

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**RESOLUTION
NO. 2022- 013**

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT
WITH THE CITY OF ELLENSBURG REGARDING DEVELOPMENT IN ITS URBAN
GROWTH AREA**

WHEREAS, Counties and Cities are required by the Growth Management Act to coordinate development within urban growth areas; and

WHEREAS, the County and the City have been negotiating the terms of an interlocal agreement that would define this coordination of development regulation for numerous years; and

WHEREAS, the resulting draft interlocal agreement protects the interests of both the County and City and sets forth a workable means of implementing development regulation within Ellensburg's urban growth area; and

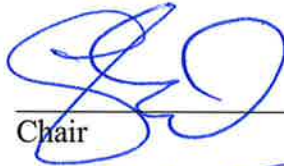
WHEREAS, the Board of County Commissioners considered the matter at its January 4, 2022 agenda session and found execution of said interlocal agreement to be in the public's best interest.

Now, Therefore, Be it Resolved:

The BOCC authorizes execution of the attached interlocal agreement regarding coordination of development within Ellensburg's urban growth area.

DATED this 18th day of January, 2022, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Chair



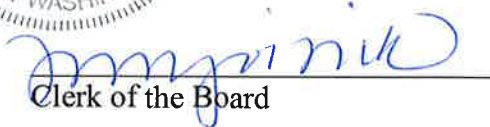
Vice-Chair



Commissioner



ATTEST


Clerk of the Board

**Interlocal Agreement Between
The City of Ellensburg and Kittitas County
Concerning Annexation and Development
Within the Ellensburg Urban Growth Area**

THIS AGREEMENT (hereinafter "Agreement") has been entered into on this ^{20th} day of December, 2021, by and between the County of Kittitas (hereinafter referred to as the "County"), a political subdivision of the State of Washington, and the City of Ellensburg (hereinafter referred to as the "City"), a Washington Municipal Corporation, pursuant to the Interlocal Cooperation Act, RCW 39.34.

RECITALS

WHEREAS, the Kittitas County Comprehensive Plan designates an area of the unincorporated County adjacent to the boundaries of the City of Ellensburg (as shown in the map attached hereto and incorporated herein as EXHIBIT A) as being included in the City's Urban Growth Area (hereinafter "UGA") and requires that, in order to ensure both consistency and coordination, the planning in the UGA should be done in concert with the City through the execution of an interlocal agreement to provide the necessary administrative guidance and services to the Ellensburg UGA; and

WHEREAS, the City of Ellensburg Comprehensive Plan contains goals and policies directing coordination with Kittitas County in the joint planning for the UGA; and

WHEREAS, the County-Wide Planning Policies (CWPP), adopted by the City of Ellensburg and Kittitas County pursuant to the requirements of Chapter 36.70A RCW, the Growth Management Act (GMA), include specific policy direction that: the development and subdivisions in the UGA shall be orderly and coordinated between city and county governments; requires the City of Ellensburg and Kittitas County to execute interlocal agreements to coordinate and manage growth in the UGA; and requires the City of Ellensburg and Kittitas County to jointly develop and implement development, subdivision and building permit procedures, and innovative financing techniques including the possibility of development impact or other fees for the review and permitting of any new development within the UGA; and,

WHEREAS, review of development within the City of Ellensburg's UGA should anticipate future annexation into the City; and

WHEREAS, annexations proposed by the City of Ellensburg are pursued in accordance with Chapter 35A.14 RCW; and

WHEREAS, it is in the best interest of the citizens of both jurisdictions to coordinate plans and manage growth in the UGA prior to annexation; and

WHEREAS, the terms of this Agreement have been discussed by the City Council of the City of Ellensburg at a regular City Council meeting on December 20, 2021; and

WHEREAS, the terms of this Agreement have been discussed by the Board of Kittitas County Commissioners at a regular meeting on _____, 2021;

NOW, THEREFORE, for and in consideration of the terms and conditions set forth below, the parties agree as follows:

T E R M S

1. LEGAL BASIS AND SCOPE. This Agreement is entered into pursuant to Chapter 36.70A RCW (the Growth Management Act), Chapter 36.115 RCW (the Governmental Services Act), and Chapter 39.34 RCW (the Interlocal Cooperation Act). The City and the County agree that the contents of this Agreement shall apply to growth management planning, project permit processing and development within the City's UGA, code enforcement, and future annexations.

2. NATURE OF AGREEMENT. This Agreement is consistent with the interlocal agreement referred to in the County's 2016 Comprehensive Plan discussion of Urban Growth Areas, the City's 2017 Comprehensive Plan Update Goal LU-6, and the County-Wide Planning Policies under Interlocal Agreements (policies 1.1 – 1.3), Urban Growth Areas (policies 2.1 – 2.19), Reduce Sprawl (policies 3.1 – 3.6), Transportation (policies 4.1 – 4.8) and Public Facilities and Services (policies 13.1 – 13.19).

3. PURPOSE OF THE AGREEMENT.

3.1. The purpose of this Agreement is to facilitate the orderly transition of urban services from the County to the City throughout the UGA and to coordinate and manage growth and development within the UGA.

3.2. The City and County wish to establish a generalized interlocal agreement to implement uniform and consistent urban development standards (as defined in Section 6.1 below) within the UGA in order to further the transition of the UGA to urban service levels.

3.3. The City and County believe it is in the best interest of the citizens of both jurisdictions to enable reciprocal impact mitigation requirements and regulatory conditions on development in the unincorporated UGA.

4. IDENTIFICATION OF URBAN GROWTH AREA. This Agreement applies to the lands within the Ellensburg Urban Growth Area as adopted and identified in the County Comprehensive Plan and attached hereto as EXHIBIT A, as of the date of execution of this Agreement and as it may be amended in the future.

5. DENSITY REQUIREMENTS WITHIN THE UGA.

5.1. Except as may be otherwise allowed by law, the City and County agree to adopt and maintain land use designations for the UGA that will accommodate the population and employment allocation agreed upon by the City and County within their comprehensive plans and consistent with the GMA. The Parties agree adoption of the regulations required to implement this subsection shall be made concurrently with the updates of their comprehensive plans, but no later than by December 31, 2022, and updated annually thereafter, as required by Chapter 36.70A RCW.

5.2. Said land use designations are identified on the Preferred Land Use Designation Map attached hereto as EXHIBIT B, as of the date of the execution of this Agreement and as it may be amended in the future.

6. ADOPTION OF URBAN DEVELOPMENT STANDARDS FOR LAND USE ACTIONS IN THE UGA.

6.1. Upon adoption of this Agreement, the County agrees to adopt and apply as County regulations the City's regulations controlling land uses, setback standards, density requirements and the most current City Public Works development regulations and standards (collectively referred to hereafter as "urban development standards") to project permits, as defined in Section 11.4 below, within the UGA. The County agrees adoption of the regulations required to implement this subsection shall be made concurrently with the update of its comprehensive plan, but no later than by December 31, 2022, and updated annually thereafter, as required by Chapter 36.70A RCW. The specific City regulations to be adopted by the County are identified in EXHIBIT C and shall include the relevant substantive provisions of the Ellensburg City Code ("ECC") as codified at the date of execution of this agreement, or thereafter amended, prior to the County's adoption of the relevant City development regulations for the UGA.

6.2. Subject to Washington State regulations pertaining to individual domestic water wells and septic systems, for subdivisions for which imposition of the City's urban development standards are deemed by the City to be economically impractical at time of subdivision, the County may issue a variance as permitted by County regulations with notification to the City at the time the variance application is filed. Any variance issued pursuant to this subsection shall be conditioned upon the permit applicant's agreement that the subdivision must connect to City utilities when they become available for later participation pursuant to either a latecomer utility agreement or utility extension agreement, which must be recorded with the Kittitas County Auditor. In the event that a water right has been granted from the County water bank that later is connected to City utilities the City will document for the County that it is providing water from its system such that the County can repossess the water right back to its water bank.

6.3. The City will provide comments to the County that address the future phasing of urban services to those lots when application is made for re-subdivision and/or development of those large lots to higher densities. The City and County shall coordinate

efforts to protect the City's proposed transportation corridors on each development application (long plats, short plats, and building permits) within the UGA, as identified on Exhibit D, that the County receives as follows:

a) The County shall provide a copy, within seven (7) days of receipt, of any development application within the City's UGA. It shall be the responsibility of the City to respond to the County's notification within ten (10) business days to identify and describe the required transportation corridor on each development application and to propose wording for the required permit application condition related to the protection of transportation corridors.

b) Where the City's proposed wording for protection of the City's road corridors has been included by the County as a condition of a development permit, the City shall defend and indemnify the County in the event of an appeal or other legal challenge to the protection of transportation corridors or the specific conditions attached to project permits for that purpose.

c) The County will also require that any deferral of right-of-way improvements be formalized in a legal instrument that will be recorded with the Kittitas County Auditor and which shall run with the property and bind all future owners to the requirements of the deferral. At a minimum, the County shall require that arterial and collector street identification and development shall be required for new development within the UGA. The boundaries of annexations bordering the right-of-way of any public street, road, or highway will be determined as set forth in RCW 35A.14.410 as currently enacted or hereafter amended.

d) The City, upon written request from the County, agrees to provide such maintenance as may be requested for all streets and associated street improvements in the right of way in the UGA built to City standards following approval of a final plat and dedication of improvements to the County. The County shall reimburse City for costs as outlined in the February 19, 2002 Interlocal Agreement for Municipal Services, as amended by the June 20, 2017 agreement adopted in County Resolution 2017-02/City Resolution 2017-19.

6.4. The City and County agree to coordinate their annual and periodic land use updates within the UGA. The City and County agree to coordinate their annual and six (6)-year transportation improvement plans, as further described below in section 12.4.

7. TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM. In the event the City adopts a TDR program, it will cooperate with the County on developing a separate agreement to coordinate implementation of both TDR programs to allow transfer of development potential from the County's resource lands to its urban properties appropriate for development and consistent with the urban development standards within the UGA and City.

8. ZONING AND LAND USE DESIGNATION CONSISTENCY. The County and City agree to coordinate with each other on any proposals to amend the City's or the County's GMA Comprehensive Plans relating to the UGA and on any rezone proposals within the UGA in order to determine consistency with the purposes and requirements of the GMA, this Agreement and with the Preferred Land Use Designation Map attached

hereto as EXHIBIT B, as of the date of the execution of this Agreement and as it may be amended in the future. The UGA shall be regulated in accord with the County's most recent flood maps.

9. STATE ENVIRONMENTAL POLICY ACT REVIEW. State Environmental Policy Act (SEPA) review of land development projects, comprehensive plan amendments and legislative area-wide rezones in the UGA shall be performed by the County under County SEPA regulations and processes; provided, however, that the County shall provide the City with notice of all SEPA applications upon receipt by the County, for review and comment by the City. The County, through the SEPA process, hereby commits to mitigate transportation, park and other growth impacts in accordance with special studies required by the SEPA responsible official and in accordance with current studies completed by the City with respect to transportation and park impacts.

10. PARK AND RECREATIONAL FACILITIES.

10.1. The County agrees to utilize the State Environmental Policy Act (SEPA) review process to consider the impacts that new development in the Ellensburg UGA will have on the City's park and recreation system, and agrees to impose necessary park and recreation system mitigation that is based on the City's parks and recreation design and level of service standards. Mitigation, as used in this section, may include compensation by the County for improvement and maintenance of the City's trails and paths identified in the City's Active Transportation Plan and/or Park Plan to help offset the impacts caused by development of subdivisions in the UGA. In addition, the County agrees to follow the urban development standards adopted pursuant to Section 6.1 above.

10.2. The City and County agree to meet and confer on the methodology to be used to calculate the economic impact to City parks caused by subdivision development for which the City imposes an impact fee pursuant to RCW 82.02.050 through 82.02.090. In addition to any mitigation required as a result of the SEPA review process as provided in Section 10.1, the County will adopt a fee impact schedule and impose appropriate park impact fees in a manner that is consistent with the impact fee schedule set forth in Chapter 14.02 ECC, by no later than December 31, 2022.

11. PERMIT PROCESS PRIOR TO ANNEXATION.

11.1. **Project permit application consultation.** After the effective date of this Agreement, the County agrees to give the City timely written notice as soon as the County receives a request for a pre-application conference or a project permit application, whichever occurs first, for a proposed project within the UGA, and the City will participate in all such conferences. The County will provide the City with review and comment opportunity related to all project permit applications within the UGA. The County will invite staff representatives from the City to attend staff meetings with the applicant relating to the permit, including pre-application meetings.

11.2. **Review of county project permit applications.** All project permit applications, as defined in Section 11.4 below, submitted to the County for properties within the UGA that are subject to SEPA will be reviewed under the terms of the provisions of the County SEPA regulations and procedures as set forth in Sections 8 and 9 above. All project permit applications submitted to the County for properties within the UGA will be reviewed under the County's development regulations governing urban development standards and the City's urban development standards within the UGA adopted pursuant to Section 6.1 above.

11.3. **Completion of project permit processing.** For lands within the UGA that are undergoing annexation at time of permit application, or for which project permit applications are pending at time annexation has been officially initiated, the City and County agree to review any such pending project permits and to execute a detailed agreement covering the transfer of the pending project permits in the annexing area at an appropriate stage of the review process. Final plats and/or short plats, required dedications, deeds or conveyances of public property which have not been completed by the County at the time an annexation is completed will be transmitted to the City for City Council acceptance.

11.4. **Project permits definitions.** For the purposes of this Agreement, "project permits" are defined as 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, site plan review, site-specific rezones authorized by a comprehensive plan or subarea plan, development agreements, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulation except as otherwise specifically included in this subsection.

11.5. **Appeals of project permits.** The County agrees to be responsible for defending, at no cost to the City, and will indemnify and hold harmless the City from any claim against the City related to, any administrative, quasi-judicial or judicial appeals of project permits issued by the County in the unincorporated UGA prior to date of transfer of pending permits to the City. Once a matter has been transferred to the City, it shall defend any and all appeals related to the matter with the County assisting in said defense as second chair. The City and County shall indemnify and hold each other harmless for damages and liabilities associated with their respective decisions and actions.

11.6. **Land use and building code enforcement cases.** Any land use or building code enforcement cases in the UGA for lands undergoing annexation or that have completed annexation will be transferred to the City on the effective date of annexation.

11.7. **Transference of bonds.** If, at time of annexation completion, any performance, maintenance or other bonds, letters of credit or other financial security is held by the County to guarantee performance, maintenance or completion of work associated with the issuance of a project permit, the parties will enter into a separate agreement for the transference to the City of said bonds, letters of credit or other financial security. As

of the effective date of this interlocal agreement, the County will ensure that all such securities include provisions which require, upon annexation, assignment to the City without further approval by any party, if allowed by the security provider. If the financial guarantee cannot be assigned to the City, the County will enforce the provisions of such guarantee on behalf of the City in accordance with this Agreement.

12. ROADS AND TRANSPORTATION.

12.1. **Annexation of road rights-of-way.** Except for noncontiguous municipal purpose annexations under RCW 35.13.180 or 35A.14.300, the City agrees to propose annexation of the entire right-of-way of County roads adjacent to an annexation boundary.

12.2. **Road maintenance responsibility.** The City agrees to annex continuous segments of road to facilitate economical division of maintenance responsibility and avoid discontinuous patterns of alternating city and county road/street ownership. Where annexation of segments of road are unavoidable, the City and County agree to consider a governmental services agreement providing for maintenance of the entire road/street segment by the jurisdiction best able to provide maintenance services on an efficient and economical basis.

12.3. **Traffic Mitigation and Capital Facilities.** For new development within the UGA, in addition to review and imposition of necessary traffic impact mitigation for development through the SEPA review process, the County agrees to follow the development standards adopted by the County pursuant to Section 6.1 above, as well as collection of traffic impact mitigation fees pursuant to Section 13, below.

12.4. **Joint transportation planning.** The City and County agree to cooperate on the planning for, and annual update of, the regional roadway network plan extending through the Ellensburg UGA as identified on EXHIBIT D at time of execution of this document, or as thereafter amended. Such cooperation will include protection of such identified roadway corridors from development impairment to the extent lawfully allowed without the exercise of eminent domain power, imposition of requirements for dedication or deeding of rights-of-way necessary for the preservation of such roadway corridors, and imposition of road standards consistent with the City of Ellensburg Public Works Development Standards as set forth in Section 6 above.

13. PROPORTIONATE SHARE OF TRAFFIC IMPACT MITIGATION FOR COUNTY DEVELOPMENTS.

13.1. The Parties agree that development in the UGA should require contribution of a proportionate share of programmed system improvements meeting the requirements of RCW 82.02.050 needed to mitigate capacity impacts on City streets. Therefore, the County shall, by December 31, 2022, adopt and apply as County regulations for assessment and collection of traffic impact fees for any development within the City's UGA. Such regulations shall be substantially similar to Chapter 14.04 of the Ellensburg City Code, including Appendix C (City of Ellensburg Traffic Impact Fee Development Land Use

Table), in effect as of the date of the execution of this Agreement and as it may be amended in the future.

13.2. Administrative provisions for traffic impact mitigation:

e) Payment of any traffic impact fees (“TIF”) by developers that is required by this Section shall be made before the County issues building permits.

f) The County shall provide the City with an annual report identifying the amount of impact fees collected from County developments within the City’s UGA between January 1 and December 31 of the prior year and shall transfer to the City any TIF funds collected from developments in the City’s UGA by February 15 for the previous year’s impact fee collection.

g) The City shall annually provide a report to the County on the traffic impact fee funds collected from both development within both the City and County, including the source and amount of all monies collected, earned, or received, and system improvements that were financed in whole or in part by traffic impact fees, the amount of those mitigation fees expended, and the City impact fee cost basis projects upon which the mitigation fees were expended.

h) Construction of any mitigation measures must be complete before occupancy of building(s).

14. SALES AND USE TAX REVENUE POST-ANNEXATION.

14.1. **Revenue Sharing.** The City recognizes that the annual County budget relies upon revenues from taxes generated within the UGA. The City also recognizes that the role of the County as the regional governmental service provider continues even after annexation. This section provides a revenue sharing formula intended to reduce the adverse financial impact on the County as a result of annexation.

14.2. **Sales and Use Tax.** The City and County agree to share, for three years from the effective date of the annexation, in the revenues for annexations of significant, developed commercial and/or industrial land that are completed by the City after the effective date of this Agreement. In those cases, sales tax revenues will be computed and shared as established in section 14.3 below.

14.3. Formula for Sales and Use Tax Revenue Sharing Base Value.

a) To determine Base Value for the local sales tax revenue, Base Value for the 1st, 2nd and 3rd years following the effective date of the annexation equals total sales tax revenue received by the City from the 1% local sales tax collected in the twelve (12) full calendar months following the effective date of the annexation and following the first and second anniversaries, respectively (approximately .8415%), so that Base Value is established on the actual sales tax received during the time between payments.

b) If taxable sales from industrial and commercial parcels are from fewer than three taxpayers, sales and use tax revenue sharing does not apply.

c) For purposes of this Agreement, “significant developed commercial and/or industrial land” shall be those properties which together generated a minimum of

\$50,000 in annual sales tax revenue over the twelve (12) month period preceding the month prior to the effective date of the annexation, the "Pre-Annexation Base Value." Sales tax revenues will then be computed and shared on the basis described in this Section 14.3. At no time will the Base Value exceed the Pre-Annexation Base Value for calculating reimbursement to the County.

d) The formula for revenue sharing in the annexed areas shall be:

1st year County receives 0.80
of Base Value

2nd year County receives 0.50
of Base Value

3rd year County receives 0.20
of Base Value

The County shall receive 0.15 of the 1% sales tax directly from the State of Washington. The City will reimburse the difference.

e) The first payment from the City to the County shall be due and payable within one hundred and twenty (120) days of the first anniversary of the effective date of the annexation with subsequent payments due and payable within one hundred and twenty (120) days of the second, third and fourth anniversary dates of the effective date of the annexation. The City will calculate the amount of payment and send it to the Auditor's Office. It is agreed that upon completion of payments as scheduled, each party will have been fairly, fully, and adequately compensated for their respective annexation impacts under this section.

15. RECORDS TRANSFER. Prior to and following annexation of unincorporated area into the City, and upon the City's request in writing, copies of County records relevant to jurisdiction, the provision of government services and permitting within the annexation area will be copied and transferred to the City. Said records shall include, but are not limited to, the records from the Kittitas County Department of Public Works and the Kittitas County Department of Community Development Services.

16. ADDENDA AND AMENDMENTS.

16.1. **Amendments.** The City and County recognize that amendments to this Agreement may be necessary to clarify particular sections or to update and expand the Agreement. Either party may pursue an amendment, as necessary.

16.2. **Process for adding addenda or amending this agreement.** An addendum or amendment must follow the requisite notice, hearing and adoption process required by state law, and be mutually agreed upon by the parties and executed in writing before becoming effective. Any addendum or amendment to the Agreement will be executed in the same manner as provided by law for the execution of the Agreement.

16.3. **Additional agreements.** Additional agreements are anticipated by this Agreement. Nothing in this agreement limits parties entering into interlocal agreements on additional issues not covered by, or in lieu of, the terms of this Agreement, or to provide additional details for implementing this Agreement.

17. THIRD PARTY BENEFICIARIES. There are no third party beneficiaries to this Agreement, and this Agreement shall not be interpreted to create such rights.

18. DISPUTE RESOLUTION. Any and all legal remedies available to the City and County shall remain available and shall not be abrogated by the terms of this Agreement. In addition to those legal remedies, the City and County mutually agree that in the event of a dispute over the terms of this Agreement each entity will appoint one member of its legislative body and, at its option, one staff member, to a committee to discuss and attempt to resolve the issue(s) in good faith and as expeditiously as possible recognizing the review deadlines imposed by local and state law for issuance of project permits. In the event the members of the legislative bodies cannot resolve the issue(s), the parties mutually agree to select a neutral mediator and use mediation for a minimum of 90 days if agreement cannot be reached on any provision of this agreement. After the 90-day period, any party may elect to utilize any and all legal remedies available to the parties. The parties agree to share equally the costs of the mediation process and be responsible for the costs of their own legal representation.

19. RELATIONSHIP TO EXISTING LAWS AND STATUTES. This Agreement in no way modifies or supersedes existing state laws and statutes. In meeting the commitments encompassed in this Agreement, all parties will comply with the requirements of the Open Meetings Act, Public Records Act, Growth Management Act, State Environmental Policy Act, Annexation Statutes, and other applicable state or local laws. The County and City retain the ultimate authority for land use and development decisions within their respective jurisdictions as provided herein. By executing this Agreement, the County and City do not purport to abrogate the decision-making responsibility vested in them by law.

20. EFFECTIVE DATE, DURATION AND TERMINATION.

20.1. This Agreement shall become effective following the approval of the Agreement by the official action of the governing bodies of each of the parties hereto and the signing of the Agreement by the duly authorized representative of each of the parties hereto. This Agreement shall remain in effect from the effective date until it is terminated as provided in Section 20.2.

20.2. Either party may terminate its obligations under this Agreement upon 90 days advance written notice to the other party and subject to the following condition: following a termination, the County and City are mutually responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the amendment or termination. However, nothing in this section will require continued

revenue sharing as identified in Section 14 above after the effective termination date of the Agreement.

21. INDEMNIFICATION AND LIABILITY.

21.1. The City shall protect, save harmless, indemnify and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents, from any loss or claim for damages of any nature whatsoever arising out of the City's performance of this Agreement, including claims by the City's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the County, its elected and appointed officials, officers, employees, or agents.

21.2. The County shall protect, save harmless, indemnify, and defend at its own expense, the City, its elected and appointed officials, officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the County's performance of this Agreement, including claims by the County's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the City, its elected and appointed officials, officers, employees, or agents.

21.3. In the event of liability for damages of any nature whatsoever arising out of the performance of this Agreement by the City and the County, including claims by the City's or the County's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the County and the City, their officers, officials, employees and volunteers, each party's liability hereunder shall only be to the extent of that party's negligence.

22. SEVERABILITY. If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and/or the application of the provisions to other persons or circumstances shall not be affected.

23. EXERCISE OF RIGHTS OR REMEDIES. Failure of either party to exercise any rights or remedies under this Agreement shall not be a waiver of any obligation by either party and shall not prevent either party from pursuing that right at any future time.

24. RECORDS. Both parties shall maintain adequate records to document obligations performed under this Agreement. Both parties shall have the right to review the other party's records with regard to the subject matter of this Agreement, upon reasonable notice. Such rights last for six (6) years from the date of permit issuance for each specific development subject to this Agreement.

25. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement between the parties with respect to the framework issues for annexations and for uniform development standards in the Urban Growth Area.

26. GOVERNING LAW AND STIPULATION OF VENUE. This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought

in the Superior Court of Washington for Kittitas County, except for Growth Management Act appeals which must be brought in the Washington State Growth Management Hearings Board.

27. FILING. This Agreement shall be filed with the Kittitas County Auditor, or, alternatively, listed by subject on each or either party's web site or other electronically retrievable public source pursuant to RCW 39.34.040.

28. CONTACTS FOR AGREEMENT. The contact persons for this Agreement are:

CITY OF ELLENSBURG CONTACT:

Heidi Behrends Cerniwey
City Manager
501 N. Anderson St.
Ellensburg, WA 98926

KITTITAS COUNTY CONTACT:

Chair, Board of County Commissioners
205 W 5th Ave
Ellensburg, WA 98926-2887

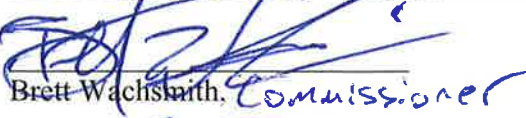
IN WITNESS WHEREOF, the parties have signed this Agreement in duplicate, effective on the date first written above.

CITY OF ELLENSBURG



City Manager

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Brett Wachsmith, Commissioner



Laura Osiadacz Chair



Cory Wright, Vice-Chair

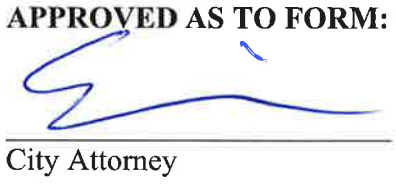
ATTEST:


City Clerk

ATTEST:


Clerk of the Board



APPROVED AS TO FORM:


City Attorney

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

In furtherance of this Interlocal Agreement, the following City of Ellensburg City Code (ECC) provisions and Development Standards are to be adopted by reference by Kittitas County for inclusion in Kittitas County Code Chapter 17.11 URBAN GROWTH AREAS for application to properties within the Urban Growth Area:

EXHIBITS

EXHIBIT A - Ellensburg Urban Growth Area Map

EXHIBIT B - City of Ellensburg Comprehensive Plan “Preferred Land Use Designation Map”

EXHIBIT C – Ellensburg City Codes and Development Standards to be Adopted by County for UGA

Chapter 2.18: Local Improvements (entire chapter incorporated by reference)

Chapter 2.50: Developer Reimbursement Agreements (entire chapter incorporated by reference)

Title 4: Public Works Includes Public Works Development Standards Manual adopted by reference in Title 4

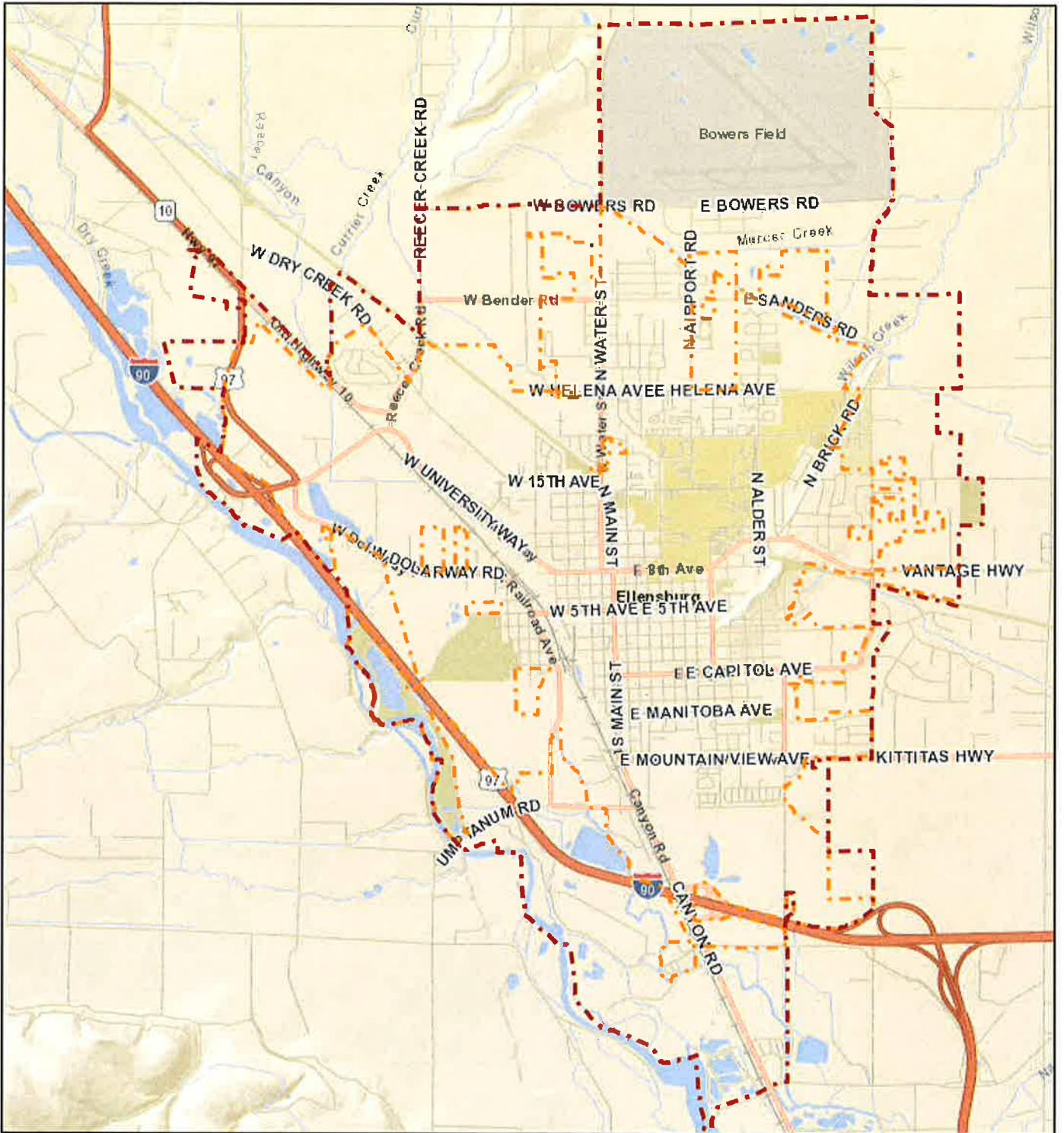
Title 9: Utilities (entire title incorporated by reference)

- C-1: Chapter 15.130 – Land Development Code – Definitions (edited)**
- C-2: Chapter 15.310 – Land Development Code – Permitted Uses (edited)**
- C-3: Chapter 15.320 – Land Development Code – Building Setback and Intensity Standards (edited)**
- C-4: Chapter 15.550 – Land Development Code – Off-Street Parking (edited)**
- C-5: City/County Zoning Conversion Chart**

EXHIBIT D - Regional Roadway Network Plan

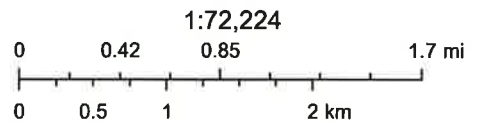
Exhibit A

Ellensburg Urban Growth Area Map



11/22/2021, 7:53:53 AM

- Urban Growth Area
- City Limits



City of Yakima, City of Ellensburg GIS, County of Kittitas, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Exhibit B

Figure 2. Future Land Use Map

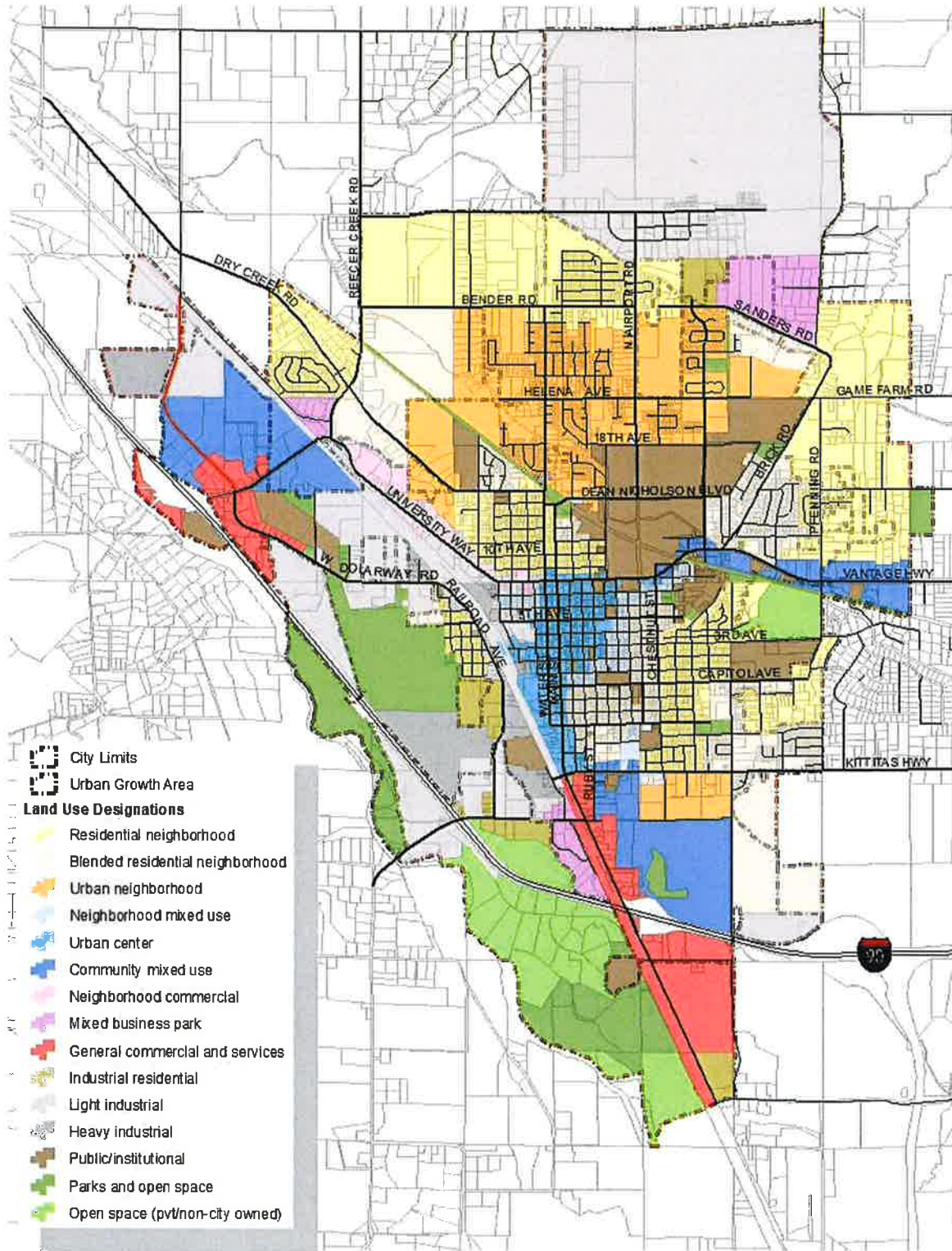


Exhibit C-1

ELLENSBURG CITY CODE

Chapter 15.130 DEFINITIONS

Sections:

- ~~15.130.005 Preliminary.~~
- 15.130.010 A definitions.
- 15.130.020 B definitions.
- 15.130.030 C definitions.
- 15.130.040 D definitions.
- ~~15.130.050 E definitions.~~
- 15.130.060 F definitions.
- ~~15.130.070 G definitions.~~
- 15.130.080 H definitions.
- ~~15.130.090 I definitions.~~
- ~~15.130.100 J definitions.~~
- 15.130.110 K definitions.
- ~~15.130.120 L definitions.~~
- 15.130.130 M definitions.
- 15.130.140 N definitions.
- 15.130.150 O definitions.
- 15.130.160 P definitions.
- ~~15.130.170 Q definitions.~~
- 15.130.180 R definitions.
- 15.130.190 S definitions.
- 15.130.200 T definitions.
- 15.130.210 U definitions.
- ~~15.130.220 V definitions.~~
- 15.130.230 W definitions.
- ~~15.130.240 X definitions.~~
- ~~15.130.250 Y definitions.~~
- ~~15.130.260 Z definitions.~~

15.130.010 A definitions.

“Accessory dwelling unit” means a self-contained residential unit that is accessory to a single-family dwelling on a lot and may be added to, created within, or detached from the primary single-family dwelling unit. An accessory dwelling unit has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family dwelling including the yard, parking, or storage. See ECC 15.540.040 for special ADU design provisions.

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

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

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

15.130.020 B definitions.

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

15.130.030 C definitions.

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

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

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

15.130.040 D definitions.

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

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

- a. Day care I – a maximum of 12 adults or children in any 24-hour period; and
- b. Day care II – over 12 adults or children in any 24-hour period.

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

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

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

Dwelling, Multifamily. See definition of “Multifamily,” ECC 15.130.130.

Dwelling, Single-Family. “Single-family dwelling” means one dwelling unit or one dwelling unit with an attached or detached accessory dwelling unit used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. See ECC 15.540.020 for special single-family dwelling provisions.

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

15.130.060 F definitions.

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

“Fruit stand” means a building, structure, or land area used for the sale of fresh fruit or vegetables grown on-site. [Ord. 4807 § 5, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.080 H definitions.

“Heavy service” includes service activities that may have regular exterior service, or storage areas. This use category includes, but is not limited to, contractors, heating fuels, truck stops, breweries and warehousing. Heavy service uses are limited to buildings no larger than 50,000 gross square feet in area.

“Home occupation” means any activity undertaken for gain or profit that results in a product or service and is carried on in a dwelling, or building accessory to a dwelling. See ECC 15.340.020 for applicable standards.

“Hospital” means an institution receiving inpatients and outpatients and rendering medical, surgical and/or obstetrical care and associated support facilities such as administrative offices, information technology department, or other similar facilities.

“Hotel” means any building or portion thereof in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding, lodging, sorority or fraternity house. [Ord. 4807 § 7, 2018; Ord. 4769 §§ 2 – 4, 2017; Ord. 4725 § 1, 2016; Ord. 4696 § 1, 2015; Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.110 K definitions.

“Kennel” or “shelter” means any outdoor or indoor facility which houses four or more small domestic animals (that number not including one unweaned litter) for periods longer than 24 hours as a commercial venture, as a nonprofit organization, or for a governmental purpose. The facility may be either a separate business or an accessory use. A kennel is to be distinguished from a veterinary clinic which houses animals for periods that may exceed 24 hours as a commercial venture that is accessory to the primary medical activity performed in a veterinary clinic. See definition of “Veterinary clinic” in ECC 15.130.220. [Ord. 4807 § 8, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.130 M definitions.

“Manufactured home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by two or more manufactured homes, including any accessory buildings, structures or uses customarily incidental thereto. See ECC 15.340.040 for manufactured home park provisions.

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

“Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers (as defined in RCW 69.50.101 and provided herein for reference).

“Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana and marijuana-infused products in a retail outlet (as defined in RCW 69.50.101 and provided herein for reference).

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

Motel. See definition for “Hotel” in ECC 15.130.080.

15.130.140 N definitions.

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

“Nursing home” means any facility licensed by the Washington State Department of Social and Health Services or other appropriate state agencies, providing convalescent, chronic or domiciliary care for a period in excess of 24 consecutive hours, for three or more patients or residents not related by blood or marriage to the licensee. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.130.150 O definitions.

Office, Business or Professional. “Business or professional office” means an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, and insurance agents.

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

15.130.160 P definitions.

“Personal services” means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths.

“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.

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

15.130.180 R definitions.

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

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

“Regional retail commercial” refers to any use which involves the display and sale of retail consumer goods as part of a regional retail master site plan approved in accordance with the standards and design criteria of Chapters 15.390 and 15.390A ECC. Permitted uses and exceptions are described within ECC 15.390.030. Regional retail commercial developments contain a minimum of 100,000 square feet of enclosed gross floor area of allowable uses; provided, that at least 50,000 square feet must be used by one retailer.

15.130.190 S definitions.

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

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

15.130.200 T definitions.

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

15.130.210 U definitions.

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

15.130.230 W definitions.

“Wrecking yard, vehicle” means any area, lot, land, parcel, building, structure, or part thereof where buying, selling, or dealing in vehicles of a type required to be registered under Washington State law, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or buying or selling integral secondhand parts, in whole or in part is taking place. [Ord. 4807 § 14, 2018; Ord. 4803 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Exhibit C-2

Chapter 15.310 PERMITTED USES

Sections:

15.310.010 Purpose.

15.310.020 Interpretation of land use tables.

15.310.030 Accessory uses.

15.310.040 Use tables.

~~**15.310.050 Supplemental P-R zone provisions.**~~

15.310.010 Purpose.

A. The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained.

~~C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit (see ECC 15.250.010). [Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.310.020 Interpretation of land use tables.

A. The land use tables in this chapter determine whether a use is allowed in a zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of these tables.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.

C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the Type I review procedures set forth in Chapter 15.210 ECC plus other applicable requirements in this title. Where the use is associated with new development, it is subject to the Type II review procedures, also set forth in Chapter 15.210 ECC.

D. If the letter “C” appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in ECC 15.250.040 and the general requirements of the code.

F. Clarification of Uses and Special Conditions.

1. If a * appears after the use, then the use is defined in Chapter 15.130 ECC;
2. Where an ECC reference/link appears after a use, then the use is subject to standards set forth in that section or chapter.

15.310.030 Accessory uses.

An accessory use, as defined in ECC 15.130.010 and identified on the use tables in ECC 15.310.040 by an “A,” is permitted in any zone if:

- A. It is on the same lot as the principal use to which it is accessory; and
- B. It is of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.310.040 Use tables.

Table 15.310.040 Residential-based uses.

Use	R-S	C-H	I-L	I-H
RESIDENTIAL, GENERAL				
Dwelling, single-family* (ECC 15.540.020)	P			
Dwelling, cottage* (ECC 15.540.050)	P			
Dwelling, duplex* (ECC 15.540.030)	P			
Dwelling, townhouse* (ECC 15.540.060)	P			
Dwelling, multifamily* (Division V of this title)	P			
Dwelling, live-work*	P			
Manufactured home park* (ECC 15.340.040)				
GROUP RESIDENCES				
Boarding houses, lodging houses, sororities, fraternities*				
Adult family home*	P			

Use	R-S	C-H	I-L	I-H
Community residential facility*				
Senior citizen assisted housing*				
RESIDENTIAL ACCESSORY USES				
Accessory dwelling unit* (ECC 15.540.040)	P			
Home occupations* (ECC 15.340.020)	P	P	P	P
Yard sale use	A	A	A	A
TEMPORARY LODGING				
Bed and breakfast (ECC 15.340.010)				

Table 15.310.040 Nonresidential uses

Use	R-S	C-H	I-L	I-H
RETAIL				
Auto sales, new and used			P	
Farmers' markets*				
Fruit stands*	P	P	P	
Heavy retail (ECC 15.130.080)		P	P	P
Heavy service (ECC 15.130.080)		P	P	P
Nurseries and greenhouses that are ancillary to a retail use*	P	P	P	P
Restaurants, bars, and brewpubs*		P	P	
Coffee house, espresso bar	P	P	P	
Retail, small scale (<2,000 sf floor area)	P	P		
Retail, medium scale (2,000 – 20,000 sf floor area)		P		
Retail, large scale (20,001 – 60,000 sf floor area)		P		
Retail, super scale (>60,000 sf floor area)				
Outlet center		P		
Regional retail commercial projects* (subject to the requirements in Chapter 15.390 ECC)	P	P	P	

Use	R-S	C-H	I-L	I-H
Marijuana retailer*		P		
PERSONAL AND SERVICES				
Day care I facilities*	P	P	P	
Day care II facilities*	C	P		
General service establishments (ECC 15.130.070)		P	P	
Heavy services (see Heavy retail and services definition in ECC 15.130.080)*		P	P	P
Hotels/motels*		P		
Hospitals*	C			
Offices, medical*	P	P		
Kennels*		P	P	
Nursing homes*	C			
Marijuana cooperative*	P	P	P	P
Personal service establishments*	P	P		
Places of assembly*	C		C	
Radio station (commercial)		C	C	C
Veterinary clinic		P	C	
BUSINESS SERVICE				
Conference center*		P		
Offices, business or professional*, small scale (<2,000 sf floor area)	P	P	P	
Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area)	P	P	P	
Offices, business or professional*, large scale (20,001 – 60,000 sf floor area)		P	P	
Miniwarehouse facility*		C	P	P
INDUSTRIAL				
Light industry (ECC 15.130.120)			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
Heavy industry (ECC 15.130.080)				C

Use	R-S	C-H	I-L	I-H
Marijuana processor*			P	P
Marijuana producer*			P	P
Tow vehicle storage area*			P	P
Vehicle wrecking yard*				C

Table 15.310.040 Special uses.

Use	R-S	C-H	I-L	I-H
PARK, OPEN SPACE AND RECREATIONAL				
Cemeteries, columbarium or mausoleums	P			
Golf course	P			
Golf driving range (not associated with a golf course)	C	C		
Recreation – outdoor (commercial)*		P	C	
Recreation – indoor (commercial)*		P	C	
Recreational vehicle parks (ECC 15.340.050)				
Parks, playgrounds (public or private)	P	P	P	
CULTURAL AND ENTERTAINMENT				
Adult entertainment establishment*				
Art, performing arts, and recording studios		P		
Museums				
EDUCATIONAL				
Schools	C	C		
GOVERNMENTAL				
Court		P		
Fire facility		P		
Police facility		P	P	
Public agency or utility office*		P	P	P
Public agency or utility yard	P	P	P	P

Use	R-S	C-H	I-L	I-H
Utility facility* ⁸	P	P	P	P
Fairgrounds				
Public transportation passenger terminals		P		
RESOURCE				
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P
Agriculture*	P			
Small wind energy systems (ECC 15.340.060)	P	P	P	P
REGIONAL				
Airport				

15.310.050 Supplemental P-R zone provisions.

A. Permitted Accessory Uses.

1. Services such as food, pharmacies, gift shops, bookstores, newsstands, flower shops and similar uses, and facilities such as vehicle service and repair, storage yards, and physical plants, that are associated with a permitted use, integral to the operation of the permitted use itself, and owned and operated by the public institution involved or conducted through a lease or contract with a private individual or entity;

2. Facilities accessory to an institution, such as housing and dining facilities for students, staff or faculty of colleges, universities, and hospitals, are allowed within the principal building(s);

3. Retail services, such as concessions and rental facilities usually associated with public parks, fairgrounds, other public recreation facilities, and public educational institutions;

4. Helipads operated in conjunction with a public hospital;

5. Human medical offices, such as doctor or dentist facilities, operated in conjunction with a primary permitted use.

B. Conditional Use. Buildings located within 100 feet of a residential zone and intended to be higher than 35 feet may be permitted within the P-R zone through the granting of a conditional use permit according to the procedures set out in ECC 15.250.040.

C.—Master Planning. Recognizing that some institutions require long-range development plans and consist of large areas of land with multiple land uses, a master plan may be prepared for all, or a portion, of an entity's land area which is subject to this chapter and which master-planned land encompasses an area of three acres or more. See ECC 15.250.080 for application requirements, review procedures, and decision criteria for such master plans.

D.—Rezone of P-R Property When No Longer Used for Public Purposes. Recognizing that over time some land and structures that are zoned P-R and are used for P-R purposes may change uses to non-public uses or may become obsolete or surplussed out of active public use and occupancy, the property owner may in such situations seek a rezone out of P-R zoning pursuant to the terms and processes set forth in ECC 15.250.100, subject to the following:

The rezone applicant may request that the P-R zoned property be rezoned to any zoning district classification that abuts the subject property.

1.—In the event that the P-R zoned property is developed with a structure that is not consistent with the development allowed in the abutting zones, such as a large school in the middle of a single-family residential zone, the rezone applicant may request to rezone the property to a different zoning classification other than the abutting zones; provided, that a concomitant agreement that identifies the types of future uses that will be permitted in the structure has been proposed by the applicant and agreed to by city council as part of any rezone approval.

2.—In the event that the P-R zoned property is developed with a structure that has been identified on the Ellensburg historic resource inventory and the property owner desires to demolish all or part of the structure, a certificate of appropriateness for such demolition must first be applied for and approved by the landmarks and design commission pursuant to ECC 15.280.090(D) before the rezone permit review can be initiated. [Ord. 4807 § 45, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

Exhibit C-3

**Chapter 15.320
BUILDING SETBACK AND INTENSITY STANDARDS**

15.320.010 Purpose.

- A. To promote forms of development that reinforce and/or enhance the desired character of Ellensburg neighborhoods;
- B. To promote compatibility between developments; and
- C. To minimize environmental impacts of development. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.020 Interpretation of tables.

- A. The building setback and intensity standards tables address the building setback and intensity of development specific to individual zoning districts. The zoning district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.
- B. Where an ECC reference/link appears after the building setback and intensity topic, then the use is subject to standards set forth in that section or chapter.
- C. If a number appears in the box at the intersection of the column and the row, refer to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then all development conditions apply.
- D. ECC 15.320.050 through 15.320.130 provide clarification and exceptions to the building setback and intensity standards herein. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.030 Building setback and intensity standards table – Residential zones.

Table 15.320.030. Building setback and intensity standards table – Residential zones.

Topic	R-S	R-L	R-M	R-H	R-O
DEVELOPMENT INTENSITY AND CONFIGURATION					
Minimum lot area	None ¹	None ¹	None ¹	None ¹	None ¹
Minimum frontage	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}	None ^{1,2}
Density, minimum (ECC 15.320.050)	<u>4</u> <u>du/acre</u> <u>(County</u> <u>only)</u>	6 du/acre ³	8 du/acre ³	15 du/acre	8 du/acre ³

Density, maximum (base) ⁸ (ECC 15.320.050)	6 du/acre	8 du/acre	No limit	No limit	No limit
Density, maximum with bonus (see Chapter 15.330 ECC)	12 du/acre ⁴	16 du/acre ⁴	No limit	No limit	No limit
Maximum building height	35 ft	35 ft	35 ft ⁵	45 ft ⁵	35 ft ⁵
BUILDING SETBACK (see ECC 15.320.070 through 15.320.130)					
Minimum front yard setback ^{6,7}	15 ft	15 ft	15 ft	15 ft	15 ft
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum rear yard setback, accessory buildings (including garages)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰
Minimum rear yard setback, detached accessory dwelling unit (see ECC 15.540.040)	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰	5 ft ¹⁰
Minimum side yard setback (includes corner lot interior lot line) ⁹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹	5 ft/10 ft ¹¹
Minimum side yard setback (corner lot exterior lot line)	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum garage side yard setback (corner lot exterior lot line)	22 ft	22 ft	22 ft	22 ft	22 ft

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.
2. ~~For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.~~
3. ~~For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).~~
4. ~~For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.~~
5. For buildings, or portions thereof, with pitched roofs, the maximum height may be increased by five feet. Applicable roof slopes must be at least 4:12 to qualify for this additional height.
6. Porches and covered entries may project up to six feet into the front yard.
7. No front yard is required for buildings adjacent to designated “storefront streets.”
8. Base maximum density refers to the maximum density allowed without utilizing density bonuses.

9. Townhouses and zero lot line homes are exempt from side yard standards internal to a development. However, such uses shall meet applicable side yard standards for adjacent lots outside of the development.

10. Accessory buildings or accessory dwelling units, where built on top of an existing garage, may be built to a property line abutting an alley, provided sufficient turning movement and emergency vehicle access is provided within the alley.

11. For lots 6,000 square feet or less, the minimum side yard shall be five feet on each side. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.040 Building setback and intensity standards – Nonresidential zones.

Table 15.320.040 Building setback and intensity standards table – Nonresidential zones.

Standard	C-N	C-T	C-H	C-C	C-C II	I-L	I-H	P-R
DEVELOPMENT INTENSITY AND CONFIGURATION								
Minimum lot area	None ₁	None ₁	None ₁	None ₁	None ₁	None ₁	None ₁	None ₁
Density, minimum (ECC 15.320.050)	NA	NA	NA	NA	NA	NA	NA	NA
Density, maximum (ECC 15.320.050)	None	None	None	None	None	NA	NA	NA
Maximum building height (see ECC 15.320.060 for height exceptions)	35 ft	35 ft	35 ft	45 ft	70 feet	35 feet ³	None	None ³
BUILDING PLACEMENT (see ECC 15.320.070 through 15.320.130)								
Minimum front yard	10 ft ²	10 ft ²	10 ft ²	None ₂	None ₃	10 ft ²	10 ft	10 ft ⁴
Garage front yard setback	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft	22 ft
Minimum rear yard (see ECC 15.520.020 for supplemental standards)	None ₅	None ₅	None ₅	None ₅	None ₅	None ₅	None ₅	None ₄
Minimum side yard (see ECC 15.520.020 for supplemental standards)	None ₅	None ₅	None ₅	None ₅	None ₅	None ₅	None ₅	None ₄

Development conditions:

1. Lot sizes may be variable provided they are sized and shaped sufficient to accommodate permitted uses and conform to applicable design and density standards.

~~2. For exceptions and detailed standards, see Chapter 15.510 ECC, Site Orientation.~~

3. For areas within 100 feet of a residential zone, the maximum building height shall be 35 feet, except where provided for in ECC 15.310.050(B).

4. For P-R zoned sites adjacent to residential zones, setback standards shall be the same as the adjacent residential zone. Where more than one zone borders the applicable site, setback standards shall be the same as the zone closest to the proposed structures. Where a nonresidential zone is closest to the applicable structure, then there are no side or rear setback requirements.

5. Where the subject property borders a residential zone, the minimum side or rear setbacks shall be the same as the adjacent residential zone.

~~6. See ECC 15.330.030 for FAR bonus provisions. [Ord. 4807 § 46, 2018; Ord. 4769 § 14, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.320.050 Density calculations.

A. Calculations for Determining Minimum Density – Net Area. All site areas shall be used in the calculation of minimum allowed residential density or project floor area except:

1. Street rights-of-way, easements, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities) except private easements that serve as primary access to no more than five lots; and

2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

B. Calculations for Determining Maximum Density – Gross Developable Acreage.

1. All site areas may be used in the calculation of the maximum allowed residential density or project floor area except as outlined under the provisions of subsection (B)(2) of this section.

2. Submerged lands, landslide hazard areas and buffers, Category I-IV wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers shall not be credited toward the maximum density or floor area calculations. Property used for new roadways, trails, stormwater facilities, or other features used by residents may be counted as part of the site area for density calculations. Property transferred to the city for the construction of public roadways or other public feature shall be counted as part of the site area if the city and property owner reach such an agreement as part of the transfer.

C. Density Calculations. Minimum and maximum density for an individual site shall be calculated by multiplying the gross developable acreage by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up.

2. Fractions below 0.50 shall be rounded down.

D. Prohibited Reduction. Any portion of a lot that was used to calculate compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.060 Height exceptions.

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

- A. An additional two feet in height is allowed for structures with green roofs occupying at least 50 percent of the area of the roof;
- ~~B. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to 10 feet in the C-C and C-C II zones. Such structures constructed for nonresidential or multifamily uses are subject to screening standards in ECC 15.520.060;~~
- C. Fire or parapet walls may exceed the height limit by up to 10 feet in the C-C and C-C II zones; and
- D. Skylights, flagpoles, chimneys, church steeples, crosses, spires, communication transmission and receiving structures, and similar structures. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.070 Setback measurements.

- A. Front Yard Setback. The front yard is measured from the street right-of-way or the edge of a surface improvement (sidewalk) which extends beyond a right-of-way, whichever is closer to the proposed structure, to a line parallel to and measured perpendicularly from the street right-of-way or the edge of the surface improvement at the depth prescribed for each zone. For dual frontage properties, the front yard is measured from the street right-of-way that is the property's street address and primary access.
- B. Side Yard Setback. The side yard setback is measured from the side lot line adjacent to another private property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
- C. Rear Yard Setback. The rear yard setback is measured from the rear lot line adjacent to another private property or an alley to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.
- D. Corner Lots. For corner lots with two street frontages, setbacks from the addressed street side shall conform to the front yard setback for the underlying zoning district. The setbacks for the flanking side shall conform to the exterior side yard setbacks for the underlying zoning district.
- E. For measurements on a pointed or irregular lot refer to definition of lot line in ECC 15.130.120. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.320.080 Permitted projections into yards.

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

- A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:
 - 1. Limited to two per facade; and
 - 2. Not wider than 10 feet;
- B. Eaves, cornices, and signs may not project more than:
 - 1. Three feet into a front or rear yard; and
 - 2. Two feet into the side yard;

- C. Porches and covered entries may project up to six feet into the front yard subject to conformance with any required site vision standards set forth in Section 3, Street Standards, of the city's public works development standards applicable to the lot;
- D. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project up to six feet into the front or rear yards;
- E. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk;
- F. The following features may project into any front yard:
1. Unenclosed porches and entry features may project six feet into the front yard;
 2. Mailboxes and newspaper boxes;
 3. Fire hydrants and associated appendages;
 4. Bus shelters; and
 5. Monument signs;
- G. The following features may project into any yard:
1. Telephone poles and lines;
 2. Power poles and lines;
 3. Cable TV and internet lines;
 4. Light and flagpoles;
 5. Sprinkler systems;
 6. Trellises not exceeding eight feet in height, not wider than 10 feet;
 7. Culverts and underground water, sewer, and accessory facilities for the provision of utilities, such as drains;
 8. Electrical equipment cabinets and similar utility boxes and vaults;
 9. Surface and stormwater water management facilities;
 10. ~~Fences per ECC 15.320.130;~~
 11. Uncovered porches and decks not exceeding 18 inches above the finished grade;
- and
12. Rockeries, retaining walls and curbs provided these structures do not exceed a height of six feet from the property line grade; and
- H. No projections are allowed into a regional utility corridor or access easement. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

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

15.320.100 Setback modifications.

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

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

~~C. Administrative Variance.~~

~~1. Purpose. To allow limited flexibility in the application of the development standards herein.~~

~~2. Applicability. The director may allow an administrative variance for proposals that are within 10 percent of compliance of applicable dimensional standards set forth for building height and building placement.~~

~~3. Procedures. An administrative variance is subject to the Type II review process set forth in Chapter 15.210 ECC.~~

~~4. Decision Criteria. Proposals shall fall within the scope of the definition for "variance" set forth in ECC 15.130.220, and shall meet the purpose(s) of the applicable development standards. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]~~

15.320.110 Lot or site divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

A. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

B. When a lot contains residential zones of varying density:

1. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density;

2. Compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and

C. Uses on each portion of the lot shall only be those permitted in each zone pursuant to Chapter 15.310 ECC. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.320.120.]

~~15.320.120 Fences, walls, and hedges.~~

~~A. Residential Uses and Zones.~~

~~1. Front yard and between facade and street: 42 inches maximum height. Homes with accessory day care uses are allowed fences up to 48 inches tall, provided the portion of the fence above 42 inches is at least 50 percent transparent;~~



Figure 15.320.130(A)(1). Acceptable fences and walls for the front yard of residential uses. The left image uses a picket fence. The middle image uses a low wrought iron fence. The right image uses a low masonry retaining wall.

2.— Corner lot, side yard, flanking street: 42 inches maximum fence or wall height for areas less than five feet from the property line or sidewalk, whichever is less (but not within the right-of-way). For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent. For areas at least five feet from the property line or sidewalk, whichever is less (but not within the right-of-way), the maximum fence or wall height is eight feet;

3.— Side and rear yards: eight feet maximum fence or wall height, except that the maximum height of any fence less than five feet from a sidewalk shall be 42 inches. For homes with accessory day care uses, the maximum height in this area may be increased to 48 inches, provided the portion of the fence above 42 inches is at least 30 percent transparent;



Figure 15.320.130(A)(2). Acceptable and unacceptable fences on corner lots for side yard/flanking streets or along reverse frontage lots where the back yard abuts a street. The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear yard, but are not allowed within five feet of a sidewalk. The right image shows an acceptable example where the fence is set back away from the sidewalk to allow space for landscaping.

4.— Fences, walls and hedges less than three feet from an alley are limited to 42 inches in height. Fences or walls set back three feet or more from the alley may be up to six feet in height. Fences or walls at least 10 feet from an alley may be up to eight feet in height;

Fences directly adjacent to an alley

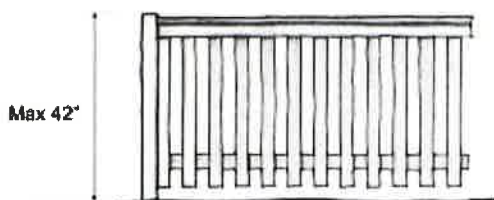


Figure 15.320.130(A)(3). Acceptable fences along an alley. The 42-inch fence on the left is allowed along the edge of an alley. The taller six-foot fence in the middle is allowed with a three-foot minimum setback from the alley.

5.— Residential developments are subject to edges and fences provisions as set forth in ECC 15.420.030, which addresses gated communities and reverse frontage lots; and

6.— Multifamily uses are subject to the following provisions:

a.— Side/rear yard design provisions set forth in ECC 15.520.020; and

b.— Blank wall treatment provisions as set forth in ECC 15.530.060.

B.— All Other Uses and Zones:

1.— Fences less than 10 feet from a streetfront property line or sidewalk, whichever is less (but not within the right-of-way), are limited to 42 inches in height. Day care uses are allowed fences up to 48 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent. Otherwise, the maximum height for fences shall be eight feet. Also see Section 3, Street Standards, of the city's public works development standards for sight distance requirements along streets and site access points;

2.— Nonresidential uses are subject to side/rear yard design provisions set forth in ECC 15.520.020; and

3.— Nonresidential uses are subject to blank wall treatment provisions as set forth in ECC 15.530.060.

C.— Fence and Wall Measurements.

1.— Fence and freestanding wall height shall be measured from the horizontal projection of the predominant ground level of either the finished grade where such grade has been established, or from the horizontal projection of the predominant existing grade in the vicinity of the fence; and

2.— Fence height shall be measured to the upper surface of the fence panel.

D.— Fence Material Standards.

1.— Chain Link Fences.

a.— Chain link fences are prohibited in residential zones and in yards associated with residential uses; and

b.— Chain link fences are allowed in nonresidential zones subject to height limits set forth in subsection (B) of this section. Where visible from the street, such fences taller than 42 inches shall be screened with landscaping per the blank wall treatment standards

set forth in ECC 15.530.060. Chain link fences visible from the street are encouraged to use blue or black vinyl coating.

2. ~~No fence, wall or hedge shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices except where livestock is to be contained by barbed or electrically charged wire, in which case the fence shall be located not closer than five feet from the property line. Where an adjacent existing fence, wall, or hedge on a property line dividing properties under separate ownership establishes a barrier, then such barbed wire fence or electrically charged fence may be placed on the property line with the mutual consent of the property owners. Fences enclosing storage areas in industrial zones (I-L and I-H) may use barbed wire so long as such wire is located not less than six feet above grade. [Ord. 4807 § 46, 2018; Ord. 4656 § 1 (Exh. O2), 2013. Formerly 15.320.130.]~~

Exhibit C-4

Chapter 15.550 OFF-STREET PARKING

15.550.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses allowed in this title, to reduce demand for parking by encouraging alternative means of transportation including public transit and bicycles, and to increase pedestrian mobility by:

- A. Setting minimum off-street parking standards for different land uses and districts that assure safe, convenient and adequately sized parking facilities;
- B. Recognizing that developed properties are likely to support a variety of different uses over time; and
- C. Providing for parking and storage of bicycles. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.020 Authority and application.

- A. The regulations of this chapter apply to all off-street parking areas in all zoning districts within the city of Ellensburg.
- B. The regulations of this chapter apply to all new development applications, all new parking lot construction or enlargement. In addition, these regulations shall apply at the time of enlarging, moving or increasing the capacity of existing structures by creating or adding dwelling units, commercial or industrial floor space, or seating facilities, and shall also apply when an existing land use within an existing structure is changed to a category of land use as set forth below that is different than the category of land use (as set forth in Table 15.550.040(A)) for which the existing parking facility was designed and installed.
- ~~C. Whenever a building or use is expanded, enlarged or altered, additional off-street parking will be required for such expansion, enlargement or alteration based on the additional square footage of the expansion, enlargement or alteration, not on the total square footage of the building. However, in the event of enlargement or alteration of a structure, no additional off-street parking need be provided where the number of parking spaces required for such expansion, enlargement, or alteration is less than 10 percent of the off-street parking requirement specified in this chapter.~~
- D. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.
- E. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.030 Parking plan – Building permit, surety bond, and occupancy requirements.

A. Building Permit. No building permit nor parking lot construction or enlargement shall be issued until a parking plan showing provisions for the required off-street parking, as specified in this chapter, has been submitted and approved by the director. The plan shall clearly indicate the proposed development, including parking lot location, size, shape, design, number of spaces, curb cuts, lighting, landscaping, and other features and appurtenances required by this chapter. ~~The landscaping requirements for parking areas shall also meet the requirements of Chapter 15.570 ECC.~~ The parking plan shall show/state the number of parking spaces and handicap spaces required and provided.

B. Surety. Before a building permit is issued for any building or structure for which this chapter requires off-street parking and where such off-street parking is not to be contained within the building for which the building permit is requested, the director may require that the applicant provide the city with a surety bond or other sufficient security approved by the city attorney guaranteeing to the city the installation and improvement of the required off-street parking within a time not to exceed six months following the completion of the building(s) for which such off-street parking is to be provided.

C. Occupancy. All required off-street parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 15.570 ECC, Landscaping. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.040 Computation of required off-street parking spaces.

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

Table 15.550.040(A). Computation of required off-street parking spaces

Category of Land Use ¹	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Dwelling, single-family	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided. NOTE: Tandem parking to accommodate 2-car garages is permitted for single-family units.

Category of Land Use¹	Minimum Parking Spaces Required
Accessory dwelling unit	None required
Apartment:	
Duplex	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 duplex dwelling units.
Townhouse	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.
Studio units	1.2 per dwelling unit
Studio and 1-bedroom units in C-C zone outside of the downtown historic district	0.7 per dwelling unit
1-bedroom units	1.5 per dwelling unit
2-bedroom residential units and larger in C-C zone outside of the downtown historic district	0.7 per bedroom
2-bedroom units or larger	1.0 per bedroom
Cottage housing	1.5 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

Category of Land Use¹	Minimum Parking Spaces Required
Boarding houses, lodging houses, sororities, fraternities	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
GENERAL RETAIL AND SERVICE	
Offices, banks, medical clinics, supermarkets, retail shops, department stores, or similar uses	1.0 per 300 square feet of gross floor area
General retail or service use with drive-in facility	Same parking for retail and service as provided herein, plus sufficient off-street drive-through stacking area to accommodate 3 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Day care facility	1.0 per employee plus 1.0 temporary loading parking per each 8 full-day equivalent children
FOOD AND BEVERAGE	
Restaurant, taverns, or similar uses where patrons sit down for service	1.0 per 200 square feet of gross floor area for sit-down facilities with a minimum number of 5 spaces required
Drive-in restaurant	Same parking as restaurant plus sufficient off-street drive-through stacking area to accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
Drive-in coffee stand	2.0 per facility plus sufficient off-street drive-through stacking area to

Category of Land Use ¹	Minimum Parking Spaces Required
	accommodate 6 vehicles without negatively impacting other required parking areas, ingress and egress into such parking areas, or traffic on public streets
PLACES OF ASSEMBLY	
Churches, funeral homes, mortuaries, clubs, lodges, museums, auditoriums, theaters, conference facilities, public or commercial recreational facilities, or similar uses	0.25 per person of maximum occupancy as established by the fire marshal with a minimum of 5 spaces required
INDUSTRIAL AND LAND CONSUMPTIVE USES	
Wholesale trade, warehousing (including miniwarehouse facilities), processing and manufacturing facilities, heavy equipment repair, lumber yard, car sales, or similar land consumptive but low traffic generation uses	1.0 per 1,500 square feet of gross floor area for structures up to 20,000 square feet in gross size with a minimum of 5 spaces required OR 1.0 per 2,000 square feet of gross floor area for structures greater than 20,000 square feet in gross size. NOTE: For vehicle sales lots, the sales area is not considered to be a parking facility and does not have to comply with the requirements of this chapter. However, all required parking must be designed and reserved for customer parking only.
PUBLIC AND QUASI-PUBLIC USES	
Hospital	1.5 per each 5 beds with a minimum of 5 spaces required
Elementary and junior high schools	1.0 per classroom, plus 1 per 50 students
High schools, college or university, trade school, or business school	1.0 per classroom, plus 1 per 10 students
Governmental office	1.0 per 350 square feet of gross floor area

Notes:

1. 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

Table 15.550.040(B). Computation of required off-street bicycle parking spaces.

Category of Land Use	Minimum Parking Spaces Required
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).

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; and~~

~~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. 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 extend within any required setback area or required open space area in the R-L, R-M, R-O, and R-H zoning districts, or in the front setback area in the C-T zoning district. 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. Changes in use to a different land use category shall provide the minimum off-street parking for the new general land use category. [Ord. 4810 § 2, 2018; Ord. 4807 § 59, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.050 Continued use of required parking spaces.

A. Continued Use. Required off-street parking spaces must be available for the continued use of residents, customers, or employees of the use, and the continued use of a building or structure or property for which off-street parking is required shall be conditioned upon the continued existence of such off-street parking. If the required off-street parking ceases to exist in connection with the use for which it was reserved, and no equivalent off-street parking is provided, such occupancy and use of the building or structure or property shall become illegal and the occupancy permit shall become void.

B. Assignment Prohibited. Required off-street parking spaces may not be assigned in any way to another use on another site. ~~except as provided in ECC 15.550.060 relating to cooperative parking facilities.~~

C. Use for Non-Parking Purposes Prohibited. Required off-street parking spaces shall not be used for the parking of equipment or for storage of materials or goods or inoperable vehicles. Use of required off-street parking for commercial or other purposes in conjunction with a temporary use of a limited and specific duration shall require separate review and approval by the director in conjunction with the temporary use.

D. Maintenance Required. The off-street parking required by this chapter shall be maintained in a good and functioning condition as determined by the director. [Ord. 4807 § 60, 2018; Ord. 4804 § 3, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

~~15.550.060 Cooperative parking facilities.~~

~~Cooperative parking facilities may be provided subject to the approval of the director where two or more land uses can be joined or coordinated to achieve efficiency of vehicular and pedestrian circulation, economy of space, and a superior grouping of buildings or uses.~~

When cooperative parking facilities can be provided, the director may reduce the on-site parking requirements based on the following criteria:

A. — Peak demand occurs at distinctly different times.

B. — The minimum required parking for a multi-tenant facility shall be based upon the minimum amount necessary to satisfy the highest average daily peak demand generated by the uses at a single time period. In no case shall the minimum required parking for a multi-tenant facility be less than 60 percent of the total required for all uses in the facility.

C. — The continuation of the cooperative facility shall be assured by a sufficient legal document, such as a covenant or reciprocal easement agreement, or by participation in a local improvement district or parking cooperative or association. If a covenant is used, the owner of the off-site parking property shall execute a covenant in a form acceptable to the city attorney that shall clearly:

1. — Identify the legal description of the properties that are to benefit from the cooperative parking facilities and the legal description of the property that is to be encumbered in whole or in part by the covenant;

2. — Specify the terms and conditions of the such encumbrance; and

3. — Clearly state that the terms of the covenant cannot be modified or revoked without the written consent of the city council.

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. A copy of the recorded covenant shall be provided to the community development department.

D. — Shared parking associated with multi-tenant retail and commercial facilities will be considered to be a cooperative parking facility. Lease agreements recorded per subsection (C) of this section will satisfy the requirement for a sufficient legal document.

E. — In the event that the uses subject to the cooperative parking facility agreement change to different categories of use than the original uses, the new uses must be reviewed by the director to ensure that there is adequate on-site parking for the new use combined with the other uses subject to the cooperative parking facility agreement. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.070 Loading space requirements.

A. Every nonresidential building engaged in retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below:

Table 15.550.070(A). Loading space requirements for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities.

Gross Floor Area	Required Number of Loading Spaces
10,000 to 40,000 square feet	1
40,001 to 96,000 square feet	2

Table 15.550.070(A). Loading space requirements for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities.

Gross Floor Area	Required Number of Loading Spaces
96,001 to 160,000 square feet	3
160,001 to 196,000 square feet	4
For each additional 70,000 square feet	1 additional

B. Every building engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar use shall provide loading spaces in accordance with the standards listed below:

Table 15.550.070(B). Loading space requirements for hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium or other similar uses.

Gross Floor Area	Required Number of Loading Spaces
40,000 to 120,000 square feet	1
120,001 to 264,000 square feet	2
264,001 to 520,000 square feet	3
520,001 to 784,000 square feet	4
784,001 to 920,000 square feet	5
For each additional 200,000 square feet	1 additional

C. For storefronts and other similar buildings sited adjacent to a street without individual businesses over 10,000 square feet and no alley access, loading space may be provided by on-street designated loading zones upon approval of the public works and utilities director as a Type I decision based on access and safety considerations. A site plan, proposed conditions, and reason for on-street loading facilities shall be included in the application.

D. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from parking areas and shall be designated as truck loading spaces.

E. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.

F. Multi-story self-service storage facilities shall provide two loading spaces, and single-story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter. [Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

15.550.080 Parking lot design and construction standards.

A. Parking Area Access Standards. See Section 6, Parking Standards, of the city's public works development standards.

B. Parking Stall and Aisle Dimensions. See Section 6, Parking Standards, of the city's public works development standards.

C. Parking Area Development and Design Provisions.

1. For parking area surfacing standards, see Section 6, Parking Standards, of the city's public works development standards. Fire lane shall be in accordance with the International Fire Code (IFC) as adopted in ECC Title 3.

~~2. For on-site parking lot location standards along street frontages, see Chapter 15.510 ECC, Site Orientation.~~

~~3. For pedestrian access provisions within parking lots, see ECC 15.520.040, Internal pedestrian access and design.~~

~~4. For lighting standards, see Chapter 15.580 ECC, Outdoor Lighting.~~

~~5. For parking lot screening and internal landscaping, see ECC 15.570.050(A), Surface Parking Lot Landscaping. [Ord. 4656 § 1 (Exh. O2), 2013.]~~

Exhibit C-5

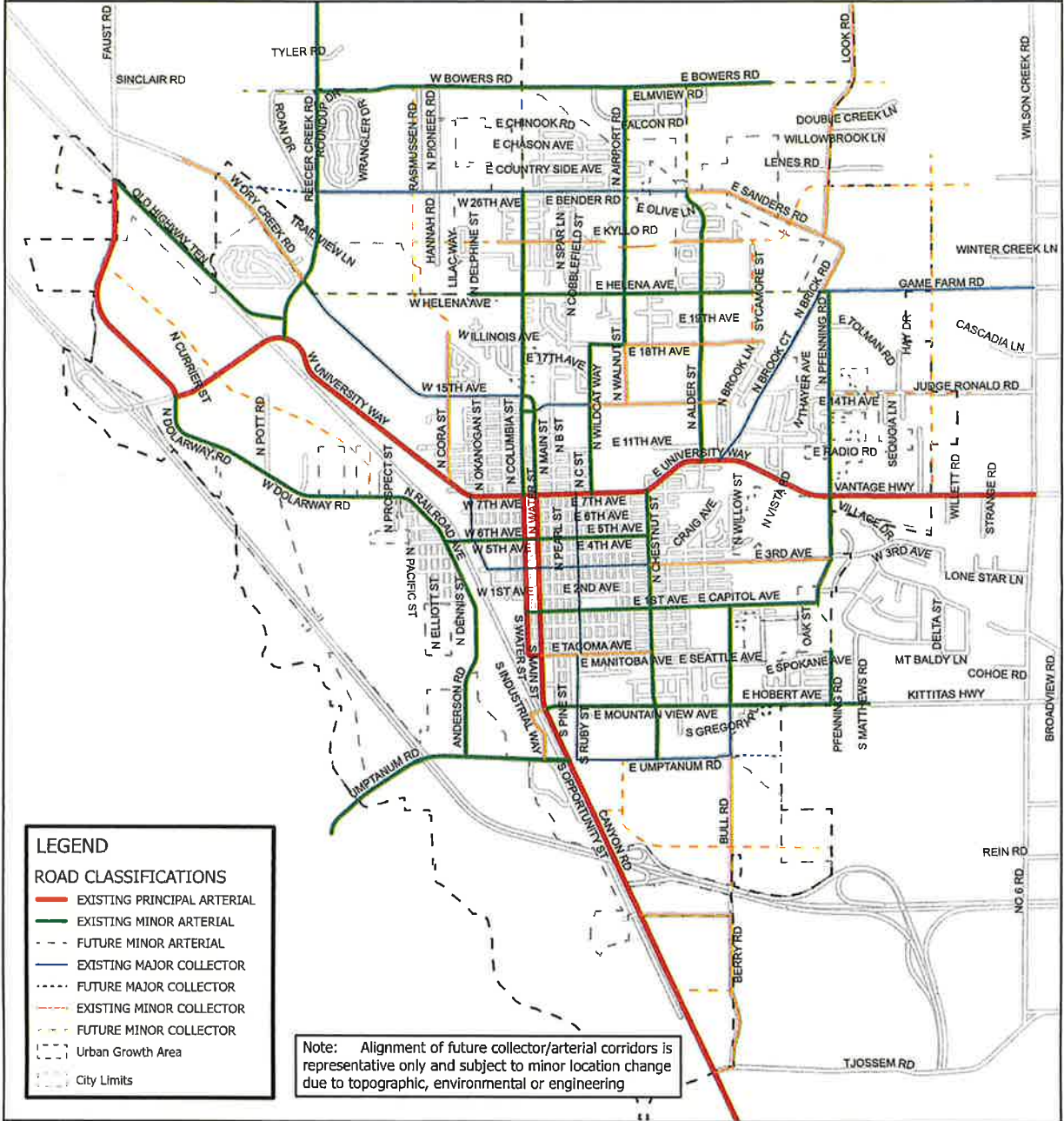
City/County Zoning Conversion Chart

Applicable to development of property within the City of Ellensburg Urban Growth Area

County Zone	Applicable City Zone
R-Residential UR-Urban Residential	R-S Residential Suburban
I-L Light Industrial	I-L Light Industrial
I-G General Industrial	I-H Heavy Industrial
C-G General Commercial	C-T Commercial Tourist
C-H Highway Commercial C-L Limited Commercial	C-H Commercial Highway
PUD Planned Unit Dev. (Bender/Reecer)	R-S Residential Suburban
PUD Planned Unit Dev. (the Verge)	R-H Residential High
HTC Historic Trailer Court	MHP Manufactured Home Park
F-R Forest and Range	Refer to County standards for allowable uses

EXHIBIT D

From the Ellensburg Public Works Development Standards, shall automatically update with most current version.



Existing & Future Arterial/Collector Corridors

All Other Streets are Local Access Streets
As Included in City of Ellensburg Comprehensive Plan

