

CITY COUNCIL AGENDA

February 5, 2024



Ellensburg City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at ectv2.com or on YouTube at ECTV Ellensburg. Members of the public may attend City Council meetings either in person in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926 or by registering to attend remotely via video conference.

To attend the city council meeting virtually register here:

https://us02web.zoom.us/webinar/register/WN_Gw4KNHR8RJJaE7E6f2yB1ww

The 6 p.m. Study Session will take place in the City Council Chambers, 501 N Anderson Street, Ellensburg, WA 98926. No public comment will be accepted. The meeting is available to livestream on YouTube at ECTV Ellensburg.

Closed Captioning is available to Zoom viewers. To enable closed captioning, you will need to click on the "CC" button at the bottom of your Zoom screen and then select either "Show Subtitle" or "View Full Transcript."

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 ADAcordinator@ellensburgwa.gov.

COUNCIL MEETING

GUIDELINES FOR PUBLIC PARTICIPATION

All City Council meetings are broadcast on Charter/Spectrum Channel 191 and available to livestream on Ellensburg Community Television at www.ectv2.com or on YouTube at [ECTV Ellensburg](https://www.youtube.com/channel/UCvYUwXpYUwXpYUwXpYUwXpY). You may also attend by phone, only, and listen to the meeting by following the registration instructions under “Procedure for Remote Participation During Meeting” below. Once you register, you will be sent a meeting invitation with a phone number for the meeting.

Only persons attending the City Council meeting in-person may provide public comment on Non-Agenda Issues (Item No. 7), which is limited to a combined total of thirty (30) minutes unless Council votes to extend the time. For all other Agenda items, City Council accepts testimony or comments in person or via remote testimony for most other topics under the Regular Agenda. Testimony or comments will be accepted in the following manner:

SUBMISSION OF WRITTEN COMMENTS

- **Written comments submitted in advance of meeting**
Submit written comments by mail to Beth Leader, City Clerk, Ellensburg City Hall, 501 N. Anderson St., Ellensburg, WA 98926, or via email to: cityclerk@ellensburgwa.gov. Comments received by 5 p.m. on the meeting date will be compiled, sent to the City Council and entered into the record.
- **Comments for public hearings**
Written comments must be received by the City Clerk by 5 p.m. on the meeting date. Comments can either be mailed to Beth Leader, City Clerk, Ellensburg City Hall, 501 N. Anderson St., Ellensburg, WA 98926, or sent via email to: cityclerk@ellensburgwa.gov. Comments received by 5 p.m. on the meeting date will be compiled, sent to the City Council and entered into the record.

PROCEDURE FOR REMOTE PARTICIPATION DURING MEETING

1. **Advance registration is required to provide public comment or hearing testimony via remote meeting attendance.** Anyone wishing to speak on items under the Agenda must register prior to 7 p.m. the day of the meeting. Once registered, you will receive an email with the meeting link and phone number (for those who wish to call into the meeting).
2. **Join the meeting early,** as you may need to download the app in advance to participate. Once you've joined the meeting, your camera and microphone will be muted until you are recognized by the Mayor to speak.
3. Please note that there may be several items on the City Council Agenda that will precede the agenda item you wish to address.
4. **The Mayor will identify the agenda item** and ask if anyone wishes to speak on the matter.
5. Any interested person may provide comments, virtually, on any listed agenda items except under Item 7 for Non-Agenda Issues (see below). **Public comment on Item 7 for Non-Agenda items will only be accepted from persons attending Council meetings in-person,** i.e., Zoom comments are not accepted for **Non-Agenda Issues.**
6. If you wish to speak on an agenda item, you must:
 - a) **Wait to be called upon by the Mayor** using your name, e-mail, or phone number used to log in to the teleconference.
 - b) **Raise your “virtual hand”** in the corner of Zoom application on the computer screen or press *9 on your phone. Raising your hand signals the moderator that you wish to speak.
7. **Please state your name, whether you live in the City of Ellensburg, Kittitas County or elsewhere, and whether you are representing only yourself or others.**

PROCEDURE FOR IN-PERSON PARTICIPATION (COUNCIL CHAMBERS)

- ◆ When recognized, approach the microphone provided on the right side of the room.
- ◆ Please state your name, whether you live in the City of Ellensburg, Kittitas County or elsewhere, and whether you are representing only yourself or others.
- ◆ Each speaker's comments are to be limited to 3 MINUTES.
- ◆ Submit any written comments to the City Clerk.
- ◆ Speakers are cautioned not to make comments of a personal, impertinent or derogatory nature.
- ◆ Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).

PUBLIC COMMENT RULES FOR ALL MEETING PARTICIPANTS

1. Each speaker's comments are to be limited to 3 MINUTES.
2. Speakers are cautioned not to engage in conduct that disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting.
3. Speakers may not identify themselves as candidates for elective public office or make any statements which assist or discuss the campaign of a candidate for elective office or discuss or campaign for or against a ballot proposition (unless the ballot proposition is being considered as part of the City Council agenda item).
4. Speakers providing comments on Item 7, Non-Agenda Issues, may only address the Council on matters which concern the City's business or over which the Council has control, and must announce the topic upon which they wish to speak before making their comments.

Please note: City Council Rules provide that no action will be taken by the Council at the meeting at which a subject is first introduced during the citizen comment period (Item 7 on the Agenda). Council may consider an item at a future meeting, thus you may wish to concisely state your concern and request placement of your matter on a future agenda. Staff will follow up with speakers as necessary.

CONSENT AGENDA

Members of the audience may request items be removed from the consent agenda by asking for recognition and making the request during Agenda Approval. Items will not be removed from the consent agenda unless your request is confirmed by a councilmember.

AGENDA ITEMS

If you wish to have an item placed on a Council agenda, a written request should be delivered to the City Manager's Office prior to noon on the Monday preceding the Council meeting. Assistance will be provided in preparing a request if you wish to contact the City Clerk at (509) 925-8614.

PUBLIC HEARINGS

City Council accepts testimony or comments in person or via remote testimony on a particular subject scheduled for Public Hearing. Council will consider all testimony, respond to any questions, and take action after the public hearing is closed. Testimony or comments will be accepted in the following manner:

1. When recognized,
 - If attending in the Council Chambers, approach the microphone provided on the right side of the room.
 - If attending remotely, raise your "virtual hand" in the corner of Zoom application on the computer screen or press *9 on your phone.
2. Please state your name, address, and whether you are representing only yourself or others.
3. Please limit your comments to 5 MINUTES.
4. Submit written comments to the City Clerk.

**CITY OF ELLENSBURG
CITY COUNCIL AGENDA
Council Chambers
501 North Anderson Street
Ellensburg, WA 98926
And remotely via Zoom
Monday, February 5, 2024
6:00 PM – Study Session
7:00 PM - Regular Meeting**

Study Session (No Public Comment)

A Legislative Update 6

Pledge of Allegiance

1. Call to Order and Roll Call

2. Proclamations (Public Comment Opportunity)

2.A National Black History Month, 2024 African Americans and the Arts 11

3. Awards and Recognitions

4. Approval of Agenda (No Public Comment)

5. Consent Agenda (No Public Comment)

Items listed below have been distributed to Councilmembers in advance for study and will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Councilmember or at the request of a member of the public with concurrence of a Councilmember. Requests to remove items should be made under Item 4 Approval of Agenda.

5.A Approve Minutes of January 16, 2024 Regular Meeting 12

5.B Acknowledge Minutes of Boards and Commissions 17

5.C Approve University Way Banner Request for League of Women Voters -
October 29 - November 4, 2024 30

5.D Approve University Way Banner Request for Kittitas County Pride - May 14-27
& June 11-24, 2024 31

5.E Project Acceptance for Bid Call 2023-10, 2023 Residential Sidewalk Repair
Program 35

5.F Approve Voucher Listing for February 5, 2024 37

6. Petitions, Protests, and Communications

6.A	Recommendation of Appointments to the Environmental Commission and the Affordable Housing Commission (Public Comment Opportunity)	38
7.	Citizen Comment on Non-agenda Issues	
8.	Business Requiring Public Hearings	
9.	Introduction and Adoption of Ordinances and Resolutions	
9.A	Second Reading of Ordinance 4936 Supportive and Emergency Housing Facilities Code Amendments (Public Comment Opportunity)	45
9.B	Ordinance 4937 - Telecommunications Franchise Agreement with Consolidated Communications of Washington, LLC (for adoption in single reading) (Public Comment Opportunity)	73
10.	Unfinished Business	
11.	New Business	
11.A	Notice of Intent to Commence Annexation Proceedings for Parcels 166133, 118133, 118836, 278836, 108836, 288133, 850836, and 278133 Located on W Dolarway Rd. (Public Comment Opportunity)	83
11.B	2024 Community Development Long Range Planning Work Program (Public Comment Opportunity)	100
12.	Miscellaneous	
12.A	Manager's Report (No Public Comment)	105
12.B	Councilmembers' Reports (No Public Comment)	
13.	Executive Session	
13.A	Per RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.	
13.B	Per RCW 42.30.110(1)(i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency	
14.	Adjournment	



Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Legislative Update
Submitted by: Heidi Behrends Cerniwey, City Manager
Department: City Manager

Suggested Motion/Action:

This item is for discussion purposes only.

Background/Summary:

For the past three years, the City Council has adopted legislative priorities to frame the City's interests on policy issues that may come before the State Legislature. The 60-day Washington State Legislative Session began January 8, 2024. City staff and contract lobbyists, Josh Weiss and Hanna Jones of Gordon Thomas Honeywell, will provide an update on issues and relevant bills at the study session.

Previous Council Action:

The City's 2024 Legislative Priorities were adopted at the November 6, 2023 meeting.

Analysis:

This item is for discussion purposes only. Handouts that outline the City's priorities are attached.

Financial Impact:

The City has an agreement with Gordon Thomas Honeywell to provide lobbying services at a cost of \$3,500 per month.

Budget Adjustment: No

Attachments:

1. 2024 COE Legislative Priorities
2. 2024 CCA One Sheet
3. 2024 Utilities Fact Sheet
4. 2024 Fieldhouse Capital Funding Request



CCA Compliance & Policy

Ellensburg is one of two municipal natural gas utilities in Washington State and one of 22 municipal electric utilities—and the only city with both natural gas and electric utilities in the State. Ellensburg has a long-term commitment to energy conservation and reduced demand. Compliance requires significant specialized skills to implement and meet carbon reduction and equity goals with disproportional impacts to small municipal utilities.

- Amend RCW 42.30.110 Open Public Meetings Act to authorize Executive Sessions for carbon allowance auction strategy and sales/purchases transparency.
- Request State Auditor's Office evaluate and recommend financial controls for public auction participation.
- Allocate \$2 million annually in Ecology operating budget for small municipal utility decarbonization planning and implementation.
- Develop low-income definition equitable to all.
- Provide State programs for fuel switching to low and carbon-free energy equipment and guarantee CCA proportionate revenues return to municipal utilities
- State leadership is essential in energy resource supply adequacy for a clean energy economy



Ellensburg Community Fieldhouse

Allocate \$1.5 million to Phase 1 design in partnership with the Ellensburg Rotary Clubs

- The Ellensburg Racquet & Recreation Center was destroyed by fire (arson) on Dec. 2, 2022. The loss leaves this distressed, rural community with an immediate barrier to public wellness facilities.
- The 100,000+ sq ft Fieldhouse would replace critical indoor fitness and recreation with an ADA-accessible, energy efficient building. Total project cost estimated at \$25 million
- The facility will have a positive public health impact on Central Washington community and schools and will support diverse social and recreation interests and populations.
- Phase 1 Construction starts in December 2024 or \$1.8 million will be forfeited.
- Phase 1 Design (30%) currently underway.



Homelessness/Housing

Flexible policies to expand housing, preserve affordability, and address homelessness

- Ellensburg has no year-round emergency shelter. The City and County are working with providers to locate and build an overnight sleep center "emergency shelter."
- Support organizations dealing with homelessness that have shown success impacting the problem.
- Defend against preemption of local land use authority with zoning mandates.
- Provide tools to preserve existing affordability.



Wastewater Treatment Plant

- The City's Wastewater Treatment Plant was built in 1970 and needs updated aeration system. Total project cost estimated at \$30-\$50 million.
- The City will seek maximum project funding from federal Bipartisan Infrastructure Law programs administered by the State, but additional funding will be required to make this essential plant investment.



Behavioral Health Resources

Expand behavioral health resources for rural communities

Ellensburg and Kittitas County lack a crisis stabilization facility and sufficient behavioral health resources to serve community needs.

- Create greater access to community-based behavioral health services.
- Support continued funding to help communities establish alternative response programs.
- Establish permanent funding for court-supervised diversion programs beyond two years.



Blake Decision/Transfer Costs

Remedy for Blake Decision and unfunded mandates

- The City supports actions to realign State responsibility for costs previously transferred to municipalities for felony medical care, public defense, and misdemeanor crimes.
- Offset costs of vacating criminal convictions, repaying legal costs, and administering diversion programs.
- Invest in alternative response teams; treatment facilities for adults and juveniles; treatment and social workers in jails, and providers and system navigators to help direct people to treatment.

2024 Climate Commitment Act Compliance & Policy Changes

Ellensburg is one of two municipal natural gas utilities in Washington State and one of 22 municipal electric utilities—and the only city with both natural gas and electric utilities in the State. Ellensburg has a long-term commitment to energy conservation and reduced demand.

A set of comprehensive State mandates—including the Climate Commitment Act (CCA) and Clean Energy Transformation Act (CETA)—seek collectively to reduce emissions, decarbonize the building sector, invest in clean transportation, and build a clean energy future, with mitigated impacts to vulnerable populations. Compliance requires significant specialized skills to implement and meet carbon reduction and equity goals with disproportional impacts to small municipal utilities.

1. Amend RCW 42.30.110 Open Public Meetings Act to authorize Executive Sessions for carbon allowance auction strategy and sales/purchases transparency

The Open Public Meetings Act (RCW 42.30.110) does not provide for an executive session option to discuss and inform City Councils of activities related to participation in Ecology's carbon allowance auctions. State law prohibits public disclosure of auction strategy and participation (WAC 173-446-317) creating a lack of transparency and accountability for utility governance and fiscal oversight.

2. Request State Auditor's Office evaluate and recommend financial controls for public auction participation

Participation in CCA auctions for 2023 required \$1.25 million in utility cash for first year commitments—14% of the total \$9 million utility revenue. Ecology allowance auction participation creates significant risk for public agencies wiring large sums of money, held for several weeks by external international banking entities for cash bid guarantees.

3. Allocate \$2 million annually in Ecology operating budget for small municipal utility decarbonization planning and implementation

Two small municipal natural gas utilities are disproportionately impacted by costs of CCA compliance. Compliance with the CCA requires significant staff and financial resources which burden small municipal utilities like Ellensburg and Enumclaw with only 5,000 natural gas connections.

4. Develop low-income definition equitable to all

There is no low-income definition in the CCA. If the definition in CETA is applied to CCA, about 40% of Ellensburg's customers would be considered exempt. This would prohibit Ellensburg's non-profit utility from collecting the revenue necessary to cover costs of CCA auction participation through a GHG emissions cap-and-invest premium rate or require the utility to nearly double the rate on the remaining customers.

5. Provide State programs for fuel switching to low and carbon-free energy equipment and guarantee CCA proportionate revenues return to municipal utilities

Developing and operating programs to promote fuel switching for residential, commercial, and industrial users requires significant administrative resources for a small utility. A single residential heating unit replacement can easily cost \$15,000.

Providing sufficient incentives and rebates to assist with cost burden for residents will be critical to achieve state goals. A carve-out for State-designed and administered programs that prioritize fuel switching in commensurate rates to municipal investments in the cap-and-invest system should be secured for municipal natural gas utilities like Ellensburg.

6. State leadership is essential in energy resource supply adequacy for a clean energy economy. Fund study to evaluate resource adequacy

- Energy utilities need low-carbon alternatives and support from the State to create realistic pathways to meet policy milestones. As utilities decarbonize, there is a need for clean sources as replacement to avoid high-cost energy and blackouts.
- Ellensburg is not in a position to build new electrical generation facilities to meet local demand. There is an urgent need for new winter-season electrical generation to implement the State's goals. With the push to electrify vehicle fleets and convert home/building heating to electric, the State must work closely with generation, transmission, and distribution systems to address the resulting effect of increased demand.
- The State should provide guidance on resource adequacy. Policies should be monitored for effectiveness and impacts to ratepayers during these difficult financial times and high inflation.

Ellensburg Electric & Natural Gas Utility Fact Sheet

Ellensburg is the only city in Washington that owns and operates non-profit natural gas (since 1954) and electric (since 1890) utility distribution systems. The City serves 11,000 customers with low-cost, reliable, and modern energy. Ellensburg has a long-term commitment to energy conservation and resource stewardship.

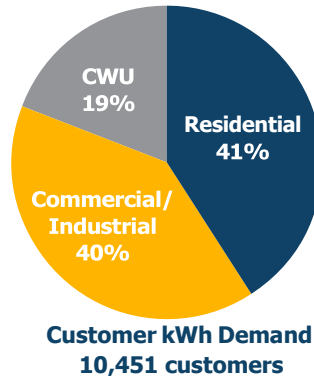


About Ellensburg

- Population approx. 21,000
- Home to Central Washington University - 7,000 students.
- Located in Central Washington in the Lower Kittitas Valley
- Climate: 204 days of sun; average temperature July 70 °F; December 29 °F
- On the Yakima River

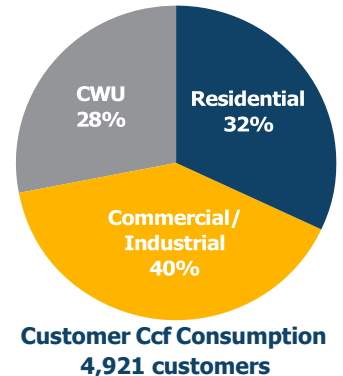
Electric Utility

- 100% of Energy purchased from Bonneville Power Administration (BPA)
- Demand: 26 MW/year average; peak 49 MW (winter)
- Purchase of Clean Energy - 96% carbon-free - BPA power mix – 85% hydro, 11% nuclear, 4% unspecified (from 2022 fuel mix report)
- 7,000 metric tons co2e/year



Natural Gas Utility

- Demand: 800,000 MCF/year average
- 40,000 metric tons CO2e/year
- American Public Gas Association Safety Contest Award; the System Operational Achievement Recognition (SOAR) Silver Award; and the prestigious Excellence in Environmental Stewardship Award



Sustainability Initiatives

- EV charging and fleet investments
- LED streetlights and traffic signals
- Renewable Energy Park was first community solar
- project in State (2006, expanded 2015)
- Zero emissions transition plan for City's Central Transit system
- Sustainability and Energy Plan (2024)
- Sustainability Coordinator hired 2023

Solar & Renewables

Net Metering 178 customers; 2,000 kW rooftop solar Renewable Energy Park – 304 kW Generation, 425,000 kWh/year, or 0.2% of supply
Peak Production:

- Summer 54,400 kWh, 0.35% supply;
- Winter 7,800 kWh, 0.03% supply
- Expansion project with new inverters funded for construction in 2024

Reduced Rates

- 50% reduction for qualified low income senior/low income disabled customers
- Zero cost to customers for energy efficiency/weatherization for qualified low income customers

Energy Efficiency & Conservation Programs

- Heat pumps, energy audits, weatherization, smart thermostats, appliance and commercial light rebates

Future Projects

- Renewable Natural Gas (RNG) project at city wastewater treatment plant (2024 construction)
- Additional PV solar/telemetry at Renewable Energy Park
- Smart Metering
- Central Washington University pilot district geothermal project

Long-term Challenges

- **Resource Adequacy** – Need regional/state development of clean energy sufficient to meet decarbonization goals (converting all gas to electric (BTU to kW) is roughly 2x annual electric load)
- **Clean reliable energy production and infrastructure** must be scaled to meet building and vehicle electrification initiatives
- **Resilience** - Improve long-term stability of grid infrastructure
- **Workforce** - Clean energy requires new workforce
- **New sources** or storage to meet demand peaks throughout year – average winter solar production is 20% of summer; Winter peak energy demand is highest from 4:00 to 7:00 a.m. when solar production is null

Ellensburg Community Fieldhouse

Replacing Ellensburg Racquet & Recreation Center Lost in Fire on 12/2/2022



The Ellensburg Racquet & Recreation Center was destroyed in an early morning fire on December 2, 2022.

Urgent Community Capital Facility Funding Need

[Top stories of 2022: No. 1: Fire destroys Ellensburg Racquet and Recreation Center | Ellensburg | dailyrecordnews.com](#)

A fire on December 2, 2022 resulted in the loss of the Ellensburg Racquet & Recreation Center and created an emergent public health concern for the City of Ellensburg and Kittitas County. The 32,000 sq ft indoor recreation facility provided year-round critical health and wellness activities that supported individuals and groups across this economically distressed rural county. The City of Ellensburg is collaborating with Kittitas County and community partners to fund and replace the lost wellness facility with the construction of a Fieldhouse—a multi-use, multi-generational community indoor fitness complex—at Rotary Park, a city-owned 100-acre outdoor regional park. We seek assistance from state and federal partners to fund a facility to positively impact people in Central Washington.

Broad Public Value to Central Washington

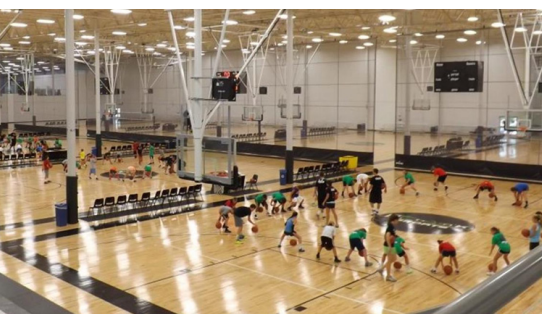
- Replaces critical indoor fitness facility in distressed rural Kittitas County, with ADA-accessibility, energy efficient building adjacent to the City's Renewable Energy Park
- Positive public health impact on Central Washington community and schools with limited indoor recreation options
- Regional asset at junction of I-90 and I-82, driving economic development through sports tourism
- Supports diverse recreation interests and populations
 - Multi-use indoor turf (soccer, baseball, football, softball, and rugby)
 - Hard surface courts (racquet sports, basketball, and volleyball, etc.)
 - Fitness track, roller derby, golf, and other indoor activities
 - Serves rural and underrepresented populations
 - Meeting and training rooms



Total Project—\$25 Million
Construction Begins—December 2024

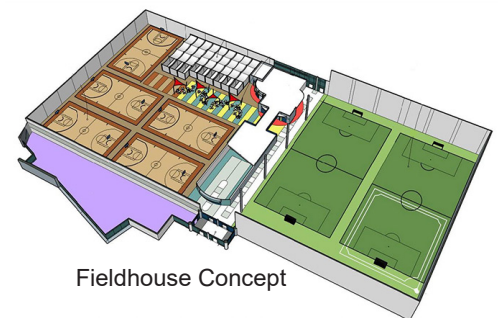
Fieldhouse Project Highlights

- Provide over 100,000 sq ft indoor turf and courts with amenities
- Local Match \$16 million/Total Project \$25 million
 - City of Ellensburg
 - Kittitas County
 - Private Partners/Other
- Under 2-year completion timeline



Partnerships Ensure Success

- Rotary Clubs of Ellensburg
- Central Washington University
- Kittitas County
- Ellensburg School District
- Private Community Investment



Fieldhouse Concept

Heidi Behrends Cerniwey
City Manager
cerniweyh@ellensburgwa.gov



City of Ellensburg
501 N. Anderson St.
Ellensburg, WA 98926
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City of Ellensburg **PROCLAMATION**

National Black History Month, 2024
African Americans and the Arts

Whereas, the roots of National Black History Month date to 1865 as the beginning of an annual celebration of emancipation, and Harvard Historian Carter G. Woodson, the "father of Black History," began Negro History Week, on February 1, 1926; and

Whereas, Negro History Week evolved to "National Black (Afro-American) History Month through Congressional Public Law 99-244 in 1986; and

Whereas, the theme for National Black History month in 2024 is "African Americans and the Arts," we acknowledge that African American Art is infused with African, Caribbean, and Black Americans' lived experiences; and

Whereas, in the fields of visual arts, literature, fashion, folklore, language, film, music, architecture, culinary, and other forms of cultural expression, the African American influence has been paramount; and

Whereas, it is impossible to recognize the breadth of contributions of Black Americans to film media, art and sculpture and other cultural forms, however we celebrate specifically:

*The musical contributions of jazz musicians Robert Johnson, Ella Fitzgerald, Louis Armstrong and Ellensburg's own Lenny Price; Hip-hop influencers Jimi Hendrix and Lizzo; popular Black singers across many genres such as Stevie Wonder, James Brown, Bob Marley, LL Cool J, Jay Z and Michael Jackson;

*The literature and poetry contributions of Amanda Gorman, Octavia Butler, Langston Hughes, Maya Angelou and bell hooks;

*The contributions of authors Ibram X Kendi, Isabel Wilkerson, and Ijeoma Oluo to a better understanding of Black history and race; and

*The culinary contributions of Chefs Gina Neely and Eddie Neely and Michelin Star winners Gerald Sombright and Michael Caines; and

Whereas, the City Council of Ellensburg encourages all residents, librarians, board members, and businesses to include the cultural contributions and expertise of Black and African American individuals to your cultural pursuits and community connections.

Now, Therefore, the City Council of Ellensburg does hereby proclaim February 2024 as National Black History Month in Ellensburg, honors the courage and expertise of Black Americans to our city, state, and nation, and commits our efforts to make Ellensburg a city where everyone belongs and feels welcome.

Signed this 5th day of February 2024.

Attest:
City Clerk

A blue ink signature of Betty Seader, the City Clerk, written over a horizontal line.

A blue ink signature of Rich Elliott, the Mayor, written over a horizontal line.
Rich Elliott, Mayor

Acknowledgement: ASALH, The Association for the Study of African American Life and History



CITY OF ELLENSBURG

Date of Meeting

Time of Meeting

Place of Meeting

Minutes of City Council, Regular Meeting

January 16, 2024

7:00 PM

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

Pledge of Allegiance

1. Call to Order and Roll Call

Roll Call Present: Sarah Beauchamp, Rich Elliott, Nancy Goodloe, Nancy Lillquist, David Miller, Joshua Thompson

Others present in person: City Manager Behrends Cerniwey, City Attorney Weiner, City Clerk Leader, Community Development Director Carlson, Engineering Manager Mayo, Energy Resources Manager Stanavich, Sustainability & Energy coordinator Baker, and approximately 15 members of the public

Others present remotely via Zoom: two members of the public

2. Proclamations

3. Awards and Recognitions

4. Approval of Agenda

Councilmember Goodloe moved to approve the Agenda as presented. **Motion Approved 6-0.**

5. Consent Agenda

- 5.A Approve Minutes of January 2, 2024 Regular Meeting
- 5.B Approve Minutes of January 2, 2024 Study Session
- 5.C Acknowledge Minutes of Boards and Commissions
- 5.D Accept the Resignation of Olene Togiallua from the DEI Commission
- 5.E Project Acceptance for Bid Call 2022-08 for Mobile Data Collection System and ERT Programmers
- 5.F City-County Library Services Agreement for 2024
- 5.G Third Amendment to the Affordable Housing Agreement with 113 West Bender

Road (Habitat for Humanity)

5.H 2024 Professional Services Agreement Between City of Ellensburg and Kittitas County Chamber of Commerce

5.I Approve January 16, 2024 Voucher Listing

Councilmember Lillquist moved to approve the Consent Agenda as presented. **Motion Approved 6-0.**

6. Petitions, Protests, and Communications

6.A Recommendation of Appointment to Lodging Tax Advisory Committee (Public Comment Opportunity)

Councilmember Lillquist moved to approve reappointment of Gemma Fortier to the Lodging Tax Committee. **Motion Approved 6-0.**

7. Citizen Comment on Non-agenda Issues

- Angie Lang, Ellensburg resident, read a statement from business owner, Katie Olsen regarding Parks and Recreation facilities. Ms. Lang also commented regarding Reed Park expenses.
- Cheryl Chance, County resident, commented regarding city code sections 1.16.240 and 1.16.280 and read a statement by city resident, Cecilia Crow
- Scott Heaverlo, City resident, read a statement from Bryce Herbst regarding Craigs Hill and Reed Park
- Rose Massey, Ellensburg resident, read a statement from Birgit Mitchel regarding Craigs Hill
- Penney Whitman, Ellensburg resident commented regarding Reed Park and Craigs Hill
- Jennifer Patteson, County resident, read a statement by Curt Julsrud regarding restrooms at Reed Park and expressed thanks for the ERRC property clean up
- Pat Kelleher, County resident, commented regarding Unity Park

8. Business Requiring Public Hearings

8.A Public Hearing (Legislative) to Consider Supportive and Emergency Housing Facilities Code Amendments and First Reading of Ordinance 4936 (Public Comment Opportunity)

The Mayor opened the public hearing. Dan Carlson, Community Development Director, presented information in the staff report.

Pat Kelleher, County resident, commented regarding the emergency cold weather shelter and use of Hal Holmes Center. Director Carlson responded to the comment. Council asked questions.

With no further questions or comments, the Mayor closed the public hearing.

Councilmember Lillquist moved to conduct first reading of Supportive and

Emergency Housing Facilities Ordinance 4936.

Councilmember Miller moved to amend the motion to include permitted use in the PR zone for indoor emergency shelters. Council discussed. **Motion Approved 6-0.**

Vote on main motion as amended. **Motion Approved 6-0.**

9. Introduction and Adoption of Ordinances and Resolutions

- 9.A Resolution 2024-01 for Allocation of 2024 Lodging Tax Funds (Public Comment Opportunity)

The City Manager presented information in the staff report.

Councilmember Lillquist moved to adopt Resolution 2024-01, approving the allocation of 2024 Lodging Tax Funds. **Motion Approved 6-0.**

- 9.B Resolution 2024-02 - Adoption of City's Sustainability & Energy Plan (Public Comment Opportunity)

Buddy Stanavich, Energy Resources Manager, presented information in the staff report. Christie Hoffpauer, with McKinstry, attending remotely via Zoom, presented information to Council.

Pat Kelleher, County resident, commented regarding the plan.

Jennifer Patteson, County resident, commented regarding electric usage and EV charging

Councilmember Lillquist moved to adopt Resolution 2024-02, committing the City to the Sustainability and Energy Plan.

Councilmember Lillquist moved to amend the resolution to include *"Whereas, the Sustainability and Energy Plan was also guided by the 2019 Washington Clean Buildings Act to lower costs and pollution from fossil fuel consumption in the state's existing covered buildings and multifamily dwellings, and "*. **Motion Approved 6-0.**

Vote on main motion as amended. **Motion Approved 5-1 (Thompson voted no)**

- 9.C Resolution 2024-03 to Reject All Bids for Bid Call 2023-19 Pfenning Road Shared Use Pathway (Public Comment Opportunity)

Derek Mayo, City Engineering Manager, presented information in the staff report.

Pat Kelleher, County resident, commented about pedestrian safety and the project.

Councilmember Miller moved to adopt Resolution 2024-03 rejecting all bids for

Bid Call 2023-19, Pfenning Road Shared Use Pathway, due to bid irregularities with the lowest four bids and bid pricing in excess of the engineer's estimate and City's project budget for the remaining bids. **Motion Approved 6-0.**

10. Unfinished Business

11. New Business

12. Miscellaneous

12.A Manager's Report (No Public Comment)

Heidi Behrends Cerniwey, City Manager, reviewed the report.

An executive session was needed per RCW 42.30.110(1)(i) and was anticipated to last ten minutes. No action would be taken.

12.B Councilmembers' Reports (No Public Comment)

- Councilmember Beauchamp reported on the Public Library birthday celebration on January 20th and attended the KITTCOM Board meeting
- Councilmember Goodloe reported on the DEI commission meeting
- Councilmember Lillquist reported on Airport Advisory Committee meeting, County Homelessness & Affordable Housing Committee meeting, and attended the CenterFuse west interchange presentation
- Councilmember Miller attended Arts Commission, Planning Commission, and PTAC meetings
- Councilmember Thompson attended Landmarks & Design Committee and a Chamber of Commerce meeting
- Mayor Elliott reported on the west interchange project and attended the State of the Community event

13. Executive Session

13.A Per RCW 42.30.110(1)(i), to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

Council recessed into executive session at 8:42 pm and would take ten minutes. No action would be taken.

Mayor Elliott announced at 8:52 pm that the executive session would be extended for three minutes.

Council reconvened at 8:54 pm

14. Adjournment

Meeting adjourned at 8:54 pm

Mayor

ATTEST: _____
City Clerk



Centerfuse

Ellensburg Business Development Authority
BOARD OF DIRECTORS MEETING MINUTES
Regular meeting held synchronously in-person and virtually
Wednesday, December 13, 2023
4:00-5:30 PM

Members in Attendance: Garrett Poshusta, Chair; Grant Clark, Treasurer; Del Bankston, Secretary; John Perrie, Board Member; Bob Rapp, Board Member; Jennifer Lubanski, Board Member; James Jankowski, Board Member; and Jared Vallejo, Board Member.

Absent: Andreas Bohman, Vice Chair

Others present: Rich Elliot, Ellensburg City Council Member and Liaison; Kelle Vandenberg, city of Ellensburg; Dawn Alford, Circa 9021; Andrew Morse, CWU; Kristine Miller, Executive Director, and Margaret Reich, consultant.

1. Meeting Called To Order

The Chair called the meeting to order at 4:00 PM

2. Approval of Agenda

Motion to approve the agenda for the December 2023 regular board meeting by Jennifer Lubanski, second by Grant Clark. Motion approved by unanimous vote.

3. Approval of Minutes

Motion to approve the November 8, 2023 regular meeting minutes by Grant Clark, second by Jennifer Lubanski. Motion approved by unanimous vote.

4. Public Comment

None.

5. Board Business

a. Organizational Effectiveness

Grant Clark, Treasurer presented the financial reports. Motion to approve the November, 2023 voucher in the amount of \$21,294.91 by Garrett Poshusta, second by Jennifer Lubanski. Motion approved by unanimous vote.

Executive Director Miller updated the board on monthly metrics.

Board members discussed the final draft of the 2024 workplan. Executive Director Miller shared possible updates to the workplan. The board discussed the vision statement and the potential for it to be a broader statement of ambition that is dynamic and inclusive. Other board recommendations are setting 30/60/90 day KPIs, form a sub-committee of board members to assist with KPIs, direct staff to review marketing



and provide to the board a marketing plan. The Executive Director will present the final 2024 budget and workplan at the January 2024 meeting.

Five applications were received to fill three open board seats. The applicants presented to the board and the board discussed their decision to fill the three board seats starting January 2024. Selected applicants will receive confirmation at the December 18, 2023 Ellensburg City Council meeting.

Motion to nominate Dawn Alford as a new board member serving an initial three-year term starting January 2024 by Del Bankston, second by Bob Rapp Motion approved by unanimous vote.

Motion to accept renewal applications from existing board members Bob Rapp and Del Bankston by Grant Clark, second by James Jankowski. Motion approved by unanimous vote.

The board discussed the possible 2024 slate of officers as: Garrett Poshusta, Chair; Jared Vallejo, Vice Chair; Grant Clark, Treasurer; and Del Bankston, Secretary. The confirmation of officers will occur at the January 2024 meeting.

b. Build Local Capacity

The board discussed the request by a tenant at the Business Park at Bowers Field to extend their lease for six months. Chair Poshusta will reach out to the tenant to discuss.

c. Marketing

None.

d. Business Recruiting & Expansion

The board discussed a resolution directing staff to make grant application to the Floodplains By Design Program. The grant application would advance recommendations found in the Community Economic Revitalization Board's planning grant study for ecological improvements and economic development at the I-90 West Interchange. Motion to proceed with a pre-application and application to the Washington State Ecology's Floodplain By Design Grant Program by Del Bankston, second by Bob Rapp. Motion approved by unanimous vote.

6. For the good of the order

None.

7. Adjournment – time 5:40 Motion to adjourn by Del Bankston.

Drafted: 12/14/2023

Approved: *Del Bankston*

Submitted by: Kristine Miller



CITY OF ELLENSBURG

Minutes of Environmental Commission, Regular Meeting

Date of Meeting

January 17, 2024

Time of Meeting

5:15 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

JANUARY 17, 2024, MEETING WAS CANCELED DUE TO NO QUORUM.

2. Chair and Vice Chair Election

3. Approval of Agenda

4. Approval of Minutes

4.A December 20, 2023 Environmental Commission Regular Meeting Minutes

5. Citizen Comment

6. New Business

7. Bicycle Advisory

8. Staff Update/Discussion Items

8.A Council Update on Sustainability & Energy Plan

9. Adjournment



CITY OF ELLENSBURG

Minutes of Planning Commission, Regular Meeting

Date of Meeting

December 14, 2023

Time of Meeting

5:45 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

Commissioner Padjen called the meeting to order at 5:45 p.m.

Present: Ed Harrel, Delano Palmer, Fred Padjen, George Bottcher, Sathy Rajendran, Sigrid Davison

Absent: Geraldine O'Mahoney

Also Present: Dan Carlson-Community Development Director; Jeremy Johnston-Planning Manager; Lily Frey-Housing & Grants Administrator; Kathy Boots-Planning Technician; Randy Jensen, Rich Elliott (due to connection issues he was in and out of meeting)

Commissioner Harrel motioned to excuse Geraldine O'Mahoney's absence. Motion passed 6-0.

2. Approval of Agenda

Commissioner Palmer motioned to approve the agenda as presented. Motion passed 6-0.

3. Approval of Minutes

Commissioner Palmer motioned to approve regular Planning Commission minutes from November 9, 2023. Harrel motioned to amend the minutes to state on page two, paragraph one "...by having the Planning Commission make a decision on a Conditional Use Permit rather than a Hearing Examiner." Motion to amend minutes passed 6-0.

4. New Business

None

5. Unfinished Business

- 5.A Public Hearing to consider remanded Comprehensive Plan Amendment item 23-04 Jensen Map Amendment
Appearance of Fairness reviewed. Johnston read a staff report. On the Comprehensive Plan, Future Land Use map, the Jensen property is earmarked Residential Medium or High. The staff stated the change in zone would be considered spot zoning which is inconsistent with the Growth Management Act and doesn't believe the change in zone is compatible with surrounding parcels which are not industrial. Staff recommend denial of item 23-04. Public comment opened. Mr. Jensen provided a handout and spoke. In reviewing the map he

provided, Jensen stated the trail to the south of the property is 25' above the property and will provide a sound barrier. He stated the Vantage Highway, which is projected to be a four-lane highway, would shield the properties to the north of noise from the increase in traffic noise. He has a specific manufacturing use in mind, but it requires loud noise. He believes the proposed use would not be detrimental or spot zoning. The GIS map was displayed with zoning designations. Allowed uses within the I-H zone were reviewed. Public comment closed.

Bottcher motioned to deny item 23-04. The Commissioners deliberated. Public comment re-opened. The staff clarified that Mr. Jensen presented his project to the City Council, who remanded it back to the Planning Commission. Bottcher wanted Rich Elliott to discuss the reasoning from the City Council. Carlson stated it was not appropriate for Elliott to testify. Public comment closed. The Commissioners deliberated.

Harrell motioned to forward to the City Council Comprehensive Plan Amendment item 23-04 for denial. Motion passed for denial 6-0.

6. Citizen Comment

None

7. Staff Update/Discussion Items

The supportive housing ordinance will be reviewed at the January 2024 meeting. The Department of Commerce required substantial changes to the ordinance. The ordinance will be presented at a public hearing.

The update to the Comprehensive Plan will begin in January 2024.

8. Commission Representative Update

None

9. Adjournment

The meeting was adjourned at 6:45 p.m.



CITY OF ELLENSBURG

Minutes of Public Transit Advisory Committee, Regular Meeting

Date of Meeting

November 21, 2023

Time of Meeting

3:30 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

Chairperson Miller called the meeting to order at 3:30 pm.

1.A Roll Call

The following PTAC members were present in person or virtually:
Christopher King, Jim Hurson, Amy Spitznas, and David Miller.

Absent: Charles Johnson

Also present in person or virtually:
Betsy Dunbar - COE, Spencer Klewin - HopeSource, Keiko Walsh - HopeSource

No members of the public were present in person or virtually.

2. Approval of Agenda

2.A Motion to Approve the November 21, 2023 PTAC Agenda

Council member Spitzna motioned to approve the November 21, 2023, PTAC Agenda. The motion was approved **4-0**.

3. Approval of Minutes

3.A Motion to Approve the October 17, 2023 PTAC Minutes

Committee Member Hurson motioned to approve the October 17, 2023 PTAC Minutes. The motion was approved **4-0**.

4. Guest Speakers

4.A None

5. Follow Up Items

5.A Central Transit ADA Transition Plan

The Central Transit ADA Transition Plan discussion included:

- Completed projects
- How future projects will be identified
- How future projects will be rated

5.B Title VI Plan

The Central Transit Title VI Plan was approved by the City Council on November 6, 2023.

6. Ridership Stats

The October ridership stats were shared with the committee members.

6.A October 2023 Ridership Stats

The October 2023 Ridership Stats were shared.

7. Agenda Items

7.A None

8. Transit Marketing Updates

8.A Bus Schedule/Maps Brochures

A brief update on the status of the new bus schedules and maps was given.

9. Transit Updates

9.A University Way

The status of the new pull out and bus stop on University Way was shared.

9.B Courthouse Bus Stop

Information regarding the proposed Courthouse bus stop was discussed. A meeting with City Engineers and the County was suggested.

9.C Central Transit Operating Grant

Information regarding the Operating Grant Agreement, the Transit Formula Support Grant and the required match was shared.

10. Member Updates

10.A Open to PTAC Members

General discussions occurred.

11. Next PTAC Meeting

11.A December 19, 2023

12. Adjournment

The meeting adjourned at 16:42.



CITY OF ELLENSBURG

Minutes of Public Transit Advisory Committee, Regular Meeting

Date of Meeting

December 19, 2023

Time of Meeting

3:30 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

1.A Welcome and Roll Call

The following PTAC members were present in person or virtually:
Christopher King, Jim Hurson, Amy Spitznas, David Miller, Joey Bryant

Absent: Charles Johnson

Also present in person or virtually:
Betsy Dunbar - COE, Keiko Walsh - HopeSource, Spencer Klewin -
HopeSource

No members of the public were present in person or virtually.

2. Approval of Agenda

2.A Motion to Approve the December 19, 2023 Meeting Agenda.

Council member Hurson motioned to approve the December 19, 2023, PTAC Agenda. The motion was approved 5-0.

3. Approval of Minutes

3.A Motion to approve the November 21, 2023 Meeting Minutes

Council member Spitznas motioned to approve the November 21, 2023, PTAC Minutes. The motion was approved 5-0.

4. Guest Speakers

4.A No Guest Speakers

5. Follow Up Items

5.A The Central Transit ADA Transition Plan - Capital Bus Stop Projects

A detailed ADA Transition Plan for 2024 capital projects was presented to the PTAC committee along with the following:

- Photos and descriptions of each bus stop and bus shelter project.
- Project ratings which were based on safety issues as well as ADA Title II and RCW standards.

The Capital Bus Stop Project is currently on hold waiting to hear from the County if they are interested in partnering with the City.

6. Ridership Stats

6.A November 2023 Ridership Stats

The November 2023 ridership stats were shared with the committee.

7. Agenda Items

7.A None

There were no Agenda Items.

8. Transit Marketing Updates

None

9. Transit Updates

9.A Courthouse bus stop update

The Courthouse Project was discussed in the follow up section.

9.B Fixed Route schedules and maps update

An update on the Fixed Route Schedules and Maps Brochure was given.

10. Member Updates

10.A Open to PTAC Members

Members thanked PTAC member Christopher King for his 2 years of service on the board.

11. Next PTAC Meeting

11.A January 16, 2024

12. Adjournment

The Meeting adjourned at 4:24 PM.



CITY OF ELLENSBURG

Minutes of Utility Advisory Committee, Regular Meeting

Date of Meeting

November 16, 2023

Time of Meeting

3:30 PM

Place of Meeting

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

1. Call to Order and Roll Call of Members

Chairperson Goodloe called the meeting to order at 3:30 pm.

Members present: Nancy Goodloe, Chair; Nancy Lillquist, City Council; Jeff Bousson, CWU; Grant Craig, Utility Customer (Zoom); Audrey Huerta, Utility Customer; Bryan Clark, KITTCOM (Zoom).

Also present: Ryan Lyyski, Public Works & Utilities Director; Michael Jenkins, Finance Officer; Darin Yusi, Gas Engineer (Zoom); Derek Mayo, Engineering Services Manager (Zoom); Mike Helgeson, Assistant PW&U Director (Zoom); Kim Bowie, Operations Analyst; Buddy Stanavich, Energy Resource Manager; Jon Morrow, Stormwater Manager (Zoom); Paul Meyer, Senior Electrical Engineer; Nicole Baker, Sustainability & Energy Coordinator; Betsy Dunbar, Central Transit (Zoom); Wade Young, Light Operations Supervisor; Dan Davis, Light Tech; Consultants: Christie Hoffpauer, Ted Light, Louis Spanias (Zoom).

Four members of the public present remotely via Zoom.

2. Approval of Agenda

Committee member Lillquist moved to approve the agenda as presented. **Motion approved. 6-0**

3. Approval of Minutes

- 3.A October 19, 2023 regular meeting minutes
Committee member Lillquist moved to approve the regular meeting minutes.
Motion approved. 6-0

4. Approval of Consent Agenda

- 4.A Bid Award - Bid Call No. 2023-17 - Anderson Road Sewer Project
4.B Iron Horse Brewery Wastewater Discharge Agreement Renewal

Committee member Lillquist moved to approve the consent agenda. **Motion approved. 6-0**

5. Correspondence and Citizen Comments on Non-Agenda Items

None.

6. Telecommunications Utility Discussion Items

- 6.A Telecom Utility Verbal Update
None.

7. Electric, Natural Gas, Water, Wastewater, Stormwater Utility Discussion Items

- 7.A Sustainability & Energy Plan with Updated Clean Energy Implementation Plan

Christie with McKinstry gave an overview of the work done for the Sustainability & Energy Plan.

Nancy Lillquist move to amend E-2.7 to replace the words "vulnerable community members" to "those least able to pay". After some discussion, Nancy Lillquist move to amend the first motion E-2.7 to read "vulnerable community members and vulnerable businesses". **Motion approved. 5-0**

Nancy Lillquist move to revise E-3.7 to read "educate consumers and HVAC installers on preferred energy options and incentives". The motion was discussed and amended. Lillquist move to have E-3.7 changed to "educate consumers and HVAC installers on high efficiency and low emission energy options and incentives." **Motion approved. 5-0**

Nancy Lillquist move to add E-3.9 "Asses the impacts of increased electric loads on electric transmission and distribution systems." **Motion approved. 5-0**

Nancy Lillquist move to add E-3.10 "Develop a strategy to ensure reliable supply for peak power demands." **Motion approved. 5-0**

Nancy Lillquist move to add E-3.11 "Explore innovations in energy efficiency measures and renewable resources with the University to benefit the workforce and the economy." **Motion approved. 5-0**

Nancy Lillquist move to remove the community symbol from G-2.1 **Motion approved. 5-0**

Nancy Lillquist move to revise G-3.1 to read "Install additional on-site renewable generation, storage, and distributed energy resources." **Motion approved. 5-0**

Nancy Lillquist move to change wording in G-3.4 from "solar array contract" to "explore and expand community renewable energy facilities." **Motion approved. 5-0**

Nancy Lillquist move to add T-3.9 "Adopt a policy to prefer roundabouts where feasible at high traffic intersections and begin a program to purchase adequate Right-of-Way." After some discussion, Nancy Lillquist move to amend the

motion to add T-3.9 "Adopt a policy to prefer roundabouts where feasible at strategic intersections and begin a program to purchase adequate Right-of-Way." **Motion approved. 5-0**

Nancy Lillquist move to remove "xeriscaping" from W-1.1 and add it to (e.g.) in W-1.2. **Motion approved. 5-0**

Nancy Lillquist moved to forward a favorable recommendation to approve the draft with amendments to City Council. **Motion approved. 5-0**

7.B 2023 Electrical System Plan

Nancy Goodloe move to recommend that City Council approve the City Manager to execute the agreement for professional services for the 2023 Electrical System Plan with the consultant Power Engineers, Inc. **Motion approved. 5-0**

8. Staff Informational Items

8.A Public Works and Utilities Updates

Information from the staff report was shared.

9. Commission Representative Update

None.

10. Adjournment

Meeting adjourned at 5:16 pm.

Central Washington University

University Way Banner Request Form

Please fill out form and return to Schedule@cwu.edu. The Scheduling Center will submit your form to the City.

Name of Event/Program: League of Women Voters of Kittitas County

Contact Person: Karen Raymond Phone Number: 509-929-3094

Banner Hang Dates (Monday-Sunday): 10/29/24 - 11/4/24 (CWU requires Tues-Mon now)

☒ CWU Scheduling Center has reserved the banner dates.

Phone: 509-963-1321 or 509-963-1641, Email: schedule@cwu.edu

☒ Banner should be double-sided and a maximum of 30' x 52" and a minimum of 24' x 48" with 3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it. No grommets.

- We recommend that wind flaps be cut into the banner to prevent wind damage



YOUR VOTE COUNTS!

LEAGUE OF WOMEN VOTERS



Important Notes:

Banners affiliated with University business have priority. Therefore, banners from non-University groups requesting dates that conflict with a University banner may be rescheduled

If your banner does not meet manufacturing specifications, we will be unable to process your request and the banner will not be hung

The CWU Scheduling Center will not be held responsible for any weather-related damage that occurs to your banner

For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____

Updated July 15, 2022

Central Washington University

University Way Banner Request Form

Please fill out form and return to Schedule@cwu.edu. The Scheduling Center will submit your form to the City.

Name of Event/Program: _____

Contact Person: _____ Phone Number: _____

Banner Hang Dates (Tuesday-Monday): _____

☐ CWU Scheduling Center has reserved the banner dates.

Phone: 509-963-1321, Email: schedule@cwu.edu

☐ Banner should be double-sided and a **maximum of 30' x 52"** and a **minimum of 24' x 48"** with **3" turnback at the top and bottom of the banner that will allow steel cable to be strung through it. No grommets.**

- We recommend that wind flaps be cut into the banner to prevent wind damage



* Example of a correctly made banner.

Provide an Example of Your Banner in the Box Below (Please fill in writing and logos)

Important Notes:

Banners affiliated with University business have priority. Therefore, banners from non-University groups requesting dates that conflict with a University banner may be rescheduled

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The CWU Scheduling Center will not be held responsible for any weather-related damage that occurs to your banner

For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____

PRIDE PARADE JUNE 1, 2024

Celebrate Unity in Community!



www.KittitasCountyPride.org

Central Washington University

University Way Banner Request Form

Please fill out form and return to Schedule@cwu.edu. The Scheduling Center will submit your form to the City.

Name of Event/Program: _____

Contact Person: _____ Phone Number: _____

Banner Hang Dates (Tuesday-Monday): _____

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For more information please contact CWU Student Union Operations & Scheduling Center at 509-963-1321 or 509-963-1641.

City of Ellensburg approved by: _____ Date: _____

Disapproval/Reasons: _____

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all year! Learn more at www.KittitasCountyPride.org





Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Project Acceptance for Bid Call 2023-10, 2023 Residential Sidewalk Repair Program
Submitted by: Josh Mattson, Assistant City Engineer
Department: Public Works & Utilities

Suggested Motion/Action:

Move for Project Acceptance of Bid Call 2023-10, 2023 Residential Sidewalk Repair Program

Background/Summary:

Bids were opened on Thursday, June 29, 2023, for the 2023 Residential Sidewalk Repair Program. Western Excavating Inc. was the low bidder in the amount of \$315,851.73.

This project had six separate schedules "A" through "F."

Bid schedule "A" was for general repair of concrete curbs and sidewalks in the City, with focus on upgrading existing curb ramps to ADA compliance. Schedule "A" included Change Order 1; replacing the existing sidewalk at Monterey Gardens Apartments. The City partnered with the owner, who funded 68% of the cost.

Bid schedule "B" consisted of improvements to the City's Mechanic's Shop concrete parking pad area that allows the City Mechanics to safely utilize hydraulic jacks while servicing City vehicles. Extra work was performed to extend the life of the concrete and prevent cracking.

Bid schedule "C" consisted of preliminary work to install an additional car charging station for public use on the south side of 6th Ave., north of City Hall, between Sprague Street and Anderson Street.

Bid Schedule "D" consisted of upgrading multiple existing bus stops to ADA compliance with improved wheelchair and ambulatory passenger deployment.

Separate bid schedules "E" & "F" established unit prices for all City departments to utilize throughout 2023 for curb and sidewalk repairs required by their respective operations.

Previous Council Action:

Council awarded Bid Call 2023-10 to Western Excavating Inc. at its July 3, 2023 regular meeting.

Analysis:

The original contract bid amount for the project was \$315,851.73, and the final project cost

was \$365,838.16. Monterey Gardens Apartments paid \$17,864.00 towards sidewalk repair at 1st and Walnut, leaving a City balance of \$347,974.16. This extra cost is a result of work needed on Schedules A through D for minor widening of the construction limits, and more utility department repairs than anticipated on Schedules E and F.

Financial Impact:

The 2023 Sidewalk Fund had budget authority to accommodate \$9,332.59 for extra work. The 2023 Shop Fund had budget authority to accommodate \$3,932.20 for extra work. Adequate 2023 funds existed in all utility accounts for the remaining \$18,857.64 for extra work and reduced each fund's respective ending balance.

Budget Adjustment: Yes

Attachments:

None

VOUCHER APPROVAL

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED, OR THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ELLENSBURG, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.


AUDITING OFFICER

1/29/24
DATE

CLAIMS VOUCHERS AUDITED AND CERTIFIED BY THE AUDITING OFFICER HAVE BEEN RECORDED ON THE ATTACHED LISTING, WHICH HAS BEEN MADE AVAILABLE TO THE COUNCIL AS OF THIS **5th DAY OF FEBRUARY 2023**. THE COUNCIL, BY A VOTE, HAS APPROVED FOR PAYMENT THE VOUCHERS INCLUDED IN THE ABOVE LIST AND FURTHER DESCRIBED AS FOLLOWS:

Check #'s	164705	TO	164978	\$	2,089,209.20
EFT #'s	6655	TO	6687	\$	1,640,665.69
Treasure Cash					
EFT #'S	353		375	\$	614,087.31
Payroll Fund					
Check #'s	96152	TO	96157	\$	8,642.88
Direct Deposits	77189	TO	77438	\$	507,613.27

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

ATTEST: _____
CITY CLERK

From:
To:
Subject: [Ext] Online Form Submittal: Application for Appointment
Date: Wednesday, November 15, 2023 12:00:38 PM

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

Application for Appointment

Application for Appointment
For volunteering to serve on a Board or Commission

Boards & Commissions Environmental Commission

Have you attended a meeting for the board or commission you are applying to? No

Name of Applicant: Brenda DeVore

Address

Mailing Address (If Different) *Field not completed.*

City Ellensburg

State Washington

Zip 98926

Email Address

Phone Number

Length of Residency in Kittitas County 2 years

Do you live within the city limits? Yes

ECC 1.12.120 Residency qualification. Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration

of the member's term, but shall not include any period for which a member is absent due to military service.

If applying for the Sr. Citizens' Advisory Board, are you at least 55 years of age?	<i>Field not completed.</i>
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Occupation Status and Background:	Sustainability programming, businesses development, community programming, public relations, cycling events, and tourism.
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Organization Affiliations:	Ellensburg Arts & Cultural Alliance, Ellensburg Rodeo, Ellensburg Rodeo History Museum, Cascade Cycling Club
----------------------------	--

Why are you seeking appointment?	I see an opportunity to further develop our local and regional cycling awareness and programming as a way to increase awareness and reduce carbon emissions. My background in cycling and environmental programming will add value to the Environmental/Cycling Advisory Committee. We are currently a silver star rated community by the League of American Bicyclists; i would like to offer my time and experience to move our community into Gold status.
----------------------------------	---

Will you be able to attend meetings regularly if appointed?	Yes
---	-----

If your first choice, as listed above, is not available, which other boards or commissions would you be interested in serving on?

Boards & Commissions	Environmental Commission
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Boards & Commissions	<i>Field not completed.</i>
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TO: City Council
FROM: Environmental Commission
DATE: February 5, 2024
RE: Recommendation of Appointment

Brenda Devore submitted an Application for Appointment to the Environmental Commission on November 15, 2023. She was invited to attend the next Environmental Commission on December 20, 2023. At the December meeting she introduced herself to the members and observed the meeting. After the meeting staff confirmed that Brenda wanted to proceed with the interview process.

The Environmental Commission subcommittee consisting of Councilmember Nancy Lillquist, Commission Member Christina Wollman, and Laura Wilson, staff, conducted the interview on January 17, 2024.

The Environmental Commission currently has one vacancy. Based on the interview and Brenda's involvement and interest with local cycling groups and experience with recycling programs the subcommittee is recommending that the City Council appoint Brenda Devore to the vacant Environmental Commission position.



TO: City Council
FROM: Affordable Housing Commission
DATE: 2024 – Council Meeting

RE: Recommendation of Appointment

Peter Stone applied for appointment to the Affordable Housing Commission. Peter has experience with green multifamily development and housing development financing and would be an asset to the Commission.

The Affordable Housing Commission subcommittee consisting of Commissioner Kim Funston and Housing & Grants Administrator Lily Frey conducted the interview of the applicant for the seat and recommend appointment.

Peter, if appointed will fill a partial term that expires December 31, 2024. Based on the interview and his experience relevant to local housing challenges, the subcommittee is recommending that the City Council appoint Peter Stone to the Affordable Housing Commission.

From: noreply@civicplus.com
To: [Cynthia LaChappelle-Mathis](#)
Subject: [Ext] Online Form Submittal: Application for Appointment
Date: Sunday, December 10, 2023 4:52:06 PM

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

Application for Appointment

Application for Appointment
For volunteering to serve on a Board or Commission

Boards & Commissions Affordable Housing Commission

Have you attended a meeting for the board or commission you are applying to? No

Name of Applicant: Peter Stone

Address

Mailing Address (If Different) *Field not completed.*

City Ellensburg

State WA

Zip 98926

Email Address

Phone Number

Length of Residency in Kittitas County 2 1/2 years

Do you live within the city limits? No

ECC 1.12.120 Residency qualification. Except where a commission, board or committee specifically requires city residency as a condition of appointment, members of all other commissions, boards and committees shall maintain residency within the Kittitas County limits. "Residency," as used herein, means residing within the city or county limits, as applicable, both at the time of appointment and for at least 270 days within each calendar year for the duration

of the member's term, but shall not include any period for which a member is absent due to military service.

If applying for the Sr. Citizens' Advisory Board, are you at least 55 years of age?	<i>Field not completed.</i>
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Occupation Status and Background:	Project Manager - multifamily certifications (remote) for Portland Oregon based green building certification and educational non profit.
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Organization Affiliations:	Evergreen Mountain bike Alliance
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Why are you seeking appointment?	To use my extensive knowledge in multifamily developments and building practices to ensure low income housing in the city and county here are not only affordable but resilient, energy efficient, and provide residents with improved indoor air quality. I also would like to be more involved in the community in which I now live.
----------------------------------	--

Will you be able to attend meetings regularly if appointed?	Yes
---	-----

If your first choice, as listed above, is not available, which other boards or commissions would you be interested in serving on?

Boards & Commissions	Planning Commission
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Boards & Commissions	Environmental Commission
----------------------	--------------------------

Email not displaying correctly? [View it in your browser.](#)

Boards and Commissions	Affordable Housing Commission	Arts Commission	Civil Service Commission	Diversity, Equity & Inclusion Commission	Ellensburg Business Development Authority Board	Environmental Commission	Landmarks and Design Commission	Library Board	Lodging Tax Advisory Committee	Parks and Recreation Commission	Planning Commission	Public Transit Advisory Committee	Utility Advisory Committee
MEMBERS	7	7	3	9	9	7	7	7	7	7	7	7	7
Residency Requirements	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y
Current Members within City Limits	6	5	2	8	5	6	7	6	2	7	7	7	5
Current Members Outside City Limits	1	2	0	0	4	0	0	1	3	0	0	0	1
Current Members Outside but in UGA	0	0	0	0	0	0	0	0	0	0	0	0	0
VACANCIES	1	0	0	0	0	1 1-Ehs	0	2	2	0	0	1	1 (Tele)
APPLICANTS													
Brenda Devore						1st							
Peter Stone	1st												



Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Second Reading of Ordinance 4936 Supportive and Emergency Housing Facilities Code Amendments (Public Comment Opportunity)

Submitted by: Dan Carlson, Community Development Director

Department: Community Development

Suggested Motion/Action:

Move to conduct Second Reading and adoption of Supportive and Emergency Housing Facilities Ordinance 4936.

Background/Summary:

The proposed amendments to the Ellensburg City Code (ECC) would implement Engrossed Second Substitute House Bill 1220 (ESSHB 1220), which requires cities to take active steps to accommodate transitional housing, emergency shelter, and other similar facilities through local planning and development regulations. ECC Chapter 15.130 would be amended to add definitions of indoor emergency housing, indoor emergency shelter, permanent supportive housing, and transitional housing. ECC Table 15.310.040 would be amended to designate the appropriate zones for the siting of these facilities. New ECC Section 15.340.080 would provide site, operations, occupancy, and density standards for the facilities.

The Planning Commission conducted a public hearing on July 11, 2024, and unanimously recommended approval of the proposed amendments.

Previous Council Action:

City Council conducted a legislative hearing for proposed Ordinance 4936 on January 16, 2024. At that public hearing, public comment was received expressing concern that indoor emergency shelters would not be permitted in the Public Reserve zoning district in the proposed ordinance. After considering the comments, the City Council approved an amendment to the first reading of the ordinance to allow indoor emergency shelters as a permitted use in the Public Reserve zoning district and conducted first reading of the ordinance as amended.

Analysis:

The proposed ECC Amendments would implement ESSHB 1220. The amendments would be consistent with the Comprehensive Plan and the land development code amendment decision criteria in ECC 15.250.100(C). Staff has amended the proposed ordinance to allow indoor emergency shelters as a permitted use in the Public Reserve zoning district.

Financial Impact:

None

Budget Adjustment: No

Attachments:

1. Ordinance 4936 Supportive Housing and Emergency Housing Facilities (Second Reading)

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 expressing concerns that Indoor Emergency Shelters would not be permitted in the Public Reserve zoning district, the Ellensburg City Council approved an amendment to the first reading of the proposed ordinance to allow Indoor Emergency Shelters as a permitted use in the Public Reserve zoning district and conducted first 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>			

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^{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>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															
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 ¹	P ¹	P ¹	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	P ⁸	P ⁸	P ⁸			P ⁸	P ⁸	P ⁸		
Marijuana retailer*						P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	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	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	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
Miniwarehouse 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 ^{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 ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	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		P/A ⁷
Museums	C ¹²	C ¹²	C ¹²	C ¹²	P	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	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	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.

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

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



Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Ordinance 4937 - Telecommunications Franchise Agreement with Consolidated Communications of Washington, LLC (for adoption in single reading) (Public Comment Opportunity)

Submitted by: Terry Weiner, City Attorney/Assistant City Manager

Department: City Attorney

Suggested Motion/Action:

1. Pursuant to City Council Rule of Procedure 9.7, move to waive Council Rule 9.3(b), to allow final passage of an ordinance on the same day it is introduced in a single reading; and
2. Move to conduct a single reading and adoption of Ordinance 4937.

Background/Summary:

Ordinance 4193 was adopted by City Council in February 1999 and granted the Ellensburg Telephone Company (ETC) a non-exclusive telecommunications franchise for a period of 25 years. The current franchise holder, Consolidated Communications of Washington, LLC, is seeking a new 25-year franchise agreement on the same terms as approved in original Ordinance 4193.

Previous Council Action:

Ordinance 4193 granting a telecommunications franchise to ETC was adopted on February 1, 1999.

Analysis:

The current 1999 franchise agreement with the Ellensburg Telephone Company was later transferred to FairPoint Communications, which was acquired by Consolidated Communications, which operates locally as Consolidated Communications of Washington Company, LLC ("CCWC"). CCWC is a direct, wholly-owned subsidiary of Consolidated Communications of Comerco Company ("CCCC"), and CCCC is, in turn, a Washington corporation and a direct, wholly-owned subsidiary of Consolidated Communications, Inc. ("CCI"), a Washington corporation. CCI provides broadband and communications services to residential and commercial customers and other carriers in over 20 states through its operating subsidiaries, including CCWC in Washington.

As a result of a series of prior transactions and intra-corporate restructuring, CCWC became the successor-in-interest to prior certificates, franchises, licenses, and agreements held by Ellensburg Telephone Company and YCOM Networks, Inc. ("YCOM"). This includes the twenty-five (25) year Telecommunications Franchise granted to Ellensburg Telephone Company by the City pursuant to Ordinance No. 4193, which expires this month. Consolidated Communications of Washington, LLC ("CCWC").

Pursuant to the terms of a Purchase and Sale Agreement, dated July 10, 2023 (the “Agreement”), by and between CCI and NextCape, LLC (“NextCape”), NextCape will acquire all issued and outstanding interests in CCCC, and indirectly all the issued and outstanding interests of CCWC.

The new franchise agreement with CCWC is identical in all respects to Ordinance No. 4193 (the 1999 Franchise Agreement) except for updating references to the Ellensburg City Code. CWCC is requesting the new franchise be adopted in one reading at this meeting because they are expecting FCC approval of the aforementioned sale to NextCape in mid-February. Adopting the ordinance in a single reading requires that Council first approve waiving Council 9.3(b), which otherwise requires a first and second reading of ordinances at two different meetings, and the motion to approve a single reading of the ordinance for adoption of the ordinance.

Financial Impact:

None.

Budget Adjustment: No

Attachments:

1. Ordinance 4937-Consolidated Communications of Washington Company Franchise Agreement

ORDINANCE NO. 4937

AN ORDINANCE OF THE CITY OF ELLENSBURG, WASHINGTON, GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO CONSOLIDATED COMMUNICATIONS OF WASHINGTON COMPANY, LLC.

WHEREAS, Consolidated Communications of Washington Company, LLC (“CCWC”) is the successor in interest to the Ellensburg Telephone Company dba FairPoint Communications, and holds a current telecommunications franchise with the City of Ellensburg, Washington (“City”) under Ordinance No. 4193; and

WHEREAS, the City has authority to regulate telecommunication franchises pursuant to RCW 35A.47.040 and Ellensburg City Code Chapters 11.40 and 11.41; and

WHEREAS, CCWC and the City desire to enter into an agreement authorizing CCWC to use certain rights-of-way within the City for its communications system, subject to certain terms, conditions and limitations; Now, Therefore, in consideration of mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the City and CCWC agree as follows:

WHEREAS, the CCWC and City of Ellensburg (“City”) have engaged in negotiations regarding the right of CCWC to install, operate and maintain a telecommunications system in certain rights-of-way of the City; and

WHEREAS, the City and CCWC desire to set forth the terms and conditions by which CCWC may use the rights-of-way of the City,

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

Section 1. Franchise. The City hereby grants to CCWC a nonexclusive franchise, right and privilege to provide telecommunications services in the City, subject to the terms, conditions and limitations set out in this agreement.

Section 2. Authorization. CCWC is authorized to construct, operate, maintain and replace a telecommunications network in, under, above and across certain City rights-of-way, including any and all of the roads, streets, avenues, alleys, and highways, and rights-of-way of the City as now laid out, platted, dedicated or improved; and any and all roads, streets, avenues, alleys, highways, and rights-of-way that may hereafter be laid out, platted, dedicated or improved within the limits of the City. Nothing provided herein shall limit in any way the City’s authority to otherwise exercise its police powers or other local authority.

Section 3. Duration. This agreement and the franchise authorized herein shall be in effect for a period of twenty-five (25) years from the effective date of the ordinance adopted by the City Council approving this agreement. In the event CCWC does not perform any obligation or requirement set out by this agreement, the City Council may, after giving a written demand for

performance, terminate the franchise. Termination for noncompliance requires the giving of notice and an opportunity for a hearing.

Section 4. Administrative Fee and Utilities Occupation Tax.

A. CCWC shall not be subject to a franchise fee for purposes of this agreement. CCWC shall, however, pay a one-time administrative fee of one thousand dollars (\$1,000) relating to the issuance and administration of this agreement. CCWC agrees to pay this administrative fee on or before the effective date of this agreement.

B. CCWC is obligated to pay any utilities occupation tax required by chapter 6.52 of the Ellensburg City Code.

Section 5. Facilities Availability. To the extent CCWC makes facilities available to other governmental entities within the state of Washington, CCWC shall also make such facilities available to the City, subject to similar terms and conditions.

Section 6. General Conditions. This ordinance has been adopted subsequent to the Ellensburg City Council's adoption of Ordinance No. 4161, the Communications Ordinance, as amended by Ordinance No. 4745, which is now codified at chapter 11.40 of the Ellensburg City Code ("ECC"), which governs the terms of this agreement. It is the intent of the parties that the provisions of Ordinance No. 4161 will apply to this franchise, to the extent they are applicable. Certain sections of the Ordinance are specifically referenced in the remaining sections of this ordinance. In the event any provision of this franchise ordinance is inconsistent with a provision of Ordinance No. 4161, it is the intent of the parties that the language of Ordinance No. 4161 should prevail.

The following general conditions shall also apply:

A. Permits and authorizations. CCWC shall apply for and obtain all necessary permits and authorizations prior to the construction, installation or operation of its telecommunications system in those certain rights-of-way specified in Attachment A to this agreement. See ECC 11.40.070.B.2.

B. Installation of facilities. All facilities and equipment shall be installed and maintained at such locations as shown in Attachment A, and any addenda thereto, as may be approved by the City so as to least interfere with existing and planned utilities and with the free passage of traffic and in accordance with the laws of the state of Washington and the ordinances and standards of the City regulating such construction. See ECC 11.41.030.A.2.b.

C. Interference with use of streets. When installing, laying or maintaining telecommunication facilities, apparatus or improvements, CCWC shall not interfere with the use of any street to any greater extent than is necessary, and shall leave the surface of any street in as good condition as it was prior to the performance of such work. See ECC 11.40.070.B.3 and 11.40.070.B.7.

D. Safety requirements. CCWC, in accordance with applicable national, state and local safety requirements shall at all times employ ordinary care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public. See ECC 11.40.070.B.1.

E. Relocation. See ECC 11.40.070.C.

1. As to any relocation of CCWC facilities wherein the cost and expense thereof is to be borne by CCWC in whole or in part, in accordance with this section E, CCWC may, after receipt of written notice requesting such relocation, submit to the City written alternatives to such relocation. Upon receipt the City shall evaluate the alternatives and shall timely advise CCWC in writing if one or more of the proposed alternatives is suitable to accommodate the work which would otherwise necessitate relocation of CCWC's facilities. If so requested by CCWC, the City shall give each alternative proposed by CCWC full and fair consideration. In no case shall the City arbitrarily reject reasonable alternatives. After due consideration, in the event the City is satisfied there is no other reasonable alternative, CCWC shall relocate its facilities as otherwise provided in section E and according to the requirements of ECC 11.40.070.C; provided, however, CCWC may in writing and within five (5) business days of City staff's determination appeal the determination to the City Council. The City Council's determination shall be conclusive and not subject to any further appeal.

2. The provisions of this section E shall in no manner preclude or restrict CCWC from making any arrangements it may deem appropriate when responding to a request for relocation of its facilities by any person or entity other than the City.

F. Repairs. If the City requires the relocation (temporary or permanent) of CCWC's facilities for the purpose of repairing or maintaining any City-owned, operated or maintained facility, CCWC shall make such relocation at no cost to the City. See ECC 11.40.070.C.

G. Record of installations.

1. CCWC's responsibility to provide the City with information regarding the location of its facilities is governed by ECC 11.40.070.E.2 and 11.40.090.A.

2. Upon written request of the City, CCWC shall provide the City with the most recent update available of any final plan of potential improvements to its facilities within the public rights-of-way; provided, however, any such plan submitted shall be for informational purposes only and shall not obligate CCWC to undertake any specific improvements, nor shall such plan be construed as a proposal to undertake any specific improvements. See ECC 11.40.070.E.2.

H. Shared use of excavations. See ECC 11.40.070.B.6.

I. Restoration after Construction. If public property or the Public Rights-of-Way are damaged or disturbed during the construction, operation or repair of the telecommunications facilities authorized by this franchise, CCWC will restore the public property or rights-of-way to the

satisfaction of the City or to a condition as good as or better than before the disturbance or damage. See ECC 11.40.070.B.7.

J. Hold Harmless and Indemnity. CCWC agrees to indemnify and hold the City, its employees, agents, officers and officials harmless from any and all claims which may arise out of the operation of this franchise, as provided for in ECC 11.40.080.A.

K. Insurance. CCWC shall maintain in full force and effect throughout the term of this franchise agreement the insurance required by ECC 11.40.080.B. All insurance required of CCWC by this franchise must be approved by the city finance director, and certificates of required insurance shall be filed with the finance director/treasurer. See ECC 11.40.080.B.1 and 11.40.080.B.2.

L. Performance Bond. CCWC shall obtain performance bonds and, if necessary, payment bonds, to ensure the faithful performance of its responsibilities under this franchise, as is required by ECC 11.40.080.C.

M. Nonexclusive. This franchise and the rights it grants to use and occupy the public rights-of-way shall not be exclusive and do not, explicitly or implicitly, preclude the issuance of other franchises to operate telecommunication services within the City.

N. In accepting this franchise CCWC acknowledges that its rights hereunder are subject to the legitimate rights of the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the public and it agrees to comply with all applicable general laws enacted by the City pursuant to such power. The City Council expressly reserves unto itself all the police powers to adopt ordinances necessary to protect the health, safety and welfare of the general public in relation to the rights granted under this franchise. The City reserves the right to use, occupy and enjoy any public rights-of-way or other public places for any purpose, including without limitation, the construction of any water, sewer or storm drainage system, installation of traffic signals, street lights, trees, landscaping, bicycle paths and lanes, equestrian trails, sidewalks, other pedestrian amenities, other City services and other public street improvement projects.

O. Independent contractor. This franchise shall not be construed to provide that CCWC is the agent or legal representative of the City for any purpose whatsoever. CCWC is not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of the City or to bind the City in any manner whatsoever.

P. Effect of termination or forfeiture. If this franchise is either terminated or forfeited, CCWC shall cease use of the communications facilities authorized by this franchise. Removal of facilities and restoration of public property and public rights-of-way is governed by ECC 11.40.090.F.

Q. Revocation, reduction of term or forfeiture. If the terms of this franchise are violated, the City may, after providing CCWC with notice and an opportunity to be heard, make an appropriate reduction in the remaining term of the franchise or revoke the franchise, as is

discussed more fully by ECC 11.40.090.E. This franchise may be forfeited as provided for under the terms of ECC 11.40.090.E.3.

R. Inconsistency. If any portion of this franchise should be inconsistent or conflict with any rule or regulation now or hereafter adopted by the FCC or other federal or state law and is determined by the City Attorney that such FCC rule, or federal or state law preempts this franchise, then to the extent of the inconsistency or conflict, the rule or regulation of the FCC, federal or state law shall control for so long, but only for so long, as such rule, regulation or law shall remain in effect provided, the remaining provisions of the franchise shall not be affected thereby.

S. Acceptance. This grant of franchise and its terms and provisions shall be accepted by CCWC by the submission of a written instrument, executed and sworn to by a corporate officer before a Notary Public, and filed with the City within thirty (30) days after the effective date of this franchise. Such instrument shall evidence the unconditional acceptance of this franchise and the promise to comply with and abide by all its provisions, terms and conditions.

Section 7. General Provisions.

A. Entire agreement. This franchise contains all of the agreements of the parties with respect to any matter covered or mentioned in this franchise and no prior agreements or understandings pertaining to any such matters shall be effective for any purpose.

B. Modification. No provision of this franchise may be amended or added to excepted by agreement in writing signed by both parties.

C. Full force and effect. Any provision of this franchise which is declared invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and such other provisions shall remain in full force and effect.

D. Assignment. For information regarding the process to transfer or assign this franchise, see ECC 11.41.030.C.

E. Attorney fees. In the event the City or CCWC defaults on the performance of any terms of this franchise, and CCWC or the City places the enforcement of the franchise or any part thereof, or the collection of any moneys due hereunder in the hands of an attorney, or file a suit upon the same, each party shall pay its own costs, including reasonable attorneys' fees, costs and expenses.

F. No waiver. Failure of the City to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default, but the City shall have the right to declare any such breach or default at any time. Failure of the City to declare one breach or default does not act as a waiver of the City's right to declare another breach or default.

G. Governing law. This franchise shall be made in and shall be governed by and interpreted in accordance with the laws of the state of Washington. The venue for any dispute related to this franchise shall be Kittitas County, Washington.

H. Notices. Any notices required to be given by the City to CCWC or by CCWC to the City shall be delivered to the parties at the following addresses:

City

City of Ellensburg
City Manager
501 N. Anderson Street
Ellensburg, WA 98926
(509) 962-7221

CCWC

Michael J. Shultz
Sr. Vice President Regulatory & Public
Policy
Tel: (724) 449-2545
mike.shultz@consolidated.com

Any notices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth herein. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.

Section 8. Captions. The respective captions of the sections of this franchise are inserted for convenience of reference only and shall not be deemed to modify or otherwise affect in any respect any of the provisions of this franchise.

Section 9. Severability. If any provision of this franchise or its application to any person or circumstance is held invalid, the remainder of the franchise or the application of the provision to other persons or circumstances is not affected.

Section 10. Ratification. Any act taken consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 11. 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 12. Effective date. This Ordinance shall be effective five (5) days after its passage, approval and publication in accordance with Laws. This Franchise will take effect as of the date of CCWC's written acceptance thereof (the "Effective Date").

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

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish:

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4937 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4937 was published as required by law.

BETH LEADER

HONORABLE MAYOR AND CITY COUNCIL
CITY OF ELLENSBURG, WASHINGTON

In the matter of the franchise issued to Consolidated Communications of Washington Company, LLC to construct, operate and maintain facilities in, upon, over under, along, across and through the franchise area of the City of Ellensburg, Washington	))))))	Franchise Ordinance No. 4937 ACCEPTANCE OF FRANCHISE
--	----------------------------	---

WHEREAS, the City Council of the City of Ellensburg, Washington, has granted a franchise to Consolidated Communications of Washington Company, LLC (“CCWC”), a Washington limited liability corporation, its successors and assigns, by enacting Ordinance No. 4937 bearing the date of February 5, 2024; and

WHEREAS, a copy of said Ordinance granting said franchise was received by CCWC on February ____ 2024, from said City of Ellensburg, Kittitas County, Washington.

NOW, THEREFORE, CCWC, for itself, its successors and assigns, hereby accepts said Ordinance and all the terms and conditions thereof, and files this, its written acceptance, with the City of Ellensburg, Kittitas County, Washington.

IN TESTIMONY WHEREOF said CCWC has caused this written Acceptance to be executed in its name by its undersigned _____ thereunto duly authorized on this ____ day of _____, 2024.

ATTEST: CONSOLIDATED COMMUNICATIONS OF WASHINGTON COMPANY, LLC

(Printed name and title) By: _____
(signed)

Copy received for City of Ellensburg on _____, 2024.

By: _____
City Clerk



Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: Notice of Intent to Commence Annexation Proceedings for
Parcels 166133, 118133, 118836, 278836, 108836, 288133,
850836, and 278133 Located on W Dolarway Rd. (Public
Comment Opportunity)

Submitted by: Jeremy Johnston, Planning Manager

Department: Community Development

Suggested Motion/Action:

1. Consider notice of intent to commence annexation proceedings.
2. Set annexation area as shown on the attached map.
3. Direct simultaneous adoption of zoning as provided for in this agenda report.
4. Determine whether the City shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed.

Background/Summary:

The original Intention to Annex application was submitted for parcel 166133 on December 21, 2023 (Exhibit 1) by Jeff and Valerie Calaway, owners. After discussion with City staff, seven additional contiguous parcels were added to the proposal and formalized with an amended application submitted on January 24, 2024 (Exhibit 2), which included the Calaway Trading Company, owner of some of the additional parcels. The parcels proposed for annexation include 166133, 118133, 118836, 278836, 108836, 288133, 850836, and 278133, totaling approximately 88.75 acres and located approximately .35 miles southeast of the Ellensburg West Interchange along W Dolarway Road. A map of the parcels proposed to be annexed is attached to this report (Exhibit 3). Per Chapter 35A.14 RCW, City Council is to determine the following at this initial meeting:

1. Whether the City will accept, reject, or geographically modify the proposed annexation. Acceptance does not constitute approval, but rather affirms the process of consideration will continue. Once a geographic boundary has been set at this meeting, it can still be changed up until the time the Petition for Annexation is sent to the County Auditor for certification.
2. Whether the City shall require the simultaneous adoption of the proposed zoning for the parcel proposed to be annexed.
3. Whether the City shall require the assumption of all, or part of, existing City indebtedness by the area, if annexed.

If Council agrees to move forward with the intent to annex, the requestor then files a petition for annexation with City Council. The petition is reviewed by City staff and must be sent to

the County Auditor within three days of receipt of the petition. The Auditor must then certify the petition within a reasonable amount of time.

After receipt of the Auditor's certification of the petition to annex, Council may then schedule a public hearing to formally consider and act upon the proposed annexation. A decision to approve the annexation is implemented by ordinance, which may be given first reading at the conclusion of the public hearing. When the annexation ordinance also establishes the zoning for the annexed areas, two public hearings for the first and second reading of the ordinance must be conducted, and scheduled no sooner than 30 days apart, per RCW 35A.14.330 and .340.

Previous Council Action:

None

Analysis:

The eight parcels proposed for annexation border I-90 with several commercial uses to the west and city-owned property to the east and south. The northern border includes Dolarway Rd and various commercial uses. Four of the proposed parcels to be annexed are currently served by City utilities. Upon annexation, further development of the parcels not currently serviced by City utilities will necessitate connections to City utilities.

The Growth Management Act calls for logical growth patterns. Annexation of areas in the City's urban growth area are a valuable tool that will extend the City's land use regulations, assuring consistent and orderly growth through subdivision regulations, design standards, and other relevant regulations in the City's Land Development Code. The annexation of these parcels would be a logical extension of the city and ensure new development remains consistent with City standards.

Staff recommends Light Industrial (I-L) zoning for the eight parcels proposed to be annexed. These parcels are designated as Light Industrial in the Comprehensive Plan Future Land Use Map (Exhibit 4). The Future Land Use- Zoning conversion table in the Comprehensive Plan prescribes I-L zoning as the only compatible zone (Exhibit 5).

Financial Impact:

Fiscal impact will be determined upon receipt of the petition to annex.

Budget Adjustment: No

Attachments:

1. Exhibit 1-Original NOTICE OF INTENT TO ANNEX_12_21_2023
2. Exhibit 2-Amended NOTICE OF INTENT TO ANNEX_1_24_2024
3. Exhibit 3-Calaway Proposed Annexation Boundary Map
4. Exhibit 4-Comprehensive Plan Future Land Use Map
5. Exhibit 5-Future Land Use - Zoning Conversion Table

	Notice of Intention to Annex	PF-04 RECEIVED DEC 21 2023 FORM
	Community Development Department 501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) permits@ci.ellensburg.wa.us	

NOTICE OF INTENTION TO COMMENCE ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON

TO: THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON

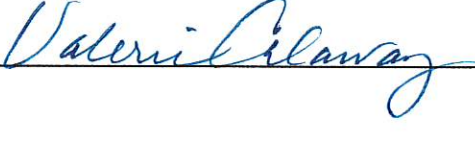
The undersigned, representing the ownership of more than ten percent of the acreage of the real property for which annexation is sought, as more particularly described below, hereby gives notice to the City Council of the City of Ellensburg, Washington, of their intent to commence annexation proceedings.

The City Council of the City of Ellensburg is hereby requested to set a date not later than 60 days after the date this NOTICE OF INTENTION is filed with the Community Development Department for a meeting with the initiating party to determine whether the city will accept, reject, or geographically modify the proposed annexation, whether it will require the simultaneous adoption of a proposed zoning regulation, and whether it will require the assumption of all or any portion of existing city indebtedness by the area sought to be annexed.

Information regarding real property for which annexation is sought:

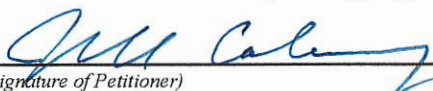
<u>2106 W Dolarway Rd,</u>	<u>Ellensburg, WA 98926</u>
(Street address of property)	(City, State, Zip Code)
<u>Parcel Number: 166133</u>	<u>24.16</u>
(Parcel Number)	(Acreage)
<u>See Attachment Recoded survey with legal description (Rec. # 202310300042)</u>	
(Legal)	

Respectfully submitted:

 (Signature of Initiator of Annexation)	 (Printed Name of Initiator of Annexation)
<u>PO Box 1142</u>	<u>Ellensburg, WA 98926</u>
(Petitioner's Address)	(City, State, Zip Code)
<u>509-607-6007 (Jeff Calaway)</u>	<u>December 19, 2023</u>
(Phone number)	(Date Signed)

**** List this same information for all signers representing the ownership of at least 10% of the most recent assessed valuation of the real property for which annexation is sought. Attach additional sheets, as necessary.**

**** Provide a location map identifying the area you are requesting to be annexed.**

 (Signature of Petitioner)	Jeff Calaway (Printed Name of Petitioner)
700 Fields Rd Ellensburg, WA 98926 (Petitioner's Address)	(City, State, Zip Code)

509-607-6007 (Phone number)	December 19, 2023 (Date Signed)
--------------------------------	------------------------------------

 (Signature of Petitioner)	Valerie Calaway (Printed Name of Petitioner)
700 Fields Rd Ellensburg, WA 98926 (Petitioner's Address)	(City, State, Zip Code)

509-607-6006 (Phone number)	December 19, 2023 (Date Signed)
--------------------------------	------------------------------------

(Signature of Petitioner)	(Printed Name of Petitioner)
---------------------------	------------------------------

(Petitioner's Address)	(City, State, Zip Code)
------------------------	-------------------------

(Phone number)	(Date Signed)
----------------	---------------

(Signature of Petitioner)	(Printed Name of Petitioner)
---------------------------	------------------------------

(Petitioner's Address)	(City, State, Zip Code)
------------------------	-------------------------

(Phone number)	(Date Signed)
----------------	---------------

(Signature of Petitioner)	(Printed Name of Petitioner)
---------------------------	------------------------------

(Petitioner's Address)	(City, State, Zip Code)
------------------------	-------------------------

(Phone number)	(Date Signed)
----------------	---------------

RECEIVED
DEC 21 2023
COMMUNITY DEVELOPMENT



Figure 2. Future Land Use Map

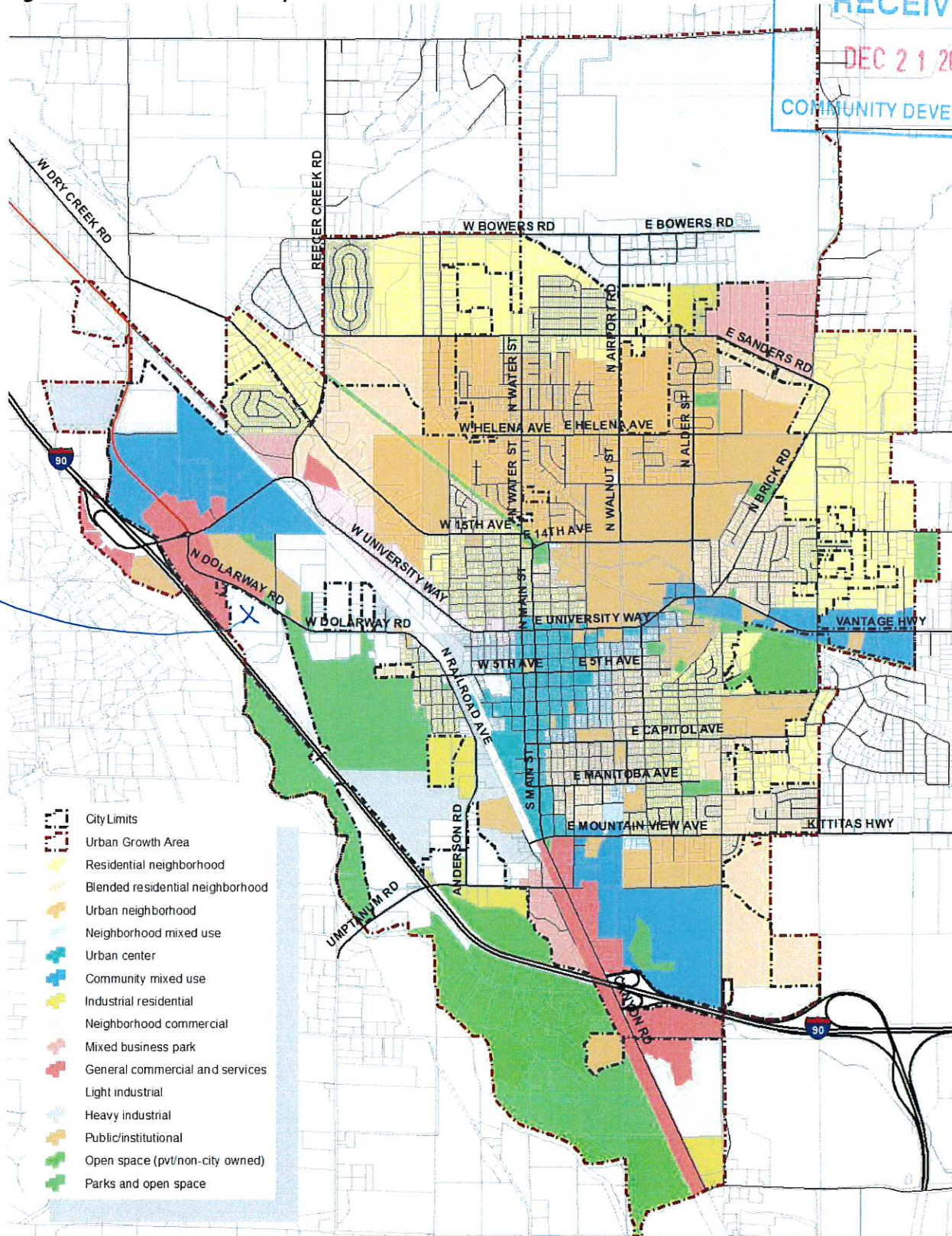


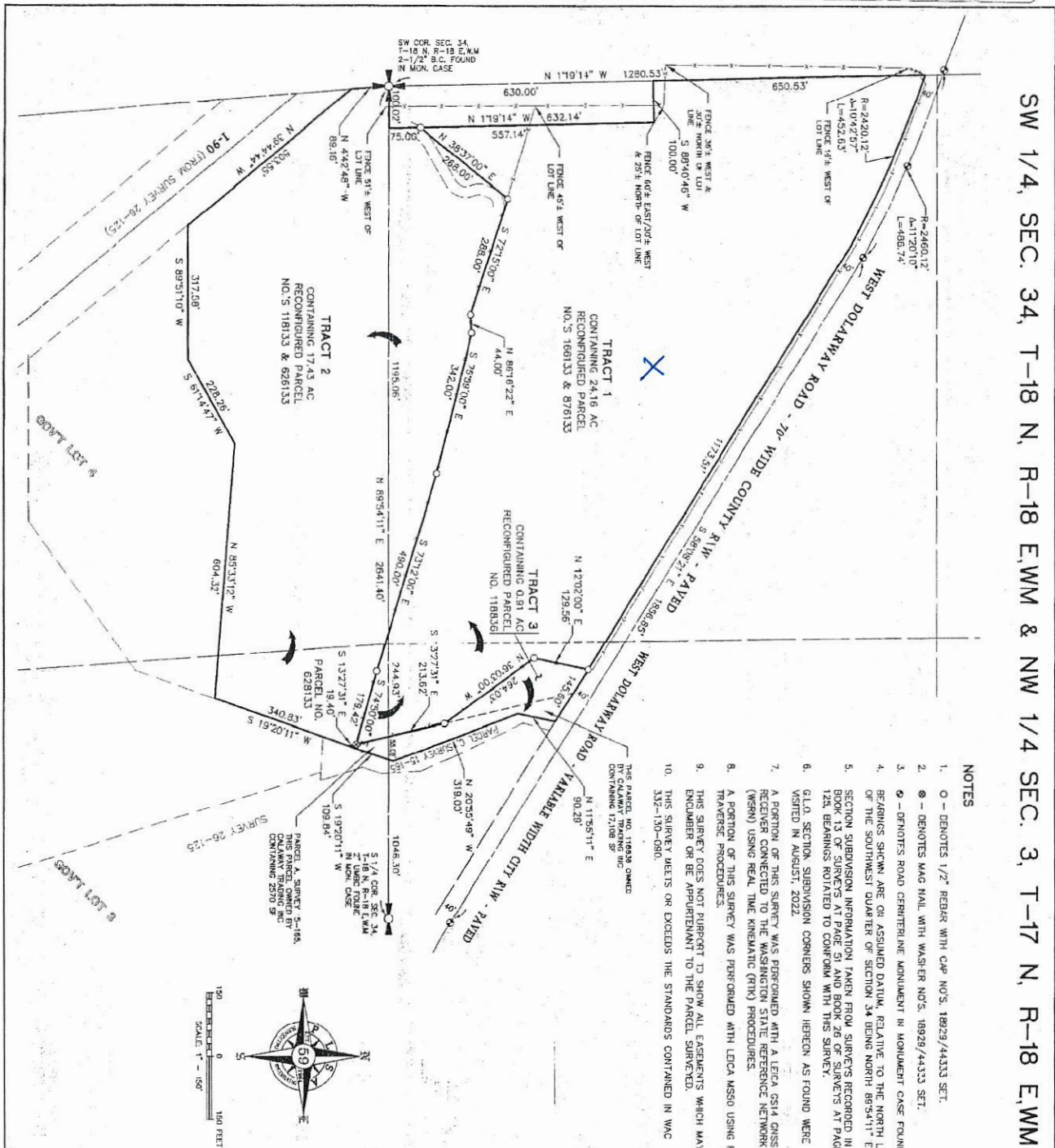
Exhibit A
TRACT 1 Parcel

RECEIVED

DEC 21 2023

COMMUNITY DEVELOPMENT

10/30/2023 02:51:14 PM V: 45 P: 250 202310300042
2332 50 Page 1 of 3
Survey PL 51
Fitts, Lisa County Auditor



PLSA

ENGINEERING-SURVEYING-PLANNING
521 NORTH 20th AVENUE, SUITE 3
YAKIMA, WASHINGTON 98902
(509) 575-6990

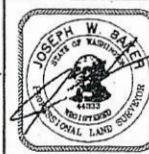
DRAWN BY: JOE
DATE: 9/1/2023
JOB NO. 22225
SHEET NO. 1 of 3

BOUNDARY SURVEY
PARCEL NO.'S 166133, 628133 & 876133
—PREPARED FOR—
THE KIRKBRIDE GROUP

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 30 DAY OF October,
2022, AT 2:51 P.M., IN BOOK 45 OF SURVEYS
AT PAGE 250, AUDITOR'S FILE NO. 20231030042
RECORDS OF KITTITAS COUNTY, WASHINGTON.

Bryan Elliott
COUNTY AUDITOR
John Hunter
BY DEPUTY



SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A
SURVEY MADE BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE
REQUIREMENTS OF THE SURVEY
RECORDING ACT AT THE REQUEST
OF FRANK KIRKBRIDE IN AUGUST, 2022.

JOSEPH W. BAKER
CERTIFICATE NO. 44333

10-10-23
DATE

LEGAL DESCRIPTIONS

EXISTING PARCEL NO. 166133

EXISTING PARCEL NO. 118133

FILE NO. 325204.

THENCE NORTH 86.59° WEST, 84.75 FEET TO THE TRUE POINT OF BEGINNING.

OF BEGINNING.

CORNER OF SAID SECTION; THENCE EAST ON THE NORTH BOUNDARY LINE OF SAID SECTION TO THE POINT OF BEGINNING.

FEET: THENCE WEST 393.57 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF THE TRACT; THENCE NORTH 60.29° WEST 44.74 FEET TO THE TRUE POINT OF BEGINNING.

DISTING. SOUTHWEST NORTHEAST FENCE THENCE N
OF BEGINNING.

SOUTH BOUNDARY LINE 553.74 FEET, TO INTERSECT WITH THE WEST BOUNDARY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND THENCE SOUTH 1°06' EAST 503.64 FEET, MORE OR LESS TO THE POINT OF BEGINNING;

POSITION ON THE SOUTH RIGHT OF WAY LINE OF DOLLARWAY
BOUNDARY LINE 293.7 FEET TO THE POINT OF BEGINNING

3. PARCEL A OF THAT CERTAIN SURVEY IS RECORDED THE 31ST DAY OF JULY, 1992, IN BOOK 15 OF SURVEYS, PAGE 165, LINGER AUDITOR'S FILE NO. 513556, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTH
SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., AND A PORTION OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., ALL IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

EXISTING PARCEL NO. 118836

PARCEL A OF THAT CERTAIN SURVEY AS RECORDED THE 31ST DAY OF JULY, 1940, IN BOOK 15 OF SURVEYS, PAGE 105, UNDER AUDITOR'S FILE NO. 513668, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 18 EAST, WU., AND A PORTION OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, WU., ALL IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

ENGINEERING-SURVEYING-PLANNING
521 NORTH 20th AVENUE, SUITE 3
YAKIMA, WASHINGTON 98902
(509) 575-6990

BOUNDARY SURVEY
PARCEL NO.'S 166133, 628133 & 876133
—PREPARED FOR—
THE KIRKBRIDE GROUP

SW 1/4, SEC. 34, T-18 N, R-18 E, WM & NW 1/4 SEC. 3, T-17 N, R-18 E, WM

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 30 DAY OF October,
2023, AT 2:51 P.M., IN BOOK 45 OF SURVEYS
AT PAGE 251, AUDITOR'S FILE NO. 202310300042
RECORDS OF KITTITAS COUNTY, WASHINGTON.

Bryan Elliott
COUNTY AUDITOR
BY DEPUTY *John Houston*



SW 1/4, SEC. 34, T-18 N, R-18 E, WM & NW 1/4 SEC. 3, T-17 N, R-18 E, WM

RECONFIGURED PARCEL NO. 166133 AND 876133

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, LYING SOUTH AND WEST OF THE COUNTY ROAD RUNNING THROUGH SAID QUARTER OF QUARTER SECTION:

EXCEPT A TRACT OF LAND BOUNDED BY A LINE BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER OF QUARTER SECTION, AND RUNNING THENCE NORTH ALONG THE WEST BOUNDARY LINE OF SAID QUARTER OF QUARTER SECTION 630 FEET; THENCE EAST 100 FEET; THENCE SOUTH 630 FEET TO THE SOUTH BOUNDARY LINE OF SAID QUARTER OF QUARTER SECTION; AND THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF SAID QUARTER OF QUARTER SECTION 100 FEET TO THE POINT OF BEGINNING;

AND EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION, THENCE NORTH 89°54'11" EAST, ALONG THE SOUTH LINE THEREOF, 100.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 17°14' WEST, PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION, 75.00 FEET; THENCE NORTH 30°37' EAST 268.00 FEET; THENCE SOUTH 72°15' EAST 288.00 FEET; THENCE NORTH 86°16'22" EAST 44.00 FEET; THENCE SOUTH 75°59' EAST 342.00 FEET; THENCE SOUTH 73°12' EAST 396.44 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE SOUTH 89°54'11" WEST, ALONG SAID SOUTH LINE, 1195.07 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF GOVERNMENT LOTS 3 AND 4, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4; THENCE NORTH 89°54'11" EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, 1265.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 73°12' EAST 93.58 FEET; THENCE SOUTH 74°50' EAST 179.42 FEET; THENCE NORTH 13°27' 31" WEST 76.50 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH 89°54'11" WEST, ALONG THE NORTH LINES OF SAID GOVERNMENT LOTS 3 AND 4, 244.93 FEET TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, BOUNDED BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 89°54'11" EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, 219.32 FEET TO THE WESTERLY LINE OF PARCEL A OF THAT CERTAIN SURVEY AS RECORDED THE 8TH DAY OF JULY, 1988, IN THE BOOK 15 OF SURVEYS, PAGE 165, UNDER AUDITOR'S FILE NO. 513568, RECORDS OF KITITAS COUNTY, WASHINGTON; THENCE N 13°27'31" WEST, ALONG SAID WESTERLY LINE, 137.12 FEET; THENCE NORTH 30°37' WEST 264.03 FEET; THENCE NORTH 12°02' EAST 129.56 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST DOLARWAY ROAD; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTH ALONG SAID SUBDIVISION LINE TO THE TRUE POINT OF BEGINNING.

RECONFIGURED PARCEL NO'S. 118133 AND 628133

THAT PORTION OF GOVERNMENT LOTS 3 AND 4, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 282 FEET EAST OF THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 83°0' EAST 491 FEET; THENCE WEST PARALLEL WITH THE NORTH BOUNDARY LINE OF SAID SECTION, TO A POINT 108.6 FEET EAST AND 874.6 FEET SOUTH OF THE NORTHWEST CORNER OF GOVERNMENT LOT 3; THENCE SOUTH 19°20' WEST 135 FEET; THENCE SOUTH 54°20' WEST 437 FEET; THENCE WEST TO THE WEST BOUNDARY LINE OF GOVERNMENT LOT 4; THENCE NORTH ON SAID WEST BOUNDARY LINE TO THE NORTHWEST CORNER OF SAID SECTION; THENCE EAST ON THE NORTH BOUNDARY LINE OF SAID SECTION TO THE POINT OF BEGINNING.

EXCEPT:

1. THAT PORTION OF GOVERNMENT LOT 3 WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 282 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT; THENCE EAST 7.6 FEET; THENCE SOUTH 8°30' EAST 413.3 FEET; THENCE WEST 248.0 FEET; AND THENCE NORTH 19°20' EAST 503.4 FEET TO THE POINT OF BEGINNING.

2. THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 3 (SR 90), BY WARRANTY DEED DATED SEPTEMBER 21, 1965, AND RECORDED OCTOBER 29, 1965, IN BOOK 120 OF DEEDS, PAGE 552, UNDER KITITAS COUNTY AUDITOR'S FILE NO. 325204.

3. THAT PORTION, IF ANY, LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND BOUNDED BY A LINE BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3; THENCE EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, 274.4 FEET; THENCE SOUTH 19°20' WEST, 184.9 FEET TO A POINT WHICH IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 19°20' WEST, 423.50 FEET; THENCE SOUTH 54°20' WEST, 437.00 FEET; THENCE WEST 383.67 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF THE INTERSTATE HIGHWAY 90 RIGHT OF WAY; THENCE SOUTH 40°42'30" EAST ALONG SAID BOUNDARY, 2,894.95 FEET; THENCE NORTH 17°40' WEST, 3,018.20 FEET; THENCE NORTH 85°59' WEST, 84.75 FEET TO THE TRUE POINT OF BEGINNING.

4. THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 3 AND 4, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, DESCRIBED AS: BEGINNING AT A POINT 474.6 FEET SOUTH AND 108.6 FEET EAST OF THE NORTHWEST CORNER OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 19°20' WEST, 135 FEET; THENCE SOUTH 54°20' WEST, 437 FEET; THENCE WEST TO THE WEST LINE OF GOVERNMENT LOT 4; THENCE NORTH ON THE WEST LINE OF GOVERNMENT LOT 4, 382.1 FEET; THENCE EAST TO THE PLACE OF BEGINNING.

5. A TRACT OF LAND LOCATED IN GOVERNMENT LOTS 3 AND 4, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3, AS SHOWN ON THAT CERTAIN SURVEY RECORDED JULY 8, 1988 IN BOOK 15 OF SURVEYS AT PAGE 165, UNDER AUDITOR'S FILE NO. 513568, RECORDS OF SAID COUNTY; THENCE EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, 274.40 FEET; THENCE SOUTH 19°20'00" WEST, 439.77 FEET TO AN EXISTING NELSON PIN AND CAP (LS 18092) AND THE TRUE POINT OF BEGINNING FOR THE BOUNDARY DESCRIBED PARCEL; BOUNDARY CONTINUING SOUTH 19°20'00" WEST, 63.63 FEET TO THE NORTHERLY BOUNDARY OF THE PARCEL DESCRIBED BY DEED RECORDED JULY 11, 2002 UNDER AUDITOR'S FILE NO. 2002071000, RECORDS OF SAID COUNTY; THENCE WEST ALONG SAID NORTHERLY PARCEL BOUNDARY, 178.85 FEET TO AN EXISTING SOUTHWEST-NORTHEAST FENCE; THENCE NORTH 81°20'36" EAST, ALONG SAID FENCE, 224.85 FEET TO AN EXISTING NELSON PIN AND CAP (LS 18092); THENCE SOUTH 85°27'22" EAST, ALONG AN EXISTING EAST-WEST FENCE, 604.32 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., THENCE NORTH 89°54'11" EAST, ALONG THE SOUTH LINE THEREOF, 100.02 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 17°14' WEST, PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION, 75.00 FEET; THENCE NORTH 30°37' EAST 268.00 FEET; THENCE SOUTH 72°15' EAST 288.00 FEET; THENCE NORTH 86°16'22" EAST 44.00 FEET; THENCE SOUTH 75°59' EAST 342.00 FEET; THENCE SOUTH 73°12' EAST 396.44 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE SOUTH 89°54'11" WEST, ALONG SAID SOUTH LINE, 1195.07 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION OF GOVERNMENT LOTS 3 AND 4, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4; THENCE NORTH 89°54'11" EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, 1265.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 73°12' EAST 93.58 FEET; THENCE SOUTH 74°50' EAST 179.42 FEET; THENCE NORTH 13°27' 31" WEST 76.50 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH 89°54'11" WEST, ALONG THE NORTH LINES OF SAID GOVERNMENT LOTS 3 AND 4, 244.93 FEET TO THE TRUE POINT OF BEGINNING.

RECONFIGURED PARCEL NO. 118836

PARCEL A OF THAT CERTAIN SURVEY AS RECORDED THE 8TH DAY OF JULY, 1988, IN BOOK 15 OF SURVEYS, PAGE 165, UNDER AUDITOR'S FILE NO. 513568, RECORDS OF KITITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., AND A PORTION OF GOVERNMENT LOT 3, SECTION 3, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., ALL IN THE COUNTY OF KITITAS, STATE OF WASHINGTON; TOGETHER WITH THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 18 EAST, W.M., IN THE COUNTY OF KITITAS, STATE OF WASHINGTON, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF WEST DOLARWAY ROAD, WESTERLY OF THE WESTERLY OF SAID PARCEL A AND EASTERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 89°54'11" EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, 219.32 FEET TO THE WESTERLY LINE OF PARCEL A OF THAT CERTAIN SURVEY AS RECORDED THE 8TH DAY OF JULY, 1988, IN THE BOOK 15 OF SURVEYS, PAGE 165, UNDER AUDITOR'S FILE NO. 513568, RECORDS OF KITITAS COUNTY, WASHINGTON; THENCE N 13°27'31" WEST, ALONG SAID WESTERLY LINE, 137.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 30°37' WEST 264.03 FEET; THENCE NORTH 12°02' EAST 129.56 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST DOLARWAY ROAD AND THE TERMINUS POINT OF THE HEREIN DESCRIBED LINE.



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 30 DAY OF October 2023, AT 2:51 PM, IN BOOK 45 OF SURVEYS AT PAGE 222, AUDITOR'S FILE NO. 21131000 D42 RECORDS OF KITITAS COUNTY, WASHINGTON.

COUNTY AUDITOR: Bryan Elliot
 BY DEPUTY: Sarah Hayler

ENGINEERING-SURVEYING-PLANNING
 521 NORTH 20th AVENUE, SUITE 3
 YAKIMA, WASHINGTON 98902
 (509) 575-5990

BOUNDARY SURVEY
 PARCEL NO'S 166133, 876133 & 876133
 PREPARED FOR THE KIRKBRIDE GROUP

DATE: 9/17/2023
 JOB NO. 22225
 SHEET NO. 3 OF 3

SW 1/4, SEC. 34, T-18 N, R-18 E, WM 1/4 SEC. 3, T-17 N, R-18 E, WM

PLSA



KITTITAS COUNTY WASHINGTON



TAXSIFTER

[SIMPLE SEARCH](#) [SALES SEARCH](#) [COUNTY HOME PAGE](#) [CONTACT](#) [DISCLAIMER](#)
[PAYMENT CART\(0\)](#)

Mike Hougardy
Kittitas County Assessor 205 W 5th Ave Ste 101 Ellensburg WA 98926

[Assessor](#)
[Treasurer](#)
[Appraisal](#)
[MapSifter](#)

Parcel

RECEIVED

DEC 21 2023

COMMUNITY DEVELOPMENT

Parcel#:	166133	Owner Name:	CALAWAY, JEFF & VALERIE
DOR Code:	11 - Residential - Single Family	Address1:	
Situs:	2106 W DOLARWAY RD ELLENSBURG	Address2:	PO BOX 1142
Map Number:	18-18-34030-0013	City, State:	ELLENSBURG WA
Status:		Zip:	98926-1901
Description:	ACRES 24.16; PTN SW1/4 & PTN SE1/4 SEC 34 & PTN NE1/4 SEC 03(TRACT 1, B46/P27-29); SEC 34, TWP 18, RGE 18		
Comment:	BLA (23-00013) WITH PARCELS 876133, 628836, 628133, 166133, 118133, & 118836, 23 FOR 24		

Land

Land					
Land Code	Unit Type	Units	Land Shape	Width	Depth
COM \$1.25/SF	Square Feet	1052410.00000000			

Miscellaneous Improvements

Misc Improvements		
Improvement	Year In	Size
UTBD - Utility Bldg 48x36	2004	Unit SF (M) - 1728.00
STV - Wood Stove	2004	Units - 1.00

Property Images

Click on an image to enlarge it.



P23-130

	Notice of Intention to Annex	PF-04 FORM
		RECEIVED JAN 24 2024
Community Development Department 501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) permits@ci.ellensburg.wa.us		

NOTICE OF INTENTION TO COMMENCE ANNEXATION TO THE CITY OF ELLENSBURG, WASHINGTON

TO: THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON

The undersigned, representing the ownership of more than ten percent of the acreage of the real property for which annexation is sought, as more particularly described below, hereby gives notice to the City Council of the City of Ellensburg, Washington, of their intent to commence annexation proceedings.

The City Council of the City of Ellensburg is hereby requested to set a date not later than 60 days after the date this NOTICE OF INTENTION is filed with the Community Development Department for a meeting with the initiating party to determine whether the city will accept, reject, or geographically modify the proposed annexation, whether it will require the simultaneous adoption of a proposed zoning regulation, and whether it will require the assumption of all or any portion of existing city indebtedness by the area sought to be annexed.

Information regarding real property for which annexation is sought:

2106 W Dolarway Rd,	Ellensburg, WA 98926
<i>(Street address of property)</i>	<i>(City, State, Zip Code)</i>
Parcel Numbers: 166133 (24.16 acres), 118133 (17.43 acres), 278133 (9.37 acres), 288133 (35.56 acres), 118836 (.91 acres), 278836 (.35 acres), 108836 (.19 acres), & 850836 (.78 acres), all per Kittitas County Assessors Database.	
	Total Acreage: 88.75 acres
<i>(Parcel Number)</i>	<i>(Acreage)</i>

See Attachments for supporting information
(Legal)

Respectfully submitted:

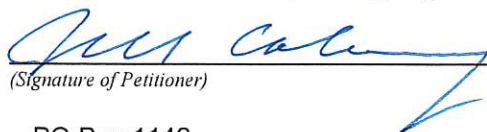
	Jeff & Valerie Calaway & Calaway Trading Inc.
<i>(Signature of Initiator of Annexation)</i>	<i>(Printed Name of Initiator of Annexation)</i>

PO Box 1142	Ellensburg, WA 98926
<i>(Petitioner's Address)</i>	<i>(City, State, Zip Code)</i>
509-607-6007 (Jeff Calaway)	1-24-24
<i>(Phone number)</i>	<i>(Date Signed)</i>

Note: amendment to original application to include additional parcels per City of Ellensburgs request.

**** List this same information for all signers representing the ownership of at least 10% of the most recent assessed valuation of the real property for which annexation is sought. Attach additional sheets, as necessary.**

**** Provide a location map identifying the area you are requesting to be annexed.**


(Signature of Petitioner)

Jeff Calaway, Calaway Trading Inc.

(Printed Name of Petitioner)

PO Box 1142,
(Petitioner's Address)

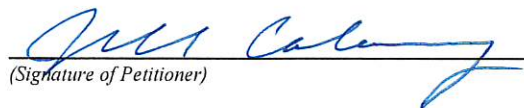
Ellensburg, WA 98926

(City, State, Zip Code)

509-607-6007
(Phone number)

1-24-24

(Date Signed)


(Signature of Petitioner)

Jeff Calaway

(Printed Name of Petitioner)

PO Box 1142
(Petitioner's Address)

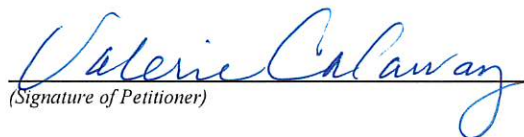
Ellensburg WA 98926

(City, State, Zip Code)

(Phone number)

1-24-24

(Date Signed)


(Signature of Petitioner)

Valerie Calaway

(Printed Name of Petitioner)

PO Box 1142
(Petitioner's Address)

Ellensburg WA 98926

(City, State, Zip Code)

(Phone number)

1-24-24

(Date Signed)

(Signature of Petitioner)

(Printed Name of Petitioner)

(Petitioner's Address)

(City, State, Zip Code)

(Phone number)

(Date Signed)

(Signature of Petitioner)

(Printed Name of Petitioner)

(Petitioner's Address)

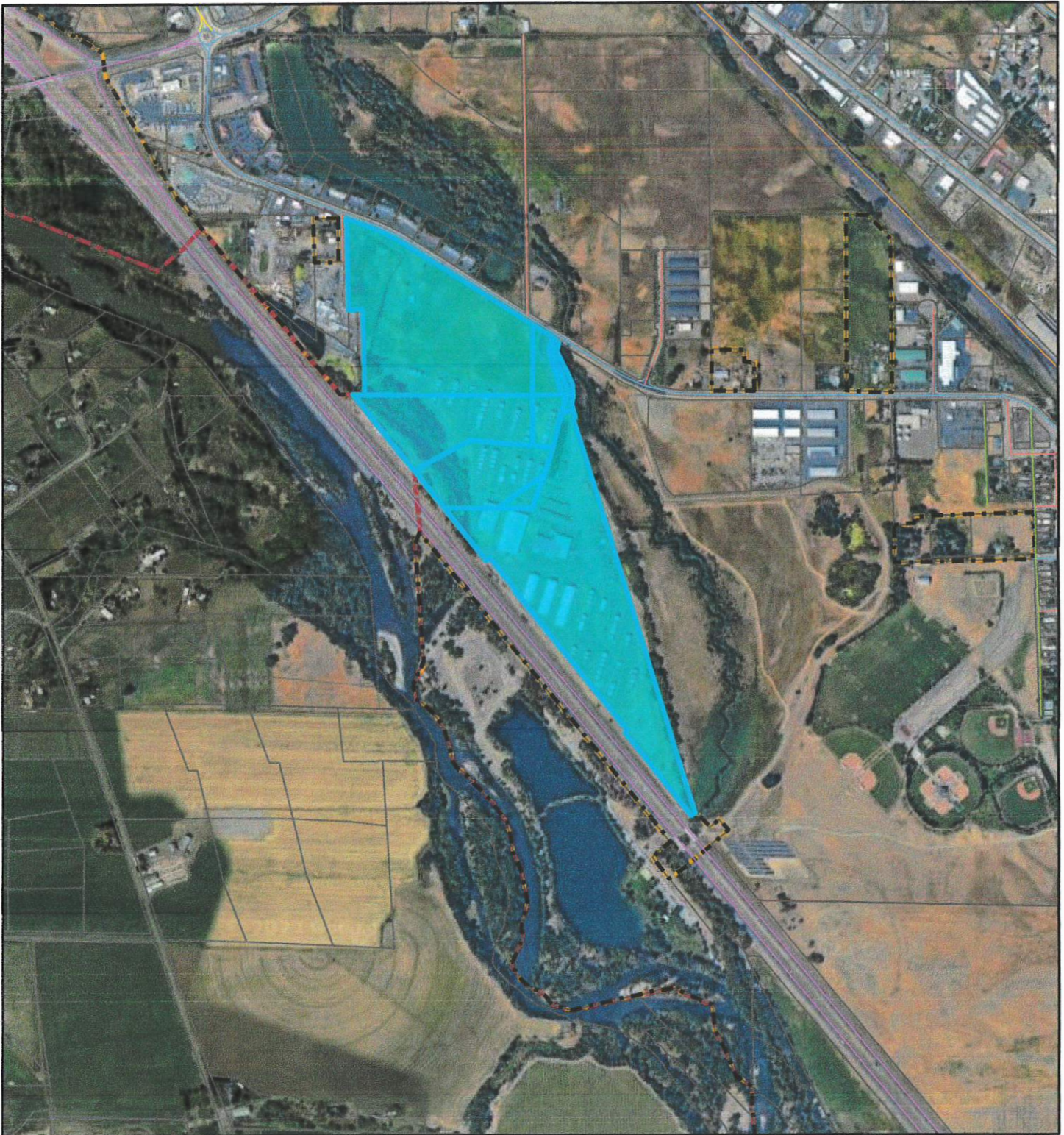
(City, State, Zip Code)

(Phone number)

(Date Signed)

Calaway Annexation

P23-130



12/28/2023, 9:40:15 AM

Road Classifications

- Road
- Major Arterial
- Alley
- US Interstate
- Railroad
- US Highway
- Road Names
- City Limits
- Urban Growth Area

County Parcels
City Limits
Urban Growth Area
Parcels

COE GIS, Google Maps

1:18,056
0 0.1 0.2 0.4 mi
0 0.15 0.3 0.6 km

JAN 24 2024

COMMUNITY DEVELOPMENT

P23-130

RECEIVED

JAN 24 2024

COMMUNITY DEVELOPMENT

Calaway Annexation Legal Description of Parcels

Parcel # 166133

ACRES 24.16; PTN SW1/4 & PTN SE1/4 SEC 34 & PTN NE1/4 SEC 03(TRACT 1, B46/P27-29); SEC 34, TWP 18, RGE 18

Parcel #118133

ACRES 17.43; PTN SW1/4 & NE1/4 SEC 03 & PTN SW1/4 SEC 34 (TRACT 2, B46/P27-29); SEC 03, TWP 17, RGE 18

Parcel # 278133

ACRES 9.37, CD 7947; SEC 3; TWP 17; RGE 18; PTN NW1/4 NW1/4; PTN GOV LOTS 3 & 4; LESS 4.60@ I-90

Parcel # 288133

ACRES 35.56, CD. 7944-A; SEC. 3; TWP. 17; RGE. 18; PTN. NW1/4, PTN. SW1/4;

Parcel # 118836

ACRES 0.91; PTN SE1/4 SEC 34 & PTN NE1/4 SEC 03 (TRACT 3, B46/P27-29); SEC 34, TWP 18, RGE 18

Parcel # 278836

ACRES .35, CD.#8932-1; SEC. 34; TWP. 18; RGE. 18; PTN. SE1/4 SW1/4 (PTN. PARCEL C, SURVEY #513568)

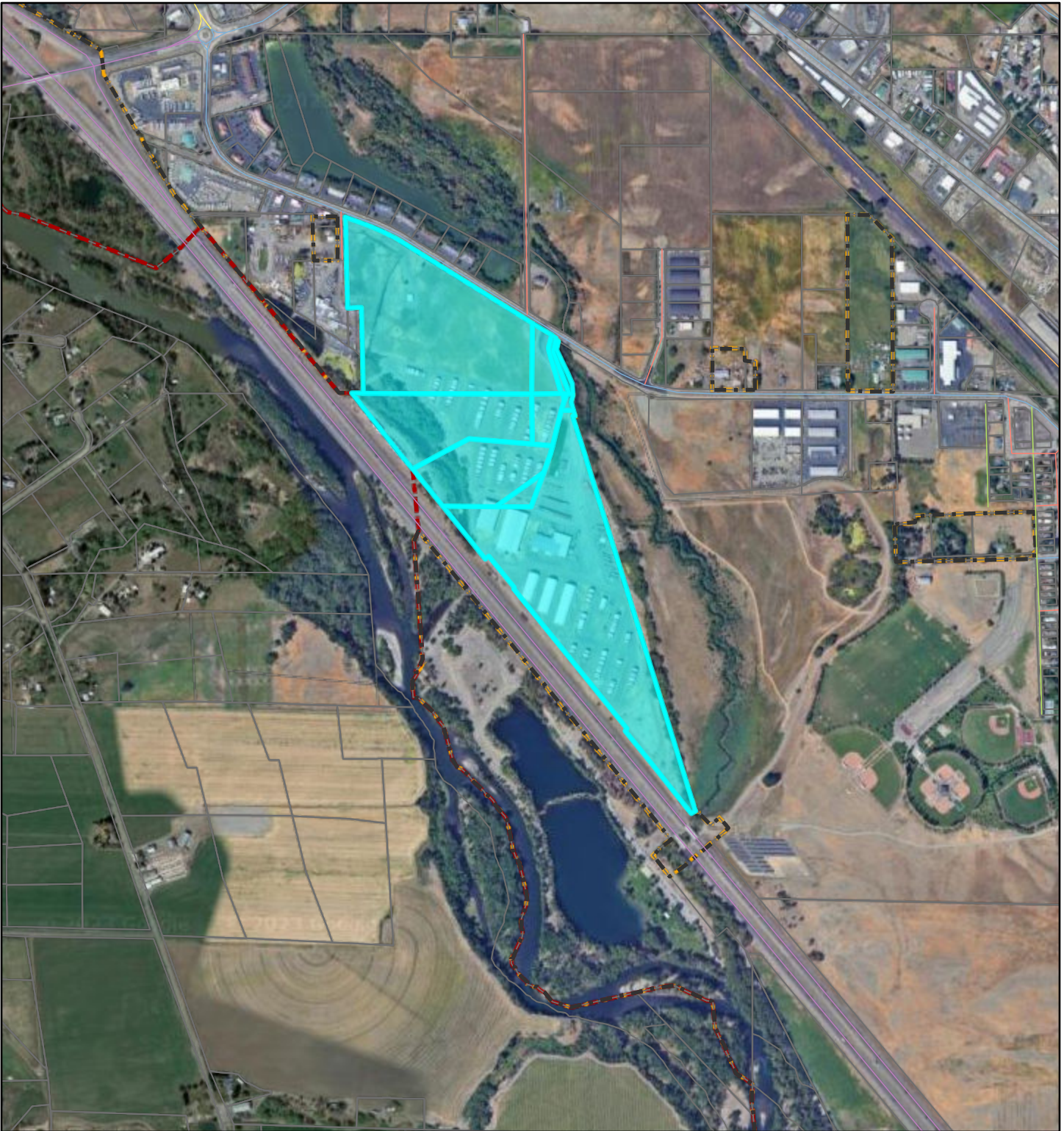
Parcel # 108836

ACRES .19, CD.#7939-1; SEC. 3; TWP. 17; RGE. 18; PTN. NE1/4 NW1/4 (P TN. PARCEL C, SURVEY #513568)

Parcel # 850836

ACRES .78, CD.#7947-1; SEC. 03; TWP. 17; RGE. 18; PTN. NW1/4 (PARCEL B, SURVEY#513568)

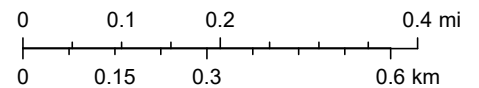
Calaway Annexation - Proposed Boundary Map



12/28/2023, 9:40:15 AM

1:18,056

Road Classifications		Railroad	County Parcels
Road	US Highway	City Limits	Urban Growth Area
Major Arterial	Road Names	Parcels	
Alley	City Limits		
US Interstate	Urban Growth Area		



COE GIS, Google Maps

Figure 1. Future Land Use Map

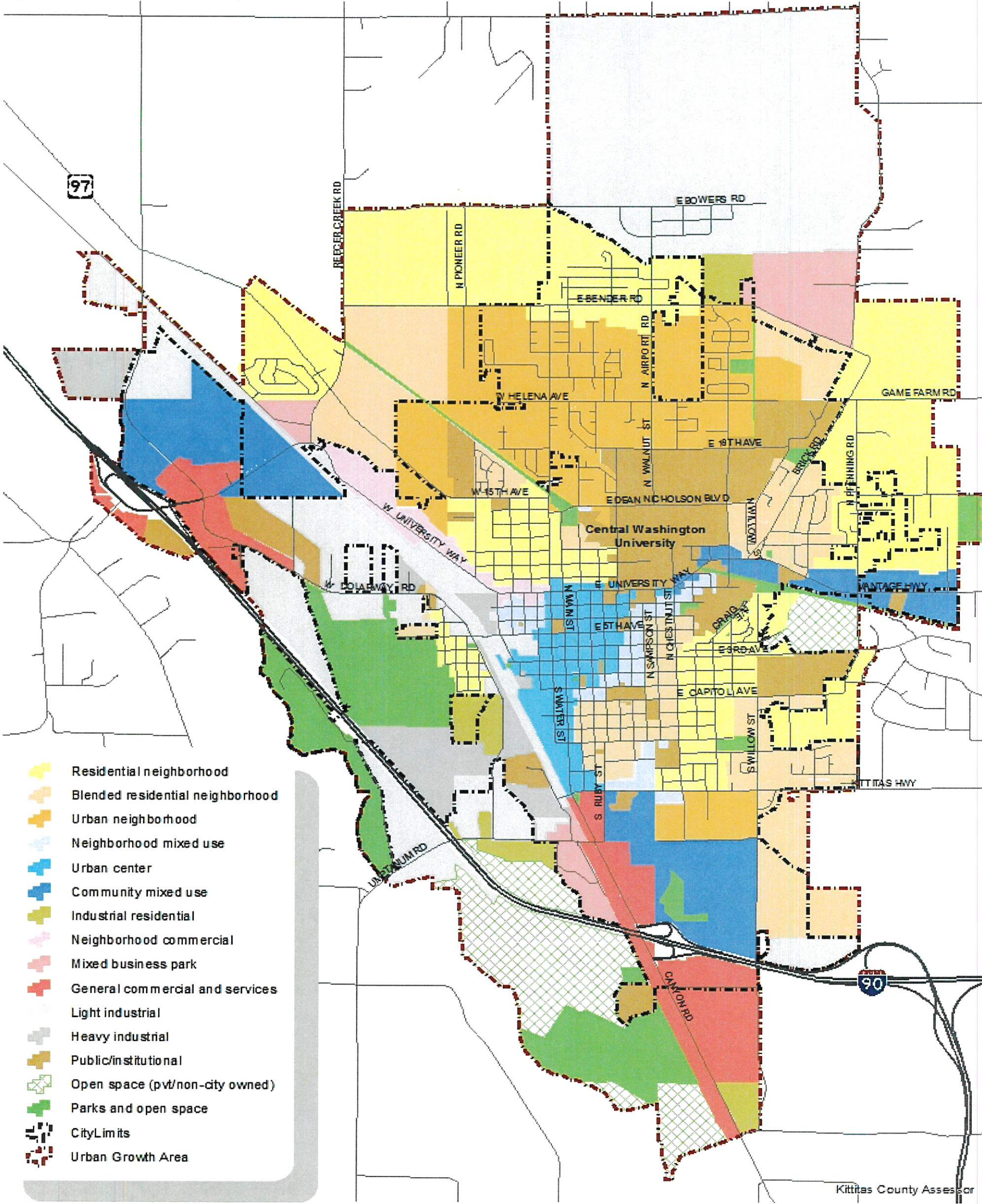


Exhibit 5

Table 7. Future Land Use- Zoning Conversion Table	
Future Land Use	Zoning Options
Residential Neighborhood	Residential Suburban (R-S)
	Residential Low (R-L)
	Residential Medium (R-M)
	Residential High (R-H)
	Residential Office (R-O)
	Commercial Neighborhood (C-N)
Blended Residential Neighborhood	Residential Low (R-L)
	Residential Medium (R-M)
	Residential High (R-H)
	Commercial Neighborhood (C-N)
Urban Neighborhood	Residential High (R-H)
	Residential Office (R-O)
	Commercial Neighborhood (C-N)
Neighborhood Mixed Use	Residential Medium (R-M)
	Residential High (R-H)
	Residential Office (R-O)
	Commercial Neighborhood (C-N)
Community Mixed Use	Residential Medium (R-M)
	Residential High (R-H)
	Residential Office (R-O)
	Neighborhood Center (NCMU)
	Regional Center Mixed Use (RCMU)
	Commercial Highway (C-H)
Neighborhood Commercial	Commercial Neighborhood (C-N)
	Residential Office (R-O)
Mixed Business Park	Industrial Light (I-L)
	Commercial Highway (C-H)
	Regional Center Mixed Use (RCMU)
Urban Center	Central Commercial (C-C)
	Central Commercial II (C-CII)
General Commercial and Services	Commercial Highway (C-H)
Light Industrial	Industrial Light (I-L)
Heavy Industrial	Industrial Heavy (I-H)
Industrial Residential	Industrial Light (I-L)
Public Institutional	Public Reserve (P-R)
Open Space (Private)	Public Reserve (P-R)
Parks and Open Space (Public)	Public Reserve (P-R)



Meeting Date: February 5, 2024
City of Ellensburg
City Council Agenda Report

Agenda Subject: 2024 Community Development Long Range Planning Work Program (Public Comment Opportunity)
Submitted by: Dan Carlson, Community Development Director
Department: Community Development

Suggested Motion/Action:

Move to approve 2024 Community Development Long Range Work Program.

Background/Summary:

Community Development has prepared the attached Long Range Planning Work Program for 2024. This item is intended to allow the City Council to review work program items and determine priorities before staff and the Planning Commission take up new topics. This program is updated annually through a Council approval process.

Previous Council Action:

Council approved the 2023 Long Range Planning Work Program on August 21, 2023.

Analysis:

Comprehensive Plan amendments would include the ten-year periodic update to the Comprehensive Plan as required by RCW 36.70A.130(5)(c), as well as the annual docket of Comprehensive Plan amendments per ECC 15.250.090. Development regulation amendments would include implementation of Housing Action Plan goals to encourage production of housing, updating the Official Zoning Map, processing any citizen-initiated code change requests, refining conditional use permit decision criteria and conditions, and minor housekeeping amendments identified by staff during the year. Historic Preservation projects include preparation of a historic property inventory and updating historic district nomination documents.

Staff has included three optional items for Council consideration that could be included in the work program:

1. Narrow Street Standards - There is growing evidence that narrowing street lane widths provides an opportunity to improve safety for all roadway users. If included in the work program, Community Development staff would work with Public Works staff to identify potential changes to City Street Standards.

2. Planned Unit Development - The City currently does not have a Planned Unit Development (PUD) ordinance. A PUD ordinance would allow for flexibility from rigid design standards in order to achieve design goals. PUDs typically include mixed land uses, clustering of lots, shared open space, and protection of critical areas.

3. Transferable Open Space Rights - This item was suggested by Doug and Matt Stalder, and it proposes to allow new developments to buy or sell rights to pocket parks to meet the open space requirements for new developments. Staff is not aware of any similar programs that currently exist, so this may take significant research and staff time to develop the program.

Financial Impact:

None. Long Range Planning amendments are included in the 2024 budget.

Budget Adjustment: No

Attachments:

1. 2024 Community Development Long Range Work Program

DRAFT 2024 City of Ellensburg Long Range Work Program

	PROJECT	PROPOSED BY	PROJECT DESCRIPTION/COMMENTS
COMPREHENSIVE PLAN AMENDMENT UPDATES			
1	2026 Comprehensive Plan Periodic Update	City Staff	Beginning in January of 2024 through June 30, 2026, prepare required ten-year periodic update to the City's Comprehensive Plan, including drafting new Climate Change and Resiliency Element and updates to the Land Use, Housing, Transportation, Capital Facilities & Utilities, Parks and Recreation, Environment, Historic Preservation, and Diversity, Equity & Inclusion Element. This would also include an update of development regulations for consistency with the Comprehensive Plan. Work in 2024 will include preparation and adoption of the Public Participation Program and drafting of the new Climate Change and Resiliency Element, and updates to the Environmental, Historic Preservation, and Diversity, Equity, & Inclusion Elements. Work will involve the Environmental Commission, the DEI Commission, the Affordable Housing Commission, the Planning Commission, the Council of Governments, and the City Council.
2	2024 Comprehensive Plan Amendments Annual Docket	City Staff	Review comprehensive plan amendments submitted by March 31, 2024 through annual docket process. Amendments will include the annual update of Capital Improvement Plans (CIP). Preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
DEVELOPMENT REGULATION AMENDMENTS			
1.	Housing Action Plan Amendments		
a.	Housing Action Plan – Update ECC for additional affordable and market rate housing in greater variety of types.	City Council	Update ECC to encourage construction of multiplex housing, building flexibility into the zoning code, rezone for more mixed use development, and update housing incentives to encourage production of missing middle housing units and income-restricted units.

2. Land Development Code Amendments			
a.	Official Zoning Map	City Staff	Update the official zoning map to include recent annexations, rezones, plats, and boundary line adjustments. Work will involve staff time to prepare and review map, and presentation to City Council for final approval.
b.	Senate Bill (SB) 5290 Amendments	Washington State	Amend Title 3 and Title 15 to meet requirements of SB 5290 adopted in the 2023 legislative session. The bill requires code updates to streamline the local permit review process. Bill requirements go into effect on January 1, 2025, so code updates need to be completed in 2024. Preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
c.	Citizen-Initiated Code Amendments	Public	Review and process code amendments proposed by members of the public. Preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
d.	ECC 15.250.040 Conditional Use Permits	City Staff	Amend ECC 15.250.040 to refine decision criteria and appropriate conditions for approval. Preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
e.	General Development Code Housekeeping Amendments	City Staff	Address minor housekeeping amendments as identified by staff during the year. Preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
3. Historic Preservation			
a.	Historic Property Inventory	Landmark & Design Commission	Creation of a historic property inventory within the City limits. Inventory work in 2024 will include research of other jurisdiction's inventories, workplan development for creating Ellensburg's historic inventory, and an initial public meeting to gauge public interest and participation in this process.

b.	Historic District Nominations Updates	Landmark & Design Commission	There are two historic districts in Ellensburg, that are listed on the National and Local Ellensburg Register (The Residential District and the Commercial/Downtown District). Both district nomination documents were created 30 years ago and need to be updated. These are documents that the commission officially reviews and adopts, and then use when evaluating proposed changes during design review.

OPTIONAL AMENDMENTS FOR COUNCIL CONSIDERATION			
1.	Narrow Street Standards	Staff	Explore narrower street design standards. Work with Public Works to research standards. May be included with PUD ordinance below. Work would include preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.
2.	Planned Unit Development Ordinance	Staff	Explore adoption of a Planned Unit Development (PUD) ordinance to provide flexibility from development standards in order to achieve city goals. PUDs may include mixed uses, clustering of lots, provision of open space, and protection of critical area. Work would include preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials. May include adoption of private road standards or amendments to public road standards to allow more flexibility.
3.	Transferable Open Space Rights	Doug & Matt Stalder	Explore code amendment to allow for new developments to buy or provide open space rights primarily in the form of pocket parks and be able to buy and sell the rights to the open space square footage applicable to projects. Work would include researching concept, drafting code, preparation of amendments, notice to Commerce, SEPA determination, Planning Commission & City Council Public Hearings, Preparation of staff reports, ordinance, and other materials.



MANAGER'S REPORT

DATE: February 5, 2023

To: Ellensburg City Council

FROM: Heidi Behrends Cerniwey, City Manager

1. City Awarded \$350,000 for CEF 5 Grid Modernization Grant

The Washington State Department of Commerce announced a Clean Energy Fund (CEF) 5 Grid Modernization Grant in the amount of \$350,000 to the City of Ellensburg for the addition of a smart grid solution for renewable energy deployment to the City's electric utility. This infrastructure will provide better visibility into the distributive energy system, create renewable product offerings and begin adding grid-interactive systems to high-energy consumers in the community.

2. Unity Park Call for Student Art

The Unity Park Art Action Team worked together to present an opportunity for temporary art to be showcased during the construction phase of Unity Park. A call for student art was released to the grade schools and organizations in Kittitas County with the theme, "What does Unity look like?". Each submitted piece of student art will be scanned and shared on the City of Ellensburg's "Be Heard Eburg" web page. In addition, a drawing will be conducted to select 15 pieces of work from each school to be printed on banners that will be displayed on the temporary fencing surrounding Unity Park. Each banner will represent a different school or organization and once construction is completed; the banners will be given to the schools. The deadline to submit works to City Hall is March 1, 2024. The banners will be on display for the Unity Park Groundbreaking ceremony on Saturday, March 30, 2024.

3. Utility Account Delinquency Pause Extended to February 29, 2024

Ellensburg City Code (ECC) 2.12.020 (Ordinance 4933), allows the City's Finance Director to temporary pause deeming accounts delinquent to facilitate City utility billing and payment technology processes. Due to implementation of the Origin SmartCity C2M Utility Billing System and the resulting customer billing issues continuing to be resolved, Finance Director Pascoe extended the pause on account delinquency through February 29, 2024. Staff will re-evaluate the need for an additional extension at that time. Any customers that have concerns about payment of their City utility bill, please contact the City's Utility Customer Service at 509-962-7201 at your earliest convenience.