

ORDINANCE NO. 4936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON, RELATING TO ZONING AND THE REGULATION OF SUPPORTIVE HOUSING FACILITIES, AMENDING SECTIONS 15.130.090, 15.130.160, 15.130.200, AND 15.310.040, AND ADDING A NEW SECTION 15.340.080 “STANDARDS FOR PERMANENT SUPPORTIVE HOUSING TRANSITIONAL HOUSING, EMERGENCY HOUSING AND EMERGENCY SHELTER FACILITIES” TO THE ELLensburg CITY CODE.

WHEREAS, in 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill 1220 (ESSHB 1220), as codified in chapters 35.21, 35A.21 and 36.70A RCW, which requires cities like Ellensburg to allow development of permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed; and

WHEREAS, ESSHB 1220 also requires cities to allow emergency housing and emergency shelters in all zoning districts where hotels are allowed; and

WHEREAS, cities are required to regulate permanent supportive housing, transitional housing, emergency housing and emergency shelter consistent with ESSHB 1220; and

WHEREAS, the Ellensburg City Code currently does not define or regulate permanent supportive housing, transitional housing, emergency housing or emergency shelter as distinct land uses; and

WHEREAS, City staff, through meetings with the Planning Commission and Affordable Housing Commission, prepared proposed code amendments addressing ESSHB 1220; and

WHEREAS, the proposed amendments to the Ellensburg City Code were issued a SEPA Determination of Non-Significance on October 10, 2023; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City’s intent to amend the Ellensburg City Code Title 15 was sent to the Washington State Department of Commerce on October 10, 2023; and

WHEREAS, the proposed amendments were reviewed by the Planning Commission in a public hearing on November 9, 2023, and based on testimony and other evidence received at said hearing, the Planning Commission recommended City Council approve the amendments as presented; and

WHEREAS, the Washington State Department of Commerce provided comments on November 16, 2023 that recommended revisions to the proposed amendments; and

WHEREAS, staff revised the proposed code amendments in accordance with the Department of Commerce recommendations and scheduled an additional hearing before the Planning Commission to consider the changes; and

WHEREAS, the revised code amendments were reviewed by the Planning Commission in a duly advertised public hearing on January 11, 2024, and based on testimony and other evidence received at said hearing, the Planning Commission recommended City Council approve the amendments as included herein; and

WHEREAS, the revised code amendments were reviewed by the Ellensburg City Council at a duly advertised public hearing at its January 16, 2024 meeting;

WHEREAS, after considering the public comments at the January 16, 2024 public hearing and February 5, 2024 Council Meeting expressing concerns that Indoor Emergency Shelters, Indoor Emergency Housing, Permanent Supportive Housing, and Transitional Housing would not be permitted in the Public Reserve zoning district, the Ellensburg City Council approved amendments to the proposed ordinance to allow Indoor Emergency Shelters, Indoor Emergency Housing, Permanent Supportive Housing, and Transitional Housing as permitted uses in the Public Reserve zoning district and conducted second reading of the ordinance, as amended;

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

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. Section 15.130.090 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4656, is hereby amended to read as follows:

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.

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.

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)

Section 3. Section 15.130.160 of the Ellensburg City Code, as last amended by Section 13 of Ordinance 4887, is hereby amended to read as follows:

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)

Section 4. Section 15.130.200 of the Ellensburg City Code, as last amended by Section 12 of Ordinance 4807, is hereby amended to read as follows:

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;
2. Intractable pain, limited for the purpose of this title to mean pain unrelieved by standard medical treatments and medications;
3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications;

4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications;
5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications;
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)

Section 5. Section 15.310.040 Use tables of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4929, is hereby amended to read as follows:

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*	P ²	P ²	P	P	P	P ³		P ⁷	P ⁷		P	P		A ⁶	

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
(ECC 15.540.060)															
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			
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>P⁹</u>	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	I-L	NC-MU	RC-MU	I-H	P-R	MHP
<u>Permanent Supportive Housing*</u>	<u>P</u> ^{5,9}	<u>P</u> ^{5,9}	<u>P</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹	<u>P</u> ^{3,9}	<u>C</u> ⁹	<u>P</u> ^{7,9}	<u>P</u> ^{7,9}		<u>P</u> ⁹	<u>P</u> ⁹		<u>P</u> ⁹	
<u>Indoor Emergency Shelter*</u>	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹		<u>P</u> ⁹	<u>P</u> ⁹		<u>P</u> ⁹	
<u>Indoor Emergency Housing*</u>	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>C</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹		<u>P</u> ⁹	<u>P</u> ⁹		<u>P</u> ⁹	
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 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	
TEMPORARY LODGING															
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 permanent supportive, transitional housing, emergency housing and emergency shelter facilities standards set forth in ECC 15.340.080.

Table 15.310.040
Nonresidential Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
RETAIL														
Auto sales, new and used							P	P ²	P		P			
Automobile fueling						P	P	P	P		P	P		
Automobile, electric vehicle battery charging station	P ¹	P	P	P	P	P	P	P	P	P				
Farmers' markets*						P		P	P	P	P			
Fruit stands*	P	P	P	P	P									
Heavy retail (ECC 15.130.080)							P	P ²	P		P	P	P	
Nurseries and greenhouses	P						P	P	P	P	P	P	P	
Restaurants	P	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Bars and brewpubs*						P	P	P	P	P	P	P		A ⁶
Coffee house, espresso bar	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P	P		A ⁶
Retail, small scale (<2,000 sf floor area)	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P			A ⁶

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Retail, medium scale (2,000— 20,000 sf floor area)						P	P	P	P	P	P			A ⁶
Retail, large scale (20,001— 60,000 sf floor area)						P ³	P	P	P	P	P			
Retail, very large scale (60,001— 100,000 sf floor area)							P	C	C		P			
Retail, super scale (>100,001 sf floor area)							C				C			
Regional retail commercial projects* (subject to the requirements in chapter 15.390 ECC)	P ⁸			P ⁸	P ⁸	P ⁸								
Marijuana retailer*						P ⁹								
PERSONAL AND GENERAL SERVICE														

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Day care I facilities*	P	P	P	P	P	P	P	P	P	P	P	P		A ⁶
Day care II facilities*	C	C	C	C	P	P	P	P	P	P	P			A ⁶
Heavy services (see heavy retail and services definition in ECC 15.130.080)*							P	P ²	P		P	P	P	
Hotels/motels*							P	P	P	P	P			
Hospitals*	C	C	C		P			C	P		C			A ⁶
Offices, medical*					P	P	P	P	P	P	P			P/A ⁶
Kennels*							P		P			P		
Nursing homes*	C	C	C	P	P			P	P					P/A ⁶
Marijuana cooperative*	P ¹⁰													
Personal service establishments*	P ⁵	P ⁵	P	P	P	P	P	P	P	P	P			A ⁶
Laundromats and dry cleaners			P	P	P	P	P	P	P	P	P	P		

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Places of assembly*	C	C	C	C	P	P	P	P	P	C	C	C		A ⁶
Radio station (commercial)		C					P			P	P	C	C	A ⁶
Veterinary clinic					C	C	P	P	P	P	P	C		
BUSINESS SERVICE														
Conference center*							P	P	P	P	P			A ⁶
Offices, business or professional*, small scale (<2,000 sf floor area)	P ⁵	P ⁵			P	P	P	P	P	P	P	P ⁴		P/A ⁶
Offices, business or professional*, medium scale (2,000—20,000 sf floor area)	P ⁵	P ⁵					P	P	P	P	P	P		P/A ⁶
Offices, business or professional*, large scale (20,001—60,000 sf floor area)							P	P	P	P	P	P		P/A ⁶

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Minarehouse facility*			C									C	C	
INDUSTRIAL														
Light manufacturing*							P	P ²	P ²	P ²	P ²	P	P	
Light industry (ECC 15.130.120)								P ^{2,7}	P ^{2,7}	P ^{2,7}	P	P		
Hazardous waste treatment (off-site) (see definition of "off-site" in ECC 15.130.150)												C	C	
Hazardous waste treatment (on-site) (see definition of "on-site" in ECC 15.130.150)							C	C	C			C	C	A ⁶
Heavy industry (ECC 15.130.080)													C	
Marijuana processor*												P ¹⁴	P ¹⁴	
Marijuana producer*												P ¹⁴	P ¹⁴	

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Tow vehicle storage area*												P	P	
Vehicle wrecking yard*													C	

Development conditions:

1. Vehicle battery charging stations are permissible for the primary use of residents and their guests in all residential zones. Battery charging station clusters are permitted for multifamily uses located in the R-M and R-H zones.
2. Use must be enclosed entirely within a building.
3. Grocery stores shall be the only retail uses permitted with more than 20,000 square feet of gross floor area.
4. Except for office uses that are accessory to a permitted use, office uses may be permitted through the purchase of transferable development rights, subject to the adoption of a TDR program by the city.
5. Subject nonresidential uses may be permitted in the R-S and R-L zones if the planned uses are at least 1,200 feet from an existing C-N zone or commercial use.
6. All uses permitted in the P-R zone must be either outright permitted and operated as a primary public use or must be an accessory use to that primary public use. See ECC 15.310.050.
7. Includes light industrial activities that result in the production of goods placed for on-site retail sale. Special restrictions:
 - a. No power tools or equipment are allowed which by their decibel, frequency, and/or other feature of their operation would negatively impact the surrounding area by reason of decibel levels, light (see chapter 15.580 ECC for standards), dust or other physical effect; and
 - b. Production or manufacturing activity shall not occur between the hours of 10:00 p.m. and 6:00 a.m.
8. Regional retail is administered as an overlay zone pursuant to chapters 15.390 and 15.390A ECC, and only permitted within the designated boundaries identified in figure 15.390.040(A), the south interchange area, and figure 15.390.040(B), the west interchange area. Permitted uses and use restrictions within a regional retail commercial project are described in ECC 15.390.030. Design criteria for regional retail is governed by chapter 15.390A ECC.

9. All marijuana retail, production and processing facilities are subject to the requirements of chapter 15.370 ECC.
10. All marijuana cooperatives are subject to the requirements of ECC 15.370.030, chapter 314-55 WAC and chapter 69.51A RCW.

Table 15.310.040
Special Uses

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
PARK, OPEN SPACE AND RECREATIONAL														
Cemeteries, columbarium or mausoleums	P	P												
Golf course	P													P ¹¹
Golf driving range (not associated with a golf course)	C						C							P ¹¹
Recreation—outdoor (commercial)*							P			P	P	C		A
Recreation—indoor (commercial)*							P	P	P	P	P	C		A
Recreation—small-scale indoor studios (commercial)*	P	P	P	P	P	P	P	P	P	P	P	C		
Recreational vehicle parks (ECC 15.340.050)							P							
Parks, playgrounds (public or private)	P ¹		P											
CULTURAL AND ENTERTAINMENT														

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Adult entertainment establishment*							P ²							
Art, performing arts, and recording studios	C	C	C	C	P	P	P	P	P	P	P			P/A ⁷
Museums	C ¹²	C ¹²	C ¹²	C ¹²	P	P	P	P	P	P	P			P/A ⁷
Theaters					P	P	P	P	P	P	P	C		
EDUCATIONAL														
Schools	C	C	C	C	C		C	C	C					P ⁵
GOVERNMENTAL														
Court							P	P	P					P
Fire facility							P				P	P		P
Police facility						P ³	P	P ³	P		P	P		P
Public agency or utility office*						P	P	P	P	P	P	P	P	P/A
Public agency or utility yard	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P	P	C ⁴	P		P	P		P/A
Utility facility* ⁸	P	P	P		P	P	P	P	P		P	P		P
Fairgrounds														P
Public transportation passenger terminals						P	P	P		P	P	P		P
RESOURCE														

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-H	C-C	C-C II	NC-MU	RC-MU	I-L	I-H	P-R
Gardening or fruit raising (accessory use or noncommercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P/A ⁷
Agriculture*	P ⁹													
Small wind energy systems (ECC 15.340.060)	P ¹⁰	/A ⁷												
REGIONAL														
Airport														PC ⁶

Development conditions:

1. Lighting for structures and fields shall be directed away from residential areas through the use of exterior full cut-off shields or through optics within the fixture.
2. Adult entertainment is regulated pursuant to chapter 6.72 ECC. Zoning locational standards within the C-H zone for adult entertainment establishments are:
All such establishments must be at least 1,000 feet from any residential zone, parks, schools, historic district, any dwelling, freeway, highway, interstate, or major arterial (see map on file in the city clerk's office).
3. Limited to "storefront" police offices. Such offices shall not have:
 - a. Holding cells;
 - b. Suspect interview rooms (except in the C-N zone); or
 - c. Long-term storage of stolen properties.
4. Public agency or utility yard conditions:
 - a. Utility yards are only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities.
5. Excluding private or nonprofit commercial schools, for which the principal course work is business, vocational, or technical.
6. A conditional use permit is required for the following uses:

- a. Facilities to sell, service and store airplanes, service airport patrons, and those ordinarily incidental and essential to operation of a municipal airport; and
- b. Airport landing areas.

7. 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. Subject uses must be managed by a public agency.

8. Wireless communication facilities, including wireless communication support towers and antenna arrays, are subject to the provisions of ECC 15.340.070 and chapter 15.395 ECC.

9. Agriculture uses are permitted in the subject zone provided the following conditions are met:

- a. The raising of swine, poultry or goats shall be restricted to youth educational projects or limited household consumption occurring on the same lot, or lots of record;
- b. No nuisances, such as noise, odor, air pollution, wastes, vibration, traffic or physical hazards, shall result therefrom; and
- c. Fencing and housing adequate to certain livestock shall be provided where livestock are kept, and all livestock shall be kept and maintained in accordance with applicable laws and regulations.

10. Small wind energy systems on properties listed in the Ellensburg landmarks register are subject to landmarks and design commission certificate of appropriateness.

11. Subject use shall be permitted only if it is a public facility.

12. Museums within the R-S, R-L, R-M and R-H zoning districts are permissible within existing buildings, or if for new construction only if the building is 2,000 square feet or less, and for both options through approval of a conditional use permit.

(Ord. 4887 § 22, 2022; Ord. 4807 § 44, 2018; Ord. 4804 § 3, 2018; Ord. 4769 § 13, 2017; Ord. 4728 § 4, 2016; Ord. 4724 § 4, 2016; Ord. 4696 § 3, 2015; Ord. 4669 § 3, 2014; Ord. 4656 § 1 (Exh. O2), 2013).

Section 6. A new section entitled “Standards for Permanent Supportive Housing Transitional Housing, Emergency Housing and Emergency Shelter Facilities” is hereby added to the Ellensburg City Code and reads as follows:

15.340.080 Standards for permanent supportive housing, transitional housing, emergency housing and emergency shelter facilities.

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. 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. 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. 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 should 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.

Section 7. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

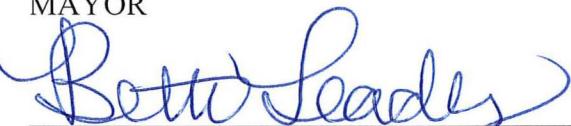
Section 8. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 5th day of February, 2024.

ATTEST:


MAYOR


CITY CLERK

Approved as to form:


CITY ATTORNEY

Publish: 28-2024

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4936 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4936 was published as required by law.


BETH LEADER