

# AGENDA PLANNING COMMISSION November 9, 2023

Hybrid Meeting In-person and via Zoom



Members of the public who wish to participate in this meeting may do so either in person or remotely via video conferencing by following this link:

<https://us02web.zoom.us/j/86835256115?pwd=Nm9RVGdDYWpGd3ZEdlIHRmREb0V0dz09>

Meeting ID: 868 3525 6115

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## **AMERICANS WITH DISABILITIES ACT**

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**CITY OF ELLENSBURG  
PLANNING COMMISSION AGENDA**

**Council Chambers  
501 North Anderson Street  
Ellensburg, WA 98926  
And remotely via Zoom**

**Thursday, November 9, 2023  
5:45 PM - Regular Meeting**

- 1. Call to Order and Roll Call of Members**
- 2. Approval of Agenda (No Public Comment)**
- 3. Approval of Minutes**
- 4. New Business**
  - 4.A Public Hearing to Consider 2023 Land Development Code Amendments (second round)
- 5. Unfinished Business**
- 6. Citizen Comment**
- 7. Staff Update/Discussion Items**
- 8. Commission Representative Update**
- 9. Adjournment**



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

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



Meeting Date: November 9, 2023  
**City of Ellensburg**  
**Planning Commission Agenda Report**

**Agenda Subject:** Public Hearing to Consider 2023 Land Development Code Amendments (second round)

**Submitted by:**  
**Department:** Community Development

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**Suggested Motion/Action:**  
Hold a Public Hearing and make a recommendation to the City Council for each item.

**Background/Summary:**  
The City of Ellensburg is initiating a land development code amendment cycle pursuant to ECC 15.250.100. Amendments to the Land Development Code require a Type V process which includes a recommendation from the Planning Commission to the City Council on the proposed amendments. The amendments include one citizen proposed item and four items proposed by staff and city officials. The attached document (Attachment A) includes a summary of each item and depicts the proposed edits. Additions are underlined and deleted items are indicated with a strikethrough.

**Previous Council Action:**  
None

**Analysis:**  
Five amendments have been prepared for consideration by the Planning Commission. The proposed items are as follows:

**Item 23-01** – This item was proposed by Community Development and City Management. This amendment will reassign the responsibility of Conditional Use decisions to the City of Ellensburg Hearing Examiner. Currently, the Planning Commission is assigned the duty of Conditional Use Permit decisions. Conditional Use Permit decisions are often contentious and benefit from a strong understanding of land use regulations and their application, impact mitigation methods, and familiarity with process requirements (noticing, appeals, etc.)

The City of Ellensburg contracts with a Hearing Examiner to consider certain land use applications. This helps to remove political and social pressures from land use decisions by providing a neutral decision maker. Additionally, a Hearing Examiner's land use experience can mitigate risk of litigation due to improper application of City/State/ and Federal regulations. Land use decisions, such as Conditional Use Permits are highly technical and can involve multiple code sections at every regulatory level. The Hearing Examiner's education, training, and experience provide expert consideration of whether or not a process complies with code.

The Planning Commission performs an important role as a recommendation body to City Council, offering necessary guidance to regulation and policy development. The varied experiences of its members provide a solid framework for understanding community needs and reflecting those needs in its recommendations to the City Council. This role would continue under the proposed changes.

Reassigning the Hearing Examiner as the decision maker for Conditional Use Permit applications will remove any external pressures, perceived or otherwise, that might apply to CUP decisions made by the Planning Commission and reduce litigation risks to the city.

This proposal will amend sections 15.110.060 and 15.210.050 of the Ellensburg City Code as indicated in Attachment A of this staff report. Staff recommends approval of this item as presented.

**Item 23-02-** This item was proposed by Community Development at the direction of City Management. This item will provide a regulatory framework for the siting, permitting, and development of supportive housing facilities in the City of Ellensburg.

Washington State House Bill 1220, passed in 2021, instructs jurisdictions planning under the Growth Management Act to “plan for and accommodate” housing affordability to all income levels. One element of this bill requires jurisdictions to draft regulations with respect to emergency shelters and emergency housing.

Item 23-02 is designed to meet the requirements of House Bill 1220 and address a need in the City of Ellensburg. It will provide a regulatory framework for the siting, permitting, and development of supportive housing facilities.

This proposal will add new definitions to Title 15.130 “Definitions,” amend use tables in Title 15.310.040, and add a new section (15.340.080) to Title 15.340 “Index of Supplemental Use Criteria.” The use will be allowed in multiple zones with a conditional use permit. The specific changes have been identified in Attachment A. Staff recommends approval of this item as presented.

**Item 23-03** – This item was submitted by Community Development Staff to provide consistency with a Future Land Use/Zoning conversion table anticipated for adoption by the City Council in its Annual Comprehensive Plan Development Docket Cycle.

The Future Land Use/Zoning conversion table was designed to provide an easy and clear option for citizens to understand the relationship between Future Land Use designation and the applicable zoning options for each designation. During the 2023 annual docket cycle presentations of this conversion table to the Planning Commission and City Council, staff indicated that Title 15.300 will need to be updated to reflect the information in the conversion table. This amendment will provide consistency between the Comprehensive Plan and City regulations.

The proposal will amend multiple sections in Title 15.300 “Zones, Maps and Designations” to reflect the new conversions table and provide consistency with zoning regulations. The changes will provide more clarity to staff, city officials, and the public in understanding what

zones are appropriate for each Future Land Use designation. The specific changes have been identified in Attachment A. Staff recommends approval of this item as presented.

**Item 23-04** – This amendment was submitted by Community Development Staff and will repeal and replace Title 15.280 “Ellensburg Landmarks Register and Procedures.”

Chapter 15.280 of the Ellensburg City Code navigates the ins and outs of the Ellensburg Landmarks Register and procedures associated with historic preservation in our community. This ordinance establishes a commission to conduct preservation related research, community outreach and education, and to administer, approve, and maintain the Ellensburg Landmarks Historic Register. ECC 15.280.090.(D), is where the current City of Ellensburg demolition ordinance lives. The intention of a city demolition ordinance is to delay, and ultimately prevent the demolition of historic structures listed on the local Landmarks historic register. The Landmarks and Design Commission has requested an update to the existing demolition ordinance and has provided input by way of subcommittee meetings and feedback during discussions at regular LDC meetings. Through this process, staff has also researched additional ordinances of similar sized communities around the state of Washington. One additional proposed change in the ordinance that does not relate to demolition is that the painting of a structure would be considered exempt from required design review, as opposed to the existing ordinance where it is not exempt.

The existing demolition ordinance includes two main procedural steps, the first of which is to require a preliminary public meeting between the applicant and the commission to discuss possible alternatives to demolition. If the commission agrees that the applicant has exhausted all possible alternatives to demolition, then they move to the public hearing. The next step is a public hearing for review of the Certificate of Appropriateness (COA). The Landmarks and Design Commission can approve or deny the COA for the proposed demolition, as well as require mitigation alternatives. Any appeals currently go to the City Council in a closed record hearing.

Proposed changes to the demolition ordinance include 1) establishing a clear permitting and application submittal process, and 2) establishing clear criteria for reviewing and approving or denying a proposed demolition. Changes to the proposed permitting and submittal process include the applicant participating in a pre-application meeting in the Community Development office with the preservation staff to discuss alternatives to demolition and application review requirements. This pre-application meeting would be in-lieu of the existing requirement to hold a public meeting to discuss alternatives (which is separate from the required public hearing). The proposed ordinance also includes a detailed list of required application submittal items. Additional permitting procedural changes include the commission approving or denying the demolition permit instead of approving or denying a COA, appeals go to a Hearing Examiner instead of City Council, and there is a 365-day expiration date on an LDC demolition permit decision.

Changes to the demolition review criteria and requirements include the establishment of approval criteria for the commission to use when reviewing the application submittals, as well as a list of submittal requirements the applicant must provide that adequately support their demolition request as it relates to one of the established approval criteria. Per the proposed ordinance, an applicant can provide information supporting why the structure is too far

altered to ever be considered an eligible historic building, they can provide supporting documentation to demonstrate that retaining the existing structure is not economically feasible, or they can provide supporting documentation that the structure is in such poor condition that it is not economically feasible to correct the items that need repair. The specific changes have been identified in Attachment A. Staff recommends approval of this item as presented.

**Item 23-05** – This item was submitted by Steve Willard to amend section 15.420.060 “Access, services and utilities.”

This item was brought before the Planning Commission at a Public Hearing on September 28, 2023, during a previous Land Development Code Amendment cycle. The item was remanded to staff for more review. Following the public hearing, the applicant withdrew the amendment, to bring an amended version forward in this current Land Development Code Amendment cycle.

Community Development received comments from Craig Jones, City of Ellensburg Public Works (Exhibit G) and Joe Delvo, Fire Marshal (Exhibit H). Mr. Jones noted general concerns related to utilities, access, and future road extensions, but stated that these same concerns apply to every development. He noted that Public Works does not believe that the code changes would have an effect on Public Works code sections.

Mr. Delvo stated that the intent of the applicable code section is to allow an exception for shared driveways to increase density on existing large lots. He stated that the proposal is not consistent with the intent or in alignment with the fire code, but also noted that the current code section is also inconsistent with the IFC.

Mr. Delvo also noted a series of concerns associated with narrow streets and limited parking that can result in limited emergency access generally, but especially during snow events.

The updated proposal will increase the maximum allowed number of lots serviced by a shared driveway from five lots to nine lots. No additional changes are being proposed. Community Development staff have reviewed the proposal and the comments submitted. Staff believe the proposal would have a modest impact on shared driveway standards as it will not increase the maximum driveway length or minimum driveway width standards that are already established in the code section. Most of the concerns noted in the comments relate to issues directly relating to the driveway width and length standards which will not change with this proposal. The specific changes have been identified in Attachment A.

The allowance of four additional lots to utilize shared driveways can benefit the city by allowing more infill with minimal impacts relative to current standards. Staff recommends approval of item 23-05 as presented.

## **WASHINGTON STATE DEPARTMENT OF COMMERCE REVIEW, SEPA REVIEW, AND NOTICE OF PUBLIC HEARING**

The City issued a SEPA Determination of Non-Significance and forwarded the proposals to the Washington State Department of Commerce on October 10, 2023 (Exhibits C and E). One comment was submitted during the SEPA comment period. The comment was submitted by Fennelle Miller, referencing concerns associated with the Demolition

Ordinance, Item 23-04 (see Exhibit F). The 60-day notice to Commerce will be completed on October 28, 2023.

Notice of the November 9 ,2023 Planning Commission Public Hearing was published in the Daily Record (Exhibit B) on October 24, 2023 in accordance with ECC requirements.

At the conclusion of the Planning Commission public hearing, the Commission shall forward a recommendation to the City Council. The decision criteria that Council must consider are set forth in ECC 15.250.100(C) as follows:

1. The amendment is in accordance with the [comprehensive plan](#); and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the [city](#). [Ord. 4656 § 1 (Exh. O2), 2013.]

Staff would note that the amendments for consideration are in accordance with the three decision criteria above

**Financial Impact:**

None

Budget Adjustment: No

**Attachments:**

1. Exhibit A - Proposed Amendments with Descriptions
2. Exhibit B - Notice of Public Hearing 11-9-23 Planning Commission
3. Exhibit C - Notice to Commerce Acknowledge Letter
4. Exhibit D - P23-107 Signed SEPA Checklist
5. Exhibit E - P23-107 LDC SEPA DNS
6. Exhibit F - Fennelle Miller Comments Demolition Ordinance
7. Exhibit G - Craig Jones Public Works Comments Item 23-05
8. Exhibit H - Joe Delvo Fire Marshal Comments Item 23-05

## **Exhibit A**

### **2023 Land Development Code Amendments (second round)**

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

#### **Item 23-01 – Conditional Use Process Amendment**

##### **Description**

This item was proposed by Community Development and City Management. This amendment will reassign the responsibility of Conditional Use decisions to the City of Ellensburg Hearings Examiner.

Currently the Planning Commission is assigned the duty of Conditional Use determinations. Conditional Use determinations are often contentious and benefit from a strong understanding of land use regulations and their application, impact mitigation methods, and familiarity with process requirements (noticing, appeals, etc.)

The City of Ellensburg contracts with a Hearings Examiner to remove political and social pressures from land use decisions. Additionally, a Hearings Examiner's land use experience can mitigate risk of litigation due to improper application of City/State/ and Federal regulations. Land use decisions, such as Conditional Use permits, can involve multiple code sections at every regulatory level. Due to the inherent transitory nature of any City Commission, the level of land use experience varies greatly. This reality places both the city and the Commission at risk of inconsistent and litigious outcomes.

The Planning Commission performs an important role as a recommendation body to City Council, offering necessary guidance to regulation and policy development. The varied experiences of its members provide a solid framework for understanding community needs and reflecting those needs in its recommendations to the City Council.

Reassigning the Hearings Examiner as the decision maker for Conditional Use applications will remove any external pressures, perceived or otherwise, that might improperly apply to CUP decisions made by the Planning Commission and greatly reduce litigation risks to the city.

This proposal will amend sections 15.110.060 and 15.210.050 of the Ellensburg City Code as indicated below.

#### **Item 23-01**

##### **Proposed Code Changes**

### **15.110.060 Roles and responsibilities.**

- A. The elected officials, appointed commissions, hearing examiner, and city staff share the roles and responsibilities for carrying out the provisions of the LDC.
- B. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the reviewing body in legislative and quasi-judicial matters.
- C. The planning commission is the designated planning agency for the city as specified by state law. The planning commission is responsible for a variety of discretionary recommendations to the city council on land use legislation, comprehensive plan amendments and certain quasi-judicial matters. ~~The planning commission is the decision-making body for conditional uses. See ECC 15.250.040.~~ The planning commission duties and responsibilities are specified in the bylaws duly adopted by the planning commission.
- D. The hearing examiner is responsible for certain quasi-judicial decisions designated by this title and the review of administrative appeals. The hearing examiner is the decision making body for conditional uses. See ECC 15.250.040.
- E. The landmarks and design commission is the designated body responsible for certain quasi-judicial and legislative decisions established by this title relating to properties identified as being on the Ellensburg landmarks register.
- F. The director shall have the authority to administer the provisions of the LDC, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within the LDC, to decide all requests for non-landmarks register departures from the city's design standards (see ECC 15.210.060 for "departure" provisions), and to enforce requirements.
- G. The rules and procedures for proceedings before the hearing examiner, appointed review bodies, and city council are adopted by ordinance and available from the city clerk's office and the department. [Ord. 4656 § 1 (Exh. O2), 2013.]

### **15.210.050 Projects under permit review process types.**

- A. Review Process Type I. Table 15.210.050(A) identifies the types of projects and permits that require a Type I review process. Any decision-making, procedural, or noticing variations from the Type I review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

**Table 15.210.050(A). Projects under Type I review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type I Project<sup>1</sup></b>                                                                    | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b>                                                                                           | <b>Relevant ECC chapter or section(s)</b> |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Boundary line adjustments                                                                            | No variation                                                                                                                                                           | ECC 15.260.050                            |
| Code interpretation                                                                                  | No variation                                                                                                                                                           | ECC 15.110.060(F)                         |
| Commercial wireless communication support towers, antenna arrays and facilities in residential zones | No variation<br>Except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. (See ECC 15.340.070) | ECC 15.340.070                            |
| Critical area exemption request or allowable activity                                                | No variation                                                                                                                                                           | Division VI                               |
| Critical area initial and final determination                                                        | See Division VI for process variation                                                                                                                                  | Division VI                               |
| Final short subdivision approval                                                                     | (See ECC 15.260.120)                                                                                                                                                   | Chapter 15.260 ECC                        |
| Final subdivision approval                                                                           | Final decision by city council (See ECC 15.260.060)                                                                                                                    | ECC 15.260.060                            |
| Home occupation                                                                                      | No variation                                                                                                                                                           | ECC 15.340.020                            |
| Minor changes to approved preliminary subdivision                                                    | No variation                                                                                                                                                           | ECC 15.260.110                            |
| Minor preliminary plat alteration                                                                    | No variation                                                                                                                                                           | ECC 15.260.110(A)                         |
| Minor revision to regional retail commercial master site plan                                        | No variation                                                                                                                                                           | ECC 15.390.040(C)(4)                      |
| Nonconforming use determination                                                                      | No variation                                                                                                                                                           | Chapter 15.240 ECC                        |
| Permitted use                                                                                        | No variation                                                                                                                                                           | Chapter 15.310 ECC                        |
| Site development permits (no SEPA required)                                                          | No variation                                                                                                                                                           | ECC 15.250.020                            |
| Small wind energy system (one per parcel) <sup>2</sup>                                               | No variation<br>Except if on a landmarks register property, then must undergo review and decision by the landmarks commission as Type II project. See ECC 15.340.060   | ECC 15.340.060                            |

Notes/conditions:

1. If any Type I project requires a SEPA threshold determination it automatically becomes a Type II project.
2. Where more than one small wind energy system is proposed for a parcel, then a conditional use permit is required.

**B. Review Process Type II.** Table 15.210.050(B) identifies the types of projects and permits that require a Type II review process. Any decision-making, procedural, or noticing variations from the Type II

review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

**Table 15.210.050(B). Projects under Type II review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type II Project</b>                                                                                             | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b>                                                  | <b>Relevant ECC chapter or section(s)</b>                           |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Administrative variance                                                                                            | No variation                                                                                                                  | ECC 15.500.040                                                      |
| Commercial wireless communication support towers, antenna arrays and facilities in commercial and industrial zones | No variation, except landmarks register properties require decision by landmarks and design commission after a public hearing | ECC 15.340.070                                                      |
| Critical area exception for public agency or reasonable use                                                        | No variation                                                                                                                  | Division VI                                                         |
| Design review, major and minor                                                                                     | No variation                                                                                                                  | ECC 15.250.030<br>Division V (Project Design)                       |
| Design review departure request for landmarks register property                                                    | Decision by landmarks and design commission after a public hearing; appeal closed record to city council                      | ECC 15.210.060 (Departures)                                         |
| Design review departure request for non-landmarks register property                                                | Appeal open record to city council                                                                                            | ECC 15.210.060 (Departures)                                         |
| Landmark certificate of appropriateness (COA)                                                                      | Landmarks and design commission decision after public hearing; appeal closed record to city council                           | ECC 15.280.090                                                      |
| Landmarks register demolition                                                                                      | Landmarks and design commission decision after a public hearing; appeal closed record to city council                         | ECC 15.280.090                                                      |
| Short subdivision alteration                                                                                       | No variation                                                                                                                  | ECC 15.260.170(C)                                                   |
| Short subdivision, preliminary                                                                                     | No variation                                                                                                                  | Chapter 15.260 ECC (Subdivisions)<br>Division IV (Community Design) |
| Site development permit (if SEPA required)                                                                         | No variation                                                                                                                  | ECC 15.250.020                                                      |
| Temporary use                                                                                                      | No variation                                                                                                                  | ECC.250.010                                                         |

C. Review Process Type III. Table 15.210.050(C) identifies the types of projects and permits that require a Type III review process. Any decision-making, procedural, or noticing variations from the Type III review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

**Table 15.210.050(C). Projects under Type III review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type III Project</b>                                                     | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b>                                                    | <b>Relevant ECC chapter or section(s)</b>                |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Binding site plan                                                           | City council decision                                                                                                           | ECC 15.260.180                                           |
| Conditional use permit                                                      | <del>Planning commission</del> <u>Hearing Examiner</u> decision after open record hearing; appeal closed record to city council | ECC 15.250.040                                           |
| Extension requests for regional retail commercial master site plan projects | City council decision after open record public hearing                                                                          | ECC 15.390.040(C)(3)                                     |
| Variance                                                                    | Hearing examiner decision after open record hearing; appeal closed record to city council                                       | ECC 15.250.050                                           |
| Variance for critical areas regulations                                     | Hearing examiner decision after open record hearing; appeal closed record to city council                                       | ECC 15.610.210 and 15.610.215 (frequently flooded areas) |

D. Review Process Type IV. Table 15.210.050(D) identifies the types of projects and permits that require a Type IV review process. Any decision-making, procedural, or noticing variations from the Type IV review process are described in the middle column. The right column identifies code sections applicable to the project/permit.

**Table 15.210.050(D). Projects under Type IV review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type IV Project</b>                                          | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b>                                                                                    | <b>Relevant ECC chapter or section(s)</b> |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Major revisions to regional retail commercial master site plans | Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing; not subject to decision timelines | ECC 15.390.040(C)(4)                      |
| Master plan for P-R zone uses                                   | Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing                                    | ECC 15.250.080 and 15.310.050             |
| Plat alteration (major)                                         | City council decision after open record hearing                                                                                                                 | ECC 15.260.110(C)                         |

**Table 15.210.050(D). Projects under Type IV review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type IV Project</b>                       | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b>                                                                                         | <b>Relevant ECC chapter or section(s)</b>                                            |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Plat vacation                                | City council decision after open record hearing                                                                                                                      | ECC 15.260.110(B)                                                                    |
| Preliminary subdivision                      | Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing                                         | Chapter 15.260 ECC                                                                   |
| Regional retail commercial master site plans | Open record hearing before hearing examiner with recommendation for city council decision after closed record public hearing <sup>1</sup> ; not subject to timelines | ECC 15.390.040 (master site plan provisions for regional retail commercial projects) |
| Site-specific rezone                         | Hearing examiner recommendation to city council after open record hearing; city council decision after closed record hearing                                         | ECC 15.250.060<br>Chapter 15.300 ECC                                                 |

Notes/conditions:

1. For review of a regional retail commercial master site plan related to a rezone application, subdivision application, a short subdivision application, or a binding site plan application, see ECC 15.390.040(C).

E. Review Process Type V. Table 15.210.050(E) identifies the types of approvals and permits that require a Type V review process. Any decision-making, procedural, or noticing variations from the Type V review process are described in the middle column. The right column identifies code sections applicable to the permit.

**Table 15.210.050(E). Approvals subject to Type V review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type V Approvals</b>         | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b> | <b>Relevant ECC chapter or section(s)</b>                                |
|---------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Annexations                     | No variation                                                                 | Chapter 15.360 ECC                                                       |
| Comprehensive plan amendment    | See ECC 15.250.090                                                           | ECC 15.250.090                                                           |
| Essential public facilities     | See ECC 15.250.110                                                           | ECC 15.250.110; RCW 36.70A.200; and Chapter 11 of the comprehensive plan |
| Land development code amendment | See ECC 15.250.100                                                           | ECC 15.250.100                                                           |

**Table 15.210.050(E). Approvals subject to Type V review process.**

Where superscript numbers are included in a cell, please reference the applicable number under “Notes/conditions” below the table.

| <b>Type V Approvals</b>           | <b>Decision-making, procedures or noticing variation from ECC 15.210.040</b> | <b>Relevant ECC chapter or section(s)</b> |
|-----------------------------------|------------------------------------------------------------------------------|-------------------------------------------|
| Rezone (other than site specific) | No variation                                                                 | ECC 15.250.060 and Chapter 15.300 ECC     |

[Ord. 4878 § 14, 2021; Ord. 4807 § 17, 2018; Ord. 4803 § 2, 2018; Ord. 4769 §§ 8 – 10, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

**15.250.040 Conditional use permits – Type III review process.**

- A. Purpose. The purpose of a conditional use permit is to locate a permitted use on a particular property, **subject to conditions placed on the permitted use to ensure compatibility with nearby land** uses.
- B. Procedures. Conditional use permits are subject to the Type III review process as set forth in Chapter 15.210 ECC.
- C. Decision Criteria. The city may approve or approve with conditions only if the applicant demonstrates that:
  - 1. The size of the site is adequate for the proposed use, including all facilities and amenities that are required by this title or desired by the applicant;
  - 2. The proposed use will not be detrimental to the public health, safety, and general welfare of the community and will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties;
  - 3. The topography, soils, and other physical characteristics of the site are appropriate for the use and potential problems due to weak foundations soils can be eliminated or reduced to the extent necessary to avoid hazardous situations;
  - 4. The proposed use will not be injurious to, or adversely affect the uses, property, or improvements adjacent to, or in the vicinity of the site upon which the proposed use is to be located;
  - 5. The proposed use is compatible with adjacent land uses and consistent with the character of the surrounding area;
  - 6. The proposed use will be supported by adequate water, sewer, storm drainage, schools, electrical, police, fire protection facilities and services. The use will not overburden or adversely affect said public facilities and services;
  - 7. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity;

8. An adequate site layout is proposed for on-site circulation and transportation activities, considering the potential impacts of the proposed use on traffic flow and control, emergency vehicle movements and safety associated with the suitability of access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities required by this title or desired by the applicant;
9. The proposal will cause no unreasonably adverse effects to wetlands, shorelands, wildlife habitat, and other critical areas;
10. Buffering devices such as fencing, landscaping or topographic characteristics adequately protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects;
11. The granting of the conditional use is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan;
12. The proposed use complies with the appropriate development and performance and all other applicable provisions of the city of Ellensburg development standards; and
13. All conditions necessary to lessen any impacts of the proposed use have been included in the project design or will be required as conditions of approval.

D. Appropriate Conditions for Approval. In approving a conditional use, the ~~planning commission~~ Hearing Examiner may impose conditions including, but not limited to, any of the following conditions:

1. Limit the manner in which the use is conducted, including restricting the time an activity may take place and imposing restraints to minimize environmental effects such as noise, vibration, air pollution, glare and odor;
2. Establish a special yard or other open space, lot area or dimension;
3. Limit the height, size or location of a building or other structure;
4. Designate the size, number or nature of vehicle access points;
5. Increase the amount of street dedication, roadway width or improvements within the street right-of-way;
6. Designate the size, location, screening, drainage, surfacing or other improvements of off-street parking or truck loading areas;
7. Limit or otherwise designate the number, size, location, and height of lighting of signs;
8. Limit the number and intensity of outdoor lighting or require its shielding;
9. Require screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility;
10. Require and establish the size, height, location or materials for a fence;
11. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;
12. Impose special conditions on the proposed development to ensure that it is in conformance with the surrounding neighborhood and the intent and purpose of the zoning district classification; and/or
13. Require such financial guarantees and evidence that any applied conditions will be complied with. [Ord. 4656 § 1 (Exh. O2), 2013.]

## **Item 23-02 – Supportive Housing Facilities Standards**

### **Description**

This item was proposed by Community Development at the direction of City Management. This item will provide a regulatory framework for the siting, permitting, and development of supportive housing facilities in the City of Ellensburg.

Washington State House Bill 1220, passed in 2021, instructs jurisdictions planning under the Growth Management Act to “plan for and accommodate” housing affordability to all income levels. One element of this bill requires jurisdictions to draft regulations with respect to emergency shelters and emergency housing.

Item 23-02 is designed to meet the requirements of House Bill 1220 and address a need in the City of Ellensburg. It will provide a regulatory framework for the siting, permitting, and development of supportive housing facilities.

This proposal will add new definitions to Title 15.130 “Definitions,” amend use tables in Title 15.310.040, and add a new section (15.340.080) to Title 15.340 “Index of Supplemental Use Criteria.” The use will be allowed in multiple zones with a conditional use permit. The specific changes have been identified below.

### **Item 23-02**

#### **Proposed Code Changes**

##### **15.130.090 I definitions.**

“Impervious surface” means any hard surfaced, manmade area that does not readily absorb or retain water, including, but not limited to, building roofs, parking areas, graveled areas, sidewalks, and paved recreation areas.

“Improvement” means any building, structure, or object constituting a physical improvement of real property.

“Incentives” are such compensation, rights, privileges, or combinations thereof which the Ellensburg city council or other county, state, or federal public agencies, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of designated landmarks, landmark sites, or landmark districts. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezones, street vacations, transfers of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements or amenities, or the like. See Chapter 15.280 ECC.

“Indoors,” for purpose of Chapter 15.370 ECC, means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the city of Ellensburg, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two inches by four inches or thicker studs overlain

with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

“Installed” means the initial installation of outdoor light fixtures, as defined herein, made subsequent to the enactment of the ordinance codified in this chapter and shall not pertain or apply to those outdoor light fixtures existing at the time of enactment of the ordinance codified in this chapter, or to the maintenance or replacement of existing fixtures with like or similar fixtures.

“Interim recycling facility” means a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

1. Drop boxes;
2. Source-separated, organic waste processing facilities; and
3. Collection, separation and shipment of glass, metal, paper or other recyclables. [Ord. 4656 § 1 (Exh. O2), 2013.]

"Indoor emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Indoor emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

#### **15.130.160 P definitions.**

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

Parking Space, Off-Street. “Off-street parking space” means an off-street parking space available for the parking of one motor vehicle conforming to the standards set forth in Chapter 15.550 ECC and Section 6, Parking Standards, public works development standards.

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

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

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

status, and connect the resident of the housing with community-based health care, treatment, or employment services.

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

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

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

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

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

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

“Planning commission” means the Ellensburg planning commission created by Chapter 1.14 ECC.

“Plant” means, for the purpose of Chapter 15.370 ECC, an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

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

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

“Preliminary subdivision or plat” means a scaled drawing of a proposed subdivision showing the general layout of streets, lots, blocks, rights-of-way, easements and other required elements of a plat which shall

furnish a basis for the preliminary approval or disapproval of the general layout of the subdivision and preparation of a final subdivision. See Chapter 15.260 ECC.

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

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

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

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

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

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

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

“Public place” includes, for the purpose of Chapter 15.370 ECC, streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

#### Public Transportation.

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

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

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

“Public works development standards” means those standards filed by the director of public works and utilities with the Ellensburg city clerk, as approved and adopted by reference in ECC 4.04.020, including any amendments thereto made in accordance with ECC 4.04.040. [Ord. 4887 § 13, 2022; Ord. 4804 § 4, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

### **15.130.200 T definitions.**

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

“Terminal or debilitating medical condition” means, for the purposes of Chapter 15.370 ECC:

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

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

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

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

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

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

“Transitional surfaces,” for the purposes of Chapter 15.350 ECC, extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot vertically from the sides of the conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

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

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

“Tree” means, for the purpose of airport overlay zone regulations set forth in Chapter 15.350 ECC, any object of natural growth. [Ord. 4807 § 12, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

**Table 15.310.040. Residential-based uses.**

| Use                                               | R-S              | R-L              | R-M            | R-H            | R-O            | C-N            | C-H | C-C            | C-C II         | I-L | NC-MU | RC-MU | I-H | P-R              | MHP |
|---------------------------------------------------|------------------|------------------|----------------|----------------|----------------|----------------|-----|----------------|----------------|-----|-------|-------|-----|------------------|-----|
| <b>RESIDENTIAL, GENERAL</b>                       |                  |                  |                |                |                |                |     |                |                |     |       |       |     |                  |     |
| Dwelling, single-family* (ECC 15.540.020)         | P                | P                | P              |                | P              |                |     |                |                |     |       |       |     |                  | P   |
| Dwelling, cottage* (ECC 15.540.050)               | P                | P                | P              |                | P              |                |     |                |                |     |       |       |     | A <sup>6</sup>   |     |
| Dwelling, duplex* (ECC 15.540.030)                | P <sup>2</sup>   | P <sup>2</sup>   | P              |                | P              |                |     | P <sup>7</sup> | P <sup>7</sup> |     |       |       |     | A <sup>6</sup>   |     |
| Dwelling, townhouse* (ECC 15.540.060)             | P <sup>2</sup>   | P <sup>2</sup>   | P              | P              | P              | P <sup>3</sup> |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | A <sup>6</sup>   |     |
| Dwelling, multifamily* (Division V of this title) | P <sup>1,5</sup> | P <sup>1,5</sup> | P              | P              | P              | P <sup>3</sup> | C   | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | A <sup>6</sup>   |     |
| Dwelling, live-work*                              | P <sup>4</sup>   | P <sup>4</sup>   | P <sup>4</sup> | P <sup>4</sup> | P <sup>4</sup> | P              |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     |                  |     |
| Manufactured home park* (ECC 15.340.040)          | C                | C                | C              | P              | C              |                |     |                |                |     |       |       |     | A <sup>6</sup>   | P   |
| <b>GROUP RESIDENCES</b>                           |                  |                  |                |                |                |                |     |                |                |     |       |       |     |                  |     |
| Boarding houses, lodging houses                   |                  | C                | P              | P              | C              |                |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | A <sup>6</sup>   |     |
| Adult family home*                                | P                | P                | P              | P              | P              | P              |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | A <sup>6</sup>   |     |
| Community residential facility*                   |                  |                  | C              | C              | C              | C              |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | P/A <sup>6</sup> |     |
| Senior citizen assisted housing*                  |                  |                  | P              | P              | P              | P              |     | P <sup>7</sup> | P <sup>7</sup> |     | P     | P     |     | A <sup>6</sup>   |     |

**Table 15.310.040. Residential-based uses.**

| Use                                       | R-S                  | R-L                  | R-M                  | R-H                  | R-O                  | C-N                  | C-H                  | C-C                  | C-C II               | I-L            | NC-MU                | RC-MU                | I-H            | P-R            | MHP                  |
|-------------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------|----------------------|----------------------|----------------|----------------|----------------------|
| <u>Transitional Housing*</u>              | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> |                | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> |                |                | <u>C<sup>9</sup></u> |
| <u>Permanent Supportive Housing*</u>      | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> |                | <u>C<sup>9</sup></u> | <u>C<sup>9</sup></u> |                |                | <u>C<sup>9</sup></u> |
| <b>RESIDENTIAL ACCESSORY USES</b>         |                      |                      |                      |                      |                      |                      |                      |                      |                      |                |                      |                      |                |                |                      |
| Accessory dwelling unit* (ECC 15.540.040) | P                    | P                    | P                    | P                    | P                    |                      |                      | P <sup>7</sup>       | P <sup>7</sup>       |                |                      |                      |                |                |                      |
| Home occupations* (ECC 15.340.020)        | P                    | P                    | P                    | P                    | P                    | P                    | P                    | P <sup>7</sup>       | P <sup>7</sup>       | P              | P                    | P                    | P              | P <sup>6</sup> | P                    |
| Yard sale use                             | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup> | A <sup>8</sup>       | A <sup>8</sup>       | A <sup>8</sup> | A <sup>8</sup> | A <sup>8</sup>       |
| <b>TEMPORARY LODGING</b>                  |                      |                      |                      |                      |                      |                      |                      |                      |                      |                |                      |                      |                |                |                      |
| Bed and breakfast (ECC 15.340.010)        | P                    | P                    | P                    | P                    | P                    |                      |                      | P <sup>7</sup>       | P <sup>7</sup>       |                | P                    | P                    |                |                |                      |

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and Chapter 15.330 ECC.
2. Duplexes and townhomes are permitted in the R-L and R-S zones on infill lots (preexisting legal lots of record as of December 31, 2021) notwithstanding the maximum density limits in Table 15.320.030. For lots recorded after this date, duplexes and townhomes are permitted in the R-L and R-S zones but must meet the density requirements of ECC 15.320.030.
3. Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.
4. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district.

5. Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC 15.310.050).
7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC 15.510.050(E).
8. Yard sales are permitted as an accessory use to a dwelling; provided, that the following conditions are met:
  - a. Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
  - b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
  - c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works and utilities department; and
  - d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.
9. All permanent supportive housing and transitional housing developments are subject to the requirements of ECC 15.340.080.

**Table 15.310.040. Nonresidential uses.**

| Use                                                   | R-S            | R-L            | R-M            | R-H            | R-O            | C-N | C-H | C-C            | C-C II | NC-MU | RC-MU | I-L | I-H | P-R |
|-------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|-----|-----|----------------|--------|-------|-------|-----|-----|-----|
| <b>RETAIL</b>                                         |                |                |                |                |                |     |     |                |        |       |       |     |     |     |
| Auto sales, new and used                              |                |                |                |                |                |     | P   | P <sup>2</sup> | P      |       | P     |     |     |     |
| Automobile fueling                                    |                |                |                |                |                | P   | P   | P              | P      |       | P     | P   |     |     |
| Automobile, electric vehicle battery charging station | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P   | P   | P              | P      | P     | P     | P   | P   | P   |

**Table 15.310.040. Nonresidential uses.**

| Use                                                                                      | R-S            | R-L            | R-M            | R-H            | R-O            | C-N            | C-H            | C-C            | C-C<br>II | NC-<br>MU      | RC-<br>MU      | I-L            | I-H | P-R            |
|------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------|----------------|----------------|----------------|-----|----------------|
| Farmers' markets*                                                                        |                |                |                |                |                | P              |                | P              | P         | P              | P              |                |     |                |
| Fruit stands*                                                                            | P              | P              | P              | P              | P              |                |                |                |           |                |                |                |     |                |
| Heavy retail (ECC 15.130.080)                                                            |                |                |                |                |                |                | P              | P <sup>2</sup> | P         |                | P              | P              | P   |                |
| Nurseries and greenhouses                                                                | P              |                |                |                |                |                | P              | P              | P         | P              | P              | P              | P   |                |
| Restaurants                                                                              | P              | P              | P              | P              | P              | P              | P              | P              | P         | P              | P              | P              |     | A <sup>6</sup> |
| Bars and brewpubs*                                                                       |                |                |                |                |                | P              | P              | P              | P         | P              | P              | P              |     | A <sup>6</sup> |
| Coffee house, espresso bar                                                               | P <sup>5</sup> | P <sup>5</sup> | P              | P              | P              | P              | P              | P              | P         | P              | P              | P              |     | A <sup>6</sup> |
| Retail, small scale (<2,000 sf floor area)                                               | P <sup>5</sup> | P <sup>5</sup> | P              | P              | P              | P              | P              | P              | P         | P              | P              |                |     | A <sup>6</sup> |
| Retail, medium scale (2,000 – 20,000 sf floor area)                                      |                |                |                |                |                | P              | P              | P              | P         | P              | P              |                |     | A <sup>6</sup> |
| Retail, large scale (20,001 – 60,000 sf floor area)                                      |                |                |                |                |                | P <sup>3</sup> | P              | P              | P         | P              | P              |                |     |                |
| Retail, very large scale (60,001 – 100,000 sf floor area)                                |                |                |                |                |                |                | P              | C              | C         |                | P              |                |     |                |
| Retail, super scale (>100,001 sf floor area)                                             |                |                |                |                |                |                | C              |                |           |                | C              |                |     |                |
| Regional retail commercial projects* (subject to the requirements in Chapter 15.390 ECC) | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> |                |           | P <sup>8</sup> | P <sup>8</sup> | P <sup>8</sup> |     |                |

**Table 15.310.040. Nonresidential uses.**

| Use                                                                          | R-S                   | R-L                   | R-M                   | R-H                   | R-O                   | C-N                   | C-H                   | C-C                   | C-C<br>II             | NC-<br>MU             | RC-<br>MU             | I-L             | I-H             | P-R              |
|------------------------------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------|-----------------|------------------|
| Marijuana retailer*                                                          |                       |                       |                       |                       |                       | P <sup>9</sup>        | P <sup>9</sup>        | P <sup>9</sup>        | P <sup>9</sup>        | P <sup>9</sup>        | P <sup>9</sup>        |                 |                 |                  |
| <b>PERSONAL AND GENERAL SERVICE</b>                                          |                       |                       |                       |                       |                       |                       |                       |                       |                       |                       |                       |                 |                 |                  |
| Day care I facilities*                                                       | P                     | P                     | P                     | P                     | P                     | P                     | P                     | P                     | P                     | P                     | P                     | P               |                 | A <sup>6</sup>   |
| Day care II facilities*                                                      | C                     | C                     | C                     | C                     | P                     | P                     | P                     | P                     | P                     | P                     | P                     |                 |                 | A <sup>6</sup>   |
| Heavy services (see Heavy retail and services definition in ECC 15.130.080)* |                       |                       |                       |                       |                       |                       | P                     | P <sup>2</sup>        | P                     |                       | P                     | P               | P               |                  |
| Hotels/motels*                                                               |                       |                       |                       |                       |                       |                       | P                     | P                     | P                     | P                     | P                     |                 |                 |                  |
| <u>Indoor Emergency Shelter*</u>                                             | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> |                 |                 |                  |
| <u>Indoor Emergency Housing*</u>                                             | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> | <u>C<sup>11</sup></u> |                 |                 |                  |
| Hospitals*                                                                   | C                     | C                     | C                     |                       | P                     |                       |                       | C                     | P                     |                       | C                     |                 |                 | A <sup>6</sup>   |
| Offices, medical*                                                            |                       |                       |                       |                       | P                     | P                     | P                     | P                     | P                     | P                     | P                     |                 |                 | P/A <sup>6</sup> |
| Kennels*                                                                     |                       |                       |                       |                       |                       |                       | P                     |                       | P                     |                       |                       | P               |                 |                  |
| Nursing homes*                                                               | C                     | C                     | C                     | P                     | P                     |                       |                       | P                     | P                     |                       |                       |                 |                 | P/A <sup>6</sup> |
| Marijuana cooperative*                                                       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup>       | P <sup>10</sup> | P <sup>10</sup> | P <sup>10</sup>  |

**Table 15.310.040. Nonresidential uses.**

| Use                                                                             | R-S            | R-L            | R-M | R-H | R-O | C-N | C-H | C-C | C-C<br>II | NC-<br>MU | RC-<br>MU | I-L            | I-H | P-R              |
|---------------------------------------------------------------------------------|----------------|----------------|-----|-----|-----|-----|-----|-----|-----------|-----------|-----------|----------------|-----|------------------|
| Personal service establishments*                                                | P <sup>5</sup> | P <sup>5</sup> | P   | P   | P   | P   | P   | P   | P         | P         | P         |                |     | A <sup>6</sup>   |
| Laundromats and dry cleaners                                                    |                |                | P   | P   | P   | P   | P   | P   | P         | P         | P         | P              |     |                  |
| Places of assembly*                                                             | C              | C              | C   | C   | P   | P   | P   | P   | P         | C         | C         | C              |     | A <sup>6</sup>   |
| Radio station (commercial)                                                      |                | C              |     |     |     |     | P   |     |           | P         | P         | C              | C   | A <sup>6</sup>   |
| Veterinary clinic                                                               |                |                |     |     | C   | C   | P   | P   | P         | P         | P         | C              |     |                  |
| <b>BUSINESS SERVICE</b>                                                         |                |                |     |     |     |     |     |     |           |           |           |                |     |                  |
| Conference center*                                                              |                |                |     |     |     |     | P   | P   | P         | P         | P         |                |     | A <sup>6</sup>   |
| Offices, business or professional*, small scale (<2,000 sf floor area)          | P <sup>5</sup> | P <sup>5</sup> |     |     | P   | P   | P   | P   | P         | P         | P         | P <sup>4</sup> |     | P/A <sup>6</sup> |
| Offices, business or professional*, medium scale (2,000 – 20,000 sf floor area) | P <sup>5</sup> | P <sup>5</sup> |     |     |     |     | P   | P   | P         | P         | P         | P              |     | P/A <sup>6</sup> |
| Offices, business or professional*, large scale (20,001 – 60,000 sf floor area) |                |                |     |     |     |     | P   | P   | P         | P         | P         | P              |     | P/A <sup>6</sup> |
| Miniwarehouse facility*                                                         |                |                | C   |     |     |     |     |     |           |           |           | C              | C   |                  |
| <b>INDUSTRIAL</b>                                                               |                |                |     |     |     |     |     |     |           |           |           |                |     |                  |

**Table 15.310.040. Nonresidential uses.**

| Use                                                                                   | R-S | R-L | R-M | R-H | R-O | C-N | C-H | C-C              | C-C<br>II        | NC-<br>MU        | RC-<br>MU        | I-L             | I-H             | P-R            |
|---------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|------------------|------------------|------------------|------------------|-----------------|-----------------|----------------|
| Light manufacturing*                                                                  |     |     |     |     |     |     | P   | P <sup>2</sup>   | P <sup>2</sup>   | P <sup>2</sup>   | P <sup>2</sup>   | P               | P               |                |
| Light industry (ECC 15.130.120)                                                       |     |     |     |     |     |     |     | P <sup>2,7</sup> | P <sup>2,7</sup> | P <sup>2,7</sup> | P <sup>2,7</sup> | P               | P               |                |
| Hazardous waste treatment (off-site) (see definition of “off-site” in ECC 15.130.150) |     |     |     |     |     |     |     |                  |                  |                  |                  | C               | C               |                |
| Hazardous waste treatment (on-site) (see definition of “on-site” in ECC 15.130.150)   |     |     |     |     |     |     | C   | C                | C                |                  |                  | C               | C               | A <sup>6</sup> |
| Heavy industry (ECC 15.130.080)                                                       |     |     |     |     |     |     |     |                  |                  |                  |                  |                 | C               |                |
| Marijuana processor*                                                                  |     |     |     |     |     |     |     |                  |                  |                  |                  | P <sup>14</sup> | P <sup>14</sup> |                |
| Marijuana producer*                                                                   |     |     |     |     |     |     |     |                  |                  |                  |                  | P <sup>14</sup> | P <sup>14</sup> |                |
| Tow vehicle storage area*                                                             |     |     |     |     |     |     |     |                  |                  |                  |                  | P               | P               |                |
| Vehicle wrecking yard*                                                                |     |     |     |     |     |     |     |                  |                  |                  |                  |                 | C               |                |

**Development conditions:**

1. Vehicle battery charging stations are permissible for the primary use of residents and their guests in all residential zones. Battery charging station clusters are permitted for multifamily uses located in the R-M and R-H zones.
2. Use must be enclosed entirely within a building.
3. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.

4. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
5. Subject nonresidential uses may be permitted in the R-S and R-L zones if the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.
7. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
  - a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see Chapter 15.580 ECC for standards), dust or other physical effect; and
  - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
8. Regional retail is administered as an overlay zone pursuant to Chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in Figure 15.390.040(A), the south interchange area, and Figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by Chapter 15.390A ECC.
9. All marijuana retail, production and processing facilities are subject to the requirements of Chapter 15.370 ECC.
10. All marijuana cooperatives are subject to the requirements of ECC 15.370.030, Chapter 314-55 WAC and Chapter 69.51A RCW.
11. All indoor emergency housing and indoor emergency shelters are subject to the requirements of ECC 15.340.080.

## Chapter 15.340 INDEX OF SUPPLEMENTAL USE CRITERIA

### Sections:

- 15.340.010 Bed and breakfasts.
- 15.340.020 Home occupations.
- 15.340.030 Manufactured homes.
- 15.340.040 Manufactured home park.
- 15.340.050 Recreational vehicle park.
- 15.340.060 Small wind energy systems.
- 15.340.070 Commercial wireless communication support towers, antenna arrays and facilities.
- 15.340.080 Supportive Housing Facilities Standards

### 15.340.080 Supportive Housing Facilities Standards.

A. Purpose and Applicability. The purpose of this section is to establish reasonable standards for the safe operation and appropriate siting of supportive housing facilities within the city of Ellensburg so as to protect public health and safety for both facility residents and the broader community. As used in this chapter, “supportive housing facility” includes emergency housing, emergency shelters, permanent supportive housing, and transitional housing in buildings or other permanent structures.

#### B. Performance Standards.

##### 1. General Requirements for All Supportive Housing Facilities.

###### a. General.

- i. When a site includes more than one (1) type of supportive housing facility, the more restrictive requirements of this section shall apply.
- ii. Specific needs of each facility will be reviewed through the conditional use permit process in ECC 15.250.040. The decision maker may relax one (1) or more of the standards in this subsection, only when the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe facility with minimal negative impact to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the decision maker shall first consider the effects on the health and safety of facility residents and the neighboring communities. Modifications will not be granted if the adverse impact on residents of the facility and/or neighboring communities will be greater than without such modification. The burden of proof is on the applicant.
- iii. All supportive housing facilities must comply with the provisions of the Building and Fire Code under Title 4 of the Ellensburg City Code, the public works development standards, and are subject to the provisions of crime prevention through environmental design (CPTED) in ECC 15.420.040(C).

###### b. Site and Transit.

- i. Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located. The design, construction, appearance, physical integrity, and maintenance of the facility shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants’ stability.

ii. If provided, exterior lighting must comply with Chapter 15.580 ECC and be directed downward, and glare must be contained within the facility site to limit the impact on neighboring properties.

iii. The minimum number of off-street parking spaces required for each facility will be determined by the decision maker through the approval process taking into consideration factors such as the potential number of residents, site constraints, and impact on the surrounding neighborhood.

iv. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.

c. Facility Operations.

i. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations, including Kittitas County Department of Health regulations. The sponsor or managing agency shall be subject to inspections by local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

ii. Service providers must exercise reasonable and appropriate on-site supervision of facilities and program participants at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.

iii. The sponsor or managing agency must provide an operations plan at the time of the application that adequately addresses the following elements:

(A) Name and contact information for key staff;

(B) Roles and responsibilities of key staff;

(C) Site/facility management, including security policies and an emergency management plan;

(D) Site/facility maintenance;

(E) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;

(F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;

(G) Outreach with surrounding property owners and residents; and

(H) Procedures for maintaining accurate and complete records.

iv. Sponsors or managing agencies shall demonstrate applicable experience providing similar services to people experiencing homelessness.

v. Sponsors or managing agencies shall demonstrate a stable funding source for the facility and any on-site or off-site human and social services offered as part of the operations plan.

vi. Managing agencies and the Ellensburg Police Department (EPD) shall establish reasonable requirements for appropriate access and coordination for the subject facility and its residents.

2. Additional Requirements for Emergency Housing and Emergency Shelters. In addition to the requirements under subsection (B)(1) of this section, emergency housing and emergency shelters are required to comply with the following:

a. Facility Standards.

i. Facilities shall not be located closer than one thousand seven hundred fifty (1,750) feet to an elementary-middle school, high school, public park, library, community center, or other emergency housing or emergency shelter facility. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility or school and the closest property line of the proposed facility.

ii. In the R-S, R-L, R-M, and R-H zones, no more than one (1) adult bed per two hundred fifty (250) square feet of floor area is allowed per facility, up to eighty (80) residents.

iii. In all other zones, no more than one (1) adult bed per thirty-five (35) square feet of floor area is allowed per facility, up to eighty (80) residents.

b. Facility Operations.

i. In the R-S, R-L, R-M, and R-H zones, and in order to maintain the residential nature of the facility, residents must be screened off-site by providers of housing and services for people experiencing homelessness.

ii. Trash receptacles must be provided in multiple locations throughout the facility and site. A regular trash patrol in the immediate vicinity of the site must be provided.

iii. Residents and staff must comply with all Kittitas County Health Department requirements related to food donations.

iv. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

v. No person under court supervision or under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

c. Facility Services.

i. Residents should have access to the following services on site, if feasible; if not provided on site, transportation shall be provided:

(A) For all facilities, medical services, including mental and behavioral health counseling.

(B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.

(C) For emergency shelter facilities, substance abuse assistance.

ii. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.

iii. The number of toilets and other hygiene facilities required for each facility will be determined by the decision maker on a case-by-case basis in consultation with the city's building official and/or the Kittitas County Health Department after a review of factors such as the potential number and composition of residents.

iv. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.

v. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

3. Additional Requirements for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (B)(1) of this section, permanent supportive housing and transitional housing are required to comply with the following:

a. Facility Standards.

i. Individual facilities shall not have more than eighty (80) dwelling units and are subject to the density standards of residential uses allowed in the zone where the facility is located.

ii. The multi-family housing design standards of Title 15 of the Ellensburg City Code shall apply to all facilities with more than five (5) dwelling units.

b. Facility Services.

i. All residents shall have access to appropriate cooking and hygiene facilities.

ii. Facilities serving more than five (5) dwelling units shall have dedicated spaces for residents to meet with service providers.

iii. Residents should have access to the following services on site, if feasible, or shall be provided transportation to such services by the sponsor or managing agency:

(A) Medical services, including mental and behavioral health counseling.

(B) Employment and education assistance.

## **Item 23-03 – Zoning Code update to reflect Future Land Use/Zoning conversion table**

### **Description**

This item was submitted by Community Development Staff to provide consistency with a Future Land Use/Zoning conversion table anticipated for adoption by the City Council in its Annual Comprehensive Plan Development Docket Cycle.

The Future Land Use/Zoning conversion table was designed to provide an easy and clear option for citizens to understand the relationship between Future Land Use designation and the applicable zoning options for each designation. During the 2023 annual docket cycle presentations of this conversion table to the Planning Commission and City Council, staff indicated that Title 15.300 will need to be updated to reflect the information in the conversion table. This amendment will provide consistency between the Comprehensive Plan and City regulations.

The proposal will amend multiple sections in Title 15.300 “Zones, Maps and Designations” to reflect the new conversions table and provide consistency with zoning regulations. The changes will provide more clarity to staff, city officials, and the public in understanding what zones are appropriate for each Future Land Use designation. The specific changes are indicated below.

### **Item 23-03**

#### **Proposed Code Changes**

#### **15.300.040 Residential zones and map designations.**

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

1. Allowing detached single-family dwellings as the predominant use, with options to integrate accessory dwelling units, duplexes, townhomes, and other compatible housing types in a relatively low urban density;
2. Providing standards and guidelines that reinforce Ellensburg’s established pattern of attractive and walkable residential neighborhoods;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses;
4. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development;
5. Providing an opportunity to integrate compatible small-scaled retail and service uses in strategic locations that serve the surrounding neighborhood;
6. Providing a flexible system of bonus incentives (see ECC 15.330.020) that allows for an increase in density in exchange for:

- a. Energy efficient building and site design;
- b. Mix of housing types;
- c. Off-street trails;
- d. Purchase of transferable development rights (subject to the city adopting a TDR program) that help to preserve valuable resource lands outside of the city;
- e. Preservation of historic buildings; and/or
- f. Affordable housing; and

7. Use of this zone is appropriate for ~~any of the following or combinations thereof~~ areas designated residential neighborhood in the comprehensive plan.

- ~~a. Areas designated residential neighborhood in the comprehensive plan; and~~
- ~~b. Areas characterized predominantly by single family dwellings.~~

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

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

e. Preservation of historic buildings; and/or

f. Affordable housing; and

7. Use of this zone is appropriate for ~~any of the following, or combinations thereof~~ areas designated residential neighborhood or blended residential neighborhood in the comprehensive plan.

~~a. Areas designated residential neighborhood or blended residential neighborhood in the comprehensive plan;~~

~~b. Areas characterized by, or immediately adjacent to, areas which are predominantly single-family in character.~~

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

1. Allowing a variety of housing types including detached single-family dwellings, cottage housing, townhouses, and multifamily;

2. Providing standards and guidelines to help ensure that new infill development will be compatible in scale and character with existing development;

3. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets within the zone;

4. Providing standards and guidelines that promote the integration of usable open space for residential uses;

5. Providing standards and guidelines that encourage parks, trails, open spaces, and natural features to be integrated with the design of new development on large sites;

6. Providing a minimum density standard to avoid large scale low density sprawl; and

7. Use of this zone is appropriate for ~~any of the following, or combinations thereof~~ areas designated residential neighborhood, blended residential neighborhood, neighborhood mixed use or community mixed-use in the comprehensive plan.

~~a. Areas designated residential, neighborhood, mixed use, or blended residential neighborhood, neighborhood mixed use or community mixed use in the comprehensive plan;~~

~~b. Areas characterized by a mix of single and multifamily buildings;~~

~~c. Areas located along designated arterial streets;~~

~~d. Areas adjacent to commercial zoned property;~~

~~e. Areas located along corridors served by transit.~~

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

1. Allowing multifamily dwellings and providing a minimum density limit;
2. Providing standards and guidelines that promote compact and walkable development patterns that are well integrated with surrounding multifamily developments;
3. Providing standards and guidelines that promote the integration of usable open space for residential uses; and
4. Use of this zone is appropriate for ~~any of the following, or combinations thereof:~~ areas designated residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or community mixed-use in the comprehensive plan
  - ~~a. Areas designated residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or community mixed-use in the comprehensive plan;~~
  - ~~b. Areas characterized by multifamily buildings;~~
  - ~~c. Areas adjacent to commercial zoned property;~~
  - ~~d. Areas located along corridors served by transit.~~

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

1. Establishing regulations to establish, stabilize, and protect the residential character of the zone and to prohibit all incompatible activities;
2. Establishing provisions for common open space; and
3. Establishing standards for a safe and connected circulation system. [Ord. 4887 § 18, 2022; Ord. 4807 § 42, 2018; Ord. 4798 § 1, 2018; Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.300.050 Commercial and industrial zones.**

A. Commercial Neighborhood Zone (C-N). The C-N zone is intended to provide small scale shopping areas to serve the residential neighborhoods in outlying areas of the city. These are intended to be pedestrian-oriented areas in convenient locations and designed compatible with the surrounding neighborhood. These purposes are accomplished by:

1. Allowing small scale retail, personal services and other compatible uses that serve the surrounding residential neighborhood;

2. Providing a minimum separation of neighborhood commercial zones of 2,000 feet to minimize their overuse, while providing the opportunity for such uses to be within reasonable walking distance of all residential uses;
3. Providing a maximum size of five acres for neighborhood commercial zones to maintain a small scale and compact, pedestrian-oriented design;
4. Allowing townhouses and multifamily uses as a secondary use due to their complementary nature and ability to enhance the walkability of these zones;
5. Providing standards and guidelines that enhance the appearance and function of neighborhood center uses and their compatibility with surrounding residential uses; and
6. Use of this zone is appropriate for ~~any of the following, or combination thereof:~~ areas designated residential neighborhood, blended residential neighborhood, blended residential neighborhood, urban neighborhood, neighborhood mixed use, or neighborhood commercial in the comprehensive plan.
  - a. ~~Areas designated residential neighborhood, blended residential neighborhood, blended residential neighborhood, or urban neighborhood, neighborhood mixed use, or neighborhood commercial in the comprehensive plan;~~
  - b. ~~Areas located adjacent to a collector or arterial roadway;~~
  - c. ~~Areas centralized to serve existing and/or planned residential neighborhoods within one-quarter mile of the site.~~

B. Commercial Highway Zone (C-H). The C-H zone is intended to accommodate diversified commercial establishments and multifamily residential as a conditional use. In addition, specific areas of the C-H zone which are in the regional retail overlay may have regional retail commercial uses if special development criteria in Chapter 15.390 ECC are met. These purposes are accomplished by:

1. Allowing a broad range of commercial uses that serve the community including retail, personal and general services, and office uses;
2. Allowing small to large scale retail uses, but excluding super scale retail (over 60,000 square feet of floor area) unless associated with a regional retail commercial project meeting the provisions of Chapter 15.390 ECC;
3. Allowing multifamily residential as a conditional use; and
4. Providing standards and guidelines that enhance the appearance and function of commercial highway uses and their compatibility with surrounding uses;
5. Use of this zone is appropriate for ~~any of the following, or combinations thereof:~~ areas designated community mixed use, mixed business park, or general commercial and services in the comprehensive plan.
  - a. ~~Areas designated community mixed use, neighborhood commercial, mixed business park, or general commercial and services, or community mixed use in the comprehensive plan.;~~

- b. ~~Areas adjacent to, or with good access to, arterial streets and highways.~~

C. Light Industrial Zone (I-L). The I-L zone is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the economic welfare of adjoining residential and commercial uses. These purposes are accomplished by:

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

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

1. Allowing the processing of raw materials and the manufacturing, processing, storing, and compounding of semi-finished or finished durable or nondurable products; and
2. Providing design standards and guidelines that provide for flexibility in the layout of buildings and site features, yet enhance the appearance of I-H zone uses and their compatibility with surrounding uses;
3. Use of this zone is appropriate for areas designated heavy industrial in the comprehensive plan. [Ord. 4887 § 19, 2022; Ord. 4807 § 43, 2018; Ord. 4798 § 2, 2018; Ord. 4769 § 12, 2017; Ord. 4656 § 1 (Exh. O2), 2013.]

### **15.300.060 Mixed-use zones**

A. The general purposes of the mixed-use zones are as follows:

1. Fostering a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
2. Encouraging new development that supports the safe and efficient movement of goods and people;

3. Providing for a compatible mix of multifamily housing and neighborhood commercial businesses and services, with an emphasis on promoting multistory structures with commercial uses on the ground floor and multifamily housing on upper floors;
4. Promoting a compact growth pattern to efficiently use the developable land, and to enable cost-effective extensions of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
5. Fostering the development of mixed-use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide transitions between significantly different land use;
6. Ensuring that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access.

B. The purpose of the specific mixed-use zones are as follows:

1. The ~~R~~Residential-~~O~~Office (R-O) zone is intended to serve as a transition zone separating more intensive uses from single-family residential districts. This purpose is accomplished by:
  - a. Avoiding large scale low density sprawl;
  - b. Allowing a variety of housing types;
  - c. Providing for nonresidential uses that are compatible in scale and character with residential uses;
  - d. Reinforcing the character and walkability of [streets](#) within the zone;
  - e. Encouraging historic preservation and adaptive reuse of historic properties; and
  - f. Use of this zone is appropriate for: areas designated as residential neighborhood, urban neighborhood, neighborhood mixed-use, community mixed use, or neighborhood commercial in the comprehensive plan.
    - i. ~~Areas designated as residential neighborhood, urban neighborhood, and neighborhood mixed-use, community mixed use, or neighborhood commercial in the comprehensive plan, as well as;~~
    - ii. ~~Areas characterized by a mix of single- and multifamily and office uses; and/or~~
    - iii. ~~Areas located generally between commercial and single-family residential zones.~~
2. The ~~C~~Central-~~C~~Commercial (C-C) zone is intended to encourage and accommodate the development and redevelopment of a viable central business district serving a broad trade area. The intended physical form of the district is an intensive concentration of compatible business, professional and commercial, and high density residential activities. This purpose is accomplished by:
  - a. Allowing a range of commercial uses that serve the broad trade area;

- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use, including upper floors on storefront dominated streets;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings; and
- e. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets;
- f. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

3. The ~~e~~Central-~~e~~Commercial II (C-C II) zone is intended to provide for orderly expansion of the downtown commercial core. The zone is not to be used to allow strip commercial development or C-C II zones physically separate from the downtown commercial core. These purposes are accomplished by:

- a. Allowing a range of commercial uses that serve the broad trade area;
- b. Promoting office uses, which provide for local employment and complement other commercial uses;
- c. Promoting residential as a secondary use;
- d. Providing standards and guidelines that preserve and/or enhance the historic character and scale of buildings;
- e. Providing standards and guidelines that promote compatibility between uses;
- f. Providing standards and guidelines that reinforce and/or enhance the character and walkability of streets; and
- g. Use of this zone is appropriate for areas designated urban center in the comprehensive plan.

4. The ~~n~~Neighborhood ~~e~~Center mixed-use (NCMU) zone provides for a compatible mix of neighborhood-scaled commercial and employment uses and medium density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities;
- c. Use of this zone is appropriate for areas designated community mixed-use in the comprehensive plan.

5. The ~~r~~Regional ~~e~~Center mixed-use (RCMU) zone is intended to provide a broad mix of uses that offer a variety of commercial and employment opportunities and medium to high density multifamily housing. These purposes are accomplished by:

- a. Promoting neighborhood identity; and
- b. Providing a range of commercial, retail, and service opportunities;
- c. Use of this zone is appropriate for areas designated community mixed-use or mixed business park in the comprehensive plan. and within a half-mile radius of the center of Interstate 90 interchange. [Ord. 4887 § 20, 2022.]

### **15.300.070 Special districts**

A. Public Reserve Zone (P-R). The P-R zone is a special use classification established to provide existing and future areas where public uses, such as, but not limited to, governmental, educational, recreational, cultural, and other public uses operated by a public entity may be allowed to develop. It is anticipated that the uses allowed may be unique and may involve a combination of uses not permitted outright in any other zoning districts. These purposes are accomplished by:

- 1. Allowing a full range of public uses including parks, schools, community centers, and governmental facilities;
- 2. Providing viable options for the adaptive reuse of surplus public facilities provided new uses can be integrated with the surrounding communities in a compatible manner; and
- 3. Use of this zone is appropriate for:
  - a. Areas designated public institutional, open space (private), or parks and open space (public) in the comprehensive plan. ; and
  - b. Other sites planned to accommodate public uses allowed in the zone.

## **Item 23-04 – Demolition Ordinance**

### **Description**

### **Item 23-04**

### **Proposed Code Changes**

## **Chapter 15.280**

### **ELLENSBURG LANDMARKS REGISTER AND PROCEDURES**

#### Sections:

- 15.280.010 Short title.**
- 15.280.020 Declaration of purpose.**
- 15.280.030 Definitions**
- 15.280.040 Creation of Ellensburg landmarks and design commission.**
- 15.280.050 Members, qualifications and terms.**
- 15.280.060 Powers and duties.**
- 15.280.070 Officers and records.**
- 15.280.080 Landmarks and design commission staff.**
- 15.280.090 Ellensburg landmarks register.**
- 15.280.100 Review of changes to landmarks register properties.**
- 15.280.110 Application for demolition permit; demolition review standards**
- 15.280.120 Evaluation of economic impact.**
- 15.280.130 Special valuation for historic properties.**

#### **15.280.010 Short title.**

The following sections shall be known and may be cited as the “landmarks and design ordinance” of the city of Ellensburg. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.280.020 Declaration of purpose.**

This chapter is intended to identify, evaluate, designate, protect, enhance, and perpetuate historic places within the city of Ellensburg in order to:

- A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites, and structures which reflect significant elements of Ellensburg’s history;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize and improve the economic vitality of buildings, neighborhoods, and the community as a whole;
- D. Strengthen the city’s tourism industry by enhancing its historic character;
- E. Facilitate early resolution of conflicts between preservation of historic resources and alternative land uses;
- F. Protect property values and public and private investment in the existing built environment;
- G. Provide incentives to property owners for the acquisition, preservation, restoration, redevelopment, and continued use of outstanding historic properties; and

H. Encourage the rehabilitation of eligible historic properties through the “special valuation for improvements to historic property” program, a property tax incentive, as provided in Chapter 84.26 RCW. [Ord. 4656 § 1 (Exh. O2), 2013.]

### **15.280.030 Definitions**

The following definitions are specific to this chapter and shall have the following meanings:

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

“Commission” means the city’s landmarks and design commission.

“Imminently Dangerous” means a condition that could cause serious or life-threatening injury or death at any time and is typically intended to describe situations that pose a danger in an occupied building, or to adjacent occupied buildings.

“Landmark property” means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed on the Ellensburg Landmarks Register, stops at the parcel boundary, and does not include public right of way.

“Neglect” means the lack of proper maintenance for a building or structure, that contributes to the building being deemed structurally deficient.

“Ordinary repair and maintenance” means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real building or structure appurtenant therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

“Structure” for the purpose of this chapter, means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

“Structurally Deficient” means any failure or deviation from the intended structural performance of a building element due to defective design, workmanship, material, or caused by the age of the building.

### **15.280.040 Creation of Ellensburg landmarks and design commission.**

There is hereby created an Ellensburg landmarks and design commission which shall have the powers, duties and functions provided in this chapter. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.280.050 Members, qualifications and terms.**

A. The Ellensburg landmarks and design commission shall consist of seven members appointed by a majority of the Ellensburg city council. A majority of members so appointed shall be residents of the city of Ellensburg.

B. All members of the commission shall have demonstrated an active interest in historic preservation and design review.

C. The commission shall include at least two owners of property from within the downtown and First Railroad Addition historic districts, as defined in ECC 15.300.070(B) and (C), or a property individually listed on the Ellensburg landmarks register. One member shall be a member of the Ellensburg Downtown Association (EDA) for a term of four years. One member shall be a general at-large position. The commission shall include at least three professionals (active or retired) who work or worked among the related fields of history, architecture, construction, landscape design, historic preservation, planning, anthropology, archaeology, cultural geography, American studies, land use law, or real estate.

D. A commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the Ellensburg city council and the State Historic Preservation Officer.

E. Appointment of new members to the commission shall be for a period of four years. Vacancies shall be filled by the Ellensburg city council for any unexpired term in the same manner as the original appointment. [Ord. 4887 § 15, 2022; Ord. 4883 § 43, 2022; Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.280.060 Powers and duties.**

The primary role of the commission is twofold: 1) encourage the preservation of Ellensburg historic landmarks, and 2) to review proposed changes to Ellensburg landmarks properties.

A. Encourage the Preservation of Ellensburg Historic Landmarks. In the area of historic landmarks preservation, the primary role of the commission is to identify and actively encourage the conservation of Ellensburg's historic resources through a register of landmarks and historic resources and a review of proposed changes to landmarks; to raise community awareness of Ellensburg's history and built environment; and to serve as the city's primary resource in matters of heritage, historic planning, and preservation. In carrying out these responsibilities, the commission shall engage in the following:

1. Conduct and maintain a comprehensive Ellensburg historic resource inventory; publicize and periodically update inventory findings. Properties included in the inventory shall be noted on official zoning records with an "HI" (for historic inventory). This notation shall not modify the underlying zone classification;

2. Initiate and maintain the Ellensburg landmarks register. This official register shall be compiled of buildings, structures, sites, objects, and districts evaluated by the commission as possessing historic significance worthy of recognition by the city of Ellensburg and worthy of preservation;
3. Review citizen nominations to the Ellensburg landmarks register according to evaluation criteria set forth in ECC 15.280.080, and adopt standards in its rules to guide this review;
4. Develop incentive programs to assist landmark owners with the use, reuse, and redevelopment of historic buildings. Such incentives may include façade design assistance, revolving loan funds, and tax or building code relief;
5. Review proposals to alter or demolish landmark buildings, landmark sites, or landmark districts listed in the register as provided in ECC 15.280.100; and adopt standards in its rules to guide this review and the issuance of certificates of appropriateness and demolition applications;
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, provide for adequate public participation, and adopt standards in its rules to guide this action;
7. Submit nominations to the Washington Heritage Register and the National Register of Historic Places and adopt standards in its rules to guide this action;
8. Through staff, provide review and comment to the department of community development on development proposals affecting historic resources within the boundaries of the city of Ellensburg;
9. Provide review and comment to the Ellensburg city council on land use planning, housing, transportation, municipal improvements, and other activities proposed by any agency of the city of Ellensburg, Kittitas County, Washington State, or the federal government, as they relate to the historic resources of Ellensburg;
10. Advise the Ellensburg city council generally on matters of historic preservation and heritage tourism, and perform other related functions as assigned by the Ellensburg city council;
11. Investigate and report to the Ellensburg city council on current federal, state, local and private funding sources available to promote public and private historic preservation projects and heritage tourism in the city of Ellensburg;
12. Establish working liaisons with existing nonprofit organizations and with federal, state, and local government entities to further historic preservation objectives in Ellensburg;

13. Provide current information to property owners on techniques and appropriate treatments for maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities;

14. Compile a list of historic preservation consultants, building movers, and available vacant lots to assist in avoiding demolition of historic buildings. Consider proposing a property maintenance ordinance to assist with mothballing vacant historic buildings;

15. Conduct educational and interpretive programs pertaining to Ellensburg's historic resources;

16. Review nominations to the State and National Register of Historic Places.

17. Serve as the local review board for special valuation as provided under Chapter 84.26 RCW and ECC 15.280.130; and

18. Administer the historic preservation grant program in accordance with procedures authorized and approved by the city council.

B. Review Proposed Changes to Ellensburg Landmarks Properties. In the area of design review, a primary role of the commission is to review and make the decisions on proposed changes (including signage) to landmark properties. See ECC 15.280.090 for the design review process for landmark property/district related projects.

C. Demolition Review. In the area of demolition review, the role of the commission is to review and make decisions on the proposed whole or partial demolition of a landmark property or property located within an Ellensburg Landmark District boundary.

#### **15.280.070     Officers and records.**

The commission shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business. A majority of the membership will constitute a quorum for the purpose of transacting business. Action by the commission shall be by majority vote. A tie vote on a motion to approve shall constitute a failure of the motion and denial of the application. All meetings shall be open to the public and the commission shall keep minutes of its proceedings, and the minutes and a copy of its adopted kept on file in the office of the city clerk and be open to inspection by the public. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.280.080     Landmarks and design commission staff.**

Assistance to the commission shall be provided by the department of community development, which shall assign a professionally qualified member of the department's staff, or a qualified consultant, to act as a preservation planner to assist the commission in fulfilling its historic landmarks preservation duties. Under direction of the commission, the preservation planner shall be the custodian of the commission's historic landmarks records. The preservation planner shall conduct official correspondence, assist in organizing the commission, and carry out the technical

work of the commission in all historic landmarks preservation activities. [Ord. 4656 § 1 (Exh. O2), 2013.]

### **15.280.090 Ellensburg landmarks register.**

There is hereby created an Ellensburg landmarks register.

A. Criteria for Eligibility to the Register. Any building, structure, site, object, or district may be designated for listing in the Ellensburg landmarks register if it is significantly associated with the settlement, development, architecture, politics, economy, social history, archaeology, or cultural heritage of the community; retains integrity of location, setting, design, materials, workmanship, feeling, and association; is at least 50 years old; and if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of local, state, or national history;
2. Is closely linked with the life of a person important in the history of the city, state, or nation;
3. Embodies the distinctive visual characteristics of an architectural type, period, style, or method of construction;
4. Is an outstanding work of a designer, builder, or architect;
5. Has yielded, or may be likely to yield, important archaeological information related to history or prehistory; and/or
6. Because of prominent spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood and contributes to the distinctive identity of that neighborhood.

B. Process for Designating Properties to the Landmarks Register (a Type II Review Process Exception).

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Ellensburg landmarks register. Members of the commission or the commission as a whole may generate nominations. In its designation program, the commission shall consider the Ellensburg historic resource inventory and the Ellensburg comprehensive plan. Owner(s)' consent is required before the commission shall consider the nomination.
2. Nominations shall be made on forms provided by the commission. Completed nominations received by the commission will be scheduled for review within 15 working days of receipt.

3. The commission shall consider the merits of the nomination at a public hearing, in accordance with the criteria for eligibility set forth in subsection (A) of this section, and according to the nomination review process.
4. Adequate notice shall be given to the general public, the property owner(s), the author of the nomination, and lessees, if any, prior to the public hearing. Such notice shall include publication in a newspaper of general circulation in Ellensburg.
5. Within 10 days of holding the public hearing, the commission shall render a decision on whether a nominated property meets the criteria set forth in subsection (A) of this section. If the finding is that the nominated property meets the criteria set forth in subsection (A) of this section, the property shall be officially listed as a landmark, landmark site, or landmark district or part thereof. Notice of the decision shall be sent to the property owner(s), the author of the nomination, any occupants of the building, the preservation planner, and the Ellensburg city council. If the listed property is adjacent to the boundary of an existing landmark district, said boundary shall be amended accordingly. If the listed property will create a new landmark district, then the listed area shall be designated on the official zoning map with the notation "LR" to indicate the district is on the landmarks register. An isolated property shall be designated on the official zoning map with the notation "LR" to indicate the property is on the landmarks register.
6. For individual landmark designations, the commission shall include in its designation the applicable criteria on which the listing is based, a legal description of the property, and a list of all significant features that contribute to its historic character.
7. For landmark district designations, the commission shall include in its designation recommendation the applicable criteria, a description of the boundaries of the district, and a list of all buildings, structures, sites, and objects which contribute to its historic character.
8. Whenever the commission rejects the nomination of all or any part of a property, the commission shall, within 10 working days, issue a written decision including reasons supporting the determination that the criteria set forth in subsection (A) of this section have not been met. Notice of the decision shall be sent to the property owner(s), author of the nomination, any lessees, the preservation planner, and the Ellensburg city council.
9. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.
10. Properties listed in the Ellensburg landmarks register shall be recorded on official zoning records with an "LR" (for landmarks register). This designation shall not change or modify the underlying zone classification.

#### C. Downtown and Residential Historic Districts.

1. The existing downtown historic district, defined in ECC 15.300.070(B) and hereafter known as the “downtown historic district,” and the existing residential historic district, defined in ECC 15.300.070(C) and hereafter known as the “First Railroad Addition historic district,” are hereby designated as Ellensburg landmark districts. The geographic area encompassed by each district is identified on the map attached to the ordinance codified in this chapter and made a part of this chapter by reference.

2. The commission shall compile existing historical data and property records, prepare Ellensburg landmarks register nomination forms, and create complete landmark files for each of the landmark districts.

3. The provisions of ECC 15.280 shall hereafter apply to the downtown historic district and the First Railroad Addition historic district.

D. Change of Status from Noncontributing to Contributing within a District. The owner(s) of record of noncontributing property within a district may submit a COA application to the department for change of status of the property from noncontributing to contributing. The application shall identify all features of historical significance of the property in accordance with subsection A of this section and shall include the legal description and description of all interior and exterior features, and outbuildings, that contribute to its proposed designation as a contributing property.

E. Effects of Listing on the Ellensburg Landmarks Register.

1. Listing on the Landmarks register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

2. Prior to the commencement of any exterior work visible from a public right of way on a Landmarked building or any property located within the boundaries of a district, excluding ordinary repair and maintenance, the owner must apply for and receive a COA from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. This city is a certified local government (CLG), and therefore all qualifying properties listed on the Ellensburg and National Registers of Historic Places may be eligible for special tax valuation on their rehabilitation under ECC 15.280.130.

4. Prior to whole or partial demolition of a register property or contributing property within a district, the owner must apply for and receive a demolition approval pursuant to the requirements of ECC 15.280.110.

F. Removal of Properties from the Register. In the event that any designated landmark property is no longer deemed eligible for inclusion on the Landmarks Register by City staff or the

commission, per requirements of subsections A.1-6 of this section, the commission may initiate removal of such designation by the same procedure as provided for in establishing the designation in subsection (B) of this section.

#### **15.280.100 Review of changes to landmarks register properties.**

##### **A. Review Required.**

1. No person shall alter, repair, enlarge, newly construct, relocate, or demolish any registered landmark building, or any structure located on a property within a landmark district, nor install any exterior sign or mural pursuant to subsection (A)(2) of this section, without review by the commission and issuance of a COA or a demolition permit (ECC15.280.110).
2. In the case of murals, the arts commission shall first review and provide recommendations to the commission regarding any proposal for a mural to be located on a registered landmark or within a landmark district. Factors to be considered by the arts commission include media to be used, method of application, stability, building/site, mural location and practicability of project.
3. This review shall apply to all exterior features of the building visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.
4. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for projects and sign review per ECC 15.210.050(B).

**B. Exemptions.** The following activities are exempted from landmarks review and do not require a COA:

1. Ordinary repair and maintenance which does not visually alter exterior features of a building visible from a public right-of-way, and does not utilize substitute materials.
2. Repairs to or replacement of utility systems which do not alter exterior features visible from a public right-of-way.
3. Interior building construction, maintenance, remodeling, decoration, or other activities located within the building envelope.
4. Painting of previously painted exterior surfaces.
5. Construction on a Landmarked property or within a Landmark district that is not considered a structure per ECC 15.280.030, or a building per ECC 15.130. By way of example and not limitation, such work might include landscaping, fences, and detached arbors or gazebos.

C. Review Process for Proposed Changes to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Requests for Review and Issuance of a COA for proposed changes to a Landmarked property, which can include demolition within the overall scope of work.
2. Application for a COA to a landmark property shall be made by filing an application with the preservation planner on forms provided by the department. A written description of materials required for the commission's review include but are not limited to; site plans, narratives, elevations, and material samples, and shall be provided to the applicant. Preliminary plans may be submitted to the preservation planner for review and an advisory opinion.
3. If an application is submitted to the department for any permit which affects a designated landmark, or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner, and such shall be deemed an application for a COA if accompanied by the additional materials required for COA review. No city permit shall be issued, nor work begun, until the landmarks and design review process has been completed and a COA has been issued pursuant to this chapter.
4. Landmarks and Design Commission Review.
  - a. At a regularly scheduled public hearing, the commission shall review the proposed work according to the relevant design provisions set forth in Divisions IV and V of this title. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of COAs or demolition permits shall be based upon appropriateness of proposal as reflected in said design provisions, and upon review of demolition standards per ECC 15.280.120.
  - b. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within 30 working days of the date of receipt of a completed application, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.
  - c. If the commission makes a decision to issue a COA, such certificate shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official.
  - d. If the commission denies the application, the applicant and the building official shall be notified of such denial, including the reasons why approval of the application is not warranted.
  - e. In the case of proposed demolition of a building or structure within a COA application that is listed in the landmarks register, the commission may require

conditions of approval including, but not limited to, mitigation measures (e.g., to document the property, salvage significant architectural features of the building, install historical markers or plaques, prepare publications, etc., that provide historical context for the site).

f. The commission's decision on a COA may be appealed to the hearing examiner in a closed record appeal hearing.

#### **15.280.110 Application for demolition permit; demolition review standards.**

A. Permitted Reasons for Demolition. The proposed full or partial demolition of buildings or structures listed on the Ellensburg landmarks register individually or within a district, is disfavored in order to preserve the integrity of the city's historic landmarks and districts. Notwithstanding the foregoing, an application for a demolition permit under this chapter may be submitted for the following reasons:

1. Structural Deficiencies;
2. Economic Infeasibility (15.280.120); or
3. Property is not listed as contributing to the Landmarks District and is ineligible for future status change per listing requirements of 15.280.090(A).

B. Application.

1. An applicant proposing the full or partial demolition of any building or structure listed on the Ellensburg landmarks register or located within a landmark district, shall supply the information required in this section. The information to be provided relates only to the property or building under review, but does not require information concerning an

owner's assets or income except as it specifically relates to the property or building under review.

2. An application for full or partial demolition of a building or structure listed on the Ellensburg landmarks register, shall be deemed incomplete unless the application provides the following:

a. A narrative explaining the reasons for the proposed demolition and how the proposed demolition satisfies the standards listed in subsection C.1;

b. Photographs documenting the existing condition of the structure;

c. Analysis of possible alternatives to demolition considered, including but not limited to one or more of the following:

i. Redesigning the project to avoid any impact to the structure or setting;

ii. Conversion of the structure into another use (adaptive reuse);

iii. Relocation of the structure on the property;

iv. Relocation of the structure to another property;

v. Salvaging from the structure historically significant architectural features and building materials; or

vi. Possible design alternatives.

d. Where demolition is sought due to structural deficiencies or is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation, the applicant shall supply a report from a Washington-licensed structural engineer supporting this claim; and

e. Where demolition is sought for reasons of economic infeasibility and the applicant requests that the commission consider evidence of economic impact on the owner from denial or partial denial of a demolition permit, the applicant shall supply a report that includes, but is not limited to, the requirements set forth in section 15.280.120.

f. Where demolition is sought within a Landmarks district due to the structure's ineligibility to be classified as contributing within the district, the applicant shall provide a written assessment of this claim supported by historical research

demonstrating that the structure does not qualify to be reclassified as contributing per criteria set forth in ECC 15.280.090(A).

C. Demolition Permit Review Standards. An application for the partial or full demolition of a landmark property or structure in a landmark district, shall be granted if the application material provided pursuant to subsection B.2 satisfies one or more of the following criteria;

1. The applicant has demonstrated through the submitted materials and a report from a Washington-licensed structural engineer, supporting the claim that the building is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.
2. The applicant has demonstrated through the submitted materials per section 15.280.120 Evaluation of Economic Impact, that the building cannot support the intended use or alternative uses prohibiting reasonable use of the structure;
3. The applicant has provided sufficient historical documentation to demonstrate that the subject building does not qualify to be relisted as contributing within the district per requirements of ECC 15.280.090(A); or
4. Emergency Conditions. If application of the criteria for demolition results in a denial, but the proposed action is necessary to correct an unsafe condition on the property, then the director may issue a permit strictly limited to correcting emergency conditions in accordance with ECC 15.280.110(C)(1)(e)(ii).

D. Exemptions. The following demolition activities do not require a demolition permit under this chapter:

1. Demolition review included as part of an approved COA design review application pursuant to 15.280.090 subsection (C).
2. City Abatement of Unsafe Conditions. In the event of a finding by the city building official of an unsafe condition or imminent danger, the building official may issue an abatement order allowing partial or complete demolition of a building or structure listed in the Ellensburg landmarks register provided, that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than to partially or completely demolish historic buildings or structures.

E. Review Process for Proposed Full or Partial Demolitions to Registered Landmark Properties and Properties Located within a Landmark District (a Type II Review Process Exception 15.210.030(B)).

1. Application for a demolition to a landmark property or property within a Landmark district shall be made by filing an application with the preservation planner on forms provided by the department. The application shall include a written description of

materials required for the commission's review, including but not limited to the requirements listed in subsection B.2 of this section. Preliminary plans may be submitted to the preservation planner for consultation prior to the preapplication conference required by this subsection.

2. If a demolition application is submitted to the department for any permit which affects a designated landmark or a property located in a landmark district, the building official shall promptly refer such application to the preservation planner to initially determine whether the application is complete per the requirements of subsection B.2. of this section. An applicant may not commence any demolition work until the landmarks and design review process has been completed and permit for the proposed demolition has been issued by the department.

### 3. Landmarks and Design Commission Review.

- a. Mandatory preapplication conference. Applicants for a demolition permit under this chapter shall attend a preapplication conference with community development department staff including a historic preservation planner. The preapplication meeting shall occur before the proposal is reviewed by the commission. The purpose of the preapplication conference is to review with the applicant the requirements of this chapter, to provide preliminary comments on the acceptability of the proposal, and to discuss alternatives to demolition including available financial incentives.
- b. A scheduled public hearing on the application shall be scheduled within thirty (30) days of the preapplication conference unless the applicant requests a delay. The commission shall review the proposed demolition at the hearing. After concluding the public hearing, the commission shall approve or disapprove the application. Approval of demolition permits shall be based upon demolition standards set forth in this section.
- c. The commission may approve with or without conditions or disapprove an application. The decision of the commission shall be rendered within fourteen (14) days of the date of hearing, unless the parties agree to an extension. The commission's findings in support of any decision shall be in writing and shall cite the applicable design provisions.
- d. If the commission makes a decision to approve a proposed demolition, such approval shall be promptly issued to the applicant by the preservation planner and a copy of such certificate shall be transmitted to the building official. The building official shall include any conditions for demolition required by city ordinance or state law (e.g., disconnection of utilities, rodent abatement and similar conditions).

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

F. Demolition permit expiration. A demolition permit issued under this chapter expires if the work authorized by the permit is not commenced within 365 days from the date of issuance of the demolition permit. The director may grant a one-time extension up to an additional 365 days, upon written request by the applicant showing circumstances beyond their reasonable control. Once a demolition permit expires, a new application for demolition must be submitted and approval obtained before work can be commenced.

G. Appeal. Any person aggrieved by any action of the commission denying or approving a demolition permit application may file a notice of appeal as set forth in Chapter 15.230 ECC.

#### **15.280.120 Evaluation of economic impact.**

A. In making its decision, the commission shall, when requested by the property owner, consider evidence of economic impact on the owner from the denial or partial denial of a COA or demolition permit. The commission may not deny a COA or demolition permit, in whole or in part, when it is established that the denial will, when available economic incentives are utilized, deprive the owner of a reasonable economic use of the property, and there is no viable and reasonable alternative which would have less impact on the significant features specified in the designation.

B. Where demolition of the building is sought for reasons of economic infeasibility, the applicant shall supply a report from the owner or a qualified professional such as a financial analyst or accountant. The report shall demonstrate that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impracticable to renovate, restore or reuse the structure, and rendering it economically infeasible to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the following:

1. Current level of economic return including the amount paid for the property, date of purchase, party from whom purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;

2. Annual gross income from the property for the previous three years, itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

3. Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;

4. Fair market value of the property at the time of application;

5. Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on the site.

6. Consideration of available and applicable economic incentives for rehabilitation.

C. Upon reasonable notice to the owner, the landmarks and design commission may appoint an expert to provide advice and testimony concerning the value of the landmark, the availability of incentives, and the economic impacts of approval, denial, or partial denial of a COA or demolition permit.

D. Any adverse economic impact caused due to neglect shall not constitute a basis for granting a demolition permit. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.280.130 Special valuation for historic properties.**

A. There is hereby established and implemented a special valuation program for historic properties as provided in Chapter 84.26 RCW and Chapter 254-20 WAC.

B. The Ellensburg landmarks and design commission is hereby designated as the local review board for the purposes set forth in Chapter 84.26 RCW and is authorized to perform all functions of a local review board authorized by Chapter 84.26 RCW and Chapter 254-20 WAC.

C. The class of properties eligible to apply for special valuation in the city of Ellensburg means all properties listed on the Ellensburg landmarks register, or properties contributing to an Ellensburg landmarks register historic district, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

D. As used in this chapter, “Actual Cost of Rehabilitation” means costs incurred within twenty-four months prior to the date of an application for Special Valuation directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure; or
2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully usable but shall not include rentable/habitable floor space attributable to new construction; or
3. Architectural and engineering services attributable to the design of the improvements; or
4. All costs defined as qualified rehabilitation expenditures for purposes of the federal historic preservation investment tax credit.

E. The landmarks and design commission shall comply with all other local review board responsibilities identified in Chapter 84.26 RCW and Chapter 254-20 WAC.

F. Any decision of the landmarks and design commission acting on any application for classification as historic property eligible for special valuation may be appealed to superior court under RCW 34.05.510 through 34.05.598 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. [Ord. 4656 § 1 (Exh. O2), 2013.]

#### **15.210.040 Permit review process types – Decision-making, procedures and notice requirements.**

A. Decision-Making and Appeal Process. Table 15.210.040(A) sets out the permit review decision-making and appeal processes for the permit review process types.

**Table 15.210.040(A). Decision-making and appeal process for permit review process types.**

|                         | <b>Type I</b>                                                 | <b>Type II</b>                                                | <b>Type III</b>                                   | <b>Type IV</b>                                    | <b>Type V</b>       |
|-------------------------|---------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------|
| Final decision made by: | Director or designated decision-maker (see ECC 15.210.050(A)) | Director or designated decision-maker (see ECC 15.210.050(B)) | Designated decision-maker (see ECC 15.210.050(C)) | Designated decision-maker (see ECC 15.210.050(D)) | City council        |
| Recommendation made by: | NA                                                            | NA                                                            | Designated body                                   | Designated body                                   | Planning commission |

**Table 15.210.040(A). Decision-making and appeal process for permit review process types.**

|                                        | <b>Type I</b>  | <b>Type II</b>                                                                                                                                                              | <b>Type III</b>                  | <b>Type IV</b> | <b>Type V</b>                                                           |
|----------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------|-------------------------------------------------------------------------|
| Open record predecision public hearing | No             | No<br>Except that landmarks and design commission holds an open record public hearing (see Chapter 15.280 ECC)                                                              | Yes                              | Yes            | Yes<br>multiple open record predecision hearings can be held            |
| Open record appeal public hearing      | Yes            | Yes, except for landmarks and design commission decisions which have a closed record appeal                                                                                 | No                               | No             | No                                                                      |
| Closed record appeal hearing           | No             | No, except for landmarks and design commission demolition permit decisions <u>which are appealed to the Hearings Examiner</u>                                               | Yes                              | No             | No                                                                      |
| Appeal to:                             | Superior court | Hearing examiner except <del>landmarks and design commission decisions are appealed to city council</del> and director decisions on departures are appealed to city council | Hearing examiner or city council | Superior court | Superior court or to the growth management hearings board if GMA action |
| Judicial appeal (see ECC 15.230.100)   | Yes            | Yes                                                                                                                                                                         | Yes                              | Yes            | Yes                                                                     |

B. Procedures. Table 15.210.040(B) sets out the permit review procedures for the five permit review process types.

## **Item 23-05 – Shared Driveways Amendment**

### **Description**

This item was submitted by Steve Willard to amend section 15.420.060 “Access, services and utilities.”

This item was brought before the Planning Commission at a Public Hearing on September 28, 2023, during a previous LDC cycle. The item was remanded to staff for more review. Following the public hearing, the applicant withdrew the amendment, to bring an amended version forward in this current LDC cycle.

The updated proposal will increase the maximum allowed number of lots serviced by a shared driveway from five lots to nine lots. No additional changes are being proposed. The specific changes are indicated below.

### **Item 23-05**

#### **Proposed Code Changes**

#### **15.420.060 Access, services and utilities.**

A. Each lot in a residential subdivision shall have access directly to a public right-of-way, except for:

1. Alternative lot designs as described in EEC 15.420.050. Driveways shall be constructed per public works development standards and ECC Title 4, Public Works;
2. Shared driveways may access up to nine~~five~~ lots provided they are at least 15 feet wide and a maximum of 400 feet long. Provisions shall be made to keep the driveways clear of snow, vehicles (“no parking” signs), and vegetation.

Any lot created that is not adjacent to a public right-of-way but that has a right of ingress and egress to that right-of-way; provided, that such right has been established as a matter of record in a manner that runs with the land and is irrevocable.

B. Each lot in a residential subdivision shall be provided with adequate provisions for water supplies, sanitary wastewater facilities, storm drainage and surface water facilities, electric, and natural gas facilities (if applicable), consistent with the requirements of the public works development standards and ECC Title 9, Utilities; and

C. Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020. [Ord. 4656 § 1 (Exh. O2), 2013.]



## ADVERTISING PROOF

401 N Main St,  
 Ellensburg, WA 98926  
**Ph.** (541) 331-6473 **Fax:** (907) 452-5054

| BILLING DATE: | ACCOUNT NO: |
|---------------|-------------|
| 10/19/23      | 50080       |

CITY OF ELLENSBURG-CITY CLERK  
 501 N. ANDERSON  
 ELLENSBURG, WA 98926

| AD #   | DESCRIPTION          | START    | STOP     | TIMES | AMOUNT  |
|--------|----------------------|----------|----------|-------|---------|
| 437362 | PH 2023 Land Develop | 10/24/23 | 10/24/23 | 2     | \$89.75 |

### Payments:

|      |        |           |               |       |        |
|------|--------|-----------|---------------|-------|--------|
| Date | Method | Card Type | Last 4 Digits | Check | Amount |
|------|--------|-----------|---------------|-------|--------|

Discount: **\$0.00**  
 Surcharge: **\$0.00**  
 Credits: **\$0.00**

Gross: **\$89.75**  
 Paid Amount: **\$0.00**

Amount Due: **\$89.75**

*We Appreciate Your Business!*

**NOTICE OF PUBLIC HEARING  
CITY OF ELLENSBURG  
2023 LAND DEVELOPMENT CODE AMENDMENTS**

**NOTICE IS HEREBY GIVEN** that the City of Ellensburg Planning Commission will hold a public hearing on Thursday, November 9, 2023 at 5:45 p.m. to consider proposed Land Development Code Amendments.

**Materials Available for Review:** The proposed amendments and related documents may be examined by the public by visiting the **City of Ellensburg Community Development Department webpage** at <https://ci.ellensburg.wa.us/658/SEPA-State-Environmental-Policy-Act> and navigating to file # P23-107.

**Written Comments** from interested persons will be accepted by USPS Mail or email to [johnstonj@ellensburgwa.gov](mailto:johnstonj@ellensburgwa.gov) up until 5:00 p.m. on November 9, 2023

**Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.**

**Staff contact:** Jeremy Johnston, Community Development Planning Manager

**NOTICE IS FURTHER GIVEN** that all persons interested in this matter may participate in the hybrid meeting by contacting Staff no later than 4:00 pm on **Thursday, November 9, 2023**. An email link, or phone number will be provided which will allow for electronic participation in the public hearing.

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request.

PUBLISH: Daily Record: October 24, 2023 /  
LEGAL# 437362



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

10/10/2023

Mr. Jeremy Johnston  
Planning Manager  
City of Ellensburg  
501 N Anderson Street  
Ellensburg, WA 98926

Sent Via Electronic Mail

Re: City of Ellensburg--2023-S-6523--60-day Notice of Intent to Adopt Amendment

Dear Mr. Johnston:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**Proposed Land Development Code amendments to include:**

- 1) Conditional Use Process Amendment 15.110.060 and 15.210.050**
- 2) Emergency Housing Shelters 15.130 - Definitions, 15.340.040- Use Tables, and 15.340.080 – Supportive Housing Facilities Standards (new section)**
- 3) Zoning Code Updates 15.300**
- 4) Demolition Code Ordinance 15.280 (new section)**
- 5) Shared Driveway Standards 15.420.060**

We received your submittal on 10/10/2023 and processed it with the Submittal ID 2023-S-6523. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 12/09/2023.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Deanah Watson, (509) 290-4754.

Sincerely,

Review Team  
Growth Management Services



**ENVIRONMENTAL CHECKLIST**

**FOR**

**City of Ellensburg**  
**2023 Land Development Code Amendments**

## **A. Background**

### **1. Name of proposed project, if applicable:**

2023 Land Development Code Amendments for the City of Ellensburg. See Attached for full text of proposed Land Development Code.

### **2. Name of applicant:**

City of Ellensburg

### **3. Address and phone number of applicant and contact person:**

Community Development Department

501 N. Anderson Street

Ellensburg, WA 98926

(509) 962-7231

Contact: Jeremy Johnston

### **4. Date checklist prepared:**

September 26, 2023

### **5. Agency requesting checklist:**

City of Ellensburg Community Development Department

### **6. Proposed timing or schedule (including phasing, if applicable):**

Proposed for adoption by December 2023

### **7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

The City of Ellensburg reviews, evaluates, and revises the Land Development Code as deemed necessary to address changes in state law and to address the goals and policies of the Comprehensive Plan.

### **8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

The City of Ellensburg has undergone SEPA review each time the Land Development Code has been updated most notably a DNS was issued on August 14, 2013 when the last major update and revision occurred, again in October of 2018, and most recently in April of 2022. No additional environmental information has been prepared directly related to this proposal.

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

The City is actively processing applications using the existing Land Development Code. This proposal will revise the Land Development Code.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

This is a non-project action. No permits are required to update the City's land development code. The revisions to the land development code will be subject to Ellensburg Planning Commission recommendation and City Council approval.

In addition, Washington State Department of Commerce reviews the revisions to the land development code during a 60-day review period prior to adoption.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The proposed revisions to the code include:

- Clarifying Zones and Map Designations to coordinate with the Future Land Use Zoning conversion table within the City of Ellensburg's Comprehensive Plan Land Use section to provide transparency, clarity, and guidance for zoning options within each land use category.
- Updating the City of Ellensburg Demolition Ordinance
- Creating Provisions to Provide for Emergency Shelter Services
- Update to shared driveway standards ECC 15.420.060
- Conditional Use process code amendment

Specific revisions can be found in Attachment A of this document.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

Ellensburg is located in Kittitas County, bordered on the west by the Yakima River. The Land Development Code applies to the entirety of the Ellensburg City limits, about 7.8 square miles.

***B. Environmental Elements***

***1. Earth***

**a. General description of the site:**

The City of Ellensburg is located in central Washington – 110 miles east of Seattle and 170 miles west of Spokane. The City sits at an elevation of 1,540 feet in a fertile basin next to the Yakima River, east of the Cascade mountain range, and on the western side of the Columbia Plateau.

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

There is a variety of terrain within the City of Ellensburg. The City is generally located on gently sloping topography formed upon the alluvial fan surfaces along the southwest flank of the Wenatchee Mountains, and thus has generally flat or rolling terrain with very few steep slopes. The steep slopes are relatively isolated and include slopes immediately west of Brick Road, the slope immediately south of the Kittitas County Fairgrounds extending around the base of the city water tower, and the slope immediately south of the intersection of 10<sup>th</sup> Avenue and Cora Street.

**b. What is the steepest slope on the site (approximate percent slope)?**

The steepest slope within Ellensburg is approximately 40% and is located immediately south of the Kittitas County Fairgrounds extending around the base of the city water tower.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

The United States Department of Agriculture Natural Resources Conservation Services publishes soil surveys for Washington State. The soil survey information is regularly updated, Kittitas County soil survey data was last updated in 2018. The soil survey includes general soil map units that show broad areas that have distinctive soil patterns, relief, and drainage.

Each map unit on the general soil unit map is a unique natural landscape typically consisting of one or more major soils or miscellaneous areas and some minor soils and miscellaneous areas. Ellensburg has two general soil map units: Brickmill-Nanum-Opnish and Kayak-Weirman. Brickmill-Nanum-Opnish is found on younger alluvial fans and terraces and covers most of Ellensburg city limits. This general soil map unit is described as very deep, moderately well drained and somewhat poorly drained soils on level to nearly level alluvial fans. In the Yakima River floodplain, Ellensburg also has the general soil map unit – Kayak-Weirman. This general soil map unit is described as very deep, somewhat excessively drained, moderately well drained, and somewhat poorly drained soils on level to nearly level floodplains and terraces.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

The City of Ellensburg is located on gently sloping topography and thus has very few slopes that would qualify as steep slopes or landslide hazards.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Not applicable. No filling, excavation, or grading is proposed for this non-project action. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and separate SEPA review as applicable.

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Not applicable. No clearing, construction, or specific uses are proposed as part of this proposal. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Not applicable. There is no project construction as part of this non-project action. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Not applicable. This proposal will not result in erosion or other impacts to the earth. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**2. Air**

**a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable. No construction, operation, or maintenance is proposed as part of this non-project proposal. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

Not applicable. The non-project action would not produce air emissions. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**3. Water**

**a. Surface Water:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

There are several streams, irrigation canals and lakes in the Ellensburg vicinity including six perennial streams (Lyle Creek, Wilson Creek, Mercer Creek, Whisky Creek, Currier Creek, and Reecer Creek) found in the Ellensburg city limits. All of these streams flow into Yakima River which borders the western city limits at Irene Rinehart Riverfront Park and is classified by the State of Washington Department of Natural Resources as a Type S stream. There are a couple unnamed ponds near the west freeway interchange and Englehorn Pond is located south of the 14th Avenue and B Street intersection.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable. The non-project proposal does not include any work over, in, or adjacent to the waters described above. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable. No fill or dredge material will be placed or removed from surface water or wetlands as part of this non-project proposal. Project specific proposals are subject to review with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

Not applicable. This non-project proposal does not require any surface water withdrawals or diversions. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

According to NFIP FIRM maps, portions of Ellensburg lie within the 100-year floodplain. There is not a site plan for this non-project proposal. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Not applicable. This non-project proposal does not involve any discharges of waste materials to surface waters. Project specific proposals are subject to review with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**b. Ground Water:**

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

Not applicable. This non-project proposal does not include any withdrawal of groundwater. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

Not applicable. No water material will be discharged into the ground as part of this non-project proposal. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**c. Water runoff (including stormwater):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not applicable. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not applicable. This non-project proposal does not alter or otherwise affect drainage patterns. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

Not applicable. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**4. Plants**

**a. Check the types of vegetation found on the site:**

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☒ pasture
- ☒ crop or grain
- ☒ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

No vegetation will be removed as a direct result of this proposal to revise the Land Development Code. Vegetation removal will be determined at a project level review and is subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**c. List threatened and endangered species known to be on or near the site.**

Not applicable to the non-project action. Threatened and endangered species are protected through the Fish and Wildlife Habitat Conservation Areas regulations located within the City's critical areas regulations.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Not applicable. No landscaping is proposed as part of this non-project action. Project specific proposals are subject to review for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**e. List all noxious weeds and invasive species known to be on or near the site.**

The Kittitas County Noxious Weed Control Board keeps information on noxious weeds in Kittitas County. According to the Weed Control Board, the top ten most common noxious weeds in Ellensburg are: Kochia, Russian Thistle, Canada Thistle, Diffuse Knapweed, Horseweed, Whitetop, Puncturevine, Myrtle Spurge, Houndtongue, and Japanese Knotweed. Project-specific development projects will be reviewed for consistency with applicable provisions of Ellensburg City Code and undergo separate SEPA review as applicable.

**5. Animals**

**a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.**

A variety of birds and animals reside in the city, but the question is not applicable to the proposal because it is a non-project action involving primarily non-site-specific text amendments. Project specific development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**b. List any threatened and endangered species known to be on or near the site.**

Not applicable. Threatened and endangered species are protected through the Fish and Wildlife Habitat Conservation Areas regulations; no changes to these regulations are proposed. Project specific development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**c. Is the site part of a migration route? If so, explain.**

Some migratory birds are likely to visit the Ellensburg area, but the question is not applicable to this non-project action. Project specific development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**d. Proposed measures to preserve or enhance wildlife, if any:**

The city protects Fish and Wildlife Habitat Conservation Areas through the implementation of the city's critical areas regulations. No changes are proposed to these regulations. Project specific development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**e. List any invasive animal species known to be on or near the site.**

None identified.

**6. Energy and Natural Resources**

**a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable. Project specific proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

As a non-project action, the proposal would not impact the use of solar energy at any specific location. Any future development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

The proposal does not relate to a specific action. Any future development proposals will be reviewed for consistency with applicable provisions of Ellensburg City Code and will undergo separate SEPA review as applicable.

**7. Environmental Health**

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

As a non-project action, the proposal is not expected to cause environmental health hazards. Use of any hazardous materials on a project-by-project basis would be subject to the requirements of local, state, and federal laws.

- 1) Describe any known or possible contamination at the site from present or past uses.**

Not applicable to this non-project proposal. Future development will need to conform to local, state, and federal standards and regulations during project review.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

Not applicable to this non-project proposal. Future development will need to conform to local, state, and federal standards and regulations during project review.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable to this non-project proposal. Future development will need to conform to local, state, and federal standards and regulations during project review.

- 4) Describe special emergency services that might be required.**

Not applicable to this non-project proposal.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable to this non-project proposal.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable. This is a non-project proposal and does not include project action on any specific site.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable. This is a non-project proposal and does not include project action on any specific site. Future project proposals will be evaluated at the project level and will be subject to applicable regulations and standards.

### 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable. This is a non-project proposal and does not include project action on any specific site. Future project proposals will be evaluated at the project level and will be subject to applicable standards and regulations.

## 8. Land and Shoreline Use

### a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable. This is a non-project proposal and does not include project action on any specific site. Future project proposals will be evaluated at the project level and will be subject to applicable standards and regulations.

### b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The City of Ellensburg does not have agricultural or forest land of long-term commercial significance in city limits or the city's urban growth area. As a non-project action this proposal will not directly result in the conversion of any agriculture or forestry land to other uses.

### 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable. This is a non-project proposal and does not include project action on any specific site. Future project proposals will be evaluated at the project level and will be subject to applicable regulations and standards.

### c. Describe any structures on the site.

Not applicable.

### d. Will any structures be demolished? If so, what?

Not applicable. This is a non-project proposal and does not include project action on any specific site.

### e. What is the current zoning classification of the site?

The City provides multiple zoning designations. Future development will need to conform to specific zoning related standards and regulations during project review. Current zoning designations are as follows:

- Residential Suburban
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Residential Office
- Planned Unit Development
- Commercial Neighborhood
- Commercial Highway

- Commercial Tourist
- Manufactured Home Park
- Light Industrial
- Heavy Industrial
- Public Reserve

**f. What is the current comprehensive plan designation of the site?**

The City provides multiple comprehensive plan land use designations, they are as follows:

- Residential Neighborhood
- Blended Residential Neighborhood
- Urban Neighborhood
- Neighborhood Mixed Use
- Urban Center
- Community Mixed Use
- Industrial Residential
- Neighborhood Commercial
- Mixed Business Park
- General Commercial and Services
- Light Industrial
- Heavy Industrial
- Public/Institutional
- Open Space (private/non-city owned)
- Parks and Open Space

**g. If applicable, what is the current shoreline master program designation of the site?**

The city has two shoreline master plan designations within its Urban Growth Area, these are Urban Conservancy (located adjacent to the Yakima River and surrounding Lake Mattoon) and Aquatic.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

This is a non-project proposal and does not include project action on a specific site. The City's critical areas regulations outlines definitions, designations, and regulations for critical areas in order to:

- Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, and flooding;
- Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species; and
- Prevent cumulative adverse environmental impacts to water quality, wetlands, fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.

**i. Approximately how many people would reside or work in the completed project?**

The current population in the City of Ellensburg is 19,960 (Office of Financial Management, 2019). The population projection for the City of Ellensburg as determined by the Kittitas County Conference of Governments for the year 2037 is 32,540, with an additional 6,998 jobs expected to be added by 2037.

**j. Approximately how many people would the completed project displace?**

As a non-project action, the proposal will not directly cause displacement. Future project specific proposals will be reviewed for consistency with applicable standards and regulations.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

As a non-project action, the proposal will not directly cause displacement. Future project specific proposals will be reviewed for consistency with applicable standards and regulations.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The Ellensburg Comprehensive Plan provides guidance intended to ensure that new development is compatible with existing land uses and anticipated growth. No changes as part of this proposal impact the guidance established in the comprehensive plan.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

The City of Ellensburg does not contain any designated agricultural or forest lands of long-term commercial significance.

**9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Not applicable. No housing is proposed as part of this non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

Not applicable. No housing is proposed to be eliminated as part of this non-project action.

- c. Proposed measures to reduce or control housing impacts, if any:**

Not applicable. This is a non-project action, no increase in housing impacts is expected from the proposed updates to the comprehensive plan.

## **10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable. This is a non-project proposal and does not include project action on a specific site. Generally, the City provides standards for building height by zone. Future project proposals will be evaluated at the project level and will be subject to applicable regulations and standards.

- b. What views in the immediate vicinity would be altered or obstructed?**

Not applicable. This non-project action will not impact views.

- b. Proposed measures to reduce or control aesthetic impacts, if any:**

Not applicable. This non-project action will not impact aesthetics.

## **11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable. This non-project action will not produce any light or glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable. This is a non-project action and does not include project action on any specific site.

- c. What existing off-site sources of light or glare may affect your proposal?**

Not applicable. This is a non-project action and does not include project action on any specific site.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

Not applicable. This non-project action will not impact light or glare. For future project proposals the city has specific requirements regulating outdoor lighting (ECC 15.580).

## **12. Recreation**

### **a. What designated and informal recreational opportunities are in the immediate vicinity?**

The City of Ellensburg maintains a park and recreation system that includes a wide variety of facilities and activities for Ellensburg and Kittitas County residents. The City has 8 pocket parks, 6 neighborhood parks, 2 community parks, and 2 regional parks. In addition, the City Parks and Recreation Department operates four year-round facilities including an adult senior center, municipal pool/fitness center, youth center, and racquet and recreation center.

### **b. Would the proposed project displace any existing recreational uses? If so, describe.**

No existing recreational uses will be displaced.

### **c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable. This non-project action will not impact any recreational uses.

## **13. Historic and cultural preservation**

### **a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

The City of Ellensburg has a well-established historic preservation program including the Downtown Historic District (established 1980), Residential Historic District (established 1984), Ellensburg Landmarks Register (established 2000), and attainment of Certified Local Government status in 2001. Many of Ellensburg's historic structures are located within a 16-block area of the Downtown Historic District. There are also historic structures located on the Central Washington University campus, the industrial area along the railroad, and in residential neighborhoods in and surrounding the downtown area.

### **b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not applicable. As necessary, future project proposals will be reviewed for consistency with applicable standards and regulations and will be reviewed by the City's Landmark and Design Commission as applicable.

### **c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable. This non-project action does not address or propose any impacts to historic resources. Future project proposals will be reviewed for consistency with applicable standards and regulations and will be reviewed by the City's Landmark and Design Commission as applicable.

### **d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

This non-project action does not address or propose any impacts to historic resources.

#### **14. Transportation**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Not applicable. This is a non-project proposal and does not include project action on any specific site.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Various areas of the city are currently served by transit. Distance to the nearest transit stop will vary from project to project. Future project proposals will be reviewed for consistency with applicable standards and regulations and will undergo separate SEPA review as applicable.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

Not applicable. This non-project proposal will not add or eliminate any parking spaces.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable. This non-project proposal will not require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable. This non-project proposal will not use water, rail, or air transportation.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

Not applicable. This non-project proposal will not impact vehicular trips per day and does not include project action on any specific site.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

Not applicable. This non-project proposal does not propose any impacts to transportation.

- h. Proposed measures to reduce or control transportation impacts, if any:**

Not applicable. This is a non-project proposal and does not include project action any specific site.

#### **15. Public Services**

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

Not applicable. This non-project proposal will not increase the need for public services.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable. This non-project proposal does not propose any impacts to public services.

## 16. Utilities

- a. **Circle utilities currently available at the site:**

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,

other \_\_\_\_\_

Utilities currently available within the incorporated city limits include: electricity, natural gas, water, refuse service, telephone, sanitary sewer, cable television, and others.

- c. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

Not applicable. This is a non-project proposal and does not include project action any specific site.

## C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Name of signee \_\_\_\_\_

Position and Agency/Organization \_\_\_\_\_

Date Submitted: \_\_\_\_\_

#### ***D. Supplemental sheet for nonproject actions***

##### **1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed revisions to the Land Development Code are not likely to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances or production of noise.

##### **Proposed measures to avoid or reduce such increases are:**

Not applicable. The proposed revisions to the Land Development Code are not likely to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances or productions of noise. Project specific proposals will undergo separate SEPA review as applicable.

##### **2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposed revisions to the Land Development Code are not likely to affect plants, animals, fish, or marine life.

##### **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

Not applicable. The proposed revisions to the Land Development Code are not likely to affect plants, animals, fish, or marine life. Project specific proposals will undergo separate SEPA review as applicable.

##### **3. How would the proposal be likely to deplete energy or natural resources?**

The proposed revisions to the Land Development Code are not likely to deplete energy or natural resources.

##### **Proposed measures to protect or conserve energy and natural resources are:**

Not applicable. The proposed revisions to the Land Development Code are not likely to deplete energy or natural resources. Project specific proposals will undergo separate SEPA review as applicable.

##### **4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposed revisions to the Land Development Code are not likely to affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection. The proposed amendments are not likely to impact parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

##### **Proposed measures to protect such resources or to avoid or reduce impacts are:**

Not applicable. The proposed amendments are not likely to affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection. Project specific proposals will undergo separate SEPA review as applicable.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposed revisions to the Land Development Code will not affect shoreline development. The proposed revisions to the Land Development Code will not encourage or allow development/uses that are incompatible with existing plans.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

Not applicable. The proposed amendments will not affect shoreline development. The proposed revisions to the Land Development Code will not encourage or allow development/uses that are incompatible with existing plans. Project specific proposals will undergo separate SEPA review as applicable.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The proposed revisions to the Land Development Code will not increase demands on transportation or public services and utilities.

**Proposed measures to reduce or respond to such demand(s) are:**

Not applicable. The proposed revisions to the Land Development Code will not increase demands on transportation or public services and utilities. Project specific proposals will undergo separate SEPA review as applicable.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposed revisions to the Land Development Code are consistent with local, state, and federal laws for the protection of the environment.



**COMMUNITY DEVELOPMENT DEPARTMENT  
501 N. Anderson St., Ellensburg, WA 98926**

**State Environmental Policy Act (SEPA)  
DETERMINATION OF NON-SIGNIFICANCE (DNS)**

**Proponent:** City of Ellensburg Community Development Department

**Date:** October 10, 2023

**Location:** Ellensburg City Limits and the Urban Growth Area

**Description:** This SEPA Checklist is a part of a City of Ellensburg's Land Development Code amendment process. The City is proposing five amendments to the Land Development Code. A complete listing and description of the proposed amendments can be found in the SEPA Checklist and Attachment A.

**Lead Agency:** City of Ellensburg

**File #:** P23-097

The lead agency for this proposal has determined that the proposed adoption of this action plan, will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance (DNS) is issued under WAC 197-11-340(2); The lead agency will not act on this proposal for 21 days from the date of issuance. The lead agency will not act on this proposal for 21 days from the date below. Agencies, tribes, and the public are encouraged to review and comment on the proposal. If you have any comments on the proposed project and/or the SEPA Checklist, please submit them to our department by mail or email by **5:00 pm on Tuesday, October 31, 2023.**

Questions and comments may be submitted by 5:00 p.m. on Tuesday, October 31, 2023 to: Jeremy Johnston, Planning Manager- City of Ellensburg. [johnstonj@ci.ellensburg.wa.us](mailto:johnstonj@ci.ellensburg.wa.us), 509-962-7232.

**Responsible Official:** Jeremy Johnston  
**Title:** Community Development Planning Manager  
**Address:** City of Ellensburg  
Community Development Dept.  
501 N. Anderson St.  
Ellensburg WA 98926  
Phone: (509) 962-7232 Fax: (509) 925-8655

Fennelle Miller  
605 North Anderson Street  
Ellensburg, WA 98926  
[fennelle@icloud.com](mailto:fennelle@icloud.com)  
509.899.2448

September 28, 2023

Ellensburg Planning Commission

Dear Commissioners,

As a professional historic preservationist with legal standing, I am writing to voice my strenuous opposition to the unacceptable watering down of the currently proposed Demolition Ordinance. In 2007, as the Vice-President of the 501(C)3 non-profit group Historic Ellensburg, I began to meet with then-Community Development Director Mike Smith, for the purpose of writing a demolition ordinance that precluded, to the best of the City's ability, the demolition of our historically "important" buildings and structures. Later,

as a City Councilwoman and then again when I was appointed to the Landmarks and Design Commission (LDC), I pushed for an ordinance that would disallow the demolition of historically "important" buildings, regardless of whether they were listed on the Ellensburg Landmarks Register (ELR). Several times the effort was initiated, only to go into the dark hole that was the City's "legal review." Over the years, I worked with four different members of the Community Development Staff (2 directors and 2 preservation planners), and it is now 16 years that this ordinance was first proposed.

In the current process, I have not been permitted to provide any meaningful input, to either the LDC or the City Council, to date. At each meeting, I was told that I could not speak during consideration of the draft ordinance, but that I was "welcome to comment in the non-agenda items" portion of each agenda. I have waited 16 long years for the most-stalled ordinance in the history of my 30 years living in this city. And even after that unacceptably long wait, this ordinance does nothing to address the original problem.

During the last 2+ decades, we have lost several "important" historic buildings that were not listed on the ELR. And this is a good segue to explain to you that the City of Ellensburg has done what I consider to be a totally inadequate job of completing historic neighborhood surveys as part of its Certified Local Government (CLG) grants from the State Department of Archaeology and Historic Preservation (DAHP). By 1985, two neighborhoods had been surveyed, and ELR Historic Districts had been created, affording protection to only the buildings and structures in these two neighborhoods, one of which was the no-brainer historic downtown. The other was the First Railroad Addition, roughly along 9<sup>th</sup> - 11<sup>th</sup> Avenues,

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were conducted until the last handful of years. And, in my opinion tragically, the two next surveys were not new neighborhoods, but re-surveys of the Downtown and First Railroad Districts! A huge shame, and this has resulted in (to the best of my knowledge, though I might have missed one), no new districts (although the Downtown District was expanded by a block or two). Shoudy's Second Addition, adjacent to Shoudy's First, should logically have been the next CLG survey but, to my knowledge, still hasn't been surveyed. In fact, the only residential properties to have gone through the "whole process" (of surveying, evaluating, and landmarking) are the higher-prestige, generally more expensive, and often CWU former-professor's houses – while the older, and equally historically "important" working class neighborhoods have been unsurveyed, and therefore unequally eligible for protection.

All of the above results in the reality that there is currently no mechanism to protect "historically important" buildings or structures that are outside the landmarked ELR districts, or the very few that are individually listed. Now, based on the above, you have probably reasonably and correctly surmised that there are hundreds of "important" historic buildings and structures in the City of Ellensburg that have simply never been recorded!! And some of them are quite significant historically, and definitely and unarguably ELIGIBLE for listing on the ELR. Like the "Old Hospital" that was located on the SW corner of 3<sup>rd</sup> Avenue and Poplar Street, and which was a beloved historic landmark (with a lower case "L"). I cannot recall whether it was actually listed on the National Register of Historic Places (NRHP), or merely determined eligible (which it was, under at least two criteria!), but there was no regulatory process in place to protect it, so a neighbor paid to have it demolished, with no plans in place for a new structure

on the property. It is now an empty lot full of weeds. Or a Craftsman Bungalow that was architecturally unique in the City of Ellensburg and was demo'd for a parking lot on South Pine Street. Neither were landmarked, so there was no way the city could save them.

What results are accrued by denying demolition for ELR-listed properties? Both the BPOE/Elks Building, as well as the historic Ellensburg Train Depot were saved from the wrecking ball. Both had individuals who were arguing that each building was "too far gone" to save. And both are now restored beauties that were saved because they were ELR-listed properties, and the community rallied around their preservation, rehabilitation, and adaptive re-use.

It should be clear by now that the only way to save historically "important" (ie. Eligible for, but not yet surveyed and therefore not listed on, the ELR) buildings or structures is to include in the demolition ordinance the section the LDC originally wanted, but which did not get included for your review. That is, I argue that you need to re-include properties eligible for listing on the ELR, in addition to listed properties.

An implied concern discussed by the City council is that there would be large numbers of property owners stuck with these historic properties that cannot be demolished. In point of fact, the City's Preservation Planner/LDC staff, Stacey Henderson, pointed out to the Council that she only knew of two demolition applications that had been submitted in... (I forget the exact time period, but I believe it

was)...five years! Obviously, that averages out to one every 2-1/2 years, so this is not going to involve very many property owners. Furthermore, I have no idea whether these were over 50 years in age, and/or potentially eligible for listing on the ELR.

For ease of consideration, I have hand-drawn a cheesy flow chart that, despite its sloppiness, should help you envision how rare it would be to have an ELR-Eligible property that is proposed for demolition! But it would be the absolute only way to save these historically important buildings!

Also, I want to explain that there are both federal and state review processes that do not require an historic property to be listed on either that NRHP or the Washington Heritage Register (WHR); rather, they require consideration of properties that are Eligible for listing on either. So the process being proposed herein, and one which the LDC initially wanted, has huge precedent – Ms. Henderson's list notwithstanding. It is an easy process, and typically weeds out over 90% of buildings and structures.

I URGE YOU TO TABLE THE ORDINANCE UNTIL YOU ACQUIRE MORE INFORMATION.

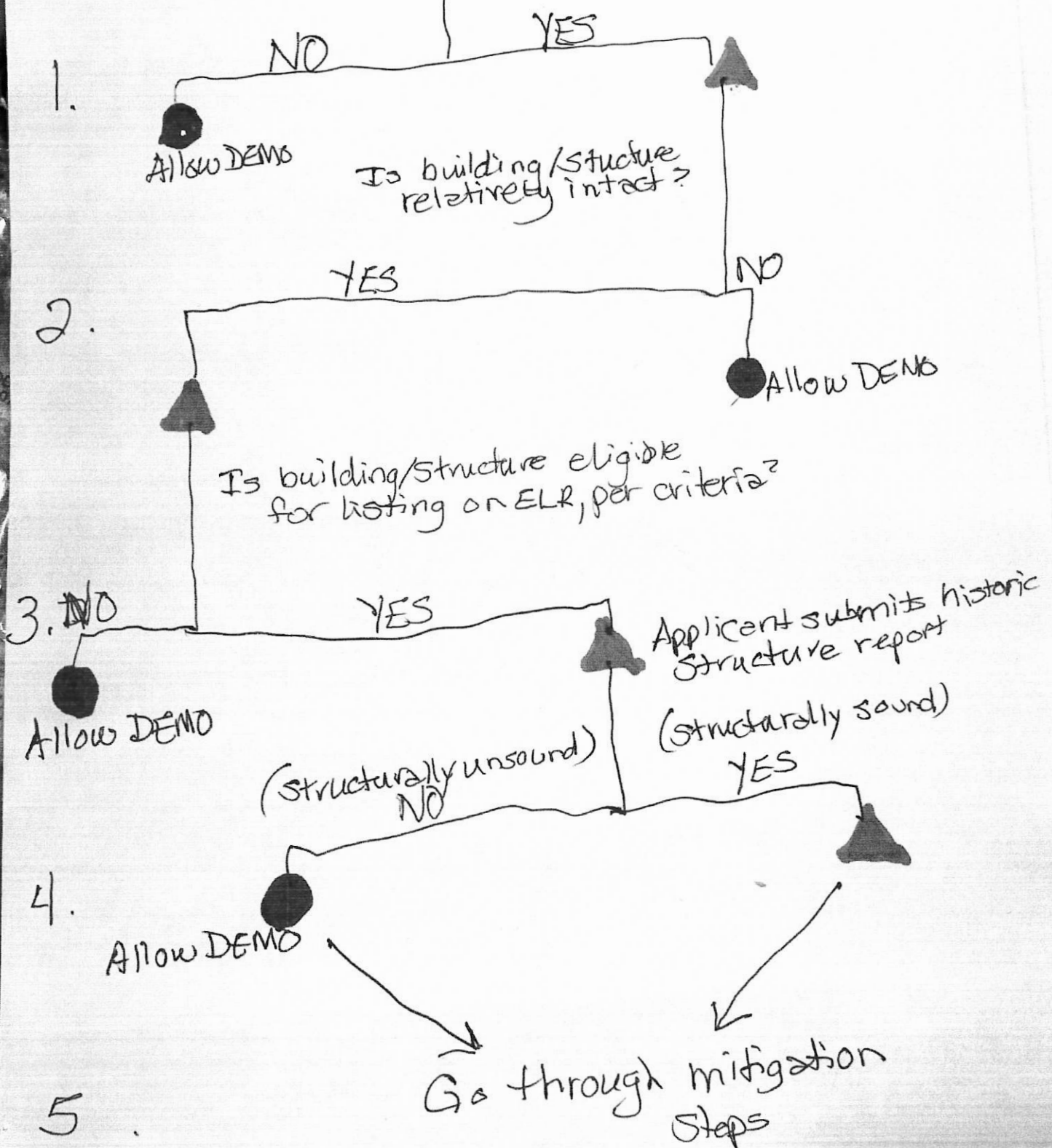
Thank you for your consideration of this extremely important, and long overdue proposed ordinance.

Sincerely,

Fennelle Miller

# City Demo Review Process

Is building/structure 50+ years?



**From:** Craig Jones <[jonesc@ci.ellensburg.wa.us](mailto:jonesc@ci.ellensburg.wa.us)>

**Sent:** Thursday, October 19, 2023 2:45 PM

**To:** Jeremy Johnston <[johnstonj@ci.ellensburg.wa.us](mailto:johnstonj@ci.ellensburg.wa.us)>; Joe Delvo <[delvoj@kvfr.org](mailto:delvoj@kvfr.org)>

**Subject:** RE: Willard Amendment Revision

I spoke with Derek and Ryan on this. There are concerns with utilities, access, and future road extensions but those are the same concerns on every development. We will need to watch each proposal to make sure it meets everyone's needs as they come in. I think capping the number of lots at 9 is helpful. I do not believe PW has anything in our code that would be affected.

Thanks,

Craig

Jeremy,

I apologize for the delayed response. In my interpretation of the City Code which isn't in alignment with the IFC Appendix D, the intent is to allow an exception for shared driveways to increase density on existing large lots. For example: flag lots with no frontage or access to construct through streets. It is not the intent or in alignment with the Fire Code to create narrow block length or longer private driveways with up to 9 homes on them.

Here is a list of my concerns with the proposal:

- 1) Creating a design standard that doesn't align with the IFC fire department requirements.
  - 2) Narrow streets and limited parking creates limited fire department and emergency access. 16' driveways in the county cause less issue due to lot size and additional off street parking.
- Example (keep in mind this picture was taken mid-day when people or at work or in school):



- Vehicles parked across the sidewalk and in the yard space.
- Vehicles parked on the sidewalk.
- During peak occupation during the night there are often vehicles parked on the sidewalk and street.

- Add snow to this scenario and you no longer have a fire dept. access remotely meeting the standard.

I drove around the N. Water street neighborhood this afternoon and there wasn't a single one of the private drives with "No Parking, Fire Lane" signs posted that didn't have at least one vehicle parked in the fire lane.

Thank you,

Joe Delvo  
Fire Prevention Captain  
City of Ellensburg Fire Marshal  
Fire Investigator, IAAI-FIT  
Kittitas Valley Fire & Rescue  
400 East Mountain View Ave.  
Ellensburg, WA  
Phone: 509-933-7241  
Cell: 509-856-4455  
Fax: 509-933-7245  
[prevention@kvfr.org](mailto:prevention@kvfr.org)