

ORDINANCE NO. 4953

AN ORDINANCE RELATING TO THE CITY OF ELLensburg LAND DEVELOPMENT CODE, TITLE 15; AMENDING CHAPTER 15.130 "DEFINITIONS"; AMENDING CHAPTER 15.260 "SUBDIVISIONS"; AMENDING CHAPTER 15.330 "DENSITY BONUS INCENTIVES"; AMENDING CHAPTER 15.540 "HOUSING TYPE STANDARDS", AND AMENDING CHAPTER 15.550 "OFF-STREET PARKING".

WHEREAS, in 2023, the Washington State Legislature passed Engrossed House Bill 1337, which requires cities like Ellensburg to revise development standards for accessory dwelling units; and

WHEREAS, in 2021, Council adopted resolution 2021-30, adopting the City of Ellensburg's Housing Action Plan, which recommends revisions to our Land Development Code to enable construction of middle housing types to improve housing affordability; and

WHEREAS Revised Code of Washington (RCW) 58.17.140 allows cities to adopt by ordinance procedures that allows extensions to plat applications; and

WHEREAS, proposed amendments to the Ellensburg City Code were issued a State Environmental Policy Act ("SEPA") Determination of Non-Significance on October 10, 2024; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend the Land Development Code was sent to the Washington State Department of Commerce on October 10, 2024; and

WHEREAS, the required Washington State Department of Commerce 60-day notice period concluded on December 9, 2024; and

WHEREAS, the proposed Land Development Code amendments were reviewed by the Planning Commission in a public hearing on November 14, 2024, and the Planning Commission recommended City Council adoption of the amendments included herein; and

WHEREAS, the City Council held a duly noticed public hearing on the matter of adopting the proposed Land Development Code amendments at a regular meeting on January 6, 2025, and approved the proposed amendments;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, do hereby ordain as follows:

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. Section 15.130.160 of the Ellensburg City Code, as last amended by Ordinance 4887, Section 13, is hereby amended to read as follows:

15.130.160 - P definitions.

Park means those areas of land under public ownership devoted to passive and active recreation activities and facilities. Such activities include open spaces, playgrounds, athletic fields, athletic or recreation structures.

Parking space, off-street. "Off-street parking space" means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in chapter 15.550 ECC and section 6, parking standards, public works development standards.

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

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

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

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

Person means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons, however organized. "Person" includes a trustee, a receiver, an assignee, or a similar representative.

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

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

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

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

Plant means, for the purpose of chapter 15.370 ECC, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each

being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

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

Precision instrument runway 29 is, for the purpose of chapter 15.350 ECC, a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

Preliminary subdivision or plat means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. See chapter 15.260 ECC.

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

Preservation planner means, for the purposes of chapter 15.280 ECC, the department of community development employee or consultant assigned to staff the Ellensburg landmarks and design commission and administer the historic preservation program.

Primary surface means, for the purpose of airport overlay zone regulations set forth in chapter 15.350 ECC, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

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

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

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

Public meeting means an informal meeting of people to obtain comments from a city commission, committee, or public agency and members of the public prior to a decision on a project permit application.

Public place includes, for the purpose of chapter 15.370 ECC, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is

permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Public transportation.

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

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

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

Public works development standards means those standards filed by the director of public works and utilities with the Ellensburg city clerk, as approved and adopted by reference in ECC 4.04.020, including any amendments thereto made in accordance with ECC 4.04.040.

(Ord. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 3. Section 15.260.060 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 32, is hereby amended to read as follows:

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

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.
 - 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 thirty 30 calendar days prior to the original expiration date or the first extension thereof, demonstrating that the 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 electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11 inches by 17 inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system, with street names, within a one-quarter-mile radius;
 - b. Zoning of the property proposed for subdivision;
 - c. Location and size of existing and proposed utilities, railroads, and irrigation rights-of-way on the property proposed for subdivision;
 - d. Plan view of proposed streets, their names and widths, pedestrian ways, all utilities and easements;
 - e. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;

- f. Approximate boundaries of all areas subject to irrigation or stormwater overflow;
- g. Location, width and direction of flow of all watercourses on the site; and
- h. Location and identification of all critical areas, including associated buffers, on the property proposed for subdivision or on adjacent properties, as required by division VI.

11. Preliminary grading plan pursuant to public works and utilities department requirements;
12. Preliminary stormwater plan pursuant to public works and utilities department requirements;
13. Preliminary landscaping plan pursuant to divisions IV and V of this title;
14. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Ellensburg Municipal Code. It should also address any proposed building conditions or restrictions;
15. Transportation study, if required by the public works and utilities department;
16. Location of any proposed building envelopes on the lots being created; and
17. Any other information in the opinion of the director which is necessary to determine if the proposed subdivision makes appropriate provisions for physical problems or hazards involving public health, safety and/or welfare.

C. *Referral to city departments and other agencies for comments.* The community development department shall distribute one copy of the preliminary subdivision application to the public works and utilities department, building department, fire marshal, and any public agency that may be affected by the proposed preliminary subdivision.

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

The community development department will transmit any department or agency review materials to the hearing examiner as part of the staff report on the application.

D. *Hearing examiner recommendation.* The hearing examiner shall be responsible for holding an open record public hearing pursuant to procedures established in chapter 15.210 ECC to review the proposed preliminary subdivision application together with accompanying materials and documents, land use applications, staff reports and public testimony. Based on the comments and testimony established at the public hearing, the hearing examiner shall make a recommendation on the preliminary subdivision application and any other related land use applications to the city council or return the preliminary subdivision application to the applicant with a request for additional information. If the hearing examiner makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions. In recommending any proposed preliminary subdivision, the hearing examiner shall propose written findings of fact and conclusions of law to the city council which shall state fully the reasons for the recommendation.

E. *City council action.*

1. The hearing examiner recommendation, findings and all supporting documents shall be forwarded to the city council. The community development department shall set a date

and time for a public hearing before the city council to review the recommendation of the hearing examiner in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary subdivision application.

2. Prior to making a decision the city council may refer the preliminary subdivision application back to the hearing examiner for further consideration or may require the applicant to modify the preliminary subdivision application, or require more information to be submitted.

F. *Decision criteria.* The city may approve, approve with conditions, or deny a preliminary subdivision application based on conformance with the following decision criteria:

1. The preliminary subdivision conforms to all applicable zoning standards of the city as set forth in the LDC, including the building setback and intensity standards in chapter 15.320 ECC, the streetscape design standards in chapter 15.410 ECC, the subdivision design standards in chapter 15.420 ECC, the project design standards in division V, and the public works development standards;
2. All lots within the preliminary subdivision are provided with satisfactory access established consistent with the requirements of the public works development standards, ECC title 4, public works, the streetscape design standards and subdivision design and block standards in division IV, and the project design standards in division V;
3. All lots within the preliminary subdivision are provided with adequate provisions for water supplies, sanitary wastewater facilities, and storm drainage and surface water facilities consistent with the requirements of the public works development standards and ECC title 9, utilities;
4. All lots within the preliminary subdivision are provided with adequate provisions for electric service, and for natural gas service if applicable, consistent with the requirements of the city's public works and utilities department design standards and with ECC title 9, utilities;
5. The preliminary subdivision conforms to all applicable critical areas standards set forth in division VI; and
6. The preliminary subdivision makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, natural gas mains and services, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

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

Section 4. Section 15.260.120 of the Ellensburg City Code, as last amended by Ordinance 4929, Section 2, is hereby amended to read as follows:

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

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

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

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

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

application within that five-year time frame will result in a lapse of the preliminary short subdivision approval.

2. Any applicant that files a plat extension application at least 30 calendar 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 plat 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. 4929, § 2, 11-6-2023; Ord. 4807 § 34, 2018; Ord. 4804 §§ 1, 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 5. Section 15.260.180 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 36, is hereby amended to read as follows:

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, public works and utilities director and community development director;
- iii. The county treasurer indicating that the real property taxes are current;
- iv. All owners and all others holding an interest in the binding site plan property with acknowledgments for all such signatures;
- v. Approval by the mayor; and
- vi. Approval by the irrigation district, if applicable.

x. If the binding site plan is in conjunction with condominiums, pursuant to chapter 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all individuals or entities now and hereafter having any interest in the land described herein.

- y. All binding site plan designs shall include, as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at the time of the binding site plan. However, site plan review for subsequent building size, location and use will be required when submitted.

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

1. A binding site plan shall conform to the applicable zoning and development standards of the city of Ellensburg land development code codified in this title and the public works development standards and all other city utility development standards;
2. Each lot in a binding site plan shall be provided with satisfactory access established consistent with the requirements of the public works development standards and ECC title 4, public works;
3. Each lot in a binding site plan shall be provided with adequate provisions for water supplies, sanitary wastewater facilities and stormwater and drainage facilities consistent with the requirements of the public works development standards and ECC title 9, utilities;
4. Each lot in a binding site plan shall be provided with adequate provisions for electric utility service, and natural gas utility service if applicable, consistent with the

requirements of the city public works and utilities department and ECC title 9, utilities; and

5. Approval of binding site plans may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, and other needs of the public.

F. *Administrative review.* Upon deeming the binding site plan to be a complete application and issuing the notice of application pursuant to ECC 15.220.040, the director shall transmit the binding site plan to city departments, the Kittitas Valley Fire and Rescue fire marshal, the SEPA responsible official for any required SEPA review pursuant to chapter 15.270 ECC, and to the landmarks and design commission for any required landmark and design review pursuant to chapter 15.280 ECC. The director shall concurrently perform critical area review if such review is required pursuant to division VI of this title. The community development department will transmit any department or agency review materials to the planning commission as part of the staff report on the application.

G. *Planning commission recommendation.* The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in chapter 15.210 ECC to review the proposed binding site plan together with accompanying materials and documents, land use applications, staff reports, and public testimony. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation to the city council on the binding site plan for approval, disapproval, or approval with conditions.

H. *City council action.* The planning commission recommendation, findings and all supporting documentation shall be forwarded to the city council. The community development department shall set a date for a closed record public hearing before the city council to review the recommendation of the planning commission in a closed record hearing at which no new testimony or information may be presented. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the binding site plan.

I. *Decision criteria.* The city council may approve, approve with conditions, or disapprove a binding site plan based on conformance with the following decision criteria:

1. Whether the binding site plan conforms to this section;
2. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
3. Whether the public interest will be served by the approval of the binding site plan and any dedication.

J. *Findings and conclusions.* The city council shall not approve any binding site plan unless written findings are made that:

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 public works and utilities director, and the city engineer shall sign the final binding site plan document and shall present the final binding site plan document to the mayor for signature. The final binding site plan shall then be presented to the county

treasurer for review and signature. Such signatures and approval of the final binding site plan document shall be subject to the following determinations:

- a. The requirements of chapter 58.17 RCW and other applicable state law, the city's comprehensive plan, and any other applicable city ordinances that were in effect at the time of preliminary binding site plan approval, and this title have been met;
- b. Conditions imposed on the preliminary binding site plan approval, if any, have been met; and
- c. The bond or other proposed security meets the requirements of the public works development standards and has been approved and accepted by the city engineer.

2. If the final binding site plan is not approved by city council, the decision, along with reasons for denial, shall be communicated in writing to the applicant.

Q. *Final binding site plan—Filing.* The final binding site plan shall not be officially complete until the signed original final binding site plan and subdivision improvements agreement, if required, have been recorded with the county auditor. Said documents shall be recorded by the director within ten working days after the appeal period has expired, in the presence of the applicant and with the cost of recording paid by the applicant. Filing of the final binding site plan shall not relieve the property owner of the obligation to complete the minimum public improvements.

R. *Amendment, modification and vacation.* Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short plat. In the event the vacation is of a dedicated road right-of-way, the review process shall follow the city's road vacation process.

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

Section 6. Section 15.300.040 of the Ellensburg City Code, as last amended by Ordinance 4935, Section 7, is hereby amended to read as follows:

15.300.040 Residential zones and map designations.

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

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and other compatible housing types in a relatively low urban density.
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods.
3. Providing standards and guidelines that promote the integration of usable open space for residential uses.

4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development.
5. Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood.
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - ~~d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;~~
 - ed. Preservation of historic buildings; and/or
 - fe. Affordable housing.
7. Use of this zone is appropriate for areas designated residential neighborhood in the comprehensive plan.

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

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes and cottage housing.
2. Providing standards and guidelines that reinforce Ellensburg's established pattern of attractive and walkable residential neighborhoods.
3. Providing standards and guidelines that promote the integration of usable open space for residential uses.
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development.
5. Providing a minimum density standard to avoid large scale low density sprawl.
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:
 - a. Energy efficient building and site design;
 - b. Mix of housing types;
 - c. Off-street trails;
 - ~~d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;~~
 - ed. Preservation of historic buildings; and/or
 - fe. Affordable housing.

7. Use of this zone is appropriate for areas designated residential neighborhood or blended residential neighborhood in the comprehensive plan.

C. *Residential medium density zone (R-M)*. The R-M zone is intended to provide for a mixture of housing types in a walkable neighborhood setting. These purposes are accomplished by:

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;
2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;
3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;
4. Providing standards and guidelines that promote the integration of usable open space for residential uses;
5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;
6. Providing a minimum density standard to avoid large scale low density sprawl; and
7. Use of this zone is appropriate for areas designated residential neighborhood, blended residential neighborhood, neighborhood mixed-use or community mixed-use in the comprehensive plan.

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

1. Allowing multifamily dwellings and providing a minimum density limit;
2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses; and
4. Use of this zone is appropriate for areas designated residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed-use, or community mixed-use in the comprehensive plan.

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

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

(Ord. No. 4935, § 7, 12-18-2023; Ord. 4887 § 18, 2022; Ord. 4807 § 42, 2018; Ord. 4798 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 7. Section 15.300.050 of the Ellensburg City Code, as last amended by Ordinance 4935, Section 8, is hereby amended to read as follows:

15.300.050 Commercial and industrial zones.

- A. *Commercial neighborhood zone (C-N).* The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:
 - 1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;
 - 2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
 - 3. Providing a maximum size of five acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
 - 4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
 - 5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
 - 6. Use of this zone is appropriate for areas designated residential neighborhood, blended residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed-use, or neighborhood commercial in the comprehensive plan.
- B. *Commercial highway zone (C-H).* The C-H zone is intended to accommodate diversified commercial establishments and multifamily residential as a conditional use. In addition, specific areas of the C-H zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in chapter 15.390 ECC are met. These purposes are accomplished by:
 - 1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;
 - 2. Allowing small to large scale retail uses, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of chapter 15.390 ECC;
 - 3. Allowing multifamily residential as a conditional use; and
 - 4. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses.
 - 5. Use of this zone is appropriate for areas designated community mixed-use, mixed business park, or general commercial and services in the comprehensive plan.
- C. *Light industrial zone (I-L).* The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely

affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

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

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

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

(Ord. No. 4935, § 8, 12-18-2023; Ord. 4887 § 19, 2022; Ord. 4807 § 43, 2018; Ord. 4798 § 2, 2018; Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013)

Section 8. Section 15.310.040 of the Ellensburg City Code, as last amended by Ordinance 4929, Section 3, is hereby amended to read as follows:

15.310.040 Use tables.

Table 15.310.040
Residential-Based Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C	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	
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 and utilities 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
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, electric vehicle battery charging station	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	P	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Bars and brewpubs*					P	P	P	P	P	P	P	P	P		A ⁶
Coffee house, espresso bar	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Retail, small scale (<2,000 sf floor area)	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Retail, medium scale (2,000—20,000 sf floor area)						P	P	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	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									
Marijuana retailer*						P ⁹									
PERSONAL AND GENERAL SERVICE															
Day care I facilities*	P	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	P	P		A ⁶
Heavy services (see heavy retail and							P	P ²	P		P	P	P		

services definition in ECC 15.130.080)*															
Hotels/motels*							P	P	P	P	P				
Hospitals*	C	C	C		P			C	P		C				A ⁶
Offices, medical*				P	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														
Personal service establishments*	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P				A ⁶
Laundromats and dry cleaners			P	P	P	P	P	P	P	P	P	P	P		
Places of assembly*	C	C	C	C	P	P	P	P	P	C	C	C	C		A ⁶
Radio station (commercial)		C					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			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)	P ⁵	P ⁵				P	P	P	P	P	P				P/A ⁶
Offices, business or professional*, large scale						P	P	P	P	P	P				P/A ⁶

(20,001— 60,000 sf floor area)														
Minarehouse facility*			C								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	C	A ⁶	
Heavy industry (ECC 15.130.080)												C		
Marijuana processor*													P ¹⁴	
Marijuana producer*													P ¹⁴	
Tow vehicle storage area*											P	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. Except for eOffice uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
5. Subject nonresidential uses may be permitted in the R-S and R-L zones if the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
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.

Table 15.310.040
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							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	P	P	P	P	P	P	P	P	P	P	C		
Recreational vehicle parks (ECC 15.340.050)							P							
Parks, playgrounds (public or private)	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P 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
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	P/A
Utility facility* ⁸	P	P	P		P	P	P	P	P		P	P	P	P
Fairgrounds														P
Public transportation							P	P	P		P	P	P	P

passenger terminals														
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	/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, 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.

(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)

Section 9. Section 15.320.090 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 46, is hereby amended to read as follows:

15.320.090 – Setbacks from alleys.

Accessory buildings and accessory dwelling units, ~~where built on top of an existing garage~~ may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley. Minimum side yard setbacks as required by Table 15.320.030 would still apply.

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

Section 10. Section 15.330.020 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 47, is hereby amended to read as follows:

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

Table 15.330.020 summarizes the types of bonus elements and the range of density bonuses by percentages for each element. Details and conditions for each bonus element are provided in subsections (A) through (EE) of this section. Developments may use a combination of bonus

elements provided they comply with the maximum density provisions set forth for the zone in table 15.320.030. An exception to the maximum density provisions is only provided for projects complying with net zero energy standards as set forth in subsection (A) of this section.

Table 15.330.020
Density Bonuses for the R-S and R-L Zones

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

A. Energy efficient construction.

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

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

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

Conditions/notes:

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

2. Project certification.

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

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

B. *Mix of housing types.* Up to a ~~50~~ 15 percent density bonus may be provided for providing a diversity of housing types. ~~This option may be applied to all development sites at least five acres in area.~~

1. Housing mix density bonus table.

Table 15.330.020(B)
Housing Mix Density Bonuses

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

2. Alternative housing types include:

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

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

C. *Off-street trails.*

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

Table 15.330.020(C)
Off-street Trail Density Bonuses

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

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

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

- g. ADA Accessibility Guidelines for Transportation Facilities is consulted to ensure facilities are available to everyone.
- h. Manual on Uniform Traffic Control Devices for Streets and Highways, USDOT, FHWA; as adopted and modified by chapter 468-95 WAC provides standards for signs and other traffic control devices.
- i. National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide.

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

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

DE. Historic preservation.

1. *Density bonus.* For each building that is preserved, the development shall qualify with a minimum of 15 percent and a maximum of 50 percent increase in on-site density for one acre of development. For example, if the development site covers ten acres, the density bonus qualifies for one of the ten acres.
2. *Eligibility.* Properties eligible for this density bonus option must feature a property that is eligible for historic landmark listing under the Ellensburg landmarks register, per ECC 15.280.080. Subject properties must be in habitable condition, or improved to habitable condition. Developments may also receive the density bonus credit if they are moved to another site within the city provided the applicable building/site meets applicable standards set forth in this title.

EE. Affordable housing.

1. *Density bonus.* The available density bonus increase is based on the percentage of affordable housing units integrated into the subdivision, with a minimum of 15 percent to qualify and a maximum density bonus increase of 50 100 percent. The percentage shall be based on the number of affordable housing units divided by the base maximum density. Up to 50 percent bonus is available for developments affordable to residents earning up to 80 percent of the Kittitas County Area Median Income (AMI) as identified annually by the US Department of Housing and Urban Development (HUD).

To receive density bonuses of more than 50 percent and up to 100 percent, the same calculation applies; plus at least 20 percent of the affordable-designated units must be restricted to and affordable for people earning no more than 60 percent of AMI.

Table: 15.330.020(E)-1

Bonus Percentage (of base density)	Requirements
<u>15 to 50 percent</u>	<u>Affordability at up to 80 percent of AMI (affordable percentage equal to additional allowable percentage)</u>
<u>Above 50 percent up to 100 percent</u>	<u>Above requirements and calculation apply; plus at least 20 percent of affordable units must be affordable at no more than 60 percent of AMI.</u>

For example, if an applicant proposes 18 affordable units (up to 80 percent AMI) out of 60 maximum base units (30 percent), then the development is eligible for a 30 percent density bonus increase (in this case, 18 additional units). Even if the applicant seeks other density bonuses, the percentage of the affordable housing units will be measured against the base maximum density (not necessarily the total density, after other density bonuses).

Bonus Example 1: A project is eligible for a base maximum density of 60 units. To qualify for a 30 percent density bonus, or 18 additional units (78 total project units), at least 18 units across the project (30 percent of base) must be affordable up to 80 percent AMI. The affordable housing density bonus will be measured against the base maximum density, not the total density of other density bonuses.

Bonus Example 2: A project is eligible for a base maximum density of 20 units. To qualify for a 75 percent density bonus, or an additional 15 units (35 total project units), at least 15 units across the project (75 percent of base) must be affordable up to 80 percent AMI; of the 15 affordable units, at least three (20 percent of bonus) must be affordable at no more than 60 percent AMI.

Table 15.330.020(E)-2 Example Density Bonus Calculations

Example #	Base maximum density	Affordable at <80% AMI	Affordable at <60% AMI	Bonus percentage applied	Total unit eligibility
1	60 units	18 units	0 units	30%	78 units
2	20 units	12 units	3 units	75%	35 units

2. Affordable housing unit requirements.

a. Affordability. Units must be affordable (rent or mortgage and utility allowance do not exceed 30 percent of designated income) to persons with

incomes at or below 80 percent of the median income for Kittitas County residents for a density bonus of 15 to 50 percent. For density bonuses of more than 50 and up to 100 percent, at least 20 percent of affordable units must be affordable (rent or mortgage and utility allowance do not exceed 30 percent of designated income) to persons with incomes at or below 60 percent of Kittitas County median income.

- b. *Duration.* Housing Affordable-designated units shall serve only income-eligible households for a minimum period of 25 years from the later of the date when the affordability agreement between the housing owner and the city, as referenced in subsection (FE)(3) of this section, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the city;
- c. *Designation of affordable housing units.* Prior to the issuance of any permit(s), the director shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
 - i. *Location.* The location of the affordable housing units shall be disbursed throughout approved by the city, with the intent that they generally be intermingled with all other dwelling units in the development, not separated in physical access or orientation from market rate units;
 - ii. *Tenure.* The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development; and
 - iii. *Size (bedroom).* The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development; and
 - iv. *Size (square footage).* In no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit;
- d. *Design.* The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development and must comply with project design provisions specified in division V. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry-level rental or ownership housing in the city; and

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

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

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

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

Section 11. Section 15.540.020 of the Ellensburg City Code, as last amended by Ordinance 4929, Section 6, is hereby amended to read as follows:

15.540.020 - Single-family design standards.

A. Purpose.

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

B. Entries and facade transparency.

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

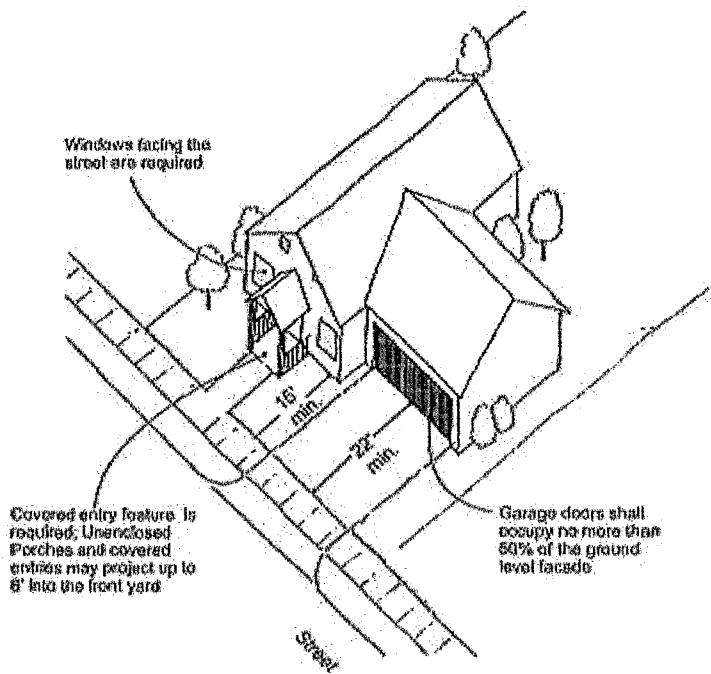


Figure 15.540.020(B). Single-family design requirements.

C. *Garage placement and design.*

1. Where lots abut an alley, the garage or off-street parking area is encouraged to take access from the alley;
2. The garage doors shall occupy no more than 50 percent of the ground-level facade facing the street. Departure: garage doors may exceed this limit up to a maximum of 65 percent of the ground level facade facing the street provided at least two of the following design details are utilized. For front-loaded lots where the garage faces the street and the garage is even with the facade of the house or less than five feet behind the front facade of the house, at least one of the following design details shall be utilized:
 - a. A decorative trellis over the entire garage;
 - b. A window or windows are placed above the garage on a second story or attic space under roofline;
 - c. A balcony that extends out over the garage and includes columns;
 - d. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two-car garages;
 - e. Decorative windows on the garage door;
 - f. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail;
 - g. A garage door color (other than white) that matches or complements the color of the house; and/or
 - h. Other design techniques that meet the intent, as determined by the director.



Figure 15.540.020(C). Garage design detail examples.

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

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

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

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

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

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

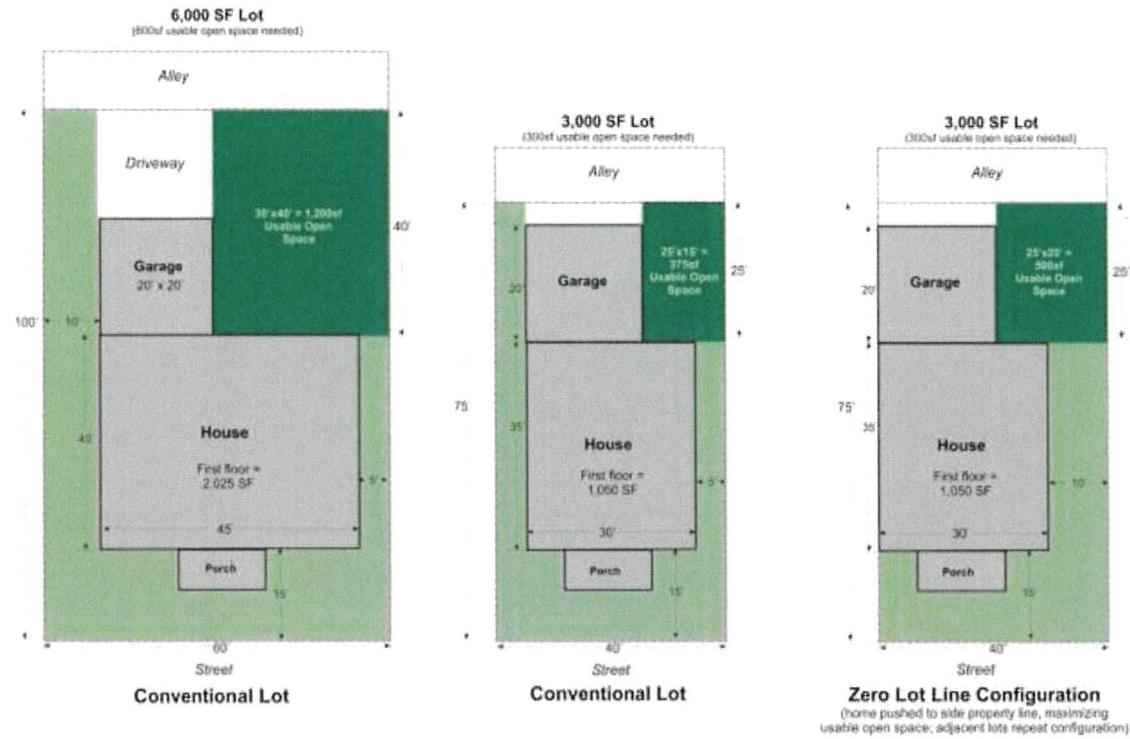


Figure 15.540.020. Examples of how to meet open space requirements for alley-loaded lots.

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

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

Section 12. Chapter 15.540.030 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 58, is hereby amended to read as follows:

15.540.030 - Duplex design standards.

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

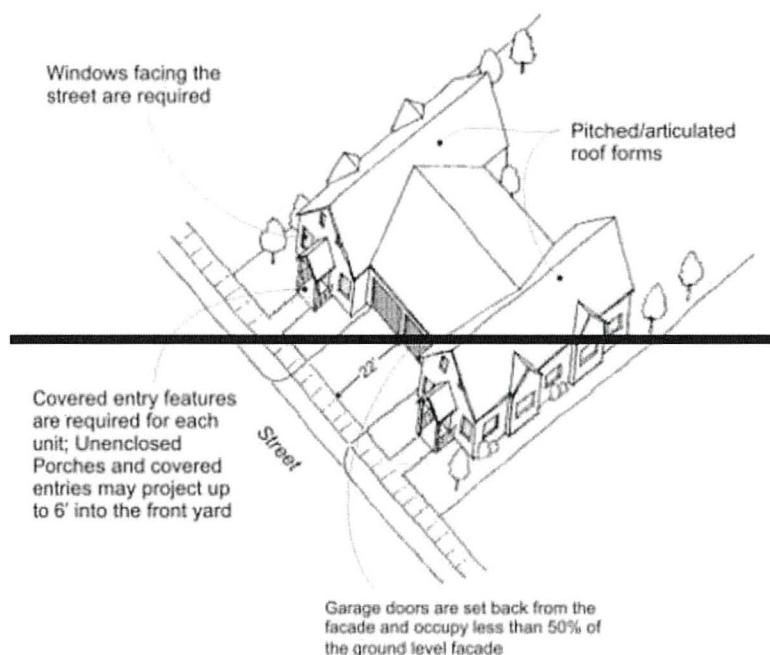
B. Design provisions. Specifically, duplexes shall comply with the single-family design provisions set forth in ECC 15.540.020 with the following exceptions and additional provisions:

1. Duplexes may include a 24-foot-wide shared driveway or two 12-foot driveways on opposite ends of the lot;
2. Tandem parking to accommodate two-car garages may be used for duplex structures pursuant to ECC 15.550.040(A); and

3. Separate covered entries for each unit are required (applicable to new buildings only);

4. ~~Duplexes on corner lots shall place pedestrian entries on opposite streets (applicable to new buildings only); and~~

~~5. Duplexes shall use articulated roof forms to help break up the massing of buildings and distinguish individual units. Duplexes on corner lots may be exceptions, where it is often desirable for a duplex to appear as one dwelling unit (but with entries on opposite streets).~~



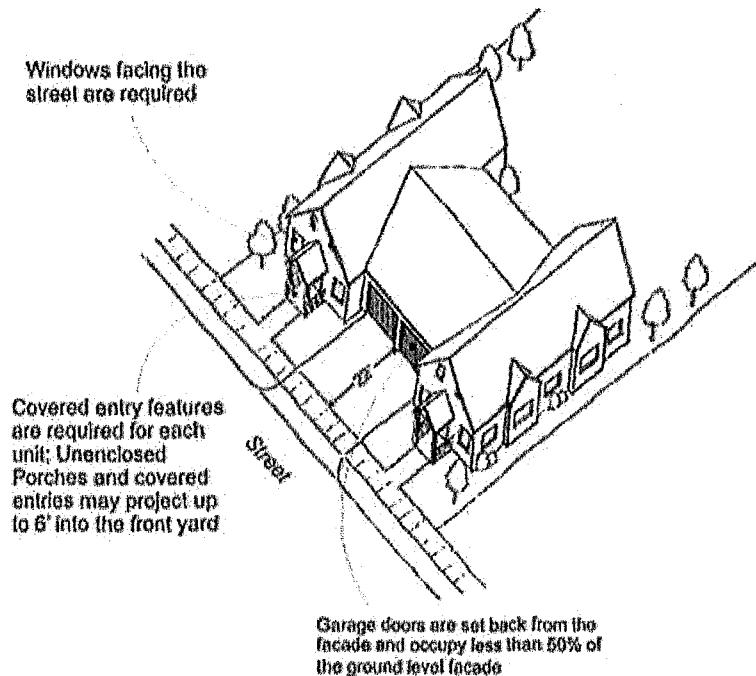


Figure 15.540.030. Diagram illustrating duplex design provisions.

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

Section 13. Section 15.540.040 of the Ellensburg City Code, as last amended by Ordinance 4810, Section 1, is hereby amended to read as follows:

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 primary single-family dwelling. ADUs can be attached to the primary dwelling or detached. ADUs differ from duplexes in the zoning districts where they are allowed and ADUs are subject to specific size and design criteria relative to the primary dwelling unit. ADUs 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.

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

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

1. No more than two bedrooms shall be provided in an accessory dwelling unit;
2. ADUs shall contain a minimum of 300 square feet in floor area, exclusive of stairways or garage area; and
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
3. ADUs shall not exceed 40 percent of the floor area of a primary dwelling unit or 1,000 square feet, whichever is less, except as follows:
 - a. An ADU up to 500 square feet in floor area shall be allowed when the size of the primary dwelling unit would restrict the size of the ADU to less than 500 square feet in floor area. For example: a primary dwelling unit that has a floor area of 1,000 square feet would be allowed an ADU up to 500 square feet rather than an ADU of 400 square feet in floor area (40 percent of 1,000 square feet);
 - b. For attached ADUs only, the city may allow for an increased size up to 1,000 square feet maximum in order to efficiently use all floor area on one floor or a portion of an existing house constructed as of December 2, 2013, as long as all other standards herein are met; and
42. 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; and
2. DADUs are subject to the building placement standards set forth for garages for the applicable land use district in chapter 15.320 ECC;
3. The site coverage of the DADU and accessory buildings shall not exceed 40 percent of the rear yard area;
2. 4. 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 is built on top of and/or next to an existing garage or structure; and

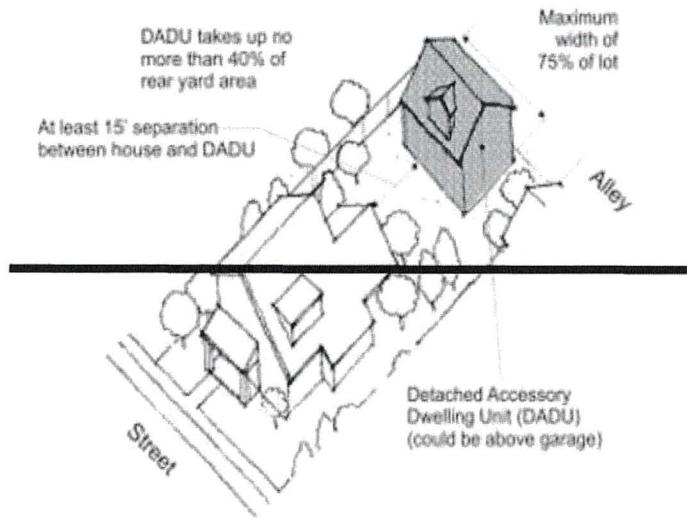


Figure 15.540.040(C). DADU example/standards.

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

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

Section 14. Section 15.540.050 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 58, is hereby amended to read as follows:

15.540.050 – Cottage housing design standards.

A. Purpose.

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

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

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

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

E. *Dimensional standards.*

Table 15.540.050(A)
Dimensional Standards for Cottages

Standard	Requirement
Maximum floor area	1,200 1,500 SF
Minimum common space (see subsection (I) of this section for more info)	400-300 SF/unit
Minimum private open space (see subsection (J) of this section for more info)	200 SF/unit
Maximum height for cottages	26 ft. (all parts of the roof above 18 ft. shall be pitched with a minimum roof slope of 6:12)
Maximum height for accessory structures of cottages	48 <u>24</u> ft.
Setbacks (to exterior property lines)	See ECC 15.320.030
Minimum distance between structures (including accessory structures)	10 ft.
Minimum parking spaces per cottage	See table 15.550.040(A)

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

G. *Transparency Windows on the street.* - Transparent windows and/or doors are required on at least ten eight percent of the facades (all vertical surfaces) of all cottages facing the street and common open space. For facades facing north, at least eight percent of the facade shall include

~~transparent windows or doors. Departures will be considered pursuant to ECC 15.210.060 for cottages where that standard applies to two or more facades, provided the design meets the purpose of the standards.~~

H. Parking and driveway location and design.

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

I. Common open space requirements.

1. ~~Open space shall abut at least 50 percent of the cottages in a cottage housing development;~~
2. ~~1. Open space shall have cottages abutting on at least two sides;~~
3. ~~2. Cottages shall be oriented around and have the main entry from the common open space; and~~
4. ~~Cottages shall be within 60 feet walking distance of the common open space; and~~
3. ~~Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 15 20 feet.~~

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

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

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

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

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

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

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

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

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

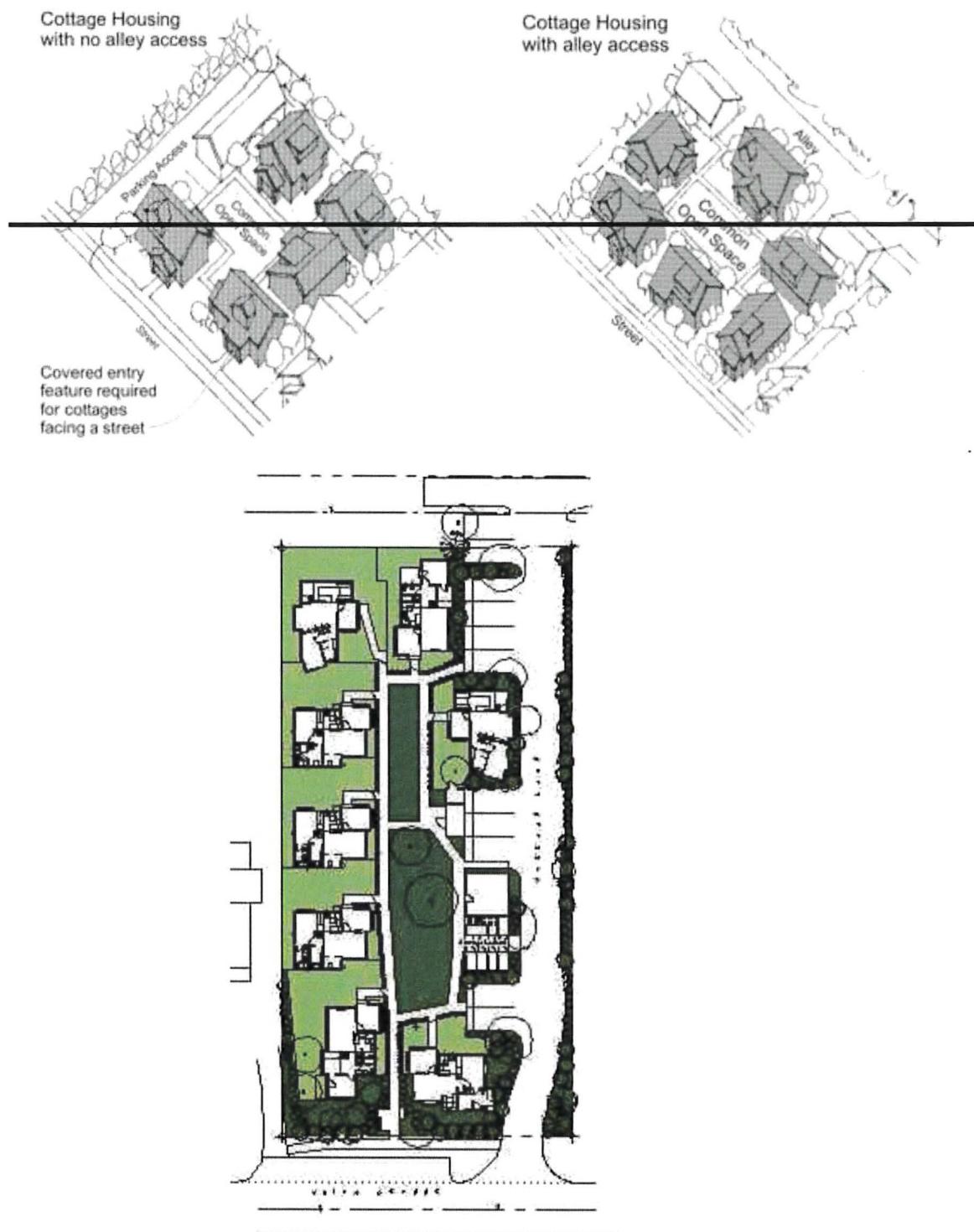


Figure 15.540.050(MK)(1). Typical Sample cottage housing layouts – Example 1.



Figure 15.540.050(K)(1). Sample cottage housing layouts – Example 2.

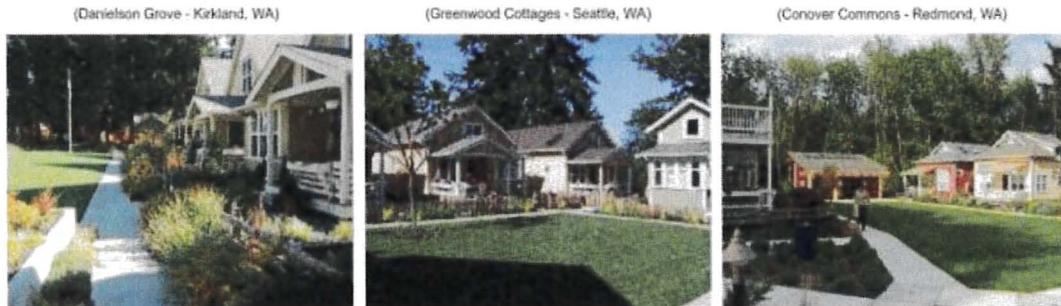


Figure 15.540.050(M)(2). Cottage housing examples.

~~N. Energy efficiency.~~ Cottages and accessory buildings are subject to energy efficiency guidelines and standards set forth in ECC 15.530.070.

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

Section 15. Section 15.540.060 of the Ellensburg City Code, as last amended by Ordinance 4807, Section 58, is hereby amended to read as follows:

15.540.060 - Townhouse Design Standards.

A. Purpose.

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



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

B. Entries.

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

C. Garages and driveways.

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



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

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

E. Building design.

1. *Townhouse articulation.* Townhouse buildings shall comply with multifamily building articulation standards as set forth in ECC 15.530.030(D) except that the articulation intervals shall be no wider than the width of units in the building. Thus, if individual units are 15 feet wide, the building shall include at least three articulation features per ECC 15.530.030(D) for all facades facing a street, common open space, and common parking areas at intervals no greater than 15 feet.

2. *Repetition with variety.* (See Figures 15.540.060(E)(2) and 15.540.060(E)(3).) Townhouse developments shall employ one or more of the following "repetition with variety" guidelines:

- a. Reversing the elevation of two out of four dwellings for townhouses;
- b. Providing different building elevations for external townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns;
- c. Adding a different dwelling design or different scale of the same design, such as adding a one story version of the basic dwelling design where two stories are typical (or a two story design where three stories are typical); and/or
- d. Other design treatments that add variety or provide special visual interest. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the guidelines.



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

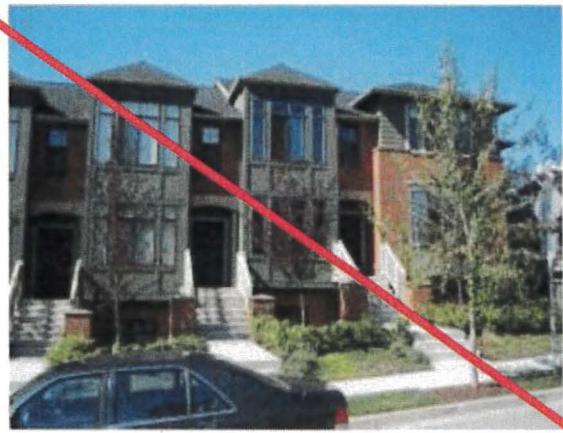


Figure 15.540.060(E)(3). An acceptable townhouse building. Note the landscaped front yards and individual walkways and entries. The internal units each have distinct, but identical windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size,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

F. Energy efficiency: Townhouses are subject to energy efficiency provisions set forth in ECC 15.530.070.

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

Section 16. Section 15.550.040 of the Ellensburg City Code, as last amended by Ordinance 4929, Section 8, is hereby amended to read as follows:

15.550.040 - Computation of required off-street parking spaces.

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

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

Category of land use ¹	Minimum parking spaces required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.
<u>1st</u> Accessory dwelling unit	None required
<u>2nd</u> Accessory dwelling unit	<u>1.0 per dwelling unit</u>
Apartment:	
Duplex	2.0 per dwelling unit; for structures containing more than <u>4</u> <u>6</u> bedrooms, 1 additional space for each bedroom in excess of <u>4</u> <u>6</u> shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for duplex dwelling units.
Townhouse	<u>1.0 per dwelling unit for 1-2 bedroom units</u> . <u>2.0 per dwelling unit for units with 3-4 bedrooms</u> ; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided
Studio units	<u>1.2</u> <u>1.0</u> per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	<u>1.5</u> <u>1.0</u> per dwelling unit

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

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 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.
- 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 as per table 15.550.040(A).

K. Setback areas.

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

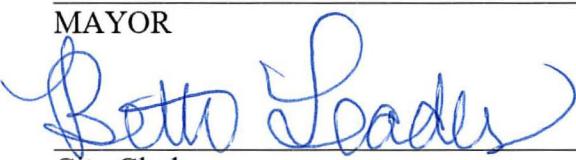
(Ord. No. 4929, § 8, 11-6-2023; Ord. 4887 § 33, 2022; Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013)

Section 17. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 18. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 19. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 21st day of January 2025.


MAYOR
ATTEST: 
City Clerk

Approved as to form:


CITY ATTORNEY

Publish: 1-23-2025

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4953 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4953 was published as required by law.



BETH LEADER