

AGENDA PLANNING COMMISSION January 11, 2024

Hybrid Meeting In-person and via Zoom



AMERICANS WITH DISABILITIES ACT

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. Please furnish the ADA Coordinator with your request in sufficient time for the City to provide a reasonable accommodation by calling the City of Ellensburg ADA Coordinator at (509) 962-7222 or email ADACoordinator@ellensburgwa.gov.

**CITY OF ELLENSBURG
PLANNING COMMISSION AGENDA**

**Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Thursday, January 11, 2024
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**
 - 3.A Approval of December 14, 2023 Minutes
- 4. New Business**
 - 4.A Assignment of Chair and Vice Chair Positions for 2024
 - 4.B Public Hearing to consider a Supportive Housing Ordinance
- 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: January 11, 2024
City of Ellensburg
Planning Commission Agenda Report

Agenda Subject: Assignment of Chair and Vice Chair Positions for 2024
Submitted by:
Department: Community Development

Suggested Motion/Action:
Vote for chair and vice chair positions for 2024

Background/Summary:
The Ellensburg City Code outlines the rules and responsibilities of Commissions, Committees, and Boards in section 1.12. Subsection 1.12.080 requires each Commission, Committee, and Board to elect a chair and vice chair at the first scheduled meeting in January.

Previous Council Action:
None

Analysis:
The assignment of chair and vice chair positions within the Planning Commission must take place on the first regular meeting date in January of each year. The Commissioners must nominate and vote to elect one representative for each of these positions.

Financial Impact:
none

Budget Adjustment: No

Attachments:
None



Meeting Date: January 11, 2024
City of Ellensburg
Planning Commission Agenda Report

Agenda Subject: Public Hearing to consider a Supportive Housing Ordinance
Submitted by:
Department: Community Development

Suggested Motion/Action:

Recommend approval of the proposed Supportive Housing Ordinance to the City Council.

Background/Summary:

Community Development initiated a Land Development Code cycle on October 10, 2023. One of the items proposed in this cycle was a Supportive Housing Ordinance. This ordinance was brought before the Planning Commission on November 9, 2023. At this Public Hearing, the Planning Commission voted to recommend approval of the Supportive Housing Facilities Ordinance.

Following the recommendation from the Planning Commission, Community Development received comments from the Washington State Department of Commerce recommending amendment to the ordinance to ensure consistency with State laws and standards (See attached Exhibit E). Community Development pulled the Supportive Housing Ordinance from the group of Land Development Code amendments brought before the City Council to make revisions.

Community Development made the requested revisions to the Supportive Housing Ordinance following consultation with the Department of Commerce. The updated ordinance was sent to Department of Commerce for review. Department of Commerce responded that staff had substantially incorporated their comments into the revisions and that they had no additional comments (See attached Exhibit F).

Since the revisions were a substantial change from the ordinance that the Planning Commission previously reviewed, staff is bringing the item back before the Planning Commission for another recommendation.

Previous Council Action:

The Planning Commission recommended approval of the previous version of the Supportive Housing Ordinance that was brought before them on November 9, 2023.

Analysis:

This ordinance would implement HB 1220 which contains new requirements for zoning and development regulations regarding indoor shelters and housing for the homeless or those at risk of becoming homeless. HB 1220 outlines zoning and regulation requirements that increase accommodation for transitional housing, permanent supportive housing, indoor

emergency shelters, and indoor emergency housing. HB 1220 requires jurisdictions to adopt regulations ensuring that indoor emergency housing and shelters can be permitted in any zone which allows for hotels or that a City adopt, by ordinance, regulations that allow for these facilities in a majority of zones within one-mile proximity to public transit. Additionally, HB 1220 requires code cities to allow transitional or permanent supportive housing in any zone in which residential dwelling units or hotels are allowed.

The proposed ordinance would include the addition of definitions to section 15.130 for transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing. Transitional and Supportive Housing would be permitted in all residential and commercial zones, subject to development standards outlined in ECC 15.340.080. One Commercial zone, "Commercial Highway" would also require conditional use approval. Indoor emergency housing and shelters would be permitted in most commercial zones and require conditional use approval in all residential zones. These uses would also require conditional use approvals in the Commercial Neighborhood zone. All of these uses would be subject to the development standards outlined in ECC 15.340.080.

Subsection 15.340.080 describes performance standards and additional operational standards and criteria. The specifics of these standards can be found in Exhibit A of your review materials. Staff is recommending that the Planning Commission recommend approval of the proposed ordinance to City Council in order to ensure the city regulations reflect the requirements of HB1220.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. Exhibit A-Supportive Housing Facilities Ordinance
2. Exhibit B-Notice of Public Hearing
3. Exhibit C - P23-107 Signed SEPA Checklist
4. Exhibit D - P23-107 LDC SEPA DNS
5. Exhibit E-Commerce Comments RE Original Supportive Housing Facilities Standards Ordinance
6. Exhibit F-Commerce Comments RE Updated Supportive Housing Facilities Standards Ordinance

Supportive Housing Facilities Ordinance

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. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.

"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.]

15.310.040 Use tables.

Table 15.310.040. Residential-based uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
RESIDENTIAL, GENERAL															
Dwelling, single-family* (ECC 15.540.020)	P	P	P		P										P
Dwelling, cottage* (ECC 15.540.050)	P	P	P		P									A ⁶	
Dwelling, duplex* (ECC 15.540.030)	P ²	P ²	P		P			P ⁷	P ⁷					A ⁶	
Dwelling, townhouse* (ECC 15.540.060)	P ²	P ²	P	P	P	P ³		P ⁷	P ⁷		P	P		A ⁶	
Dwelling, multifamily* (Division V of this title)	P ^{1,5}	P ^{1,5}	P	P	P	P ³	C	P ⁷	P ⁷		P	P		A ⁶	
Dwelling, live-work*	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P		P ⁷	P ⁷		P	P			

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
Manufactured home park* (ECC 15.340.040)	C	C	C	P	C									A ⁶	P
GROUP RESIDENCES															
Boarding houses, lodging houses		C	P	P	C			P ⁷	P ⁷		P	P		A ⁶	
Adult family home*	P	P	P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	
Community residential facility*			C	C	C	C		P ⁷	P ⁷		P	P		P/A ₆	
Senior citizen assisted housing*			P	P	P	P		P ⁷	P ⁷		P	P		A ⁶	
<u>Transitional Housing*</u>	<u>P^{5,9}</u>	<u>P^{5,9}</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P^{3,9}</u>	<u>C⁹</u>	<u>P^{7,9}</u>	<u>P^{7,9}</u>		<u>P⁹</u>	<u>P⁹</u>			
<u>Permanent Supportive Housing*</u>	<u>P^{5,9}</u>	<u>P^{5,9}</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P^{3,9}</u>	<u>C⁹</u>	<u>P^{7,9}</u>	<u>P^{7,9}</u>		<u>P⁹</u>	<u>P⁹</u>			
<u>Indoor Emergency Shelter*</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>		<u>P⁹</u>	<u>P⁹</u>			
<u>Indoor Emergency Housing*</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>C⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>		<u>P⁹</u>	<u>P⁹</u>			
RESIDENTIAL ACCESSORY USES															
Accessory dwelling unit* (ECC 15.540.040)	P	P	P	P	P			P ⁷	P ⁷						
Home occupations* (ECC 15.340.020)	P	P	P	P	P	P	P	P ⁷	P ⁷	P	P	P	P	P ⁶	P
Yard sale use	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸	A ⁸
TEMPORARY LODGING															

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
Bed and breakfast (ECC 15.340.010)	P	P	P	P	P			P ⁷	P ⁷		P	P			

Development conditions:

1. Subject use may be permitted subject to density bonus incentives set forth in Table 15.320.030 and Chapter 15.330 ECC.
2. Duplexes and townhomes are permitted in the R-L and R-S zones on infill lots (preexisting legal lots of record as of December 31, 2021) notwithstanding the maximum density limits in Table 15.320.030. For lots recorded after this date, duplexes and townhomes are permitted in the R-L and R-S zones but must meet the density requirements of ECC 15.320.030.
3. Residential uses are permitted in the C-N zone provided nonresidential uses occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.
4. Nonresidential uses may be permitted within live-work dwellings subject to the permitted uses in the underlying zoning district.
5. Multifamily dwelling units shall not be located adjacent to existing single-family dwellings, except where such uses were approved on an individual plat.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a public use or must be an accessory use to the primary public use (see ECC 15.310.050).
7. Except for lobbies or similar entrances, all permitted residential uses in the C-C and C-C II zones are prohibited within 30 feet of the sidewalk on the ground floor of properties fronting on storefront streets per ECC 15.510.050(E).
8. Yard sales are permitted as an accessory use to a dwelling; provided, that the following conditions are met:
 - a. Only two yard/garage sales per dwelling unit not exceeding three consecutive days in duration are allowed per year;
 - b. The occupant or tenant of the dwelling unit shall supervise and be responsible for the yard/garage sale activities including ensuring that there is no impediment to the passage of traffic on public roads and sidewalks adjacent to the sale;
 - c. No goods are to be displayed in public rights-of-way without first obtaining a right-of-way use permit from the public works and utilities department; and

d. Signs advertising the sale shall not be attached to any public structure, sign, sign or utility pole or traffic control devices and shall be removed within 24 hours of the sale completion.

9. Subject to the supportive housing facilities standards set forth in ECC 15.340.080.

New Section:

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. 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 sustainable, functional, 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, impact on the surrounding neighborhood, and consistency with parking requirements for similarly sized multifamily developments.

iv. A description of transit, pedestrian, and bicycle access from the subject site to medical, behavioral health, substance use disorder treatment, and employment and other similar services must be provided at time of application by the sponsor and/or managing agency.

c. Facility Operations. 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, consistent with state law, to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

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 are subject to the occupancy limits established by the most current editions of the International Building Code and International Fire Code.

b. Facility Operations.

i. 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.

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

iii. 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.

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 and behavioral health 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 use disorder 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. Facilities serving more than five (5) residents should have dedicated spaces for residents to meet with service providers.

iv. 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 are subject to the density standards for residential uses in the zone where the facility is located.

b. Facility Services.

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

ii. 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 and behavioral health and substance use disorder services.

(B) Employment and education assistance.



PROFORMA INVOICE

401 N Main St,
Ellensburg, WA 98926
Ph. (509) 204-8236 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO:
12/20/23	50080

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



AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
460547	NOTICE OF PUBLIC HEA	12/21/23	12/21/23	2	\$101.75

Exhibit B

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: **\$101.75**
Paid Amount: **\$0.00**

Amount Due: \$101.75

We Appreciate Your Business!

460547

RECEIVED

DEC 26 2023

COMMUNITY DEVELOPMENT

AFFIDAVIT OF PUBLICATION

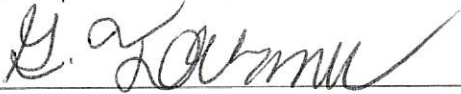
State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

CITY OF ELLENSBURG-CITY CLERK
N/PUBLIC HEARING 1/11/2024

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

12/21/23

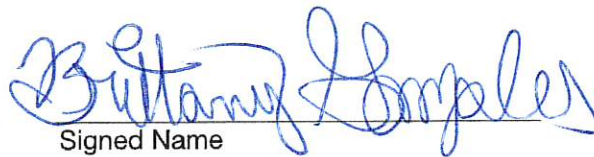
All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$101.75 the rate of \$9.00 per column inch for each insertion.



Subscribed to me this date: 12/20/23



Printed Name
Notary Public in and for
The State of Washington
(SEAL)



Signed Name

Legals

Legals

Legals

Legals

Legals

(Part 2 of 2, CONTINUED)**SELECTION PROCESS AND PROPOSED SCHEDULE:**

Kittitas County selection will be based upon:

1. The firm's or team's qualifications, experience, and ability to perform the work (25 points).
2. Detailed description of the firm's approach to the project (25 points).
3. Detailed description of the firm's approach to the project (25 points).
4. Experience working in Kittitas County in the past five years (20 points).
5. Ability to apply creative solutions to complicated projects (20 points).
6. Demonstrated ability to keep projects on time and within budget (10 points).
7. Demonstrated ability to keep projects on time and within budget (10 points).
8. The firm's ability to scale the work and allocate appropriate resources resulting in the most efficient use of County funds (15 points).

Anticipated Dates and Tasks

January 18, 2024 - at 10:00 AM - Deadline for SOQ submittals
January 25, 2024 - Selection of Firms to Interview
February 1, 2024 - Interviews and Reference Checks
February 15, 2024 - Select firms, negotiate, and prepare contracts
March 5, 2024 - BOCC Award of Contracts

The above noted schedule is tentative and may be changed based on the number of proposals submitted. Proposals will be evaluated immediately with final selection targeted for late February 2024.

The selection process shall be as follows:

- Submittals are reviewed and scored by the Public Works selection committee.
- Firms will be selected to interview if the selection committee decides to award to a single firm based on review of the submittals.
- The specific interview format will be provided to firms in advance of interviews.
- Board of County Commission planning contract award
- The Public Works Director and/or County Engineer will negotiate a scope of the work and fee with the
- The selected consultant will then enter into a Local Agency A&E Professional Services Consultant Agreement with Public Works

AGREEMENT OF SERVICES:

The selected consultant(s) will be expected to enter into a standard Local Agency A&E Professional Services Consultant Agreement. Insurance requirements are included in that agreement. The anticipated contract period shall be February 2024 - February 2026.

Kittitas County reserves the right to accept or reject any and all proposals or any items or part thereof or to waive any information or irregularities in the proposals. Kittitas County shall have the sole discretion to determine the most responsible proposal.

TITLE VI STATEMENT:

The Kittitas County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 282-42 U.S.C. 2000b-1 to 2000b-4) and the regulations, hereby certifies that it does not discriminate on the basis of race, color, or national origin in its policies, programs, or activities. Any person who wishes to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:

Kittitas County, in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA) commits to nondiscrimination on the basis of disability, in all of its programs and activities. This material can be made available in an alternate format by e-mailing Candice Leister at candle.leister@co.kittitas.wa.us or by calling 509-862-7523.

ADDITIONAL INFORMATION:

Kittitas County reserves the right to amend terms of this "Request for Qualifications" (RFQ) to circulate various addendums, or to withdraw the RFQ at any time, regardless of how much time and effort consultants have spent on their responses.

No cost or fee schedules shall be submitted with your responses. Consultants will be selected on their qualifications and experience. Consultants are encouraged to submit questions to the County Engineer, or to the County Engineer's representative, by email or by phone. Questions with fees determined through negotiations following selection. Contracting is dependent on a negotiated mutually accepted scope of work and subsequent fee established by the consultant.

INQUIRIES:

Direct all inquiries regarding this request for services to Josh Fredrickson, County Engineer, or Kallee Hodges, Environmental Transportation Planner at (509) 962-7523 via e-mail.

Josh.Fredrickson - josh.fredrickson@co.kittitas.wa.us

Kallee.Hodges - kallee.hodges@co.kittitas.wa.us

Julia Kymalski

Chair of the Board

PUBLISH: Daily Journal: December 21 & 27, 2023 & January 5 & 11, 2024

PUBLISH: Daily Record: December 21 & 27, 2023 & January 5 & 11, 2024 / LEGAL # 461289

NOTICE OF PUBLIC HEARING**CITY OF ELLENBURG****SUPPORTIVE HOUSING ORDINANCE**

NOTICE IS HEREBY GIVEN that the City of Ellensburg Planning Commission will hold a public hearing on Thursday, January 11, 2024 at 5:45 p.m. to consider a proposed Supportive Housing Ordinance.

Materials Available for Review: The proposed ordinance and related documents may be examined by the public by visiting the City of Ellensburg Community Development Department website at <https://ellenburg.wa.us/623Public-Notices/Current-Projects-and-navigating-to-Supportive-Housing-Ordinance>.

Written Comments from interested persons will be accepted by USPS Mail or email to johanson@ellenburg.wa.us up until 5:00 p.m. on January 11, 2024.

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

Staff contact: Jeremy Johnson, Community Development Planning Manager

NOTICE IS FURTHER GIVEN that all persons interested in the ordinance may participate in the hybrid meeting by contacting Staff no later than 4:00 pm on Thursday, January 11, 2024. An email link, or phone number will be provided which will allow for electronic participation in the public hearing. For physical attendance, the Public Hearing will be held at 501 N. Anderson St. in 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: December 21, 2023 / LEGAL # 460547

NOTICE OF DECISION

Project Name (File Number): NH2G Short Plat (SP-23-00010)
Owner: NH2G LLC

Location: One tax parcel (#330733), located approximately 115 feet South of Interstate 90, approximately 3.3 miles East of Kittitas, WA. In Section 16, T17N., Range 20 E., W.M.: Kittitas County parcel map number 1730-16010-0010, with a land use designations of Rural Working and zoning designation of Agriculture-20.

Notice is hereby given that on December 18, 2023, conditional preliminary approval was granted to NH2G LLC (Landowner) for a short plat application to subdivide 10 acres into one (1) 2.5 acre lot and one (1) 7.5 acre lot, located in the Small Lots Around Existing Residences" section of Kittitas County Code 16.12.04(1). The subject property is zoned Agriculture-20 with a Rural Working land use designation.

Related file documents may be examined at Kittitas County Code Department, Planning Services, 411 N. Ruby St., Ellensburg, WA 98926, (509) 962-7505 or found online at <https://www.co.kittitas.wa.us/csl/land-use/decisions> under "Short Plats - 2018 and Forward - Preliminary" and file number "SP-23-00010 NH2G".

Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is January 15, 2024. For more information, please contact the Kittitas County Community Development Services at 411 N Ruby St, Suite 2, Ellensburg, WA 98926.

Designated Permit Coordinator (Staff contact): Zach Torrance-Smith, Staff Planner, (509) 962-7079; email at zach.torrance-smith@co.kittitas.wa.us

Notice of Decision: December 18, 2023
Application Received: November 2, 2023
Application Complete: November 6, 2023

PUBLISH: Daily Record: December 21, 2023 / LEGAL # 460735

NOTICE TO SUBCONTRACTORS AND MATERIALMEN

The State of Washington, Central Washington University, acting by and through Facilities Management Department, hereby advertises all interested parties to bid for the following project: **Central Washington University, 23088-21, 1st Floor, Bullpen, Hall, Fan Replacement, Central Washington University, Ellensburg, Washington with Total Energy Management & HVAC Service, Inc. Richland, WA has been accepted as of December 15, 2023, by the Senior Vice President for Finance & Administration, Central Washington University.**

The statutory lien period became effective for the filing of all liens and claims against the retained percentage of payment to the Contractor on the above date.

Any liens filed subsequent to January 26, 2024, will not be recognized.

STATE OF WASHINGTON
CENTRAL WASHINGTON UNIVERSITY
FACILITIES MANAGEMENT DEPARTMENT
PUBLISH: Daily Record: December 19, 20, & 21, 2023 / LEGAL # 450421

Public Notice**Kittitas County, Ellensburg WA**

The Kittitas County Solid Waste Department is seeking proposals for the pickup, hauling and recycling of used oil and antifreeze generated by the Solid Waste Department's collection sites. A full copy of the RFP and Scope of Work will be available on the Kittitas County website. RFPs are to be submitted to the Kittitas County Solid Waste Department by 4:00pm on January 31, 2024.

Mailed or delivered responses are to be submitted to: Kittitas County Solid Waste 925 Industrial Way Ellensburg WA 98926 509-962-7542

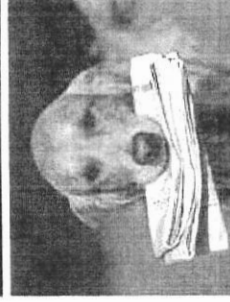
Specifications may be seen at the office of the Board of Commissioners and online at <http://www.co.kittitas.wa.us/notices/>.

Julia Kymalski

Chair of the Board

PUBLISH: Daily Journal: December 21 & 27, 2023

PUBLISH: Daily Record: December 21 & 27, 2023 / LEGAL # 461184



**You'll find it
all in the
Classifieds!**

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 10th 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, 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

Technical Assistance Staff Comments, Washington State Department of Commerce, Growth Management Services: Ellensburg Special Housing Code Amendments

PlanView Submittal Num. 2023-S-6523

Description, by submitter:

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*

Document page/section	TA staff comments / questions for City consideration
p. 9: 15.250.040(4) Conditional Use Permits - Type III review process	Consider specifying how a decision-maker will determine whether or how an applicant has demonstrated their “proposed use will not be injurious to...” Specifically since an applicant may not know surrounding uses or measurements for determining potential incompatibilities.
p. 18: 15.130.160 Permanent supportive housing (Definition)	Include the following clause in the definition: “Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.” Note: Permanent supportive housing (PSH) must be treated in the same manner as other apartments as required by fair housing law and the Residential Landlord-Tenant Act cited in the clause provided.
p. 23: 15.310.040 Residential-based uses. (Table)	Conditional use decisions are shifted to the hearing examiner. We recommend providing the examiner more objective review standards from which they can form as transparent and justifiable determinations as possible. Consistent with our agency’s housing guidance , we strongly recommend developing a process/processes specifically for transitional housing (TH) and PSH instead of routing through a conditional use permit process.
p. 27: 15.310.040 Nonresidential uses. (Table)	Consider moving emergency shelter (ES) and emergency housing (EH) to the “residential-based uses” table. Retaining them here may conflict with the requirement to treat this form of housing the same as other apartments (see notes above).
p. 31: 15.340.080 Supportive Housing Facilities Standards	We advise communities not to rely on a conditional use permitting process for supportive housing types. Per our (new) Supportive Housing Types Review Checklist : <i>“Commerce cautions against the blanket use of the conditional use process and/or public hearings for all supportive housing types. Conditional uses and/or public hearings add uncertainty for the applicant, and therefore time and money, to projects that, in the case of supportive housing types, are often consistent with community needs and vision. If an application meets all administrative review requirements and cannot be denied, it should be subject to administrative review rather than a public hearing so that it is not misleading to community members.”</i> We recommend defining objective/measurable criteria for adjectives listed as descriptors for facilities. For example, “attractive” and “appropriate for the surrounding community” may be inappropriate as they have not been clearly defined nor can they be measured.

	Consequently, terms such as these do not provide the clear basis of rationale which the City's decision-making will need.
p. 32: 15.340.080(1) Supportive Housing Facilities Standards	"iv. A description of...access from the subject site to services..." We recommend defining what services.
	"i. ...The sponsor or managing agency shall be subject to inspection by..." Does this mean construction inspection before issuing a certificate of occupancy? If so, specify. If that is not the intent, we caution that PSH and TH uses are comparable to apartments, requiring 48-hour notice to tenants of a pending inspection (such as fire inspection, etc.). Consider whether this code could use a separate set of standards for PSH/TH and ES/EH. Our TA guidance strongly advises against regulation of affordable housing that would not be allowed on other similar housing. (RCW 36.130.020—Code provision must not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally.) Note: This comment applies to many of the other requirements listed in the "Performance Standards" section.
	"iii. The sponsor or managing agency must provide an operations plan..." This section requires an operational plan for these facilities. We encourage you to provide an example operational plan to establish transparent expectations and help guide applicants in fulfilling this requirement. Note: As noted above, unless these requirements are imposed on similar residential uses, these regulations may leave the City more subject to future legal challenges. Please refer to RCW 35.21.682 and RCW 36.130.020. Staff turnover can be high; it is more common to request a 24 hour staff contact phone number.
	iii. (Sub. E) - PSH is a private apartment like other apartments so added prohibitions (for legal firearms or alcohol possession) are not allowable by regulation. Most providers' lease agreements will include prohibitions on alcohol use or possession of weapons other than a pocket knife, but it is atypical for development code.
	Credentialing/certification requirements within the code are ambiguous and do not support a predictable permitting process (example: iii. Sub. F).
p. 33: 15.340.080(1) Supportive Housing Facilities Standards	iii. (Sub. G) - These forms of housing include secure facilities that shelter survivors of domestic violence (individuals and families) or transitional housing for youth exiting foster care. Outreach to surrounding property owners potentially exposes the location of these facilities at substantial risk to the community's most vulnerable populations.
	"vi. Managing agencies and the Ellensburg Police Department (EPD) shall..." Access/EPD entry protocols for these housing facilities must be the same as other housing forms. Consider removing spacing requirements. If spacing requirements are retained, we recommend the staff report describe how these requirements are connected to the protection of public health and safety (RCW 35A.21.430 and RCW 35.21.683). The staff report should also include an analysis of the spacing and occupancy restrictions which demonstrates the land capacity for the development of these housing types (RCW 35A.21.430 and RCW 35.21.683).
p. 33: 15.340.080(2) Supportive Housing Facilities Standards	Any limitations on occupancy should be tied to public health and safety per RCW 35A.21.430 and RCW 35.21.683. Additionally, Commerce's Guidance for Updating Your Housing Element (Book 2) (pages 43-44) states that "Commerce recommends occupancy for emergency shelters and emergency

	<i>housing be established as required by the jurisdiction's adopted building, fire and safety codes. Jurisdictions should carefully consider RCW 35.21.682, RCW 35A.21.314, and RCW 36.01.227. These statutes state cities and counties may not regulate or limit the number of unrelated persons that may occupy a dwelling unit except as provided for in state law, for short-term rentals or by occupant load per square foot."</i> We advise the staff report contain a citation to the building code. The above may be a building code standard. Note: This comment applies to other sections of the code.
	2b - Resident screening is done at the shelter as part of the housing model. Inclusion within development code is inadvisable. 2b(v) - The current language poses a disparate impact under fair housing law. Although the language appears neutral, case law has demonstrated that persons under court supervision are primarily and disproportionately represented by people of color, which is not in the spirit of the City's good-faith intent and efforts.
p. 34: 15.340.080(2) Supportive Housing Facilities Standards	2c - Per Commerce's new Supportive Housing Types Review Checklist - State law limits what cities and counties can regulate during the development of affordable housing. However, funders have more opportunities to place requirements on service providers. We recommend some of the requirements listed for EH and ES be required of the funders or providers and not through development code. 2c(ii) - Exceptions for inclusion: Space for service animals and designated smoking areas. 2c(v) - This may not be enforceable/trackable/possible unless the City provides a list of providers and their contacts or hosts these networking opportunities.
p. 34: 15.340.080(3) Supportive Housing Facilities Standards	3a(i) - The unit limitations are only allowable if all apartment buildings are limited in the same fashion. It is also common for PSH to be scattered, such as providing only one or two units in a larger complex. We encourage striking this portion and other differentiations in treatment of these residential uses and others. 3a - TH will be very similar to adult family homes. Unless the City has similar standards for adult family homes with more than 5 participants then this are also subject to this standard, then this is likely an incorrect standard for TH.
p. 35: 15.340.080(3) Supportive Housing Facilities Standards	3b(iii) (Sub. A) – Recommend replacing “medical services” with (or adding) “behavioral health services” for clarity.
pp. 37-38: 15.300.040 Residential zones and map designations	We recommend transitional housing be an outright-permitted use in the residential zones listed, specifically Residential Medium Density Zone (p. 37) and Residential High Density Zone (p. 38).

Jeremy Johnston

From: Watson, Deanah (COM) <deanah.watson@commerce.wa.gov>
Sent: Thursday, December 21, 2023 4:16 PM
To: Jeremy Johnston
Cc: Daniel Carlson
Subject: RE: [Ext] RE: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.

Hello,

I can see that you substantially incorporated our staff feedback in your revisions and I don't have additional comments for you. I did want to mention that I might upload the revised version as an attachment item in PlanView. I'm not sure if the system will auto-generate a notice of an added attachment, so I just wanted to let you know by email. If you see a notification, it does not require a response.

Take care and happy holidays,

-Deanah

From: Watson, Deanah (COM)
Sent: Thursday, December 21, 2023 12:02 PM
To: Jeremy Johnston <johnstonj@ci.ellensburg.wa.us>
Cc: Daniel Carlson <carlsond@ci.ellensburg.wa.us>
Subject: RE: [Ext] RE: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

Hi Jeremy,

Thanks for sending the correction. Incidentally, today was your turn to have impeccable timing. I was about to re-open what you sent on Tuesday and will use this instead.

I'll let you know if I have any questions or comments about this version, otherwise I just compliment you guys for the work you're doing to support the community's special housing needs.

Best regards,

-Deanah

From: Jeremy Johnston <johnstonj@ci.ellensburg.wa.us>
Sent: Thursday, December 21, 2023 11:54 AM
To: Watson, Deanah (COM) <deanah.watson@commerce.wa.gov>
Cc: Daniel Carlson <carlsond@ci.ellensburg.wa.us>
Subject: RE: [Ext] RE: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

External Email

Hi Deanah,

There was a slight issue with the permitted use tables in the Ordinance I sent you on Tuesday. Attached is the corrected version. Sorry about that.

Jeremy Johnston
Planning Manager, City of Ellensburg
509-962-7232
johnstonj@ci.ellensburg.wa.us

From: Jeremy Johnston
Sent: Tuesday, December 19, 2023 4:19 PM
To: Watson, Deanah (COM) <deanah.watson@commerce.wa.gov>
Cc: Daniel Carlson <carlsond@ci.ellensburg.wa.us>
Subject: RE: [Ext] RE: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

Hi Deanah,

That was impeccable timing. We just finished a new draft (attached) minutes ago. We separated this item from the other Land Development Code items under 2023-S-6523 and plan to bring it back to our Planning Commission on January 11th and then to our City Council on January 15. The other items under 2023-S-6523 were adopted by our City Council last night.

Jeremy Johnston
Planning Manager, City of Ellensburg
509-962-7232
johnstonj@ci.ellensburg.wa.us

From: Watson, Deanah (COM) <deanah.watson@commerce.wa.gov>
Sent: Tuesday, December 19, 2023 4:09 PM
To: Jeremy Johnston <johnstonj@ci.ellensburg.wa.us>
Cc: Daniel Carlson <carlsond@ci.ellensburg.wa.us>
Subject: [Ext] RE: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

CAUTION - EXTERNAL EMAIL: The email below is from an external source. Please exercise caution before opening attachments, clicking links, fulfilling requests, or following guidance.

Hi Jeremy,
I am just checking in to see if the City has made revisions to the emergency housing shelters and supportive housing facilities portions of the proposed development regulation update (Planview Submittal 2023-S-6523). I believe that was the intent when we last spoke.
Thank you,
-Deanah

From: Watson, Deanah (COM)
Sent: Thursday, November 16, 2023 8:27 PM
To: johnstonj@ci.ellensburg.wa.us
Cc: carlsond@ci.ellensburg.wa.us; Hodgson, Laura (COM) <laura.hodgson@commerce.wa.gov>; Reinbold, Mary (COM) <mary.reinbold@commerce.wa.gov>; Benjamin Serr (COM) (benjamin.serr@commerce.wa.gov)

<benjamin.serr@commerce.wa.gov>

Subject: Commerce TA Staff input for Ellensburg's proposed Special Housing Code Amendments

Hello Jeremy,

Thank you for speaking with me today. I followed-up with a meeting invitation to you and Dan Carlson (CC'ed) for a meeting on Friday, 12/1 from 1:30-2:30. You may certainly contact one of us if you have questions prior to that call—contacts listed below.

As we discussed, seeing the work you have done to build up your community's framework for supportive and emergency housing facilities, I requested our housing team's assistance in reviewing Ellensburg's proposed development regulation amendments (PlanView submittal 2023-S-6523). They have been closely tracking Washington's legislative changes to how we plan for housing and have been deeply engaged in developing TA guidance to support local implementation efforts. I consolidated our input in the attached Word Document (the PDF is merely a reference copy of your current draft code, as submitted).

We focused our review on any recommendations that could improve transparency in your code, clarifications, procedural predictability, and defensible decision-making rationale that reflects current statute. **You will find our attached comments in a table format, organized by code section.**

Our main recommendations intend to help the City satisfy the requirements of Washington's fair housing laws and the Residential Landlord-Tenant Act, which we cite as requirements where applicable. For instance, we identify where current language may be changed to ensure that affordable housing is not treated differently than other forms of housing.

I will be out of the office until Monday, 11/27. Since the holiday makes scheduling tougher, I'm listing primary and alternate contacts who may be available if I'm not:

Primary contacts

- Deanah Watson, Sr. Planner, - Deanah.watson@commerce.wa.gov - 509-290-4754
- Laura Hodgson, Sr. Planner, - laura.hodgson@commerce.wa.gov - (360) 725-3052

Alternate contacts (also invited to our 12/1 call as resources/optional)

- Mary Reinbold, Sr. Planner, - mary.reinbold@commerce.wa.gov - (509) 638-5449
- Ben Serr, Eastern Regional Manager - benjamin.serr@commerce.wa.gov - (509) 724-1699

I hope our staff comments will help build upon the work you've already accomplished on this important (and challenging) area of planning. Please reach out if you have questions in advance of our meeting scheduled for 12/1.

-Deanah

Deanah Watson | SENIOR PLANNER | deanah.watson@commerce.wa.gov

Growth Management Services | Washington State Department of Commerce

Cell: 509-290-4754

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