November 6, 2013  
Ellensburg City Planning Commission – Regular Meeting Minutes  
City Council Chambers

Members Present: Chair Sarah Bedsaul, Gretchen Thatcher, Fred Padjen, Bill Beattie, George Bottcher  
Members Absent: Bob Hood, Beverly Heckart  
Others Present: Community Development Director Mike Smith, Planning Supervisor Lance Bailey, Bob Bengford, Jack Piper, Steve Willard, Steve Lathrop, Robert Terrell, Ron Criddlebaugh, Gordon Thatcher, Bob Hanson, Bruce Tabb, and Several Unidentified Members of the Public.

Sarah Bedsaul opened the meeting at 5:50p.m.

Public Hearing

These minutes are not a verbatim transcript of the meeting, but have instead been prepared from staff’s notes taken at the meeting and staff’s contemporaneous memory of the meeting. All public hearings have been recorded and are available for listening or copying at the Community Development Department, 501 N. Anderson Street, Ellensburg, WA 98926.

A) Final Draft Land Development Code (LDC) Update  
Recommendation to City Council

The Legislative pre-hearing notice was read by Chair Bedsaul.

Community Development Director Mike Smith entered into the record all of the materials that have been submitted prior to the hearing, as well as the staff report. He referenced the Index to Record which includes:

- Exhibits B1 thru B44 - documents from 2010
- Exhibits C1 thru C57 - documents from 2011
- Exhibits D1 thru D14 - documents from 2012
- Exhibits E1 thru E19 - documents from early 2013
- Exhibits F1 thru F13 - documents from the Landmarks and Design Commission
- Exhibits G1 thru G18 - documents relating to the January 2013 Draft Land Development Code
- Exhibits H1 thru H40 - documents relating to the July 2103 Draft Land Development Code
- Exhibits I1 thru I9 – documents relating to the September 2103 Draft Land Development Code
- Exhibits J1 thru J6 – materials for the November 6th Planning Commission public hearing
- Exhibit J7 - amendment request from staff
- Exhibit J8 - staff discussion of the implementing ordinance
- Exhibit J9 - staff discussion of density
- Exhibit J10 - materials submitted by Jack Piper on November 6, 2013
- Exhibits K1 thru K4 - 60 day notice to state agencies
- Exhibits L1 thru L11 - SEPA documents
- Exhibits M1 thru M33 - NMT Committee documents
Director Smith presented the staff report. He referenced the Final Draft of the Land Development Code and indicated to the audience that the document is available in the Community Development Department as well as being on the City’s website. He provided an outline and a timeline of the process that has occurred to get the proposed Land Development Code (LDC) to this point. The City has been working on this project for three years.

Notice of the public hearing was been published in the Daily Record on October 24, 2013. State Environmental Policy Act (SEPA) review of the final draft LDC document was completed on August 14, 2013 with the issuance of a Determination of Non-Significance (DNS) for the non-project action. The Growth Management Act (GMA) required 60-day notice to state agencies of proposed adoption of development regulations was issued on July 8, 2013. Only one comment was received from the WA Department of Ecology commenting on the City’s Critical Area Ordinance that is set forth in Article 6 of the draft LDC. Those comments recommended a number of changes to the critical area ordinance, however the City made a choice at the start of the LDC update project to not amend the CAO as part of the project and to address changes to the CAO at a later date in 2014.

The draft LDC will be re-codified as new Title 15 of the Ellensburg City Code. Two current Code sections (Title 12-Subdivisions and Title 13 – Zoning) will be repealed and incorporated into that new Title 15, while several other current Code sections have either been moved to the new Title 15 or have been amended and left in current Code sections. Because of numerous changes to the draft LDC document over time the numbering of Chapters and Sections has changed, making it difficult to directly compare a specific chapter or section number from the initial draft to the current Final Draft. In addition, due to section numbering needs, the Final Draft LDC has been renumbered from earlier drafts by making the Chapter number a 3-digit number thru addition of a zero as the last number. For instance previous Chapter 15.32 would now be 15.320, with the 15 being the Title number and 320 being the Chapter number.

Director Smith discussed the “Staff Discussion of Draft Implementing Ordinance” document that was entered into the record (this document is attached with the minutes).

Director Smith discussed the six articles that are contained in the LDC, and identified some of the more significant changes that have been made at the direction of City Council subsequent to the January 28, 2013 Joint Special Meeting with the Planning Commission. Some of the changes are in response to public comment on the Final Draft version that was released in July 2013. (The staff report attached to these minutes contains the information presented).

Director Smith explained that the Planning Commission will make a formal recommendation on the LDC to the City Council, and City Council will hold a public hearing and make a final decision. If the City Council decides to approve the LDC, the decision will be implemented through the adoption of an ordinance. Director Smith presented an amendment request (document attached with these minutes) regarding the relationship between the proposed LDC and other city codes.

Jack Piper provided testimony. He entered into the record some materials on current housing trends. He provided some recommended changes he would like to see in the LDC. On page 5-64, (15.540.020(B)), in reference to the requirement for transparency, he recommends that the requirement be lowered from the current 10 percent. He suggested that none of the homes he has built in the community would meet the proposed 10 percent requirement. He suggests that the transparency requirement be lowered to no more than 8 percent. On page 5-65, garage placement, there appears to be a conflict between the language in the body of the code and the description in Figure 15.540.020(B). In regards to driveways for individual lots, only allowing a 12 foot wide driveway for lots less than 50ft wide will prevent the ability to build a 2 car garage on such lots. He recommends deleting this section.
Steve Willard provided testimony. On page 2-41 (15.250.030(B)(2)), he is concerned that existing buildings will not be able to meet the requirements of the new code, specifically for roof articulation, façade modulation, and the maximum width requirement. Remodel projects that are required to go through design review will not be able to meet the new requirements. He recommends changing the language to require design review only for modification of buildings that are constructed after the date of the adoption of the LDC. He argued that capital improvements will not be feasible for existing buildings that do not meet the requirements of the new code. On page 4-26, for alley access lots he suggests that the required easement be 5 to 10 feet instead of the 10 feet as required in the LDC. On page 5-84 (bicycle parking), he suggests that the reference to bicycle facilities being located within 100 feet of the building entrance be deleted and replaced with “convenient to”. He also recommends that the requirement that bicycle parking be covered be deleted.

Ron Cridlebaugh provided testimony. In 15.530.020(B)(2) he recommends that the language be changed to delete “shall” and replaced with “are also encouraged to”. In reference to Table 15.310.040 it seems unclear if a regional retail development would allow both large and small scale retail stores. To clarify this issue, he recommends that for the zones where regional retail is allowed that the use tables also show that small/medium/large scale retail is also allowed as a part of a regional retail project.

Steve Lathrop provided testimony. He spoke regarding the transparency requirements and commented that in his travels around town he notices that most people keep the curtains closed in the windows facing the street and he thinks the transparency requirement should be eliminated.

Bob Bengford provided response to the public comments:

**Transparency**
He presented a slide show illustrating different home designs and the percentage of transparency for each. He commented that the transparency requirement was intended to address the growing tendency for new development to look like a “garagescape”, where the most prominent design element of a home is a blank garage door facing the street. Transparency requirements address the visual impact of blank walls facing the street as well as contribute to safety through the eyes on the street concept. He commented that the original proposal was for a 15% transparency requirement, and that has been reduced in the final draft to 10%.

**Figure 15.540.020(B)**
He suggested that the word “fronts” in the graphic be replaced with “doors”

**15.540.020(D) – Driveway Standards**
He suggests that the language in #2 be changed from 50 to 40 feet, and that would still allow a two car garage on a more narrow lot. The language in #3 could be changed from 50 to 40 feet. One other issue is where to actually measure the lot width from. It has been suggested to add language to this section clarifying that the lot width is measured from the plane of the garage.

**15.250.030(B)**
In response to the comments regarding the requirement for design review on building modifications/remodels, he referred to the section in Article 5 outlining the Level 1/Level 2/Level 3 Improvements. Bob explained that the language in 15.250 simply states when you must go through design review, but the actual project design standards in 15.500 are what actually apply to remodel activities. The three levels of improvement language is intended to provide some flexibility in terms of triggering various thresholds for remodel projects, and the requirements are based on the amount of footprint expansion. For example, if a remodel involved only re-siding there would not be a requirement that the remodel meet the roof articulation standards, the only requirement would be that the new siding material meet the design standards.
15.420.050(E) Alley Access Lots
He agrees that changing the easement minimum from “10 feet” to “5 to 10 feet” makes sense.

15.550.040(E) Bike Parking
He pointed out that the number of bike parking spaces had been reduced and that City Council had discussed the requirement that bike facilities be located within 100 feet of the building entrance. There was no consensus among Council to change the requirement. Changing the language to “convenient to” would require the term to be defined and would involve a fair amount of discretion on the part of the reviewing authority.

15.530.020(B)(2) Historic Buildings and Districts and Guidelines
The suggested change in language to “encouraged” from “shall” will not create a major issue. Director Smith pointed out that there is no requirement for a Certified Local Government (CLG) to mandate the use of the Secretary of the Interior Standards for the Treatment of Historic Properties, but most Landmark Commissions in the State use those Standards in their review of historic property rehabilitation. The entire sub-section (B)(2), when read as a whole, make the Standards a guide regardless of the initial language of “encouraged” or “shall”.

Table 15.310.040 Non-residential uses
The suggestion is to add P13 (Subject use is permitted in the district only as part of an approved regional retail commercial project) to the C-T zone for both medium and large scale retail. This will clarify that all scales of retail are allowed within a regional retail development. P13 also need needs to be added to the retail use categories for the R-S zone since there are areas of R-S zoned land that are located within the mapped regional retail zones.

Steve Lathrop provided addition testimony in regards to the transparency requirement. He stated that the slide show presented by Bob Bengford actually makes the argument for getting rid of the transparency requirement because it shows a wide variety of home designs that currently exist in the community.

The Planning Commission began their discussion and asked questions of staff and the public.

There was a question from the Commission about what constitutes transparency for a door. It was clarified by staff that portions of a door could be considered transparent if it had windows. Only the area of the window in the door would be considered in computing the percentage of transparency. The front building façade for which transparency is measured also includes dormer facades (for attics with no transparency or with windows if the space is to be occupied. Staff commented that a definition for transparency could be added to Article 1.

The Commission asked staff to clarify the issue regarding building modifications and what types of activities would trigger compliance with the new code. Staff referred the Commission to the section of the code where it states when design review would be required (15.250.030) and then explained that the language in 15.500.020 then determines the specific levels of improvement and the thresholds for meeting the new design requirements. Bob Bengford explained that adding the suggested language to exempt design review for all existing buildings would create a situation where all remodels, even those that substantially increased the footprint of the building, would be allowed without meeting any of the standards in the new code.

The Commission asked for clarification regarding 15.540.020(B)(2), and what actually constitutes a “covered entry”. Staff explained that in earlier drafts the language called for a 4x6 covered entry with a
dormer but that was changed to the current language when there was opposition expressed during the City Council meetings. Jack Piper indicated that he thought the opposition was to the required specific size and design of the entry in the earlier drafts and he thinks that a covered entry of some size should be required, but not the specific design.

The Commission commented that the maximum floor area allowed for a cottage house has been increased in the final draft to 1200 square feet (Table 15.540.050) and asked what the driving force for this change was, and that this seems like a fairly large size to be called a cottage. Staff responded that the change was made as a result of comments made by the development community to allow the same square footage cottage house for single story and two story.

The public testimony portion of the hearing was closed.

The Commission began their discussion.

**Motion 11.1**
A motion was made to recommend changing the language in 15.420.050(E) to make the required pedestrian easement 5 to 10 feet.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.2**
A motion was made to recommend changing the language in 15.530.020(B)(2) to delete “shall” and replace it with “are also encouraged to”
The motion was seconded and passed by a vote of 5-0.

**Motion 11.3**
A motion was made to recommend revising Table 15.310.040 to include the Development Condition P¹³ (Subject use is permitted in the district only as a part of an approved regional retail commercial project. See ECC 15.250.070) to the C-T zone for the medium and large scale retail categories, and add Development Condition P¹³ to the R-S zone for the medium, large and super scale retail categories.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.4**
A motion was made to recommend changing the language in 15.550.040(E)(2) by removing “Bicycle parking shall be protected from weather by a building overhang or covered walkway”
The motion was seconded and passed by a vote of 5-0.

**Motion 11.5**
A motion was made to recommend changing the language in 15.550.040(E)(3) to remove the requirement that bicycle parking be covered.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.6**
A motion was made to recommend revising the language in 15.540.020(B)(3) to reduce the transparency requirement to 8 percent for all single family dwellings.
The motion was seconded and passed by a vote of 4-1.

**Motion 11.7**
A motion was made to recommend revising the language in 15.540.020(B)(2) to change the reference to individual lot width from 50 to 40 feet, and to revise the language in 15.540.020(B)(3) to change the reference to individual lot width from less than 50 feet wide to less than 40 feet wide.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.8**
A motion was made to recommend that for terms of definition that the width of a property of non-parallel side lot lines be determined at the plane of the garage door when determining the percentage of garage door width to lot width.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.9**
A motion was made to recommend that the language in 15.540.020(B)(2) be revised to include a requirement that covered entries be a minimum of 3’x3’ in size.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.10**
A motion was made to recommend that Figure 15.540.020(B) be revised to replace the reference to “garage fronts” with “garage doors”
The motion was seconded and passed by a vote of 5-0.

**Motion 11.11**
A motion was made to recommend that the staff amendment to Section 15.110.070 be approved.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.12**
A motion was made to recommend that the code become effective 3 days after second reading of the ordinance.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.13**
A motion was made to recommend that garages be setback a minimum of 3 feet from the front face of the house.
The motion was seconded and passed by a vote of 5-0.

**Motion 11.14**
A motion was made to recommend that the language in 15.110.060(E) be revised to reinstate the Landmarks and Design Commission as the decision making body for all departures and Regional Retail projects.
The motion was seconded and passed by a vote of 3-1.

**Motion 11.15**
A motion was made to recommend that the City Council approve the Final Draft Land Development Code Update with the recommended changes and revisions.
The motion was seconded and passed by a vote of 4-0.

The meeting was adjourned at 9:35pm

Respectfully submitted
Lance Bailey, Planning Supervisor