

ORDINANCE NO. 4971

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ACCESSORY DWELLING UNITS (ADUs) AND STREET IMPROVEMENTS AND IMPACT FEES, TO AMEND SECTIONS 4.06.060 AND 14.04.170 OF THE ELLENSBURG CITY CODE.

WHEREAS, Engrossed House Bill (EHB) 1337, passed in 2023, which is an Act relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units (ADUs);

WHEREAS, agencies are required to be in compliance with changes enacted by EHB 1337 by the completion of their next comprehensive plan update;

WHEREAS, per RCW 36.70A.681, the City may not require public street improvements as a condition of permitting for ADU construction;

WHEREAS, the City may not assess impact fees on the construction ADUs that are greater than 50 percent of the impact fees that would be imposed on the principal unit per RCW 36.70A.681;

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

Section 1. Section 4.06.060 of the Ellensburg City Code, as last amended by Section 16 of Ordinance 4955, is hereby amended to read as follows:

4.06.060 Sidewalks, curbs and gutters for building permit applicants.

When an application is made for a building permit, subdivision, conditional use, SEPA review project or other development permit, the public works director shall evaluate the proposed building or development site to determine the need for new or reconstructed street surfaces, curbs, gutters and sidewalks based upon the following criteria (Per RCW 36.70A.681, public street improvements are not required as a condition for permitting Accessory Dwelling Units (ADUs) as defined in ECC 15.130.010, which means ADUs are exempt from the requirements of this section):

- A. New curbs, gutters and sidewalks shall be constructed on all street frontages where those street improvements are not already present and in serviceable condition.
- B. Reconstruction of curbs, gutters and sidewalks shall be required if, in the opinion of the public works director, the present improvements are deteriorated to an unserviceable, hazardous state.

C. All curb, gutter and sidewalk improvements which are constructed, reconstructed or repaired shall be done so entirely in the public right-of-way, and further sidewalks shall be separated from the traveled way by landscaping, concrete curbing, a median or other approved physical barrier.

D. Applicants for a subdivision, SEPA review project, conditional use, building permit or other development permit, upon payment of a \$100.00 fee, may apply for deferred installation of sidewalks, curbs and gutter under the following circumstances:

1. Applicants for all development permits may apply for deferrals for the above improvements if their construction involves a significant physical obstacle to the construction of such improvements. In those cases in which bridges, large-diameter (in excess of four feet in diameter) culverts, retaining walls in excess of four feet in height, or other construction deemed necessary by the public works director due to the presence of major physical obstacles are required for the construction of a sidewalk, the public works director shall grant a deferral of the improvement upon application for such. Such deferral shall be made contingent upon the acceptance by the public works director of the written recorded assurances by the applicant, heirs, successors and assigns of the property of their participation in a future larger local improvement district, sidewalk improvement district or other cooperative financing arrangement which would include the deferred section of improvement.

2. Applicants for industrial development projects that involve the construction of new streets may apply for waivers or deferrals for sidewalks only. The public works director shall grant deferrals or waivers, as deemed appropriate, for those projects in which no mixed commercial, residential or through traffic would use the affected streets, or in which no regular pedestrian traffic can be reasonably expected. If deferrals are granted, such deferrals shall be made contingent upon the acceptance by the public works director of the written recorded assurances by the applicant, heirs, successors and assigns of the property of their participation in a future larger local improvement district, sidewalk improvement district or other cooperative financing arrangement which would include the deferred section of improvement.

3. Applicants for building permits for new construction, additions which valuation exceeds 50 percent of the assessed valuation for the existing structure, or short plats all of which result in, by zoning or covenants, the development of single-family residential structures may apply for deferrals for the above improvements. The public works director shall review such requests, and shall grant deferrals if the construction results in an isolated segment of improvements. In order to qualify as an isolated segment of improvements, the edges of the improvements, once constructed, must be physically separated from connecting curb, gutter or sidewalk improvements by a minimum of 100 linear feet and not reasonably be subject to an LID or other major street improvements in the next two years. If such a deferral is granted, such deferrals shall be made contingent upon acceptance by the public works director of the written recorded assurances by the applicant, heirs, successors and assigns of the property of their participation in

a future larger local improvement district, sidewalk improvement district or other cooperative financing arrangement which would include the deferred section of improvement.

4. The public works director shall direct the public works department to provide the necessary determinations of grade, location and other engineering information deemed necessary for the completion of street, curb, gutter and sidewalk improvements for those building permits and short plats which result in, by applicable zoning or voluntary covenants, lots which are limited to single-family residential construction. For subdivisions which result in more than four single-family lots of record, or any number of lots which are subject to multifamily, commercial, or industrial development zoning uses, the developer shall be required to supply necessary engineering studies for public improvements as part of their public improvements requirement. Any existing plans, specifications or engineered designs in the public works department are considered as part of the public record and shall be made available to all persons constructing public improvements for review and use as is appropriate to their project.

5. Applicants for development permits may apply for short-term deferral of completion of required improvements due to weather or other unforeseen construction-related problems. The public works director shall consider each request for short-term deferral. In those cases where the delay of the completion of construction would not result in any hazardous condition, or other problems of site use, the public works director may grant such requests for short-term deferral. Such deferral shall be subject to acceptance by the public works director of adequate financial security needed to complete the improvements and pay potential city costs to accomplish said improvements completion, and a definite construction timetable for completion of the deferred improvements.

6. In all cases in which sidewalk, curb and gutter improvements are required to be installed, a useful life of 15 years for the improvements shall be established. If, during the 15-year period, subsequent street construction causes the improvements to be removed and reconstructed, the adjoining landowner shall obtain prorated credit against any assessment of costs based upon the estimated value of the improvements and the amount of useful life left. The estimated value of improvements shall be determined at the time of the permit application, and should be mutually agreed to by the city and the applicant. In those cases where mutual agreement cannot be reached, the estimated value shall be established by the average cost experienced for similar improvements in other city right-of-way locations.

7. Applicants for all developments which consist of a building which is less than 4,000 square feet in size and, in the opinion of the public works director, consist of an accessory or intermittent use of the lot, or consist of street frontage of less than 100 lineal feet on a separate street frontage, may apply for deferrals of curb, gutter and sidewalk improvements in those instances where the required street improvements would qualify as isolated segments of improvements. In order to qualify as an isolated segment of improvement, the improvement once completed must be physically separate from connecting curb, gutter or sidewalk improvements

by a minimum of 100 feet or, in the opinion of the public works director, cause a practical problem of surface water drainage or street configuration. If such a deferral is granted, such deferral shall be made contingent upon acceptance by the public works director of the written recorded assurances by the applicant, heirs, successors and assigns of the property of their participation in a future larger local improvement district, sidewalk improvements district, or council-ordered improvement which would include the deferred section of improvement.

E. Appeals. Applicants have the right to appeal decisions of staff made under the authority of this chapter to the city council. All appeals shall be made in writing and be submitted to the city within ten days of receiving a written determination from staff on the permit request.

In filing an appeal with the city council, it shall be the responsibility of the appellant to establish in writing why the staff decision did not follow the appropriate requirements and standards of this chapter in rendering the decision. Each section of this chapter which applies to the appellant's deferral request shall be referenced and addressed in the written appeal presented to the city council prior to the hearing of the appeal.

The city council, upon hearing the appeal and staff position, shall be authorized to uphold the public works director's decision as consistent with this chapter, or find the decision to be in whole or part in conflict with this chapter and amend the decision to ensure consistency with this chapter.

(Ord. No. 4955, § 16, 2-18-2025; Ord. 4804 §§ 3, 4, 2018; Ord. 4612 § 1, 2012; Ord. 4467 § 5, 2007; Ord. 4148, 1998; Ord. 4026 § 2, 1996)

Section 2. Section 14.04.170 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4876, is hereby amended to read as follows

14.04.170 - Schedule of fees.

A traffic impact fee shall be assessed against all new development based on development type in an amount provided for in the Traffic Impact Fee Schedule, Appendix C, of the "Traffic Impact Fee Rate Study Update, dated August 18, 2021," which is filed in the office of the city clerk and incorporated herein by this reference as if set forth in full. The traffic impact fee is hereby established at \$2,324.00 per peak hour trip (PHT). This fee schedule represents the city's determination of the appropriate share of system improvement costs to be paid by new growth and development. Per RCW 36.70A.681(1)(a), ADUs will be charged traffic impact fees of 50% of what would be imposed on the principal unit, or Single-Family Residence (SFR).

(Ord. 4876 § 3, 2021; Ord. 4808 § 2, 2018; Ord. 4534 § 1, 2009)

Section 3. 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 portion(s) of this ordinance.

Section 4. 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/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. 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 15th day of September, 2025.

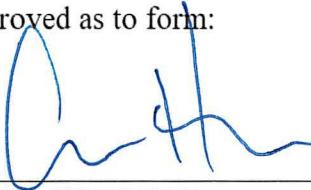
ATTEST:



MAYOR


CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 9-18-25

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4971 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4971 was published as required by law.



BETH LEADER