260.170 Changes to approved preliminary and final short subdivisions.

- A. *Preliminary short subdivision.* The director may approve minor changes to an approved preliminary short subdivision, or its conditions of approval upon written request of the applicant, subject to the Type I review process as set forth in chapter 15.210 ECC.
1. *Decision criteria.* The proposed changes shall not conflict with the preliminary short subdivision approval conditions, will not increase the number of lots, and will not conflict with any applicable city standards. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application.
- B. *Short subdivision vacation.* A short subdivision vacation is a Type II application and shall be processed in accordance with the procedures for such applications as set forth in ECC 15.210.050(B), except if land dedicated to the public is included in the vacation request in which case it is a Type III application, and shall be processed in accordance with procedures for such applications as set forth in ECC 15.210.050(C). In the event that the vacation request only involves public street right-of-way, the city's street vacation process shall be used as set forth in subsection (B)(2)(b) of this section.
1. *Application contents.* In addition to the minimum application requirements set forth in ECC 15.220.020, a short subdivision vacation application shall contain the following:
- a. The reasons for the proposed vacation;
 - b. Signatures of all parties having an ownership interest in that portion of the short subdivision proposed to be vacated;
 - c. If the short subdivision is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short subdivision or portion thereof;
 - d. A copy of the approved short subdivision plat drawing sought to be vacated, together with all short subdivision plat drawing amendments recorded since the date of the original approval; and
 - e. Any other information required by the community development director for the purposes of ascertaining ownership and the existence of easements or covenants affecting the subject property.
2. *Criteria for approval of a short subdivision vacation.* The short subdivision vacation may be approved or denied after a written determination is made that:
- a. The public use and interest will be served by the vacation of the short subdivision. If any portion of the land contained in the short subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.
 - b. Vacation of streets. When the short subdivision vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the application is for the vacation of a short subdivision together with the streets, the procedure for vacation in this section shall be used. However, vacations of streets may not be made that are prohibited under chapter 35.70 RCW or the city's street vacation ordinance.
 - c. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the short subdivision plat drawing or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

- C. *Short subdivision alteration.* A short subdivision alteration is a Type II application, and shall be processed in accordance with procedures for such applications as set forth in ECC 15.210.050(B).
1. *Application contents.* These requirements are in addition to the minimum application requirements in ECC 15.220.020.
 - a. The reasons for the short subdivision alteration;
 - b. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject short subdivision or portion to be altered;
 - c. If the short subdivision is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short subdivision or portion thereof;
 - d. A copy of the approved short subdivision drawing sought to be altered, together with all short subdivision drawing amendments recorded since the date of the original approval; and
 - e. Any other information required by the community development director for the purposes of ascertaining ownership and the existence of easements or covenants affecting the subject property.
 2. *Criteria for approval of a short subdivision alteration.*
 - a. The short subdivision alteration may be approved only after a written determination is made:
 - i. That the public use will be served by the alteration of the short subdivision;
 - ii. That the altered short subdivision will be in compliance with all zoning and design standards in this title or in the public works development standards;
 - iii. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration; and
 - iv. If any land within the alteration contains a dedication to the general use of persons residing within the short subdivision, such land may be altered and divided equitably between the adjacent properties.
 - b. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the short subdivision plat drawing or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.
 3. *Revised short subdivision plat drawing.* After approval of the alteration, the director shall order the applicant to produce a revised drawing of the approved alteration of the final short subdivision plat drawing which, after execution of the signatures required for final approval per ECC 15.260.150, shall be filed with the Kittitas County auditor to become the lawful short subdivision plat drawing of the property.
 4. Short subdivisions shall not be eligible for phasing plans.

(Ord. 4656 § 1 (Exh. 02), 2013)

15.260.180 – Binding site plan review and criteria.

- A. *Purpose.* This chapter provides for an optional method for the division for lease or sale of multifamily, commercial or industrial property, planned unit developments, condominiums and mobile home parks

through the use of a binding site plan as provided for in Chapter 58.17 RCW. This method may be employed as an alternative to the subdivision and short subdivision procedures in this title when consistent with this chapter. The overall process for approving a binding site plan is a two-step process in which general binding site plan approval is obtained first, and final binding site plan approval is obtained second.

- B. *Requirements for a complete application.* These requirements are in addition to the minimum application requirements in ECC 15.220.020.

1. *General Binding Site Plan.*

- a. The application submittal requirements of ECC 15.220.020;
- b. A copy of the site plan as approved by the city through the site development or building permit, planned unit development or other development application process;
- c. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;
- d. If an existing residential development, evidence of the vote, appropriate association approval, or legal property owner authorizing the submittal of the application;
- e. A copy of a title company certification (current within 60 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan is in the name of the owner(s) signing the binding site plan; and
- f. The number of copies as directed by the city.

2. *Final Binding Site Plan.*

- a. The number of copies as directed by the city;
- b. Required information as set forth in ECC 15.260.100;
- c. Approved plans and documents from the applicable general binding site plan;
- d. A statement indicating that all development on the subject parcel is bound to the binding site plan; and
- e. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

- C. *Applicability.* The division of property by binding site plan is limited to the following:

1. Divisions of land into lots for sale or lease of commercially or industrially zoned property. For purposes of this section, commercially zoned property includes property that is zoned to permit or conditionally permit any multifamily residential uses. The binding site plan process shall not be used for single family residential land divisions.
2. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land, provided the site plan complies with all applicable requirements for such uses contained in the Ellensburg City Code.
3. A division of land subject to Chapters 64.32 and 64.34 RCW as now in effect or hereafter amended so long as the site plan complies with the standards for condominiums under applicable Ellensburg City Code provisions.

- D. *Existing Development.* Approved condominium developments, approved mobile home parks, approved final planned unit developments and approved building permits for any of the developments identified within this section which have been approved prior to the effective date of this chapter shall hereafter qualify as an approved general binding site plan. The division or redivision of land for sale or lease qualifying under this

subsection may be achieved through either the final binding site plan, subdivision or, if nine or fewer lots, the short subdivision process.

- E. *Binding Site Plan Runs with the Land.* After a general or specific binding site plan is filed with the auditor of the county in which the land lies, all persons, parties, their successors, heirs or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the general/specific binding site plan.
- F. *Procedure – General binding site plan*
 - 1. The general binding site plan shall be considered by the appropriate decision body as provided for within ECC Chapter 15.210.
 - 2. *Criteria for Review.* The general binding site plan shall comply with the decision criteria contained in ECC 15.260.060(F) and all other applicable development regulations contained in the Ellensburg City Code.
- G. *Procedure – Final binding site plan*
 - 1. *Filing – Final Binding Site Plan.* A final binding site plan shall be filed with the department of community development at such time as the property owner(s) intends to sell or lease a portion of property as approved in a general binding site plan.
 - 2. *Limitations.* The final binding site plan shall not be used to modify the provisions of the approved general binding site plan, building permit, final occupancy permit, or associated planned unit development other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.
 - 3. *Review Procedures – Final Binding Site Plan.* The final binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, building permit, applicable planned unit development conditions and all other applicable regulations in effect at the time of application.
 - 4. *Approval and Recording.* Upon determination of consistency, the final binding site plan shall be signed by the community development director and the public works director and filed with the Kittitas County Auditor.
- H. *Special provisions applicable to condominium developments subject to Chapter 64.32 or 64.32 RCW.* The following additional conditions shall be required:
 - 1. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to 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;
 - 2. The city has approved a general binding site plan pursuant to ECC 15.260.180(F) for the subject property;
 - 3. All necessary documents are recorded with the county in which such land is located; and
 - 4. The binding site plan contains the following statement 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 now or hereafter having any interest in the land described herein. [RCW 58.17.040(7)(e)]”

5. The general binding site plan for a condominium development shall be deemed approved if the subject property has received final approval of a preliminary subdivision, planned unit development, a building permit, or a final certificate of occupancy has been issued.
- I. *Alteration or Vacation.* Alterations or vacations of binding site plans shall be processed in the same manner as the original binding site plan.
 1. *Information Waiver.* The community development director may waive the submittal of required information for general and final binding site plans if the information is either recorded or recorded by reference with the auditor and is available in the city's file(s).
 2. The city may rescind all or a portion of a general or final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.
 3. Signatures of the owners of those portions of a binding site plan which are not proposed to be altered by an amendment or rescission are not required on the amended binding site plan or application for rescission.

(Ord. No. 4955, § 110, 2-18-2025; Ord. No. 4953, § 5, 1-21-2025; Ord. 4807 § 36, 2018; Ord. 4804 §§ 1, 2, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.280.090 Ellensburg landmarks register.

There is hereby created an Ellensburg landmarks register.

- A. *Criteria for eligibility to the register.* Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
 2. Is closely linked with the life of a person important in the history of the city, state, or nation;
 3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
 4. Is an outstanding work of a designer, builder, or architect;
 5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
 6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.
- B. *Process for designating properties to the landmarks register (a Type II review process exception).*
 1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the commission or the commission as a whole may generate nominations. In its designation program, the commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s)' consent is required before the commission shall consider the nomination.

2. Nominations shall be made on forms provided by the commission. Completed nominations received by the commission will be scheduled for review within 15 working days of ~~receipt~~ determination the application is complete.
 3. The commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review process.
 4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg.
 5. Within 100 days of a determine the nomination application is complete and within ten working days of holding the public hearing, the commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be noticed pursuant to Chapter 15.210 ECC ~~sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council~~. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map ~~with the notation "LR"~~ to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map ~~with the notation "LR"~~ to indicate the property is on the landmarks register.
 6. For individual landmark designations, the commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.
 7. For landmark district designations, the commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.
 8. Whenever the commission rejects the nomination of all or any part of a property, the commission shall, within ten working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be noticed pursuant to Chapter 15.210 ECC ~~sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council~~.
 9. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.
 10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an "LR" (for landmarks register). This designation shall not change or modify the underlying zone classification.
- C. *Downtown and residential historic districts.*
1. The existing downtown historic district, defined in ECC 15.300.070(B) and hereafter known as the "downtown historic district and the existing residential historic district, defined in ECC 15.300.070(C) and hereafter known as the "First Railroad Addition historic district," are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.

2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.
 3. The provisions of ECC 15.280 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.
- D. *Change of status from noncontributing to contributing within a district.* The owner(s) of record of noncontributing property within a district may submit a COA application to the department for change of status of the property from noncontributing to contributing. The application shall identify all features of historical significance of the property in accordance with subsection A of this section and shall include the legal description and description of all interior and exterior features, and outbuildings, that contribute to its proposed designation as a contributing property.
- E. *Effects of listing on the Ellensburg landmarks register.*
1. Listing on the landmarks register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.
 2. Prior to the commencement of any exterior work visible from a public right-of-way on a landmarked building or any property located within the boundaries of a district, excluding ordinary repair and maintenance, the owner must apply for and receive a COA from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.
 3. This city is a certified local government (CLG), and therefore all qualifying properties listed on the Ellensburg and National Registers of Historic Places may be eligible for special tax valuation on their rehabilitation under ECC 15.280.130.
 4. Prior to whole or partial demolition of a register property or contributing property within a district, the owner must apply for and receive a demolition approval pursuant to the requirements of ECC 15.280.110.
- F. *Removal of properties from the register.* In the event that any designated landmark property is no longer deemed eligible for inclusion on the landmarks register by city staff or the commission, per requirements of subsections (A)(1)—(6) of this section, the commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section.

(Ord. No. 4935, § 6, 12-18-2023)

15.280.100 Review of changes to landmarks register properties.

A. *Review required.*

1. No person shall alter, repair, enlarge, newly construct, relocate, or demolish any registered landmark building, or any structure located on a property within a landmark district, nor install any exterior sign or mural pursuant to subsection (A)(2) of this section, without review by the commission and issuance of a COA or a demolition permit (ECC 15.280.110).
2. In the case of murals, the arts commission shall first review and provide recommendations to the commission regarding any proposal for a mural to be located on a registered landmark or within a landmark district. Factors to be considered by the arts commission include media to be used, method of application, stability, building/site, mural location and practicability of project.

3. This review shall apply to all exterior features of the building visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.
 4. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for projects and sign review per ECC 15.210.050(B).
- B. *Exemptions.* The following activities are exempted from landmarks review and do not require a COA:
1. Ordinary repair and maintenance which does not visually alter exterior features of a building visible from a public right-of-way, and does not utilize substitute materials.
 2. Repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way.
 3. Interior building construction, maintenance, remodeling, decoration, or other activities located within the building envelope.
 4. Painting of previously painted exterior surfaces.
 5. Construction on a landmarked property or within a landmark district that is not considered a structure per ECC 15.280.030, or a building per ECC 15.130. By way of example and not limitation, such work might include landscaping, fences, and detached arbors or gazebos.
- C. *Review process for proposed changes to registered landmark properties and properties located within a landmark district (a Type II review process exception 15.210.030(B)).*
1. Requests for review and issuance of a COA for proposed changes to a landmarked property, which can include demolition within the overall scope of work.
 2. Application for a COA to a landmark property shall be made by filing an application with the preservation planner on forms provided by the department. A written description of materials required for the commission's review include but are not limited to; site plans, narratives, elevations, and material samples, and shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.
 3. If an application is submitted to the department for any permit which affects a designated landmark, or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner, and such shall be deemed an application for a COA if accompanied by the additional materials required for COA review. No city permit shall be issued, nor work begun, until the landmarks and design review process has been completed and a COA has been issued pursuant to this chapter.
 4. Landmarks and design commission review.
 - a. At a regularly scheduled public hearing, the commission shall review the proposed work according to the relevant design provisions set forth in divisions IV and V of this title. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of COAs or demolition permits shall be based upon appropriateness of proposal as reflected in said design provisions, and upon review of demolition standards per ECC 15.280.120.
 - b. The commission may approve with or without conditions or disapprove an application. A hearing on the application must be scheduled within 15 working days of a determination the application is complete unless the parties agree to an extension. The decision of the commission shall be rendered within ~~30 working~~ 100 days of the date of receipt ~~a determination~~ of a completed application and within 10 working days of holding the public hearing on the matter, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.

- c. If the commission makes a decision to issue a COA, such certificate shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official.
- d. If the commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.
- e. In the case of proposed demolition of a building or structure within a COA application that is listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g. to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).
- f. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing pursuant to ECC 15.230.090.

(Ord. No. 4935, § 6, 12-18-2023)

15.280.110 Application for demolition permit; demolition review standards.

- A. *Permitted reasons for demolition.* The proposed full or partial demolition of buildings or structures listed on the Ellensburg landmarks register individually or within a district, is disfavored in order to preserve the integrity of the city's historic landmarks and districts. Notwithstanding the foregoing, an application for a demolition permit under this chapter may be submitted for the following reasons:
 - 1. Structural deficiencies;
 - 2. Economic infeasibility (ECC 15.280.120); or
 - 3. Property is not listed as contributing to the landmarks district and is ineligible for future status change per listing requirements of ECC 15.280.090(A).
- B. *Application.*
 - 1. An applicant proposing the full or partial demolition of any building or structure listed on the Ellensburg landmarks register or located within a landmark district, shall supply the information required in this section. The information to be provided relates only to the property or building under review, but does not require information concerning an owner's assets or income except as it specifically relates to the property or building under review.
 - 2. An application for full or partial demolition of a building or structure listed on the Ellensburg landmarks register, shall be deemed incomplete unless the application provides the following:
 - a. A narrative explaining the reasons for the proposed demolition and how the proposed demolition satisfies the standards listed in subsection (C)(1);
 - b. Photographs documenting the existing condition of the structure;
 - c. Analysis of possible alternatives to demolition considered, including but not limited to one or more of the following:
 - i. Redesigning the project to avoid any impact to the structure or setting;
 - ii. Conversion of the structure into another use (adaptive reuse);
 - iii. Relocation of the structure on the property;
 - iv. Relocation of the structure to another property;

- v. Salvaging from the structure historically significant architectural features and building materials; or
 - vi. Possible design alternatives.
 - d. Where demolition is sought due to structural deficiencies or the building is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation, the applicant shall supply a report from a Washington-licensed structural engineer supporting this claim; and
 - e. Where demolition is sought for reasons of economic infeasibility and the applicant requests that the commission consider evidence of economic impact on the owner from denial or partial denial of a demolition permit, the applicant shall supply a report that includes, but is not limited to, the requirements set forth in ECC 15.280.120.
 - f. Where demolition is sought within a landmark district due to the structure's ineligibility to be classified as contributing within the district, the applicant shall provide a written assessment of this claim supported by historical research demonstrating that the structure does not qualify to be reclassified as contributing per criteria set forth in ECC 15.280.090(A).
- C. *Demolition permit review standards.* An application for the partial or full demolition of a landmark property or structure in a landmark district, shall be granted if the application material provided pursuant to subsection (B)(2) satisfies one or more of the following criteria;
- 1. The applicant has demonstrated through the submitted materials and a report from a Washington-licensed structural engineer, supporting the claim that the building is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.
 - 2. The applicant has demonstrated through the submitted materials per ECC 15.280.120, evaluation of economic impact, that the building cannot support the intended use or alternative uses prohibiting reasonable use of the structure;
 - 3. The applicant has provided sufficient historical documentation to demonstrate that the subject building does not qualify to be relisted as contributing within the district per requirements of ECC 15.280.090(A); or
- D. *Exemptions.* The following demolition activities do not require a demolition permit under this chapter:
- 1. Demolition review included as part of an approved COA design review application pursuant to ECC 15.280.090(C).
 - 2. City abatement of unsafe conditions. In the event of a finding by the city building official of an unsafe condition or imminent danger, the building official may issue an abatement order allowing partial or complete demolition of a building or structure listed in the Ellensburg landmarks register provided, that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than to partially or completely demolish historic buildings or structures.
- E. *Review process for proposed full or partial demolitions to registered landmark properties and properties located within a landmark district (a Type II review process exception, ECC 15.210.030(B)).*
- 1. Application for a demolition to a landmark property or property within a landmark district shall be made by filing an application with the preservation planner on forms provided by the department. The application shall include a written description of materials required for the commission's review, including but not limited to the requirements listed in subsection (B)(2) of this section. Preliminary plans may be submitted to the preservation planner for consultation prior to the preapplication conference required by this subsection.

2. If a demolition application is submitted to the department for any permit which affects a designated landmark or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner to initially determine whether the application is complete per the requirements of subsection (B)(2) of this section. An applicant may not commence any demolition work until the landmarks and design review process has been completed and permit for the proposed demolition has been issued by the department.
3. Landmarks and design commission review.
 - a. Mandatory preapplication conference. Applicants for a demolition permit under this chapter shall attend a preapplication conference with community development department staff including a historic preservation planner. The preapplication meeting shall occur before the proposal is reviewed by the commission. The purpose of the preapplication conference is to review with the applicant the requirements of this chapter, to provide preliminary comments on the acceptability of the proposal, and to discuss alternatives to demolition including available financial incentives.
 - b. A scheduled public hearing on the application shall be scheduled within ~~30-15~~ working days of the preapplication conference unless the applicant requests a delay. The commission shall review the proposed demolition at the hearing. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of demolition permits shall be based upon demolition standards set forth in this section.
 - c. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within ~~14 days~~ 100 days from the date the application is determined complete and within 10 working days of the date of hearing, ~~unless the parties agree to an extension.~~ The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.
 - d. If the commission makes a decision to approve a proposed demolition, such approval shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official. The building official shall include any conditions for demolition required by city ordinance or state law (e.g. disconnection of utilities, rodent abatement and similar conditions).
 - e. If the commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.
 - f. In the case of demolition of a building or structure listed in the landmarks register, the commission may require conditions of approval including, but not limited to, mitigation measures (e.g. to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).
- F. *Demolition permit expiration.* A demolition permit issued under this chapter expires if the work authorized by the permit is not commenced within 365 days from the date of issuance of the demolition permit. The director may grant a one-time extension up to an additional 365 days, upon written request by the applicant showing circumstances beyond their reasonable control. Once a demolition permit expires, a new application for demolition must be submitted and approval obtained before work can be commenced.
- G. *Appeal.* Any person aggrieved by any action of the commission denying or approving a demolition permit application may file a notice of appeal as set forth in chapter 15.230 ECC.

(Ord. No. 4935, § 6, 12-18-2023)

15.280.130 Special valuation for historic properties.

- A. There is hereby established and implemented a special valuation program for historic properties as provided in chapter 84.26 RCW and chapter 254-20 WAC.
- B. The Ellensburg landmarks and design commission is hereby designated as the local review board for the purposes set forth in chapter 84.26 RCW and is authorized to perform all functions of a local review board authorized by chapter 84.26 RCW and chapter 254-20 WAC.
- C. The class of properties eligible to apply for special valuation in the city of Ellensburg means all properties listed on the Ellensburg landmarks register, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in chapter 84.26 RCW.
- D. As used in this chapter, "actual cost of rehabilitation" means costs incurred within 24 months prior to the date of an application for special valuation directly resulting from one or more of the following:
 - 1. Improvements to an existing building located on or within the perimeters of the original structure;
 - 2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully usable but shall not include rentable/habitable floor space attributable to new construction;
 - 3. Architectural and engineering services attributable to the design of the improvements; or
 - 4. All costs defined as qualified rehabilitation expenditures for purposes of the federal historic preservation investment tax credit.
- E. The landmarks and design commission shall comply with all other local review board responsibilities identified in chapter 84.26 RCW and chapter 254-20 WAC.
- F. Any decision of the landmarks and design commission acting on any application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy of law after exhausting administrative appeals pursuant to Chapters 15.210 and 15.230 ECC. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

(Ord. No. 4935, § 6, 12-18-2023)

CHAPTER 15.285 MURALS

15.285.010 Purpose.

- A. In the city of Ellensburg, murals foster a sense of community and connection and enrich the experience of both tourists and residents. Acknowledging that murals provide economic benefits and enhance livability, the city's mural policy seeks both to preserve historic murals already in existence and provide guidance for creation of new works of mural art.
- B. On landmark properties and in historic districts, the policy seeks to allow the placement and scale of new murals in such a way that the character-defining features of historic properties are not obscured, covered, or otherwise adversely affected. The policy encourages artistic expression through murals in appropriate locations with little intrusion into artistic expression and content.

15.285.020 Applicability.

The standards for murals set forth in ECC 15.720.030(A) through (C) shall apply to all individual properties within the city of Ellensburg. ECC 15.720.030(D) and (E) shall apply only to landmarks register properties and

districts listed on the Ellensburg landmarks register or on the National Register of Historic Places. ECC 15.720.030(F) shall apply to historic murals.

15.285.030 Standards and guidelines.

Murals shall conform to the following requirements:

- A. *Permit required.* Prior to installation, all murals require submission of an application and issuance of a permit subject to the following provisions:
 - 1. Applications for murals not on landmarks register properties and not in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places shall first be reviewed by the arts commission in a public meeting for a recommendation which shall be forwarded to the community development department when issuing a permit.
 - 2. Applications for murals located on landmarks register properties or in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places shall first be reviewed by the arts commission in a public meeting, as referenced in subsection (A)(1) of this section, and shall also obtain a certificate of appropriateness (COA) from the landmarks and design commission.
- B. *Murals as signs.* Murals created after the effective date of the ordinance codified in this chapter that fall within the definition of a sign shall be regulated pursuant to the sign code, chapter 3.12 ECC, as currently enacted or hereafter amended.
- C. *Installation and maintenance of all approved murals.*
 - 1. Murals shall be installed in a manner to ensure that they withstand the elements to the greatest degree that is feasible as determined by the community development department.
 - 2. Murals shall use materials, coatings, or other protective techniques that will resist vandalism, weathering by sun, water, wind and graffiti to the greatest degree feasible as determined by the department.
 - 3. Murals must be maintained by the building owner for the life of the mural or until the mural is removed.
- D. *Location, design and style of murals on landmark structures or in historic districts.*
 - 1. The design (not content) of murals on landmarks register properties and in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places must be consistent and compatible with the architectural and historical character of the historic district and the architectural features (column bays, windows, planar walls, cornices, beams, columns, trim, windows, doors, etc.) of the building on which they are located.
 - 2. Murals shall not be permitted to be placed directly on unpainted brick, unpainted or painted stone, wood sidings with surface detail, or any other material that does not have a planar or flat character. An exception to this provision may be allowable in instances where new paint is applied onto the existing paint of a historic mural for the purpose of restoration, and for which a COA has been obtained. Prior to the installation, the surface to which the mural will be applied must be in a condition that would allow the permanent attachment of the proposed mural.
 - 3. Murals may not have electrical or mechanical components.
 - 4. Three-dimensional murals are not allowed.
 - 5. Murals must not damage or lead to accelerated deterioration of the building surface.
- E. *Alteration and removal of murals on landmark structures or in historic districts.*
 - 1. Alteration or removal of any existing or permitted mural on landmarks register properties and districts listed on the Ellensburg landmarks register or on the National Register of Historic Places requires a

permit obtained through the process set forth in ECC 15.280.090. Alteration or removal of historic murals shall only be made pursuant to this subsection.

2. Alteration or removal of any existing or permitted mural shall not damage or lead to the destruction or deterioration of a building or structure or adversely impact the architectural or historic character of any building located within a historic district.
3. Any associated materials that were used to affix the mural to the surface must be removed at the time of the removal of the mural. This includes, but is not limited to, mounting hardware or brackets, caulk or grout, and adhesives or glues.

F. *Historic murals.*

1. The landmarks and design commission will conduct a survey of existing murals and include those deemed historic in the Ellensburg landmarks register.
2. New murals shall not be painted over historic murals as defined in ECC 15.130.080. Historic murals may not be altered, repainted, painted out, removed, restored or otherwise disturbed, unless the structural integrity of the building is at stake, without compliance with the following:
 - a. Prior to the alteration, repainting, painting out, removal, restoration or other disturbance to an historic mural the property owner shall obtain a COA. Application for a COA shall be reviewed by the landmarks and design commission in accordance with the procedures set forth in ECC 15.280.090(C) and 15.280.100 with the following exceptions:
 - i. The landmarks and design commission shall meet initially with the applicant to consider alternatives to the alteration or removal including available incentives for preservation of the mural. These negotiations may last no longer than 120 calendar days from the first meeting of the landmarks and design commission unless the applicant agrees to an extension. During these negotiations, the applicant should allow the commission to review the site and plans for the alteration and/or removal of the mural. An alteration and/or removal notice must also be placed on the property and published in the newspaper.
 - ii. If no request for an extension is made and no alternative has been agreed to and the applicant has made a showing that such action is necessary to provide a reasonable beneficial use or reasonable economic return, the landmarks and design commission shall issue a COA to the applicant.
 - b. Prior to the permitted disturbance of an historic mural, photographic documentation of the mural shall be collected and made available to the landmarks and design commission by the department.
3. Any person aggrieved by any action of the landmarks and design commission in denying or approving the applicant's request may file a notice of appeal as set forth in Chapter 15.230 ECC; however, such appeals shall be to city council rather than to the hearing examiner.
4. The landmarks and design commission will review the possibility of initiating a program to restore historic murals.

15.285.040 Submittal requirements and approval process.

- A. All artists and building owners proposing murals on their properties shall first submit their proposals for review by the arts commission in a public meeting for a recommendation which shall be forwarded to the department for consideration when issuing a permit. Murals proposed to be installed on any landmarks register properties or in districts listed on the Ellensburg landmarks register or on the National Register of Historic Places must further be reviewed by the landmarks and design commission and obtain a COA from that body.
- B. All of the following materials must be submitted with application for a mural:

1. Drawings (elevation, site plan), photographs of building;
2. Map of landmark structures and historic districts within 300 feet of the proposed mural;
3. Written description, including materials used and how the mural will be affixed;
4. Color image of mural and artist's examples of past work, if any;
5. Written authorization from property owner; and
6. Maintenance plan.

DRAFT

15.310.040 Use tables.

Table 15.310.040-1
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 ⁶	
Dwelling, duplex* (ECC 15.540.030)	P ²	P ²	P		P			P ⁷	P ⁷					A ⁶	
Dwelling, townhouse* (ECC 15.540.060)	P ²	P ²	P	P	P	P ³		P ⁷	P ⁷		P	P		A ⁶	
Dwelling, multifamily* (Division V of this title)	P ^{1,5}	P ^{1,5}	P	P	P	P ³	C	P ⁷	P ⁷		P	P		A ⁶	
Co-living housing* ¹⁰	<u>P¹</u>	<u>P¹</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P³</u>	<u>C</u>	<u>P⁷</u>	<u>P⁷</u>		<u>P</u>	<u>P</u>		<u>A⁶</u>	
Dwelling, live-work*	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P		P ⁷	P ⁷		P	P			
Manufactured home park* (ECC 15.340.040)	C	C	C	P	C									A ⁶	P
GROUP RESIDENCES															
Boarding houses, lodging houses*		C	P	P	C			P ⁷	P ⁷		P	P		A ⁶	
Adult family home*	P	P	P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	
Community residential facility*			C	C	C	C		P ⁷	P ⁷		P	P		P/A ⁶	
Senior citizen assisted housing*			P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	

Transitional housing*	P ^{5,9}	P ^{5,9}	P ⁹	P ⁹	P ⁹	P ^{3,9}	C ⁹	P ^{7,9}	P ^{7,9}		P ⁹	P ⁹		P ⁹	
Permanent supportive housing*	P ^{5,9}	P ^{5,9}	P ⁹	P ⁹	P ⁹	P ^{3,9}	C ⁹	P ^{7,9}	P ^{7,9}		P ⁹	P ⁹		P ⁹	
Indoor emergency shelter*	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	P ⁹	P ⁹	P ⁹		P ⁹	P ⁹		P ⁹	
Indoor emergency housing*	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	P ⁹	P ⁹	P ⁹		P ⁹	P ⁹		P ⁹	
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 ⁶	P
Yard sale use	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸
TEMPORARY LODGING															
Bed and breakfast* (ECC 15.340.010)	P	P	P	P	P			P ⁷	P ⁷		P	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.
3. 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.
4. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district.
5. Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC 15.310.050).
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).
8. Yard sales are permitted as an accessory use to a dwelling; provided, that the following conditions are met:

- a. Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
- b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
- c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works department; and
- d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

9. Subject to the permanent supportive, transitional housing, emergency housing and emergency shelter facilities standards set forth in ECC 15.340.080.

Table 15.310.040-2
Nonresidential Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
RETAIL														
Auto sales, new and used *							P	P ²	P		P			
Automobile fueling*						P	P	P	P		P	P		
Automobile, Personal electric vehicle battery charging station*	P ¹	P ¹	P ¹	P ¹	P ¹	P	P	P	P	P	P	P	P	P
Farmers' markets*						P		P	P	P	P			
Fruit stands*	P	P	P	P	P									
Heavy retail* (ECC 15.130.080)							P	P ²	P		P	P	P	
Nurseries and greenhouses*	P						P	P	P	P	P	P	P	
Restaurants*	P ^{5,11}	P ^{5,11}	P ^{5,11}	P ⁵	P ¹¹	P	P	P	P	P	P	P		A ⁶
Bars, Taverns and brewpubs*						P	P	P	P	P	P	P		A ⁶
Cafes* coffee house, espresso bar	P ^{5,11}	P ^{5,11}	P ^{5,11}	P ⁵	P ¹¹	P	P	P	P	P	P	P		A ⁶
Retail*, small scale (<2,000 sf floor area)	P ^{5,11}	P ^{5,11}	P ^{5,11}	P ⁵	P ¹¹	P	P	P	P	P	P			A ⁶
Retail*, medium scale (2,000—20,000 sf floor area)						P	P	P	P	P	P			A ⁶
Retail*, large scale (20,001—60,000 sf floor area)						P ³	P	P	P	P	P			

Retail*, very large scale (60,001—100,000 sf floor area)							P	C	C		P			
Retail*, super scale (>100,001 sf floor area)							C				C			
Regional retail commercial projects* (subject to the requirements in chapter 15.390 ECC)	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸			p ⁸	p ⁸	p ⁸		
Marijuana retailer*						p ⁹	p ⁹	p ⁹	p ⁹	p ⁹	p ⁹			
PERSONAL AND GENERAL SERVICE														
Day care I facilities*	P	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Day care II facilities*	C	C	C	C	P	P	P	P	P	P	P			A ⁶
Heavy services (see heavy retail and services definition in ECC 15.130.080)*							P	p ²	P		P	P	P	
Hotels/motels*							P	P	P	P	P			
Hospitals*	C	C	C		P			C	P		C			A ⁶
<u>Private parking lot*</u>							<u>P</u>	<u>C</u>	<u>C</u>		<u>P</u>			
<u>Freight truck parking lot*</u>							<u>P</u>							<u>P</u>
Offices, medical*					P	P	P	P	P	P	P			P/A ⁶
Kennels*							P		P			P		
Nursing homes*	C	C	C	P	P			P	P					P/A ⁶
Marijuana cooperative*	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰
Personal service establishments*	p ^{5,11}	p ^{5,11}	p ^{5,11}	p ⁵	P	P	P	P	P	P	P			A ⁶
Laundromats and dry cleaners*			p ^{5,11}	p ⁵	p ¹¹	P	P	P	P	P	P	P		
Places of assembly*	C	C	C	C	P	P	P	P	P	C	C	C		A ⁶
Radio station* (commercial)		€					P			P	P	C	C	A ⁶
Veterinary clinic*					C	C	P	P	P	P	P	C		

BUSINESS SERVICE															
Conference center*							P	P	P	P	P				A ⁶
Offices, business or professional* , small scale (<2,000 sf floor area)	p ⁵	p ⁵	<u>p⁵</u>	<u>p⁵</u>	P	P	P	P	P	P	P	p ⁴			P/A ⁶
Offices, business or professional* , medium scale (2,000—20,000 sf floor area)	p⁵	p⁵					P	P	P	P	P	P			P/A ⁶
Offices, business or professional* , large scale (20,001—60,000 sf floor area)							P	P	P	P	P	P			P/A ⁶
Miniwarehouse facility*			-C										C	€	
INDUSTRIAL															
Light manufacturing*							P	p ²	p ²	p ²	p ²	P	P		
Light industry* (ECC 15.130.120)								p ^{2,7}	p ^{2,7}	p ^{2,7}	p ^{2,7}	P	P		
Hazardous waste treatment (off- site)* (see definition of "off-site" in ECC 15.130.150)												C	C		
Hazardous waste treatment (on- site)* (see definition of "on-site" in ECC 15.130.150)							C	€	C			C	C		A ⁶
Heavy industry* (ECC 15.130.080)													C		
Marijuana processor*												p ¹⁴	p ¹⁴		
Marijuana producer*												p ¹⁴	p ¹⁴		
Tow vehicle storage area*												P C	P		
Vehicle wrecking yard*													C		

Development conditions:

1. Vehicle battery charging stations are permissible for the primary use of residents and their guests in all residential zones. Battery charging station clusters are permitted for multifamily uses located in the R-M and R-H zones.
2. Use must be enclosed entirely within a building.

3. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.
4. Office uses that are accessory to a permitted use.
5. Subject nonresidential uses ~~may be~~ are permitted in these ~~R-S and R-L~~ zones if the planned uses are at least 1,200 feet from an existing ~~C-N commercial zone or mixed-use zones or commercial use.~~ C-N commercial zone or mixed-use zones.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.
7. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
 - a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see chapter 15.580 ECC for standards), dust or other physical effect; and
 - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
8. Regional retail is administered as an overlay zone pursuant to chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in figure 15.390.040(A), the south interchange area, and figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by chapter 15.390A ECC.
9. All marijuana retail, production and processing facilities are subject to the requirements of chapter 15.370 ECC.
10. All marijuana cooperatives are subject to the requirements of ECC 15.370.030, chapter 314-55 WAC and chapter 69.51A RCW.
11. Use is only permitted on a lot abutting the intersection multiple public streets frontages, such as a corner lot.

Table 15.310.040-3
Special Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
PARK, OPEN SPACE AND RECREATIONAL														
Cemeteries, columbarium or mausoleums*	P	P												
Golf course*	P													p ¹¹
Golf driving range* (not associated with a golf course)	C						C				C			p ¹¹
Recreation—outdoor (commercial)*							P			P	P	C		A
Recreation—indoor (commercial)*					C		P	P	P	P	P	C		A

Recreation—small-scale indoor studios (commercial)*	p ¹³	p ¹³	p ¹³	P	P	P	P	P	P	P	P	C		
Recreational vehicle parks* (ECC 15.340.050)							P-C							A
Parks, playgrounds (public or private)*	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹		P
CULTURAL AND ENTERTAINMENT														
Adult entertainment establishment*							p ²							
Art, performing arts, and recording studios*	C	C	C	C	P	P	P	P	P	P	P	P		P/A ⁷
Museums*	C ¹²	C ¹²	C ¹²	C ¹²	P	P	P	P	P	P	P	P		P/A ⁷
Theaters*					P	P	P	P	P	P	P	C		
EDUCATIONAL														
Schools*	C	C	C	C	C		C	C	C					p ⁵
University*														p ⁵
GOVERNMENTAL														
Court							P	P	P					P
Fire facility							P				P	P		P
Police facility						p ³	P	p ³	P		P	P		P
Public agency or utility office*						P	P	P	P	P	P	P	P	P/A
Public agency or utility yard	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	P	P	C ⁴	P			P	P	P/A
Utility facility* ⁸	P	P	P		P	P	P	P	P			P	P	P
Fairgrounds														P
Public transportation passenger terminals							P	P	P		P	P	P	P
Public parking lot*								P						P/A ⁷
RESOURCE														
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P/A ⁷

Agriculture*	p ⁹													
Small wind energy systems*_ (ECC 15.340.060)	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰ /A ⁷
REGIONAL														
Airport*_ 														PC ⁶

Development conditions:

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
2. Adult entertainment is regulated pursuant to chapter 6.72 ECC. Zoning locational standards within the C-H zone for adult entertainment establishments are:
All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office).
3. Limited to "storefront" police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the C-N zone); or
 - c. Long-term storage of stolen properties.
4. Public agency or utility yard conditions:
 - a. Utility yards are only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
5. Excluding private or nonprofit commercial schools or universities, for which the principal course work is business, vocational, or technical.
6. A conditional use permit is required for the following uses:
 - a. Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
 - b. Airport landing areas.
7. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use; see ECC 15.310.050. Subject uses must be managed by a public agency.
8. Wireless communication facilities, including wireless communication support towers and antenna arrays, are subject to the provisions of ECC 15.340.070 and chapter 15.395 ECC.
9. Agriculture uses are permitted in the subject zone provided the following conditions are met:

- a. The raising of swine, poultry or goats shall be restricted to youth educational projects or limited household consumption occurring on the same lot, or lots of record;
 - b. No nuisances, such as noise, odor, air pollution, wastes, vibration, traffic or physical hazards, shall result therefrom; and
 - c. Fencing and housing adequate to certain livestock shall be provided where livestock are kept, and all livestock shall be kept and maintained in accordance with applicable laws and regulations.
- 10. Small wind energy systems on properties listed in the Ellensburg landmarks register are subject to landmarks and design commission certificate of appropriateness.
 - 11. Subject use shall be permitted only if it is a public facility.
 - 12. Museums within the R-S, R-L, R-M and R-H zoning districts are permissible within existing buildings, or if for new construction only if the building is 2,000 square feet or less, and for both options through approval of a conditional use permit.
 - 13. Subject nonresidential uses are permitted in these residential zones if the planned uses are at least 1,200 feet from an existing commercial or mixed-use zone.

(Ord. No. 4955, § 111, 2-18-2025; Ord. No. 4953, § 8, 1-21-2025; Ord. No. 4929, § 3, 11-6-2023; Ord. 4887 § 22, 2022; Ord. 4807 § 44, 2018; Ord. 4804 § 3, 2018; Ord. 4769 § 13, 2017; Ord. 4728 § 4, 2016; Ord. 4724 § 4, 2016; Ord. 4696 § 3, 2015; Ord. 4669 § 3, 2014; Ord. 4656 § 1 (Exh. O2), 2013; Ord. No. 4936, § 5, 2-5-2024)

15.320.030 Building setback and intensity standards table—Residential zones.

Table 15.320.030
Building Setback and Intensity Standards Table—Residential Zones

Topic	R-S	R-L	R-M	R-H
DEVELOPMENT INTENSITY AND CONFIGURATION				
Minimum lot area	None ¹	None ¹	None ¹	None ¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}
Density, minimum (ECC 15.320.050)		6 du/acre ³	8 du/acre ³	15 du/acre
Density, maximum (base) ⁸ (ECC 15.320.050)	6 du/acre ¹²	8 du/acre ¹²	No limit	No limit
Density, maximum with bonus (see chapter 15.330 ECC)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit
Maximum building height	35 ft	35 ft	35 ft ⁵	45 ft ⁵
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.120)				
Minimum front yard setback ^{6, 7}	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	22 ft	22 ft	22 ft	22 ft
Minimum rear yard setback	20 ft	20 ft	20 ft	20 ft
Minimum rear yard setback, accessory buildings (including garages)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰
Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰
Minimum side yard setback (includes corner lot-interior lot line) ⁹	5 ft/ 10 or <u>15 total</u> ft ¹¹	5 ft/ 10 or <u>15 total</u> ft ¹¹	5 ft/ 10 ft ¹¹	5 ft / <u>10</u> ft ¹¹
Minimum side yard setback (corner lot exterior lot line) ⁹	10 ft	10 ft	10 ft	10 ft
Minimum garage side yard setback (corner lot exterior lot line)	22 ft	22 ft	22 ft	22 ft

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.

4. Exception: Projects complying with net zero energy provisions may exceed the maximum density limits as set forth in ECC 15.330.020(A).
5. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
6. Porches and covered entries may project up to six feet into the front yard.
7. No front yard is required for buildings adjacent to designated "storefront streets."
8. Base maximum density refers to the maximum density allowed without utilizing density bonuses. Per ECC 15.310.040, duplexes and townhomes are permitted in R-S and R-L zones on preexisting legal lots of record as of December 31, 2021, notwithstanding the maximum density requirements of this chapter. For lots recorded after this date, duplexes and townhomes must meet the density standards of this chapter.
9. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
10. Accessory buildings or 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.
11. For lots 6,000 square feet or less in these zones, the minimum side yard shall be five feet on each side. For all other lots, the sum of side yard setbacks shall be a minimum of fifteen feet, with each side yard a minimum of five feet.
12. Co-living housing sleeping units are calculated as 0.25 dwelling units for the purpose of maximum density calculations in the R-S and R-L zones.

(Ord. 4887 § 24, 2022; Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.320.045 Building setback and intensity standards—Mixed-use zones.

Table 15.320.045
Building Setback and Intensity Standards Table—Mixed-Use Zones.

Standard	R-O	C-C	C-C II	NC-MU	RC-MU
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None ¹
Minimum frontage	None ^{1,2}	None	None	None	None
Density, minimum (ECC 15.320.050)	8 du/acre ³	NA	NA	8 du/acre ¹²	15 du/acre ¹²
Density, maximum (ECC 15.320.050)		None	None	None	None
Maximum building height (see ECC 15.320.060 for height exceptions)	35 ft ⁴	60 ft ^{7, 11}	60 ft	60 ft ⁷	60 ft ⁷
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.120)					

Maximum front yard setback				10 ft ¹³	10 ft ¹³
Minimum front yard	15 ft	None ⁵	None ⁵	None ⁵	None ⁵
Minimum garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	20 ft	None ⁶	None ⁶	None ⁶	None ⁶
Minimum rear yard setback, accessory buildings (including garages)	5 ft ⁸				
Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)	5 ft ⁸				
Minimum side yard, includes corner lot interior lot line (see ECC 15.520.020 for supplemental standards) ¹⁰	5 ft/ 10 or 15 total ft ⁹	None ⁶	None ⁶	None ⁶	None ⁶
Minimum side yard setback (corner lot exterior lot line) ¹⁰	10 ft ⁹				
Minimum garage side yard setback (corner lot exterior lot line)	22 ft				

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. New lots shall have access directly to a public right-of-way or may obtain access from a courtyard access (ECC 15.420.050(C)) or shared driveway (ECC 15.420.060(A)(2)).
3. The density minimum shall apply only to new subdivisions greater than one acre in size.
4. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
5. For exceptions and detailed standards, see chapter 15.510 ECC, site orientation.
6. Where the subject property shares any portion of a border with a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.
7. Where subject property shares any portion of a border with a residential zone the maximum building height is 45 feet.
8. Accessory buildings or 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.

9. For lots 6,000 square feet or less in these zones, the minimum side yard shall be five feet on each side. For all other lots, the sum of side yard setbacks shall be a minimum of fifteen feet, with each side yard a minimum of five feet.
10. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.
11. The maximum building height in the downtown Ellensburg local landmark district is 45 feet.
12. There is no minimum residential density for vertical mixed-use. Minimum residential density applies to any portion(s) of the development where ground floor residential uses are proposed with the following standards:
 - a. The area used to calculate residential density includes all area dedicated to parking and landscaping required for the ground-floor residential uses.
 - b. Where ground-floor residential uses are part of a mixed-use development, area used to calculate the residential density does not include land dedicated to right-of-way.
13. The secondary street standards in ECC 15.510.060 shall apply to all new streets in the neighborhood center and regional center mixed-use zones.

(Ord. 4887 § 26, 2022)

15.320.060 Height exceptions.

The following structures may be erected above the height limits set forth in ECC 15.320.030, 15.320.040 and 15.320.045:

- A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to ten feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;
- C. Fire or parapet walls may exceed the height limit by up to ten feet in the C-C and C-C II zones; and
- D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures.
- E. Freeway-oriented on-premise signs in the C-H as provided in ECC 3.12.240(C).
- F. Small wind energy systems as provided in ECC 15.340.060.
- G. Wireless communication facilities as provided in ECC 15.340.070 and Chapter 15.395 ECC.

(Ord. 4887 § 27, 2022; Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.320.070 Setback measurements.

- A. *Front yard setback.* The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface

improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.

- B. *Side yard setback.* The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
- C. *Rear yard setback.* The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- D. *Corner lots.* For corner lots with two street frontages, setbacks from the addressed street side shall conform to the front yard setback for the underlying zoning district. The setbacks for the flanking side shall conform to the exterior side yard setbacks for the underlying zoning district.
- E. *Pointed/irregular lot.* For measurements on a pointed or irregular lot refer to definition of lot line in ECC 15.130.120.
- F. *Setback modifications.* The following modifications apply to measurement of setbacks:
 - 1. In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.
 - 2. For residential lots adjacent to designated local streets and built to applicable standards set forth in section 3, street standards, of the city's public works development standards, setbacks shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.

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

15.320.080 Permitted projections into yards.

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

- A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into ~~any front or rear yard~~, provided such projections are:
 - 1. Limited to two per facade; ~~and~~
 - 2. Not wider than ten feet; ~~and~~
 - 3. A minimum five feet of separation is maintained between these projections and a side property line.
- B. Eaves, cornices, and signs may not project more than thirty inches beyond a required setback or structural projection permitted by this Section.:
 - 1. ~~Three feet into a front or rear yard; and~~
 - 2. ~~Two feet into the side yard.~~
- C. ~~Porches~~-Enclosed porches and enclosed covered entries may project up to six feet into the front or rear yard subject to conformance with any required site vision standards set forth in section 3, street standards, of the city's public works development standards applicable to the lot.
- D. ~~Uncovered~~-Unenclosed covered porches, similar entry features, and covered decks (with or without entries), ~~which exceed 18 inches above the finished grade,~~ may project up to six feet into the front,

side or rear yards. For side yards, a minimum five feet of separation must be maintained between these projections and a side property line.

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

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

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

~~21.~~ Mailboxes and newspaper boxes;

~~32.~~ Fire hydrants and associated appendages;

~~43.~~ Bus shelters; and

~~54.~~ Monument signs.

G. The following features may project into any yard:

____ 1. Telephone poles and lines;

____ 2. Power poles and lines;

____ 3. Cable TV and internet lines;

____ 4. Light and flagpoles;

____ 5. Sprinkler systems;

____ 6. Trellises not exceeding eight feet in height, not wider than ten feet;

____ 7. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;

____ 8. Electrical equipment cabinets and similar utility boxes and vaults;

____ 9. Surface and stormwater water management facilities;

____ 10. Fences per ECC 15.320.130;

____ 11. Uncovered ~~porches~~ patios and decks not exceeding 18 inches above the finished grade; and

____ 12. Rockeries, retaining walls and curbs provided these structures do not exceed a height of six feet from the property line grade.

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

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

15.320.100-Setback modifications Administrative variances for setbacks and heights.

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

~~B. For residential lots adjacent to designated local streets and built to applicable standards set forth in section 3, street standards, of the city's public works development standards, setbacks shall be measured from the back of the sidewalk rather than the right-of-way edge, provided no residential structures are built within the public right-of-way.~~

~~C. Administrative variance.~~

~~A1. Purpose.~~ To allow limited flexibility in the application of the development standards herein.

- B2. *Applicability.* The director may allow an administrative variance for proposals that are within ten percent of compliance of applicable dimensional standards set forth for building height and building placement.
- C3. *Procedures.* An administrative variance is subject to the Type II review process set forth in chapter 15.210 ECC.
- D4. *Decision criteria.* Proposals shall fall within the scope of the definition for "variance" set forth in ECC 15.130.220, and shall meet the purpose(s) of the applicable development standards.
- (Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.340.020 Home occupations.

- A. *Purpose.* This section establishes standards for operation of home occupations in dwelling units within residential districts; ensures that such home occupations are compatible with adjacent and nearby residential properties and uses; and allows residents of the community to use their residences as places to enhance or fulfill personal economic goals.
- B. *Applicability.* This section applies to any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling or building accessory to a dwelling.
1. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in a dwelling except in conformance with the regulations and performance standards set forth in this section.
 2. If the proposed activity consists entirely of office procedures and tasks in support of a particular business, and furthermore involves no customer or delivery traffic to the residence in conjunction with the business, such activity shall be considered as an accessory residential use. Accessory residential uses do not require a home occupation permit.
- C. *Procedures.* Home occupations are subject to the Type I review process as set forth in chapter 15.210 ECC.
- D. *Application contents.* Applications for a home occupation shall contain the following:
1. The minimum application requirements set forth in ECC 15.220.020 and a completed home occupation application form provided by the department; if the applicant is not the owner, the application shall include written authorization from the legal owner(s).
 2. Payment of the application fee in the amount established in the city's adopted fee schedule.
 3. A general site plan that shows:
 - a. The proposed home occupation dimensions in relation to the residence footprint;
 - b. How the property is located in reference to existing streets, alleys, and sidewalks;
 - c. The proposed project and dimensions in relation to all existing and proposed development on the property;
 - d. All existing buildings or structures on the subject property which are proposed to be utilized for the home occupation with setback dimensions and distances between buildings; and
 - e. Present and additional off-street parking, if required.
- E. *Standards of performance.* Home occupations shall be permitted in accordance with the use tables in ECC 15.310.040, subject to the following:
1. There shall not be structural alteration that would alter the outward appearance from a residential to commercial nature to accommodate the occupation. An example would be large storefront windows and/or a flat roof with a traditional cornice (see figure 15.340.020);



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

2. The use, including all storage space, shall not occupy more than 33 percent of the residence's floor area which is finished for living purposes;
 3. Only members of the family who reside on the premises and no more than one nonresident shall be engaged in the occupation(s) at any one time; provided, that home occupations with a nonresident employee shall provide off-street parking for the employee on site;
 4. There shall be no window display nor shall sample commodities be displayed outside the building;
 5. No materials or mechanical equipment shall be used which will have a negative impact on the residential area because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;
 6. If materials or commodities delivered to or from the residence require delivery by a commercial vehicle larger than a small parcel delivery van or truck, or if the parking of customers' automobiles in a manner or frequency causes disturbance or inconvenience to nearby residences, or if a public parking lot is necessary to accommodate the business, the occupation shall be termed a primary business and not a home occupation;
 7. For purposes of this section, use of the defined term "residence" contained in this code for the purpose of considering a home occupation in an accessory building shall be limited to single-family uses. Home occupations in multifamily dwellings shall be confined to the principal dwelling unit buildings and not be allowed in accessory structures;
 8. Any home occupation granted would be personal to the person to whom it is granted and under no circumstances shall any home occupation be carried over as a result of a change in ownership of the business activity. ~~Prior to January 15 of each year the holder of the home occupation approval shall submit written notice to the community development department that they continue to operate the home occupation at the approved location and are in compliance with all home occupation requirements and any conditions that might have been imposed in granting such approval. Failure to submit that annual written notice will result in immediate revocation of the approval; and~~
 9. Only one sign is permitted for a home occupation in a residential zone. A sign permit is required; the size of the sign shall conform to the requirements of ECC 3.12.300(D).
- F. *Final decision.* The final decision to grant or deny the permit will be issued by the director, as provided in chapter 15.210 ECC (Type I permits).
- (Ord. 4807 § 49, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.390.040 Master site plans for regional retail commercial projects—Special review process.

- A. *Purpose.* The purpose of this section is to provide procedures for the review and decision on master site plan applications for regional retail commercial projects.
- B. *Application submittal requirements.* In addition to the submittal requirements set forth in ECC 15.220.020(B), a complete master site plan application for regional retail commercial projects shall consist of the following:
1. A SEPA checklist and payment of the appropriate SEPA application fee, if required;
 2. A complete application form provided by the city, which shall include a title and location of the proposed development, together with the names, addresses and telephone numbers of:
 - a. The recorded owners of the land and the applicant; and
 - b. Any architect, planner, designer, or engineer responsible for the preparation of the plan.
 3. Payment of the appropriate application fee;
 4. A written description, corresponding to the site plan, addressing:
 - a. The scope of the project.
 - b. Location and gross floor area of each proposed structure.
 - c. Category of permitted, conditional or accessory uses proposed in terms of square feet to be covered by impervious surfaces.
 5. A vicinity map showing:
 - a. The site boundaries;
 - b. Existing roads and accesses within and adjacent to the site; and
 - c. Adjacent parcels, including current zoning and current uses thereof.
 6. A topographic map, at two-foot intervals, showing existing and proposed contours, with locations and classifications of any existing streams, wetlands, steep slopes and other natural features and/or critical areas;
 7. Plans drawn to a scale approved by the director as appropriate for the size of the project showing the general location and square footages of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas;
 8. A circulation plan drawn to a scale acceptable to the city engineer illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights-of-way, and the location and number of all off-street parking spaces;
 9. Plans for all utilities, including drainage and stormwater retention and detention;
 10. A statement demonstrating how the proposed plan is consistent with and implements the city of Ellensburg comprehensive plan, the land use designation under the comprehensive plan, and the criteria for approval as set forth below; and
 11. Building elevations and landscaping plans are not required for an application to be deemed complete; however, those final plans are required to be approved prior to issuance of any building or development permits for the project. If building elevation and landscaping plans are submitted subsequent to the master site plan application, those designs are subject to the statement requirements in subsection (B)(10) of this section.
- C. *Procedures.* Master site plans for regional retail commercial projects follow the general Type IV review process ~~although they are exempt from the project permit timeline requirements in ECC 15.210.010(B) and~~ are also subject to the following provisions:

1. *Concurrent applications and optional consolidated project permit application processing.*
 - a. If an application for a regional retail commercial master site plan is related to a rezone, a subdivision application, a short subdivision application, or a binding site plan application (when in accordance with the provisions of ECC 15.260.180 and RCW 58.17.035(1)), upon the applicant's written request for consolidation, there shall be one open record predecision public hearing before the hearing examiner, following which the hearing examiner shall make a recommendation on each of the consolidated matters to the city council. The city council shall then conduct a closed record public decision hearing on the hearing examiner's recommendations. If an applicant requests that the city consolidate the review process for applications related to a regional retail commercial master site plan, the applicant must first sign a written waiver of the deadlines for review of the consolidated applications and issuance of a final decision on the consolidated applications.
 - b. If an applicant makes a written request to consolidate the master site plan application processing with the processing of other permit applications related to the master site plan project application, the city may consolidate the regional retail commercial master site plan application process with any or all permit applications, utility service agreements, building permit applications or other city approval processes associated with the master site plan application pursuant to the consolidation requirements in ECC 15.210.020 to the extent that procedural requirements allow, or as otherwise set forth herein. In the event consolidation is granted by the city, the vesting of rights associated with any of the consolidated actions shall be per applicable statutes unless otherwise provided in a development agreement entered into pursuant to chapter 15.380 ECC.
2. *Expiration of regional retail commercial master site plan.* Within ten years after the date of regional retail commercial master site plan approval, or at the expiration of any approved extension granted by the city in subsection (C)(3) of this section, a complete building permit application shall be submitted for no less than 100,000 square feet; otherwise the regional retail commercial master site plan approval shall expire and be of no further effect.
3. *Extensions.* A regional retail commercial master site plan not subject to a development agreement for phasing may be extended once, for a period of up to five years after the original date of approval. In granting the extension, the city council may condition approval on the extended regional retail commercial master site plan being subject to any new or amended regulations, requirements, policies or standards which have been adopted after the original of approval, unless 50 percent or more of the on-site work has commenced on all phases.
 - a. *Deadline for filing application.* Requests for an extension of the regional retail commercial master site plan must be submitted to the city no more than 180 days prior to expiration and no less than 60 days prior to the expiration of the approval.
 - b. *Complete application.* A complete application for a regional retail commercial master site plan extension shall consist of the following:
 - i. The length of extension being requested; and
 - ii. A textual description demonstrating how the request complies with the criteria for approval in subsection (C)(3)(d) of this section.
 - c. *Procedure.* An application for an extension of a regional retail commercial master site plan shall be processed as a Type III permit.
 - d. *Criteria for approval.* An applicant may be granted the one-time extension of the regional retail commercial master site plan, for up to five years, with or without conditions, if the applicant demonstrates compliance with the following criteria:

- i. That there is still adequate provision made for water, sanitary sewer and/or public utilities (electric, gas, phone and cable) if the extension is granted.
 - ii. The applicant demonstrates good cause for the delay in not commencing construction during the original ten-year period based on circumstances beyond the control of the applicant.
- 4. *Master site plan revisions.* Revisions to a regional retail commercial master site plan may be approved through the Type I review process so long as the revision does not result in an increase in the number of on-site parking spaces by more than ten percent of the amount originally approved or an increase in the square footage of building gross floor area by more than ten percent of the amount originally approved. Revisions of approved retail commercial master site plans in excess of the above amount shall require a Type IV review process as described herein and in chapter 15.210 ECC.
- D. *Decision criteria.* Applicants proposing a regional retail commercial master site plan shall demonstrate that the site plan application is able to satisfy all of the applicable code requirements. The regional retail commercial master site plan may only be approved if the city finds that all applicable code requirements are met, and that all of the following are satisfied:
 - 1. Where permitted.
 - a. Table 15.310.040 sets forth the zones in which regional retail commercial master site plans are permitted, with the uses, exceptions and limitations set forth in ECC 15.390.030; provided, that the property is within the designated boundaries of the regional retail commercial areas as shown in figures 15.390.040(A) and (B).
 - b. Regional retail commercial master site plans shall not be allowed on any property which is less than 40 acres in size, and which consists of one parcel or separate and contiguous parcels, separated only by a public right-of-way.

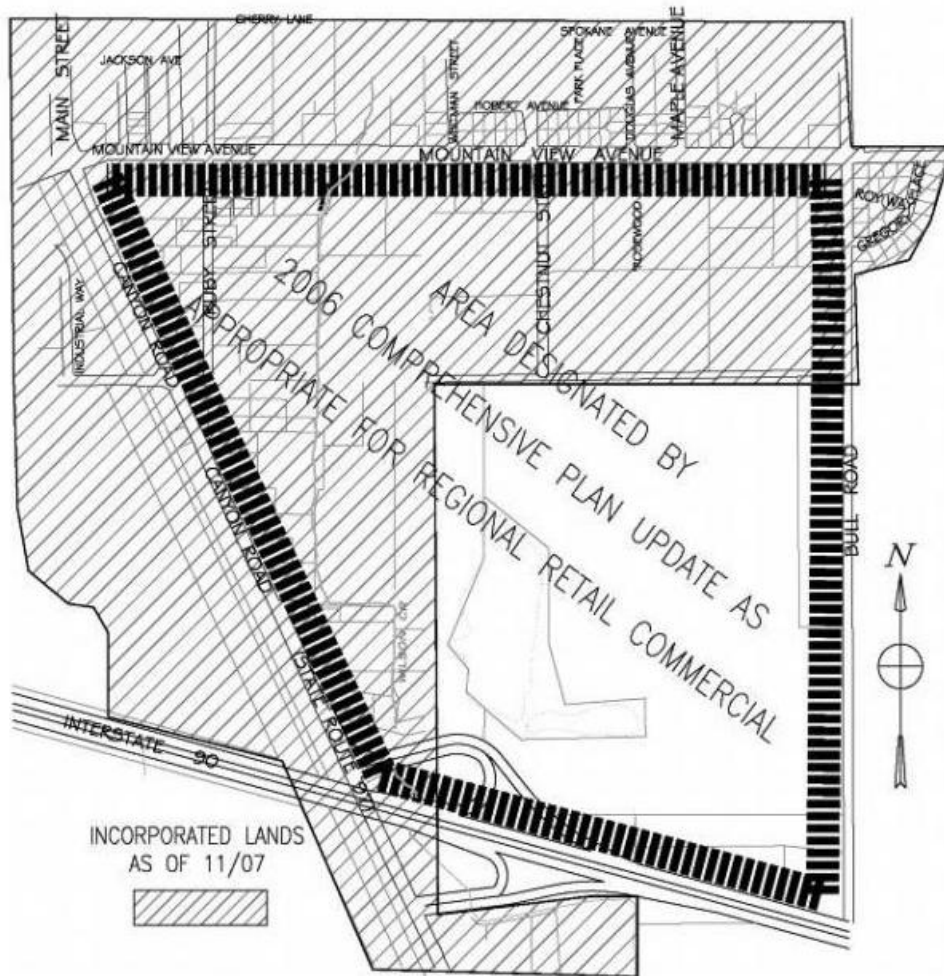


Figure 15.390.040(A). South interchange area.

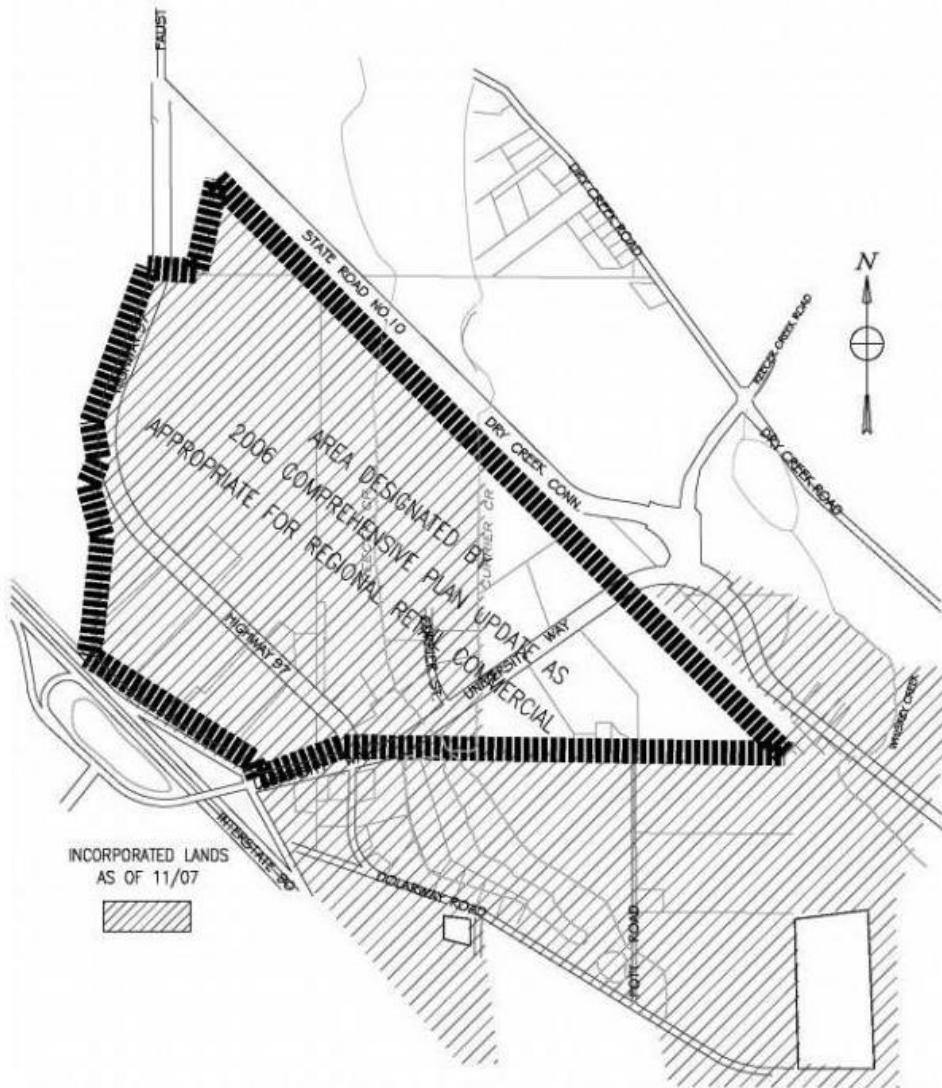


Figure 15.390.040(B). West interchange area.

2. The site access, proposed on-site circulation and off-street parking meet all public works development standards, regional retail commercial design standards (chapter 15.390A ECC), and make adequate provision for roads, streets, alleys and other public ways. All streets, roads, sidewalks and other amenities shall be constructed as required by the city's public works development standards. The streets and sidewalks shall be suitable and adequate to handle anticipated traffic within the proposed regional retail commercial master site plan and in the vicinity of the development. Adequate access shall include at least three points of entrance onto the 40-acre project site, one of which must be from an arterial street, and two must be from different compass directions or sides of the property, or at least one street connection to each neighboring parcel.
3. The regional retail commercial master site plan makes adequate provision for all public utilities, including, but not limited to, water, sanitary sewer, and stormwater drainage. The water and sanitary sewer facilities shall be suitable and adequate to provide service within the proposed regional retail commercial master site plan and in the vicinity of the development.
4. The regional retail commercial master site plan is consistent with the city's comprehensive plan.

5. The fire marshal and the building official have provided a recommendation demonstrating compliance with the applicable fire and building codes of the city.
 6. The perimeter of the regional retail commercial master site plan is compatible with the existing land use or properties that abut or are directly across the street from the subject property. Compatibility includes but is not limited to size, scale and mass.
 7. Each phase of the proposed regional retail commercial master site plan, as it is planned to be completed, contains the required parking spaces, open space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.
 8. Types of uses and development permitted. Uses defined as "regional retail commercial" development in ECC 15.130.180 are permitted as specified in ECC 15.390.030.
 9. The regional retail commercial master site plan and subsequent development shall comply with applicable project design provisions of chapter 15.390A ECC. Where there is a conflict between the provisions of chapter 15.390A ECC and this section, the provisions of this section shall apply.
- E. *Phasing.* An applicant may request that a development agreement be entered into with the city for development of the regional retail commercial master site plan to be phased over a period not to exceed ten years. In addition to the requirements for a development agreement in chapter 15.380 ECC, approval of any phased regional retail commercial master site plan shall include, but not be limited to, the following conditions:
1. The proposed development contains a minimum of 100,000 square feet of enclosed gross floor area of commercial uses; provided, that at least 50,000 square feet must be constructed for and used by one retailer;
 2. In the first phase of the regional retail commercial master site plan, development of permitted uses other than regional retail commercial allowed in the C-T and C-H zones (such as hotel/motel, eating and drinking, office and other uses) are not subject to the minimum enclosed gross floor area requirement;
 3. The minimum enclosed gross floor area in the first phase may be satisfied by combining the gross floor area of separate buildings within the regional retail commercial master site plan, including buildings separated by a road; and
 4. There is no minimum size requirement for subsequent phases of development.
- F. *Designation of regional retail commercial master site plans.* The city council has designated the areas of the city which are eligible to develop with regional retail commercial projects in the comprehensive plan land use map and the comprehensive plan commercial land use policy statements. Modification of any boundaries or institution of any additional areas eligible for regional retail commercial projects shall follow the comprehensive plan amendment process.

(Ord. 4769 § 15, 2017)

15.420.050 Lot design.

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

The placement and orientation of lots and dwelling units should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the dwelling and

its relationship to the surrounding environment. Flexibility shall be encouraged in spatial orientation of dwellings on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.

To maximize site efficiency and usable open space, small lot developments (generally less than 5,000 square feet in area and less than 50 feet wide) are encouraged to utilize zero-lot line and courtyard access configurations (as described below) or related design schemes provided they meet access, design, and other applicable standards set forth in this title.

- A. *Zero lot line.* This is a configuration where the house and/or garage is built up to one of the side property lines, providing the opportunity for more usable side yard space. Standards:
1. Dwelling units and accessory structures may be placed on one interior side property line. The opposite side yard shall be at least ten feet. Also see ECC 15.540.020 for single-family standards, including minimum usable open space.
 2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory or obscured windows. See figure 15.420.050(A) for an example of a privacy wall for a zero lot line house.
 3. Eaves along a zero lot line may project a maximum of ~~18~~ 30 inches over the property line, but only where sufficient easement is provided for the eave on the encroached property.
 4. Lots intended for zero lot line dwellings shall be noted on the plat, together with minimum side yard areas and maximum building envelopes.

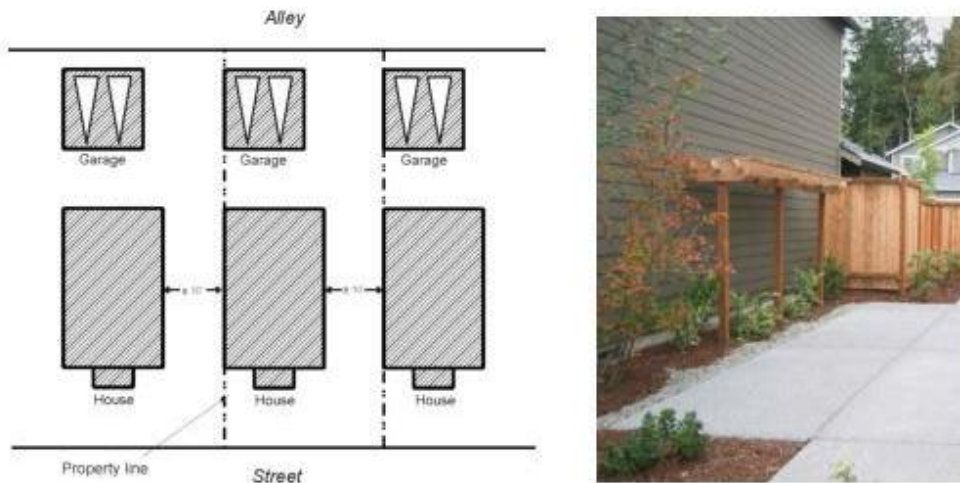


Figure 15.420.050(A). Zero lot line layout example (left). The right image shows the side yard and privacy wall for a zero lot line house.

- B. *Reciprocal use easement lots.* This works similar to the zero lot line configuration, except that the dwelling units and accessory structures meet the standard setbacks and easements are granted on one side yard to allow consolidated use of the side yards by the adjacent property (see figure 15.420.050(B) for example). Also, configurations providing for reciprocal use easements in the rear yard are allowed to maximize usable open space (see figure 15.420.050(B) for example). Standards/provisions:
1. Reciprocal easements shall be noted on the plat. Easement areas may be used for minimum usable open space requirements set forth in ECC 15.540.020(D).

2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory or obscured windows. See figure 15.420.050(A) for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots.

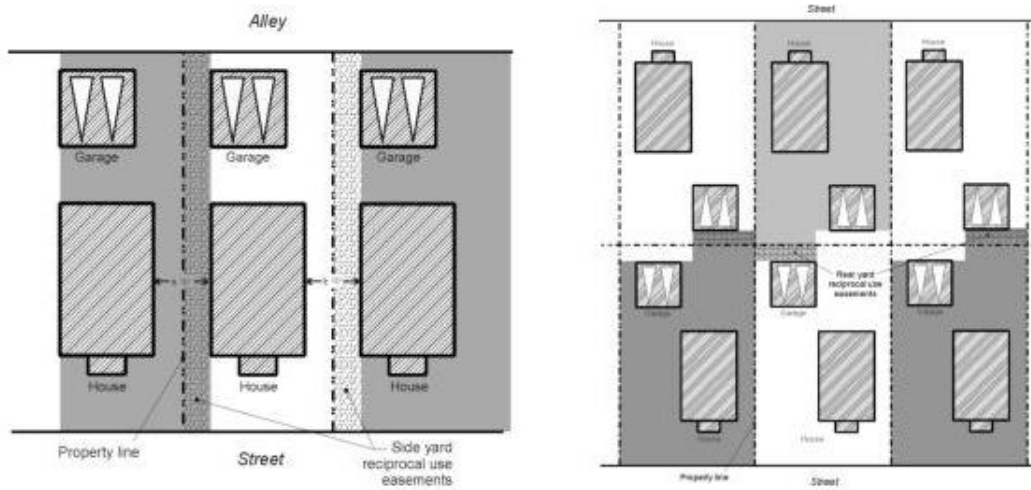


Figure 15.420.050(B). Example of a reciprocal side yard easement configuration (left image) and reciprocal rear yard easement configuration (right image).

- C. *Courtyard access lots.* This includes a series of lots clustered around a private internal roadway. Standards:
 1. Maximum number of lots served by a courtyard access: five (this includes lots fronting the street on either side of the courtyard access).
 2. Maximum length of a courtyard access: 100 feet (or deeper if approved by the fire code official). The length may be increased to 150 feet if all structures beyond 100 feet of the street are equipped with automatic fire sprinkler systems.
 3. Surface width of courtyard access: 15 feet minimum, to provide access for ambulances. Provisions shall be made to keep the access clear of snow, vehicles ("no parking" signs), and vegetation.
 4. An easement of 20 feet in width shall be secured over the applicable parcels to allow lots legal access to the public street. A maintenance agreement shall be required for all applicable lots and must be recorded on the plat.
 5. Buildings accessed from a courtyard access are limited to two stories in height, due to aerial apparatus access limitations.



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

- D. *Pedestrian-only entry lots.* This includes configurations where one or more lots are clustered around a pedestrian easement and/or common open space and do not front on a street (see figure 15.420.050(D) for an example). Most cottage housing developments (see ECC 15.540.050) are an example of this. Standards:
1. A pedestrian entry easement shall be provided to all dwellings that do not front on a street, alley, or common open space.
 2. Pedestrian entry easements shall be five to ten feet wide with a five-foot minimum sidewalk constructed per local access street standards in section 3 of the public works development standards.
 3. Fire sprinklers are required for dwellings more than 100 feet from a fire access road.
 4. Buildings within pedestrian-only entry lots are limited to two stories in height.
 5. Dwellings more than 150 feet from a street will require fire department access as defined in the current International Fire Code (IFC).
 6. These lots must contain private detached or shared garages off an alley or other access if approved by the public works director.



Figure 15.420.050(D). Pedestrian-only entry lot configuration examples.

- E. *Alley access lots.* This includes configurations where lots are provided with vehicular access by an alley designed per section 3, street standards, of the city's public works development standards. Pedestrian access to each alley access lot shall be provided by either a public street (per chapter 15.410 ECC and section 3, street standards, of the city's public works development standards) or a pedestrian easement a minimum of ten feet wide with a five-foot minimum sidewalk constructed per local access street standards in section 3, street standards, of the public works development standards.



Figure 15.420.050(E). Alley access lot examples. The left example, Wheaton Court in Ellensburg, features direct pedestrian access to the street in the front and garage access off of an alley in the back. In the right image, lots feature pedestrian access from a trail/open space corridor (easement) with garage access off of an alley in the back.

- F. *Protective covenants.* The styles of developments discussed above require special consideration to ensure conflicts between neighbors are minimized and that opportunities are provided for a homeowners' association to deal with unique issues created by these development forms. Covenants for these development styles shall be written to address issues unique to small lot developments that use reciprocal use and easement agreements. The city shall review and approve any necessary easements and/or covenant agreement.

(Ord. No. 4955, § 115, 2-18-2025; Ord. 4807 § 56, 2018; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.500.020 Applicability and compliance.

The project design provisions in this division generally apply to all new development within the city, including building additions, site improvements, and new signage. However, since each chapter herein addresses different design and development elements, the applicability of each chapter is clarified at the beginning of the chapter. For instance, some chapters may only apply to new commercial and multifamily development, while individual sections in chapter 15.540 ECC only apply to specific housing types. Co-living housing is considered multifamily for the purpose of this Division.

It's also important to note that these standards are intended to supplement other provisions of this title and other existing city codes applicable to developments. Where there is a conflict between the provisions of this division and other codes, the provisions herein shall apply.

For building additions, remodels, and site improvements, three different thresholds have been established to gauge how the standards herein are applied to such projects. See figure 15.500.020 for examples of site development and the respective types of improvements required under each of the three levels of improvements.

- A. Level I improvements include all exterior remodels, building additions, and/or site improvements commenced within a three-year period (based on the date of permit issuance) that affect the exterior appearance of the building/site and/or increase the building's footprint by up to 50 percent. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building facade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building articulation would not be required.
- B. Level II improvements include all improvements commenced within a three-year period (based on the date of permit issuance) that increase the building's footprint by more than 50 percent, but not greater than 100 percent. All standards that do not involve repositioning the building or reconfiguring site development shall apply to level II improvements. For example, if a property owner of an existing home in the R-O zone wants to convert the home to an office and build an addition equaling 75 percent of the current building's footprint, then the following elements shall apply:
 - 1. The location and design of the addition/remodel shall be consistent with the site orientation standards (chapter 15.510 ECC), which address building frontages, entries, parking lot location, and front yard landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards. (See chapter 15.550 ECC, off-street parking).
 - 2. Comply with applicable site planning and design elements (chapter 15.520 ECC).
 - 3. Comply with all building design provisions of chapter 15.530 ECC, except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed. The entire building shall comply with building elements/details, materials, and blank wall treatment standards of ECC 15.530.060.
 - 4. Comply with the off-street parking, signage, and landscaping provisions of chapters 15.550 through 15.570 ECC that relate to proposed improvements.
- C. Level III improvements include all improvements commenced within a three-year period (based on the date of permit issuance) that increase the building's footprint by more than 100 percent. Such developments shall conform to all applicable standards.

The application review procedures for new development are addressed in division II of this title. For procedures associated with new developments requiring a building permit, see ECC 15.250.030 (design review).

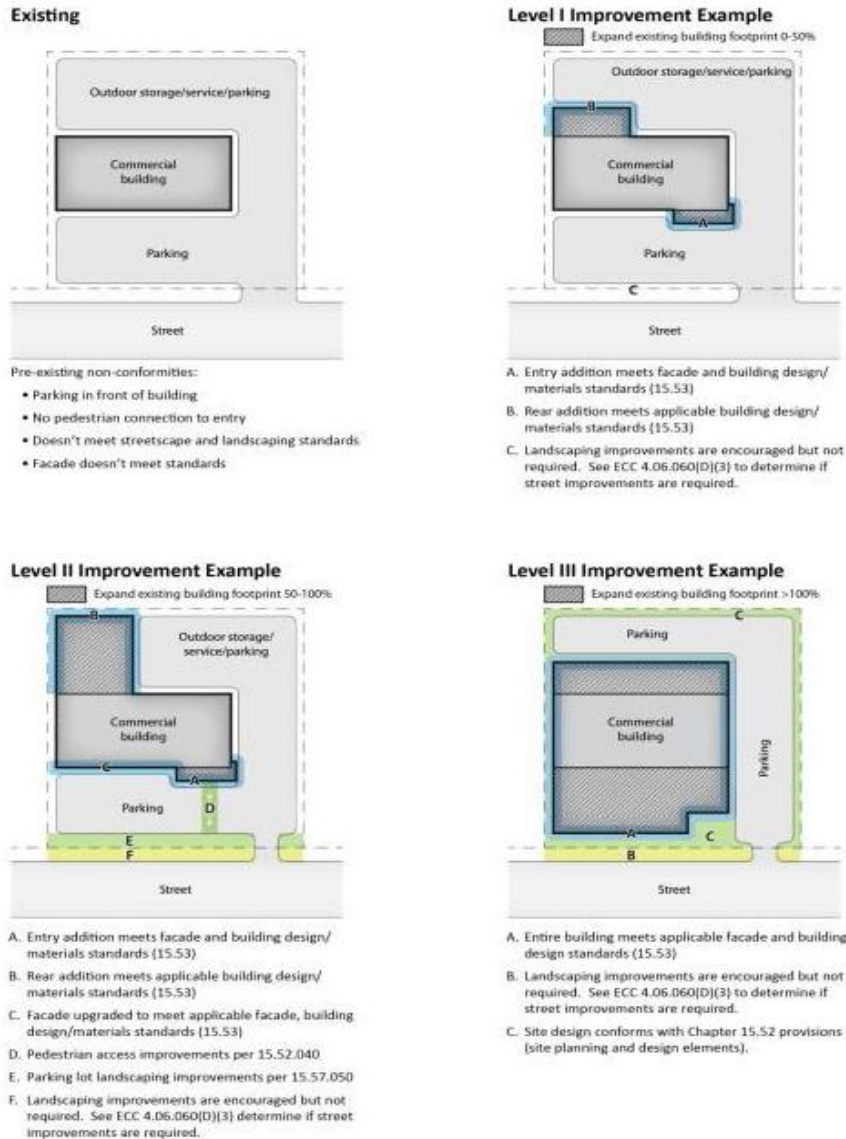


Figure 15.500.020. Examples of site development and the respective types of improvements required under each of the three levels of improvements.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.520.030 Open space for nonresidential and multifamily uses.

A. Purpose.

1. To enrich the pedestrian environment in Ellensburg;
2. To provide accessible, safe, convenient, and usable on-site open space for residential uses;
3. To promote the health of residents by providing access to on-site open space for recreational activities, physical exercise, and/or food production;
4. To create open spaces that enhance the residential setting; and

5. To provide for pedestrian-oriented open space in conjunction with large scale commercial development.
- B. *Open space requirements for nonresidential uses.* (See figure 15.520.030(B)). All nonresidential development on sites outside of the I-H zone more than one acre in size, including commercial portions of mixed use development, shall provide pedestrian-oriented space equal to at least one percent of the net project area plus one percent of the gross nonresidential building floor area, exclusive of structured parking. The intent is to mitigate the impacts of large scale commercial development, provide outdoor spaces for resting, dining, and socializing, and to contribute to the desired pedestrian-oriented character of commercial areas and the economic viability of Ellensburg. The one percent standard is modest with respect to building and parking areas, provides for proportionality, and the standards provide flexibility in how the standard can be met. Buildings used entirely for storage purposes are exempt from this standard. Pedestrian-oriented space shall comply with the design provisions of subsection (C) of this section. The applicable open space(s) shall be maintained by the property owner.

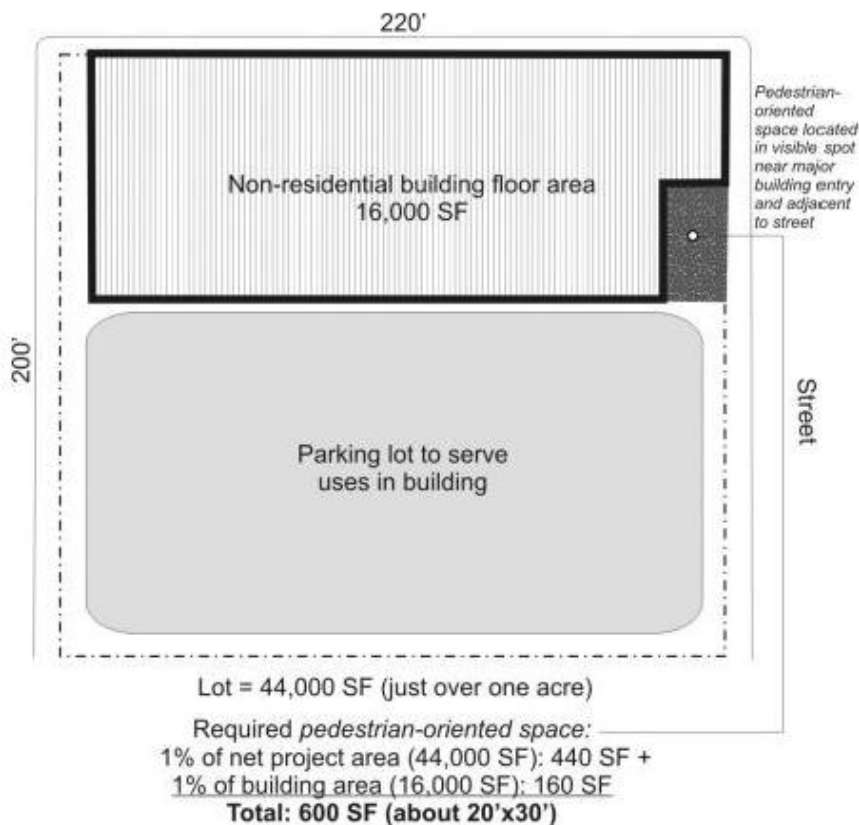


Figure 15.520.030(B). Illustrating the amount of open space required for nonresidential development.

- C. *Pedestrian-oriented space design criteria.* These spaces, as required per subsection (B) of this section, are intended to be publicly accessible spaces that enliven the pedestrian environment by providing (1) opportunities for outdoor dining, socializing, relaxing and (2) visual amenities that contribute to the character of commercial areas. Design criteria for pedestrian-oriented space:
1. Sidewalk area, where widened beyond minimum requirements, shall count as pedestrian-oriented open space. The additional sidewalk area may be used for outdoor dining and temporary display of retail goods. The standards in subsections (C)(2) through (4) of this section shall not apply to sidewalks, where used as usable open space.
 2. The following design elements are required for pedestrian-oriented open space:

- a. Spaces shall be physically and visually accessible from the adjacent street or major internal vehicle or pedestrian route. Spaces shall be in locations that the intended user can easily access and use, rather than simply left-over or undevelopable spaces where very little pedestrian traffic is anticipated;
- b. Paved walking surfaces of either concrete or approved unit paving;
- c. Pedestrian-scaled lighting (no more than 14 feet in height) at a level averaging at least two foot-candles throughout the space. Lighting may be on-site or building-mounted lighting (see chapter 15.580 ECC, outdoor lighting, for additional lighting requirements);
- d. At least three feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space. This provision may be relaxed or waived where there are provisions for movable seating that meet the purpose of the standard;
- e. Spaces shall be positioned in areas with significant pedestrian traffic to provide interest and security—such as adjacent to a building entry; and
- f. Landscaping that adds visual or seasonal interest to the space.

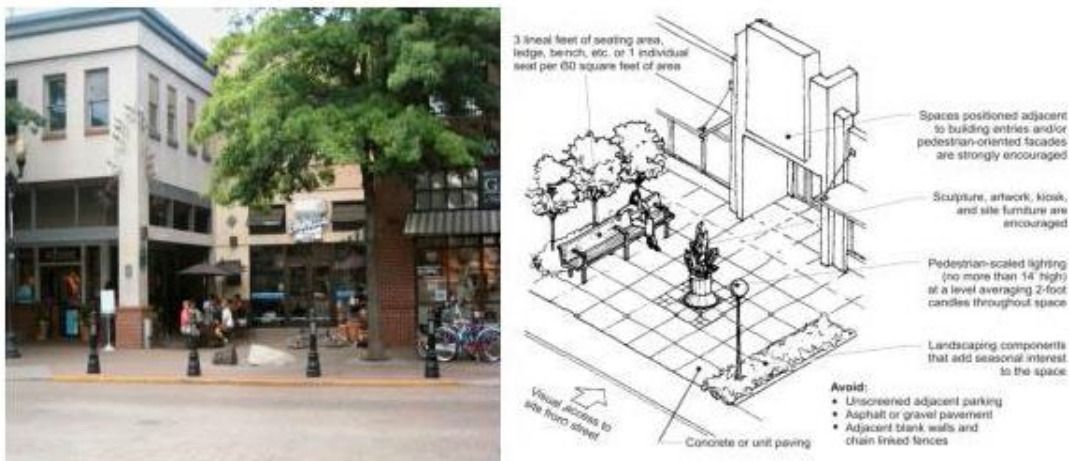


Figure 15.520.030(C). Examples of pedestrian-oriented open spaces.

3. The following features are encouraged in pedestrian-oriented space:
 - a. Pedestrian amenities such as a water feature, drinking fountain, and/or distinctive paving or artwork;
 - b. Provide pedestrian-oriented facades on some or all buildings facing the space;
 - c. Consideration of the sun angle at noon and the wind pattern in the design of the space;
 - d. Transitional zones along building edges to allow for outdoor eating areas and a planted buffer;
 - e. Movable seating;
 - f. Incorporation of water treatment features such as rain gardens or the use of an area over a vault as a pedestrian-oriented space; and
 - g. Weather protection, especially weather protection that can be moved or altered to accommodate conditions.
4. The following features are prohibited within pedestrian-oriented space:
 - a. Asphalt or gravel pavement, except where continuous gravel or asphalt paths intersect with the space;

- b. Adjacent chain link fences;
 - c. Adjacent unscreened blank walls; and
 - d. Adjacent dumpsters or service areas.
- D. *Open space requirements for multifamily uses.* All multifamily development, including multifamily portions of mixed use development, shall provide open space at least equal to ten percent of the building living space, not counting corridors, lobbies, etc. For example, for an eight-unit development where the units average 1,000 square feet, the minimum required open space shall be 800 square feet. The applicable open space(s) shall be maintained by the property owner or homeowners' association, where applicable, per ECC 15.290.020. The required open space may be provided in a combination of the following ways:
- 1. One hundred percent of the required open space may be in the form of common open space available to all residents and meeting the requirements of subsection (E)(1) of this section. Common open space may be in the form of courtyards, front porches, patios, play areas, gardens or similar spaces;
 - 2. Up to 50 percent of the required open space may be provided by private or common balconies meeting the requirements of subsection (E)(2) of this section;
 - 3. For mixed-use buildings up to 50 percent of the required open space may be provided by common indoor recreation areas meeting the requirements of subsection (E)(3) of this section;
 - 4. For mixed-use buildings, up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements of subsection (E)(4) of this section; and/or
 - 5. Up to 25 percent of the required open space may be provided by community garden areas meeting the requirements of subsection (E)(5) of this section.
 - 6. For co-living housing, one hundred percent of the required open space may be in the form of shared kitchen and living spaces (such as lounge/social rooms, fitness rooms, libraries, workshops and similar amenities) available to all residents.
- E. *Multifamily open space design criteria.*
- 1. *Common open space.* Such spaces include landscaped courtyards or decks, front porches, gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common open spaces include the following:
 - a. Required setback areas shall not count towards the open space requirement unless they are portions of a space that meets the dimensional and design requirements and guidelines set forth below;
 - b. Space shall be large enough to provide functional leisure or recreational activity. To meet this requirement, no dimension shall be less than 15 feet in width (except for front porches);
 - c. Spaces (particularly children's play areas) shall be visible from at least some dwelling units and positioned near pedestrian activity;
 - d. Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable;
 - e. Individual entries may be provided onto common open space from adjacent ground floor residential units, where applicable. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are encouraged to enliven the space. Low walls or hedges (less than three feet in height) are encouraged to provide clear definition of semi-private and common spaces;

- f. Separate common space from ground floor windows, automobile circulation, service areas and parking lots by utilizing landscaping, low-level fencing, and/or other treatments that enhance safety and privacy (both for common open space and dwelling units);
- g. Space should be oriented to receive sunlight, facing east, west, or (preferably) south, when possible;
- h. Space should be sited to minimize impacts from prevailing winds;
- i. Stairways, stair landings and above grade walkways shall not encroach into minimum required common open space areas. An atrium roof covering may be built over a courtyard to provide weather protection provided it does not obstruct natural light inside the courtyard; and
- j. Shared front porches qualify as common open space provided:
 - i. No dimension is less than eight feet; and
 - ii. The porches are accessible to all residents.



Figure 15.520.030(D)(1). Examples of common open space.

- 2. *Private balconies and decks.* Such spaces shall be at least 35 square feet, with no dimension less than four feet, to provide a space usable for human activity. The space shall meet ADA standards. This standard also applies to individual front porches if counted toward townhouse open space requirements.
- 3. *Indoor recreational areas.* Such spaces shall meet the following conditions:
 - a. The space shall meet ADA standards and shall be located in a visible area, such as near an entrance, lobby, or high traffic corridors; and
 - b. Space shall be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space shall include amenities and design elements that will encourage use by residents.
- 4. *Shared rooftop decks.* Such spaces shall meet the following requirements:
 - a. Space shall be ADA accessible to all dwelling units;
 - b. Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use;
 - c. Space shall feature hard surfacing appropriate to encourage resident use; and
 - d. Space shall incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.
- 5. *Community gardens.* (See figure 15.520.030(D)(2)). Such spaces shall meet the following conditions:

- a. All spaces shall be located to receive at least six hours of natural sunlight per day in summer months.
- b. All spaces shall have access to irrigation.
- c. All spaces shall have tillable soil to a depth of one foot, minimum.
- d. Spaces may be provided in shared or private yard areas, at ground level, on balconies, or on rooftop decks.
- e. Where some or all of the community garden is within shared common open space, a management program shall be required setting forth the following provisions:
 - i. Access to interested residents meeting minimum space requirements set forth herein;
 - ii. Provisions for space management and maintenance; and
 - iii. No additional fees shall be assessed to space users beyond standard homeowners' association or resident maintenance fees.
- f. Standards where community garden space is provided within shared common open spaces:
 - i. Walkways between planting beds shall be at least two feet wide; and
 - ii. Planting beds shall be raised above surface level. For ground level spaces, planting beds shall be raised at least six inches. For rooftop spaces, planting beds shall be raised by at least 18 inches.



Figure 15.520.030(D)(2). Community garden example.

(Ord. 4656 § 1 (Exh. O2), 2013)

15.520.040 Internal pedestrian access and design.

- A. *Purpose.* To improve the pedestrian environment by providing safe and clear connections between the sidewalk and adjacent uses, between businesses, and through parking lots.
- B. *Access to sidewalk.* All buildings shall have clear pedestrian access to the sidewalk. Where a use fronts two streets, access shall be provided from the road closest to the main entrance, preferably from both streets. Buildings with entries not facing the street shall have a clear and obvious pedestrian access way from the street to the entry.

- C. *Sites with multiple businesses or buildings.* Pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site shall be provided.

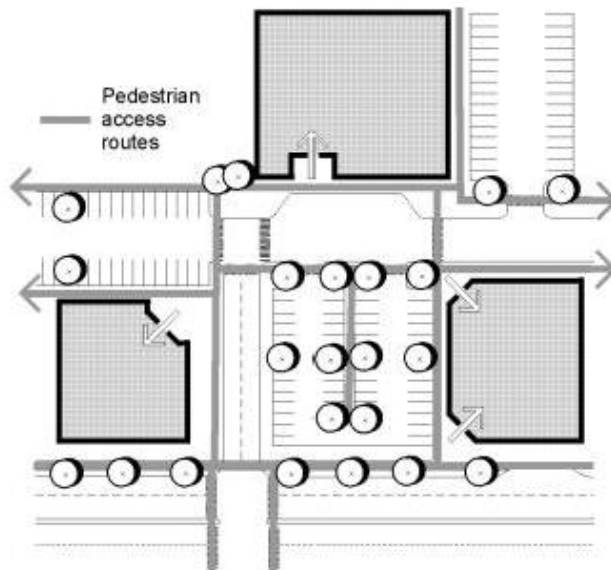


Figure 15.520.040(C). Good internal pedestrian circulation. Note connections from the street, between buildings and through parking lots.

- D. *Parking lot pathways.* A hard-surfaced walkway with six feet of unobstructed width shall be provided for safe walking areas through parking lots greater than 150 feet long (measured either parallel or perpendicular to the street front). Walkways shall be provided for at least every three parking aisles or a distance of less than 150 feet shall be maintained between paths. Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material, which may be raised above the vehicular pavement. Speed bumps may not be used to satisfy this requirement. Trees and pedestrian-scaled lighting (maximum 15 feet in height) shall be used to clearly define pedestrian walkways or other pedestrian areas within the parking area.

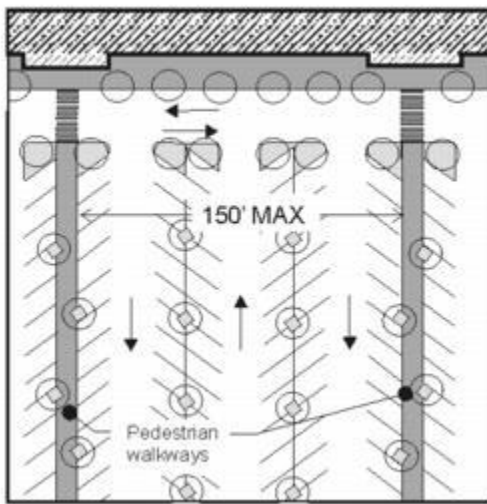


Figure 15.520.040(D). Parking lot pathway standards and example.

E. Internal walkway widths and design.

1. Pathways along the front facade of mixed-use and retail buildings 100 feet or more in length (measured along the facade) that are not located adjacent to a street must be at least 12 feet wide with eight feet minimum unobstructed width and include the following:
 - a. Street trees shall be placed at an average of 30 feet on center and placed in planting pits (except where trees are placed in continuous planting strips). Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, no less than one tree per 60 lineal feet of building facade must be provided;
 - b. Planting strips may be used between any vehicular access or parking area and the pathway; provided, that the required trees are included and the pathway is at least eight feet in width and the combined pathway and planting strip is at least 14 feet in width; and
 - c. Pedestrian-scaled lighting may be used as a substitute to the required street trees, provided they are used at the same intervals.



Figure 15.520.040(E)(1). Internal walkway standards and an example along retail or mixed-use buildings.

2. For all other interior pathways, the applicant shall successfully demonstrate that the proposed walkway is of sufficient width to accommodate the anticipated number of users.

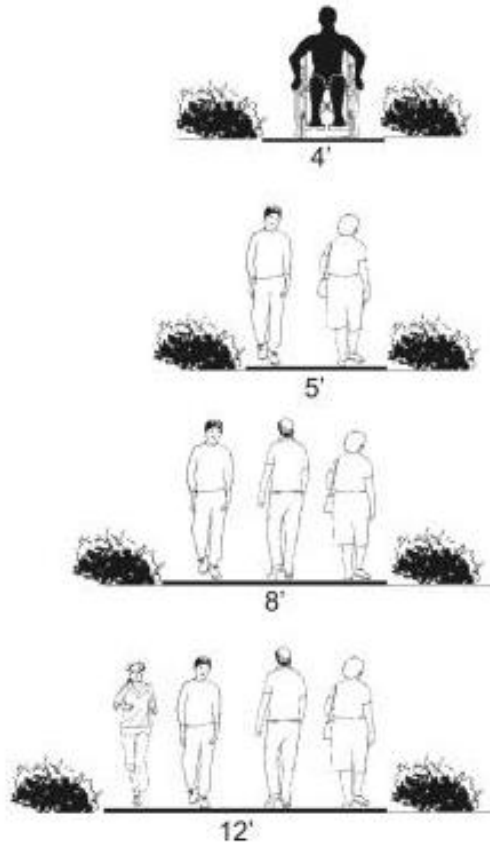


Figure 15.520.040(E)(2). Considerations for pathway walking widths.

F. Pedestrian crossings.

1. Crosswalks are required when a walkway crosses a paved area accessible to vehicles; and
2. Applicants must continue the sidewalk pattern and material across internal driveways.

(Ord. 4656 § 1 (Exh. O2), 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 principal unit. ADUs can be attached to the ~~primary dwelling principal~~ unit 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 principal~~ unit. ADUs shall not be subject to any more restrictive setback requirements, yard coverage limits, restrictions on entry door locations or aesthetic requirements than the principal unit. ~~If standards conflict, the principal unit standards shall apply.~~

Two accessory dwelling units are permitted on any lot of record in any zone that permits single-family dwellings and is currently developed or being developed with a principal unit provided all of the following conditions are met:

1. ADUs shall not exceed 1,000 square feet of gross floor area. Gross floor area is the interior habitable area under the International Residential Code, including basements and attics, where they meet height minimums, but does not include a garage or accessory structure; and
2. 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 structures or garages can 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 nonconforming structure or garage more nonconforming in relation to setback or building size;
2. There shall be a minimum separation of 15 feet between the existing dwellings and the DADU, except where the DADU is converted from an existing garage or structure or built on top of and/or next to an existing garage or structure.

(Ord. No. 4953, § 13, 1-21-2025; Ord. 4810 § 1, 2018; Ord. 4807 § 58, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

15.520.070 Parking lot design.

A. *Purpose.* To minimize potential negative impacts of parking lots on the streetscape's visual character, pedestrian environment, local water quality conditions, and adjacent uses.

B. *Surface parking lot screening standards.*

1. Where new surface parking lots or parking lots associated with new construction or level III improvements (see ECC 15.500.020) are adjacent to streets, one of the following buffer options between the sidewalk and the parking lot shall be incorporated:
 - a. Provide a five-foot-wide planting bed that incorporates a continuous low wall (approximately three feet tall). The planting bed shall be in front of the wall and feature Type C landscaping (see ECC 15.570.040(C)). Departures utilizing alternative landscaping schemes will be considered pursuant to ECC 15.210.060 provided they meet the purpose of the standards in this section. The wall shall be constructed of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge (see figure 15.520.070(B)(1)(a)).

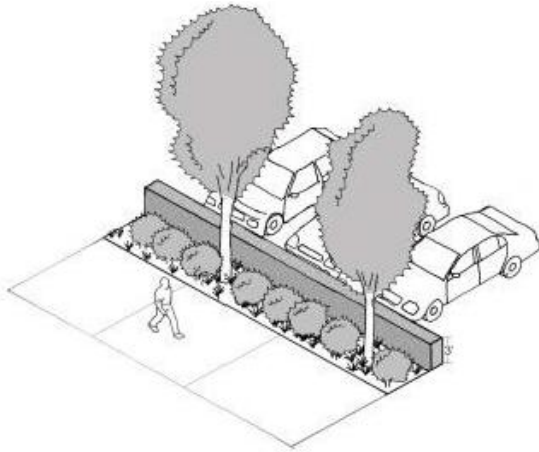


Figure 15.520.070(B)(1)(a). Parking lot planting buffer with low wall.

- b. Provide an elevated planter which is a minimum of five feet wide and between two and three feet in height. Ledges that are approximately 12 inches in width are encouraged as they can double as a seating area. The planter must be constructed of masonry, concrete or other permanent material that effectively contrasts with the color of the sidewalk and combines groundcover and annuals, perennials, ornamental grasses, low shrubs, and/or small trees that provide seasonal interest (see Figure 15.520.070(B)(1)(b)).

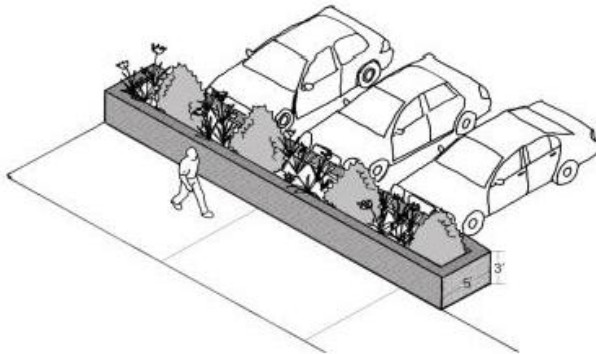


Figure 15.520.070(B)(1)(b). Elevated parking lot planting buffer.

- c. Provide at least ten feet of Type C landscaping (ECC 15.570.040(C)). (See figure 15.520.070(B)(1)(c)).

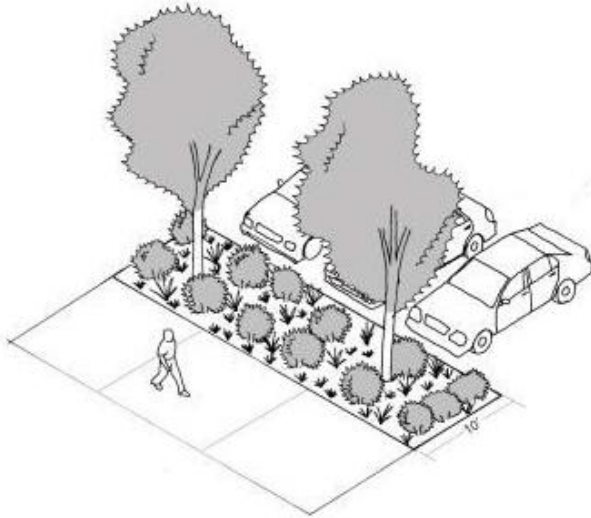


Figure 15.520.070(B)(1)(c). Example of a 10-foot parking lot buffer with Type C landscaping.

All options above should choose and maintain plantings to maintain eye level visibility between the street/sidewalk and parking area for safety. This means that shrubs and other low plantings should be maintained below three feet in height while trees (once they achieve taller heights) should generally have their crowns raised up to the eight-foot level. (See figure 15.520.070(B)(1)(c)).

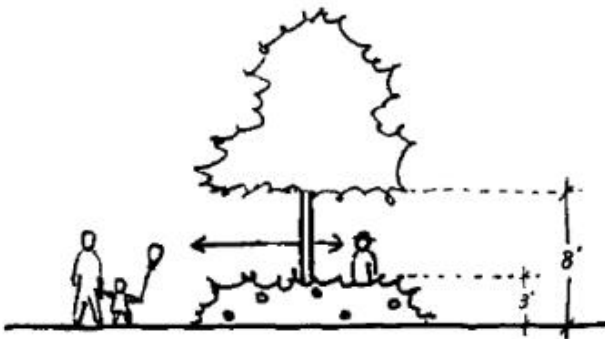


Figure 15.520.070(B)(1)(c). Parking lot planting buffers shall emphasize the 3:8 rule for visibility and safety.

2. ~~d.~~ Where new surface parking lots or parking lots associated with new construction or level III improvements (see ECC 15.500.020) are located along side property lines, a six- to eight-foot screen fence shall be required on the property line with at least five feet of Type A, B, or C landscaping (see ECC 15.570.040) in front of the fence. Breaks in the fence/landscaping are permitted for internal pedestrian and vehicular connections between properties. Properties fronting on designated storefront streets and/or those with shared parking agreements with applicable neighbors are exempt from this requirement. Departures will be considered pursuant to ECC 15.210.060 provided they meet the purpose of the standards in this section.

2-3. Other relevant code sections.

- a. Section 6, parking standards, of the city's public works development standards and chapter 15.550 ECC, off-street parking;
- b. Parking lot pathway standards set forth ECC 15.520.040(C); and
- c. Internal parking lot landscaping standards set forth in ECC 15.570.050(A)(3).

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.
1 st accessory dwelling unit	None required
2 nd accessory dwelling unit	1.0 per <u>for the second accessory dwelling unit</u>
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than 6 bedrooms, 1 additional space for each bedroom in excess of 6 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	1.0 per dwelling unit for 1-2 bedroom units. 2.0 per dwelling unit for units with 3-4 bedrooms; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided
Studio units	1.0 per dwelling unit

Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
<u>Studio and 1-bedroom units (all other)</u>	1.0 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 <u>(all other)</u>	1.0 per bedroom
Cottage housing	1.0 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
<u>Co-living housing</u>	<u>0.25 per sleeping unit</u>
Hotel/motels (where restaurants and conference facilities are included, see standards for applicable use)	1.0 per guest room
Bed and breakfast guesthouse	1.0 per guest room, plus 2.0 per facility
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets

Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be

	designed and reserved for customer parking only.
PUBLIC AND QUASI-PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

Notes:

- A. In those situations where a particular use is not specifically mentioned in this table, the requirements for off-street parking shall be determined by the director and in accordance with the most comparable use listed.
- B. *Uses in the C-C zone.* There are no off-street parking requirements for any uses in the C-C zone, except residential uses located outside of the downtown historic district per table 15.550.040(A) shall provide at least 0.7 parking spaces per bedroom (studio apartments shall be considered a one-bedroom apartment).
- C. *Shell building permit applications.* When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director shall establish the amount of parking based on a likely range of uses.

For example, an applicant submits a permit for a 5,000-square-foot shell building in the C-H zone. The zone allows for a range of retail, personal, and general service retail uses. Most permitted uses in this zone fall in the category of general retail and service uses in table 15.550.040(A) which requires one space per 300 square feet of gross floor area. Restaurants require more parking (one space per 200 square feet of gross floor area). While the director might find it unreasonable to require parking for the "worst case scenario" in terms of possible use types, he or she will typically choose a requirement that falls between the possible use scenarios. In this case, the odds are that most possible uses fall in the general retail and service use category with a lower parking requirement, though a slightly higher parking requirement would make sense given the possibility of a use such as a restaurant, which requires greater parking. Thus, a compromise standard, requiring a minimum of one space per 275 square feet of gross floor area, would be reasonable in this instance.
- D. *Other provisions of code.* ~~Where other provisions of this code stipulate reduced minimum parking requirements, those provisions shall apply.~~ Where provisions of this Title conflict regarding the number required off-street parking spaces, the lower requirement or more lenient interpretation shall prevail.
- E. *Bicycle parking.* Multifamily and nonresidential developments shall provide for bicycle parking per the standards below:
 - 1. Amount of bicycle parking.

Table 15.550.040(B)
Computation of Required Off-Street Bicycle Parking Spaces

Category of land use	Minimum parking spaces required
Single-family dwelling	None

Multifamily dwelling	0.5 space per dwelling unit (units with private garages are exempt)
Hotel/motels	1.0 per 20 guest rooms
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 5,000 square feet of gross floor area for up to 50,000 square feet, then 1.0 per 10,000 square feet beyond 50,000
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 800 square feet of gross floor area
All other uses	1.0 per 5 required vehicle parking spaces

2. Parking location and design—Nonresidential uses. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per chapter 15.580 ECC.
 3. Parking location and design—Residential uses. Bicycle facilities for residents shall be located within 100 feet of all building or individual unit entrances and located on the ground level in safe, visible areas that do not impede pedestrian or vehicle traffic flow. Proper lighting of area is required per chapter 15.580 ECC.
 4. Bicycle parking hardware shall be installed according to its manufacturer's instructions, allowing adequate clearance for bicycles and their riders.
 5. Projects in the C-C zone may contribute to a bicycle parking fund (subject to establishment by the city) maintained by the city in lieu of required parking set forth in table 15.550.040(B). Calculation of the required fund contributions will be based on the cost to purchase, install, and maintain bicycle parking and associated improvements. The cost will be adjusted annually by the city. The fund will be used by the city to provide bicycle parking in the C-C zone and in other locations within the city.
- F. *Primary use.* The minimum number of parking spaces shall be computed based on the primary uses on the property, except as stated in subsection (G) of this section that addresses accessory uses. When there are two or more separate primary uses on a property, the required off-street parking for the property is the sum of the required parking for the individual primary uses.
- G. *Accessory use.* When more than 20 percent of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated separately for the accessory use and for the primary use and then added together for the total required off-street parking. When 20 percent or less of the gross floor area on a property is in an accessory use, the required off-street parking shall be calculated on the gross floor area of the building as if it were all under the primary use.
- Examples:
1. A 40,000-square-foot building containing a 30,000-square-foot warehouse space (75 percent of total) and a 10,000-square-foot accessory office space (25 percent of total). The minimum parking requirement would be calculated separately for the office use and the warehouse use and then added together.
 2. The same 40,000-square-foot building containing a 35,000-square-foot warehouse space (88 percent of total) and a 5,000-square-foot accessory office space (12 percent of total). The required parking would be based solely on the gross floor area of the building as if it were all the primary use (40,000 square feet).
- H. *On-street parking.* On-street parking immediately adjacent to the property may be counted towards the parking requirement for nonresidential uses.

- I. *Off-site parking.* Off-site parking is not permitted for residential uses outside of the C-C zone, except for guest parking provisions associated with local access streets per ECC 15.410.040(B)(2). For nonresidential uses, a maximum of 25 percent of the required off-street parking for a building or use may be located on a separate lot of record. Specifically:
1. The location of the off-site parking shall be within 600 feet of any property line of the property for which the off-site parking is provided.
 2. Off-site parking facilities are subject to applicable design provisions in this division, including site orientation standards in chapter 15.510 ECC, site planning and design elements in chapter 15.520 ECC, and landscaping standards in chapter 15.570 ECC.
 3. There shall be sidewalks or paved pedestrian paths between the off-site parking site and the use for which the off-site parking is provided.
 4. There shall be adequate lighting to provide safe walking between the off-site parking and the use for which the off-site parking is provided.
 5. The owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:
 - a. Identify the legal description of the property that is to benefit from the off-site parking lot and the legal description of the off-site property that is to be encumbered in whole or in part by the covenant.
 - b. Specify the terms and conditions of such encumbrance.
 - c. Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.
 - d. The covenant shall be recorded with the Kittitas County auditor's office to run as a deed restriction on both the benefited and encumbered properties as long as the business requiring these off-street parking spaces is in operation. A copy of the recorded covenant shall be provided to the community development department.
- J. *Required access.* All required off-street parking must have direct and unobstructed access to ingress and egress from a public street, and stacked or tandem parking shall not be counted toward meeting the required off-street parking requirements in any zoning district except for ~~single-family residential structures and duplex dwelling units pursuant to RCW 36.70A.622 as per table 15.550.040(A).~~
- K. *Setback areas.*
1. Required off-street parking spaces may extend into the rear yard setbacks 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 five 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.
 2. At locations where single-family residential parking is permitted within setback or required open space, provisions shall be made to prevent this parking from encroaching upon adjacent sidewalks. For the purposes of this requirement there shall be a minimum of 22 feet between adjacent structures and sidewalks to allow for parking clearance when required parking for single family residential development is sited on the required building setback(s) or open space.
- L. *Garages.* Required off-street parking that is provided in garages or carports shall be credited toward the required off-street parking spaces except that no stacked or tandem parking that blocks off those garages or carport parking spaces from direct or unobstructed access to ingress or egress to a public street shall be credited toward the required parking spaces except for single-family residential structures and duplex structures as set forth in table 15.550.040(A).

- M. *Handicapped parking.* Off-street parking and access for the physically handicapped shall be provided in accordance with the Uniform Building Code.
- N. *Fire lane standards.* Fire lanes may be required by the fire codes and by Kittitas Valley fire and rescue within off-street parking facilities. Such fire lanes, including dimensions, width, location, etc., shall be installed as required by the fire code or Kittitas Valley fire and rescue and shall remain in effect throughout the life of the parking facility.
- O. *Change in use.* Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category.

(Ord. No. 4953, § 16, 1-21-2025; Ord. No. 4929, § 8, 11-6-2023; Ord. 4887 § 33, 2022; Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 66. Section 15.570.050 of the Ellensburg City Code, as last amended by Ordinance 4656, Section 1, is hereby amended to read as follows:

15.570.050 Landscape site design standards.

- A. *Surface parking lot landscaping.*
 - 1. *Purpose.* To minimize potential negative impacts of parking lots on downtown's visual character, pedestrian environment, local water quality conditions, and adjacent uses.
 - 2. *Parking lot perimeters.*
 - a. For parking lots adjacent to public streets, use Type C landscaping at least six feet deep and no less than the minimum applicable building setback (whichever is more).
 - b. For parking lots along internal private roadways in commercial areas, provide a planting strip at least six feet wide with Type C landscaping.
 - c. For parking lots along internal lot lines, use Type A or B landscaping at least ten feet deep. ~~Departures to the landscaping standard will be considered pursuant to ECC 15.210.060 provided the alternative landscaping design meets the purposes of the standards in this section.~~
 - d. Departures to the landscaping standard will be considered pursuant to ECC 15.210.060 provided the alternative landscaping design meets the purposes of the standards in this section.
 - 3. *Internal parking lot landscaping.* All parking lots whose development exceed 40 spaces shall meet the following standards; parking lots with 40 or fewer spaces are exempt.
 - a. Twenty square feet of planting area utilizing Type C landscaping is required for each parking space. ~~Parking lots containing less than 40 spaces are exempt from this standard;~~
 - b. At least one tree is required for every planting island within a parking lot;
 - c. All parking spaces shall be within 50 feet of a planting island with a tree;
 - d. Planting islands must be at least six feet deep and wide to be used in planting area calculations;
 - e. Wheel stops, curbs or walkways shall be used to protect planting islands from vehicles;
 - f. Canopy type trees shall be utilized;
 - g. Rain gardens and swales may be integrated into required planting areas (see section 4 of the public works development standards for related standards); and
 - h. Departures to the landscaping standard will be considered pursuant to ECC 15.210.060 provided the alternative landscaping design meets the purposes of the applicable standards.
- B. *Side/rear yard screening.* See ECC 15.520.020 for applicable standards.

- C. *Foundation planting.* All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
1. The landscaped area must be at least three feet wide;
 2. There must be at least one three-gallon shrub for every three lineal feet of foundation; and
 3. Ground cover plants must fully cover the remainder of the landscaped area.



Figure 15.570.050(C). Foundation plantings would be required along the exposed concrete foundation.

(Ord. 4656 § 1 (Exh. O2), 2013)



Proposal No. _____ (leave blank) RETURN TO:

COMMUNITY DEVELOPMENT DEPARTMENT
501 N. ANDERSON STREET
ELLENSBURG, WA 98926

LAND DEVELOPMENT CODE AMENDMENT PROPOSAL

THE PURPOSE OF THIS FORM IS TO CLEARLY OUTLINE INFORMATION REGARDING A PROPOSAL TO AMEND THE CITY OF ELLENSBURG'S LAND DEVELOPMENT CODE. PROVISION OF THE FOLLOWING INFORMATION WILL ENSURE THAT THE PROPOSAL CONTAINED HEREIN WILL RECEIVE FULL CONSIDERATION AND THAT THE INDIVIDUAL MAKING SUCH PROPOSAL WILL BE ADVISED OF ALL RELEVANT PUBLIC MEETINGS, HEARINGS, ETC....

NAME\DATE SSHI LLC, dba DR Horton, Agent: Eric Engmann (Project Manager)
March 31, 2025

ADDRESS\PHONE NO.\EMAIL

11241 Slater Ave NE, Kirkland, WA 98033

(425) 218-9483

epengmann@drhorton.com

DESCRIPTION OF AMENDMENT TO THE LAND DEVELOPMENT CODE

Allow model home/real estates sales office as exempt from the typical Temporary Use requirement and process given the unique & accessory nature of the use as a part of a larger residential subdivision.

SECTIONS OF THE LAND DEVELOPMENT CODE PROPOSED FOR AMENDMENT

ECC 15.250.010- Temporary Use Permit

REASONS AND INFORMATION SUPPORTING THE PROPOSED AMENDMENT

Many jurisdictions have special allowances for the model home/real estate office for residential subdivisions. Although the use is temporary it can last longer than most typical temporary uses, which tend to be seasonal or very short term in nature. The real estate office operates within a future residential home and is a use typical in newer residential communities. Examples of codes from other jurisdictions are attached with how they have been handled in other areas. In most cases, simpler language is better because these uses only last while the new community is actively selling and then will be a fully residential use.

PROPOSED LANGUAGE FOR AMENDMENTS (IF NOT PROVIDED ABOVE)

Proposed/Suggested language is attached. Essentially, it would create ECC 15.250.010, E, which would like exemptions to the temporary use permit. This is how most other jurisdictions have dealt with allowing things like model homes/real estate offices within a residential subdivision.

Please attach any supporting documentation or other relevant material you wish to be considered for this proposal.

Kathy Boots

From: Mark Rud
Sent: Monday, March 31, 2025 4:00 PM
To: Kathy Boots; Chace Pedersen
Cc: Stacey Henderson
Subject: FW: [Ext] Request for Ellensburg Code Amendment- Temporary Use Exception for Model Home/Real Estate Sales Office
Attachments: Code Amendment Option- 15.250.010
 ___Temporary_use_permits_Type_II_review_process..docx; Model Home Temporary Use Exeption Jurisdiction Examples.docx
Follow Up Flag: Follow up
Flag Status: Flagged

See below.

Mark Rud (he/him/his) | Associate Planner
 (509) 962-7235 | rudm@ci.ellensburg.wa.us
 501 N. Anderson St, Ellensburg, WA 98926



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Advisory: Please be advised the City of Ellensburg is required to comply with the Public Records Act, Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. Therefore, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Eric Engmann <EPEngmann@drhorton.com>
Sent: Monday, March 31, 2025 3:58 PM
To: Stacey Henderson <hendersons@ci.ellensburg.wa.us>; Daniel Carlson <carlsond@ci.ellensburg.wa.us>
Cc: Mark Rud <rudm@ci.ellensburg.wa.us>; Kelli Capps <cappsk@ci.ellensburg.wa.us>; Kathy E Orni <KEOrni@drhorton.com>; Mark Edward Villwock <MEVillwock@drhorton.com>
Subject: [Ext] Request for Ellensburg Code Amendment- Temporary Use Exception for Model Home/Real Estate Sales Office

CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.

March 31, 2025

Dear City of Ellensburg,

D.R. Horton would like to formally request a Land Development Code Amendment per ECC Section 15. 250.100. The request is to allow model home/real estate sales offices and accessory parking as an exemption to the temporary use permit requirements of ECC 15.250.010. Our company is building a 293-unit development called Mallard Meadows within the City. These larger types of subdivisions take several years to construct, and it is typical to have a model home/real estate sales office open in the community for multiple years. Most other

jurisdictions have exemptions or specialized criteria to allow these uses to remain without requiring the typical temporary use process.

Currently, the only mechanism in the Land Development Code to allow for this use is via a Temporary Use Permit in ECC 15.250.010. These uses are typically for smaller functions, often things like Christmas tree lots, holiday sales, yard sales, etc. The provisions of this code section are set up to function for those types of uses. The Model Home/Real Estates Sales Office operates within a future residential home. Many other jurisdictions provide exemptions to the temporary use noticing and time frame limitations for this type of use, given to accessory nature of the operation within a new subdivision. As the City of Ellensburg expands, especially in the R-S zoning district, this code amendment will be helpful to provide accommodation for a use that is synonymous with residential subdivisions.

I have provided an example of a code amendment that would allow this use without a temporary use permit. I am also attaching a few other examples of how other jurisdictions allow this use to operate without a temporary use permit. I would be happy to also provide visuals of model homes/sales offices we have in other communities as an example of the ancillary or accessory nature within the overall residential development.

Please let me know if you have any questions or need any other information to assist with this request for a code amendment.

Regards,



Eric Engmann
Project Manager- Land Entitlement

D.R. HORTON
11241 Slater Avenue Suite 200, Kirkland, WA 98033
m: 425-218-9483

America's #1 Homebuilder Since 2002 | drhorton.com

15.250.010 Temporary use permits—Type II review process.

- A. *Purpose.* A temporary use permit is a mechanism by which the city may permit a use to locate within the city on private property on an interim basis, without requiring full compliance with the LDC or by which the city may permit seasonal or transient uses not otherwise permitted.
- B. *Procedures.* Temporary uses are subject to the Type II review process as set forth in chapter 15.210 ECC.
- C. *Decision criteria.* The director may approve or modify and approve an application for a temporary use permit if:
 - 1. The temporary use will not be detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
 - 2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
 - 3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
 - 4. Hours of operation of the temporary use are specified; and
 - 5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.
- D. *Time period.* A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the director may establish a shorter time frame or extend a temporary use permit for up to one year. Temporary uses for more than one year shall require review and approval by city council as a Type IV decision.
- E. ***Temporary uses exemption. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.***

HAND DELIVERED

9/15/2025

Exhibit C- P25-108 Mitch Williams Application



P25-108

Proposal No. _____ (leave blank) RETURN TO:

COMMUNITY DEVELOPMENT DEPARTMENT
501 N. ANDERSON STREET
ELLENSBURG, WA 98926

LAND DEVELOPMENT CODE AMENDMENT PROPOSAL

THE PURPOSE OF THIS FORM IS TO CLEARLY OUTLINE INFORMATION REGARDING A PROPOSAL TO AMEND THE CITY OF ELLENSBURG'S LAND DEVELOPMENT CODE. PROVISION OF THE FOLLOWING INFORMATION WILL ENSURE THAT THE PROPOSAL CONTAINED HEREIN WILL RECEIVE FULL CONSIDERATION AND THAT THE INDIVIDUAL MAKING SUCH PROPOSAL WILL BE ADVISED OF ALL RELEVANT PUBLIC MEETINGS, HEARINGS, ETC....

RECEIVED

SEP 15 2025

NAME/DATE MITCH WILLIAMS
SEPT. 15, 2025

COMMUNITY DEVELOPMENT

ADDRESS/PHONE NO./EMAIL

7501 MANASTASH ROAD, ELLENSBURG, WA 98926
509 999-0168
MITCH@MFWILLIAMS.NET

DESCRIPTION OF AMENDMENT TO THE LAND DEVELOPMENT CODE

15.260.180 BINDING SITE PLAN REVIEW AND CRITERIA
REVISION OF EXISTING CODE

SECTIONS OF THE LAND DEVELOPMENT CODE PROPOSED FOR AMENDMENT

15.260.180

REASONS AND INFORMATION SUPPORTING THE PROPOSED AMENDMENT

CURRENT CODE IS CONFUSING WITH CONFLICTING
PROVISIONS. EXISTING CODE EXCLUDES PUD ZONE
WHICH IS AN OVERSIGHT IN EXISTING LANGUAGE

PROPOSED LANGUAGE FOR AMENDMENTS (IF NOT PROVIDED ABOVE)

SEE ATTACHED

SEP 15 2025

COMMUNITY DEVELOPMENT

Section 15.260.180 of the Ellensburg City Code, last amended by Section 110 of Ordinance 4955, is hereby repealed, and replaced with a new section 15.260.180 to read as follows:

15.260.180 – Binding site plan review and criteria.

- A. *Purpose.* This chapter provides for an optional method for the division for lease or sale of multifamily, commercial or industrial property, planned unit developments, condominiums and mobile home parks through the use of a binding site plan as provided for in Chapter [58.17](#) RCW. This method may be employed as an alternative to the subdivision and short subdivision procedures in this title when consistent with this chapter. The overall process for approving a binding site plan is a two-step process in which general binding site plan approval is obtained first, and final binding site plan approval is obtained second.
- B. *Requirements for a complete application.* These requirements are in addition to the minimum application requirements in ECC 15.220.020.
1. *General Binding Site Plan.*
 - a. The application submittal requirements of ECC 15.220.020;
 - b. A copy of the site plan as approved by the city through the grading or building permit, planned unit development or other development application process;
 - c. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;
 - d. If an existing residential development, evidence of the vote, appropriate association approval, or legal property owner authorizing the submittal of the application;
 - e. A copy of a title company certification (current within 60 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan is in the name of the owner(s) signing the binding site plan; and
 - f. The number of copies as directed by the city.
 2. *Final Binding Site Plan.*
 - a. The number of copies as directed by the city;
 - b. Required information as set forth in ECC 15.260.100;

-
- c. Approved plans and documents from the applicable general binding site plan;
 - d. A statement indicating that all development on the subject parcel is bound to the binding site plan; and
 - e. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

C. *Applicability.* The division of property by binding site plan is limited to the following:

- 1. Divisions of land into lots with a zoning classification allowing multifamily, industrial or commercial uses, planned unit developments, condominiums and mobile home parks through the use of a binding site plan as provided for in Chapter [58.17](#) RCW.
- 2. A division for the purpose of lease when no residential structures other than manufactured/mobile homes or travel trailers are permitted to be placed upon the land, provided the site plan complies with all applicable manufactured/mobile home park regulations and the zoning code.
- 3. A division of land subject to Chapters [64.32](#) and [64.34](#) RCW as now in effect or hereafter amended so long as the site plan complies with the standards for condominiums under applicable Ellensburg City Code provisions.

D. *Concurrent Applications.* When an applicant wishes to utilize the binding site plan process, a binding site plan may be applied for and reviewed concurrent with an application for a general binding site plan.

E. *Existing Development.* Approved condominium developments, approved mobile home parks, approved final planned unit developments and approved building permits for any of the developments identified within this section which have been approved prior to the effective date of this chapter shall hereafter qualify as an approved general binding site plan. The division or redivision of land for sale or lease qualifying under this subsection may be achieved through either the final binding site plan, subdivision or, if nine or fewer lots, the short subdivision process.

F. *Binding Site Plan Runs with the Land.* After a general or specific binding site plan is filed with the auditor of the county in which the land lies, all persons, parties, their successors, heirs or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the general/specific binding site plan.

G. *Procedure – General binding site plan*

1. The general binding site plan shall be considered by the appropriate decision body as provided for within ECC Chapter 15.210.
2. *Criteria for Review.* The general binding site plan shall be reviewed for consistency with the applicable development regulations in the Ellensburg City Code.

H. *Procedure – Final binding site plan*

1. *Filing – Final Binding Site Plan.* A final binding site plan shall be filed with the department of community development at such time as the property owner(s) intends to sell or lease a portion of property as approved in a general binding site plan.
 2. *Limitations.* The final binding site plan shall not be used to modify the provisions of the approved general binding site plan, building permit, final occupancy permit, or associated planned unit development other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.
 3. *Review Procedures – Final Binding Site Plan.* The final binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, building permit, applicable planned unit development conditions and all other applicable regulations in effect at the time of application.
 4. *Approval and Recording.* Upon determination of consistency, the final binding site plan shall be signed by the community development director and the public works director and filed with the Kittitas County Auditor.
- I. *Special provisions applicable to condominium developments subject to Chapter 64.32 or 64.32 RCW.*

The following additional conditions shall be required:

1. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to 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;
 2. The city has approved a general binding site plan pursuant to ECC 15.260.180(G) for the subject property;
 3. All necessary documents are recorded with the county in which such land is located; and
 4. The binding site plan contains the following statement 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 now or hereafter having any interest in the land described herein. [RCW 58.17.040(7)(e)]

5. The general binding site plan for a condominium development shall be deemed approved if the subject property has received final approval of a preliminary subdivision, planned unit development, a building permit, or a final certificate of occupancy has been issued.

J. *Modifications.*

Binding Site Plan Modifications. Modifications to a binding site plan shall be processed in the same manner as the original binding site plan.

1. *Information Waiver.* The community development director may waive the submittal of required information for general and final binding site plans if the information is either recorded or recorded by reference with the auditor and is available in the city's file(s).
2. The city may rescind all or a portion of a general or final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.
3. Signatures of the owners of those portions of a binding site plan which are not proposed to be altered by an amendment or rescission are not required on the amended binding site plan or application for rescission.

Exhibit D- Existing ECC 15.260.180

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.
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, energy services 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:

- 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 energy services 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:

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. Notwithstanding the foregoing, any applicant that files an extension application at least 30 days prior to the expiration, demonstrating that the applicant has attempted in good faith to submit the final binding site plan within the allowed time period, and that the associated extension application fees are paid, shall be granted a one-year extension by the director. 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, unless an extension(s) of the deadline has been granted as provided in subsection L above.

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 energy services 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
- 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. No. 4955, § 110, 2-18-2025; Ord. No. 4953, § 5, 1-21-2025; Ord. 4807 § 36, 2018; Ord. 4804 §§ 1, 2, 2018; Ord. 4656 § 1 (Exh. O2), 2013)